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Guidebook on

Alternative Dispute Resolution in a Multicultural Community

Prepared by: Search for Common Ground Sri Lanka

Part of the programme

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Abbreviations

ADR - Alternative Dispute Resolution

CDA - Community Dialogue Approach

CBO - Community-based Organisations

CSO - Civil society organisations

NGO - Non-governmental Organisation

SCDR - Strengthening Community Dispute Resolution Project

Search - Search for Common Ground

SEDR - Supporting Effective Dispute Resolution Project

SWOT - Strengths, Weaknesses, Opportunities and Threats

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Introduction

Search for Common Ground (Search) Sri Lanka launched the "Strengthening Community Dispute Resolution" (SCDR) project in July 2023, with support from the Supporting Effective Dispute Resolution (SEDR) project. SEDR is a four-year access to justice project of the Government of Sri Lanka, implemented by the British Council and funded by the European Union (EU), in close partnership with the Ministry of Justice and the Mediation Boards Commission. The project comprises four overarching results areas that seek to enhance the effectiveness and availability of alternative dispute resolution mechanisms and mediation services in Sri Lanka as well as to foster social cohesion and more inclusive community-state engagement.

The SCDR project is an eighteen-month initiative designed to enhance community-based Alternative Dispute Resolution (ADR) mechanisms at the district level in collaboration with local civil society organizations. The project spans six districts across three provinces: Ampara and Trincomalee (Eastern Province), Mannar and Vavuniya (Northern Province), and Badulla and Monaragala (Uva Province), ensuring geographic and communal diversity in its implementation.

The SCDR project aims to reinforce inclusive local dispute resolution mechanisms that facilitate peaceful conflict management and prevent the escalation of violence. By engaging diverse stakeholders, including local leaders, civil society organizations, and community mediators, the initiative promotes sustainable solutions to disputes in target districts and administrative divisions across Sri Lanka.

Purpose of the Guidebook

This guidebook serves as a resource for strengthening the capacity of civil society actors, local stakeholders, and community leaders in effectively engaging in Alternative Dispute Resolution (ADR) processes. It provides practical guidance on identifying, mediating, and coordinating responses to conflicts using ADR methods.

By offering structured approaches, best practices, and case studies, the guidebook seeks to enhance the ability of local actors to resolve disputes fairly and inclusively. It aims to foster constructive engagement in conflict resolution while promoting trust, cooperation, and long-term community cohesion.

Audience

This guidebook is intended for a wide range of stakeholders engaged in community ADR. It is especially relevant for:

- Civil Society Organisations (CSOs), Community-based Organisations (CBOs) and Non-government Organisations (NGOs) working on peacebuilding and conflict resolution.
- Community leaders and local mediators who facilitate dispute resolution.
- Local government officials and policymakers who are involved in managing and preventing conflict.
- Legal professionals and ADR practitioners seeking community-based solutions.
- Development organizations and donors supporting initiatives in community cohesion.

How to Use the Guidebook

This guidebook is designed as a practical tool for individuals and organizations involved in ADR. It provides step-by-step insights into dispute resolution processes, offers strategies for engaging communities in dialogue, and outlines best practices for sustaining ADR mechanisms. Readers can use the guidebook in the following ways:

- **For training and capacity building**: Use the guidebook as a foundation for training sessions and workshops to enhance local ADR skills.

- **For conflict analysis and intervention**: Apply the tools and frameworks provided to assess disputes, map stakeholders, and design effective ADR interventions.

- **For policy and advocacy efforts**: Draw on the guidebook's insights to advocate for stronger local dispute resolution mechanisms and supportive policies.

- **For reference and continuous learning**: Keep the guidebook as a reference manual to continually improve practices and adapt to evolving community needs.

By equipping communities with knowledge and resources, this guidebook contributes to the broader goal of strengthening local dispute resolution mechanisms and fostering sustainable peace in Sri Lanka.

Structure of the Guidebook

This guidebook consists of two parts. Part I sets out the conceptual and theoretical underpinnings of disputes, conflicts and the role played by ADR community cohesion. Part II delves into the implementation of the SCDR project, detailing some of the key steps in the process of setting up ADR forums, community dispute resolution and sustainability of ADR processes and community peace-building mechanisms. The discussion on the implementation of the ADR forums is organised largely based on chronological order for ease of reference. However, it is vital to note that the functioning of an ADR forum is not necessarily a linear process. Thus, as a reader, you are invited to navigate across the guidebook with a more systemic lens. Part II will provide you with practical insights and lessons learnt in the implementation of ADR forums. It is crucial to note that the SCDR project consisted of a vast array of experiences from ADR forums that operated across Sri Lanka. Given the scope of this guidebook, we only provide a broader overview and a snapshot of the experiences shared by ADR forum members.

Conceptual Framework

Alternative Dispute Resolution (ADR) and Understanding Key Concepts related to Disputes

1.1 What is Alternative Dispute Resolution?

Key Definitions

Put simply, Alternative Dispute Resolution (ADR) entails a range of dispute-resolution mechanisms that are facilitated outside of formal judicial processes. ADR practices or, more broadly, the use of non-adversarial methods to resolving disputes have deep historical roots in various cultures across the globe, including Sri Lanka.[1] Indigenous communities particularly have had long-standing traditions of dispute resolution based on consensus-building and communal participation.[2] For example, elder systems have historically been instrumental in resolving conflicts in ways that align with the cultural and social values of those communities. Sri Lanka also embodies strong historical roots in non-adversarial dispute resolution methods, which we will discuss in the following sections. For now, it is useful to remember that the resurgence of ADR in modern times, especially in multicultural societies, reflects an attempt to adapt these traditional practices to contemporary legal systems.

According to the ADR Practitioner's Guide (1998)

⟩ ADR mechanisms are an alternative to full-scale court processes.

⟩ Processes designed to manage community tension or facilitate community development issues can also be included within the rubric of ADR.

⟩ ADR systems may be generally categorized as negotiation, conciliation/mediation, or arbitration systems.

This definition from the ADR Practitioner's Guide provides a useful overview of the concept and philosophy underlying ADR. Essentially, it is the idea of transforming dispute resolution into informal, out-of-court processes that facilitate collaborative solutions to disputes.

At present ADR is recognised as a key mechanism for alleviating pressure on courts, encouraging faster dispute resolution, and providing culturally sensitive solutions. For the global South, where formal legal systems may be inaccessible to large parts of the population due to various reasons, ADR mechanisms have played a pivotal role in communal harmony and peace-building efforts.

[1] Michelle Gunawardana, 'A Just Alternative: Providing access to justice through two decades of Community Mediation Boards in Sri Lanka' (2011), p.1 1 <http://mbc2.arescomp.com/media/2011_Community_Mediation_Boards_-_A_Just_Alternative.pdf> accessed 1 March 2025.
Craig Valters, 'Community Mediation and Social Harmony in Sri Lanka' (2013). <https://eprints.lse.ac.uk/56356/1/JSRP_Paper4_Community_mediation_and_social_harmony_in_Sri_Lanka_Valters_2013.pdf> accessed 1 March 2025.
[2] US Agency for International Development (USAID), 'Alternative Dispute Resolution Practitioners' Guide' USAID (1998), p. 5 <https://gsdrc.org/docs/open/ssaj1.pdf> accessed 1 March 2025.

ADR in the Global Context

Indigenous societies have long utilised non-adversarial methods of dispute resolution, especially with systems such as elder consultation.[3] As a movement, ADR emerged popular in the United States during the 1970s. It began as a "social movement" to resolve community-wide civil rights disputes through mediation and as a mechanism to reduce litigation delays in the US court systems.[4] ADR has gained headway globally in recent years. Particularly, a strong global movement has emerged during the past years pursuing diverse pathways to people-centred justice. This people-centred justice movement confirm the global consensus among justice stakeholders that customary and informal justice (CIJ) systems must be at the centre of efforts to deliver on the promise of justice for all.[5] In other words, confirming the vitality of Indigenous conceptions such as pluriversality in the path to justice. According to the Task Force on Justice, 1.5 billion people are unable to resolve their problems related to justice, ranging from criminal and civil to administrative problems such as disputes over land rights or the denial of access to public services.[6] In total, 5.1 billion people, i.e. two-thirds of the world's population, lack meaningful access to justice. This justice gap is both a reflection of structural inequalities and a contributor to these inequalities, often resulting in women, children and other marginalised/vulnerable groups bearing the costs of injustice. Against this backdrop, there is an understanding that unresolved justice issues and conflicts not only cost people financially but also impact the well-being of society and the overall development of the country. As such, there is increased recognition of the importance of ADR globally in fulfilling the justice gap and efforts to institutionalise ADR mechanisms within legal systems.[7]

History and Evolution of ADR in Sri Lanka

Sri Lanka's history with non-adversarial dispute resolution mechanisms dates to the time of Kings. Before European colonisation, the legal system utilised informal processes that blended culture and unwritten law traditions to resolve disputes that would arise in the communities.[8] For example, "Gam Sabhavas" or "Village Councils" were informal forums that existed to resolve issues, with male elders presiding over the forums. These forums lacked formal rules of procedure, such as what you see today in court rooms. The elders would listen to disputants, who could speak for themselves without representatives such as lawyers that we see today. The elders would provide counsel in deciding the "just" solution for the dispute to make peace among disputants. According to Wijayatilake, whilst this process indicates certain adjudicatory features at the crux, it operated informally.[9]

With colonisation, Sri Lanka's legal system was largely institutionalised and transitioned heavily to strict written procedures. Community disputes, irrespective of how big or small they are, had to be channelled into a formal adversarial system, which involved costly litigation and oftentimes delays in justice due to an overcrowded court system. Several informal methods were introduced in the public interest to improve accessibility to justice in the latter half of the 20th century. "Village Tribunals", "Rural courts", and "Conciliation Boards" are examples.[10] Mediation was introduced in 1988 with the enactment of the Mediation Boards Act no. 72 of 1988.[11]

Currently, Sri Lanka has a well-established National Mediation Programme operated through more than 330

[3] Catherine Bell, '15 Indigenous Dispute Resolution Systems within Non-Indigenous Frameworks: Intercultural Dispute Resolution Initiatives in Canada', in Catherine Bell and David Kahane (eds), Intercultural Dispute Resolution in Aboriginal Contexts (British Columbia Press 2004), pp. 241-279. <https://doi.org/10.59962/9780774850957-018> accessed 1 March 2025.
[4] US Agency for International Development (USAID), 'Alternative Dispute Resolution Practitioners' Guide' USAID (1998), p. 5 <https://gsdrc.org/docs/open/ssaj1.pdf> accessed 1 March 2025.
[5] Working Group on Customary and Informal Justice and SDG16+, 'Diverse pathways to people-centred justice: Report of the Working Group on Customary and Informal Justice and SDG16.3' (2023) <https://www.idlo.int/publications/diverse-pathways-people-centred-justice> accessed 1 March 2025.
[6] Task Force on Justice, 'Justice for All – The Report of the Task Force on Justice: Conference Version" (2019), <https://reliefweb.int/report/world/justice-all-report-task-force-justice-april-2019> accessed 1 March 2025.
[7] Nandkishor K. Ramteke, 'Alternative Dispute Resolution (ADR) Under International and National Context – An Overview' (2020) IJRAR 7(1), p. 847 <https://www.ijrar.org/papers/IJRAR2001979.pdf> accessed 1 March 2025.
John von Doussa, 'ADR: an essential tool for human rights' (2004) <https://humanrights.gov.au/about/news/speeches/adr-essential-tool-human-rights> accessed 1 March 2025.
[8] Dhara Wijayatilake, 'Mediation in Sri Lanka' (2023) Revista Brasileira de Alternative Dispute Resolution – RBADR, Belo Horizonte 5(9), p. 154 <https://rbadr.emnuvens.com.br/rbadr/article/view/194/138> accessed 1 March 2025.
[9] Ibid, p. 153.
[10] Christopher W. Moore, Ramani Jayasundere and M. Thirunavukarasu, 'The Mediation Process Trainee's Manual Community Mediation Programme' Ministry of Justice (n.d.), p. 21 <https://www.moj.gov.lk/images/pdf/trainee_english_final_med_process.pdf> accessed 1 March 2025.
US Agency for International Development (USAID), 'Alternative Dispute Resolution Practitioners' Guide' USAID (1998), p. 5 <https://gsdrc.org/docs/open/ssaj1.pdf> accessed 1 March 2025.
[11] Mediation Board Act (No. 72 of 1988) <https://www.commonlii.org/lk/legis/num_act/mba72o1988183/> accessed 1 March 2025.

Community Mediation Boards (CMB) where approximately 8,400 well trained volunteer mediators deal with roughly 250,000 disputes per year, using interest-based mediation model.[12] Hybrid in nature, straddling both state and society participation, Sri Lanka's National Mediation Programme has proven itself to be an effective alternative dispute resolution mechanism to mitigate against the delays and cost of the formal court system boasting dispute settlement rates exceeding 65% and customer satisfaction rates above 80%.[13]

1.2 Why is ADR important and relevant to Sri Lanka?

Unresolved disputes can have serious repercussions and long-lasting consequences, particularly in multicultural societies such as Sri Lanka. This is because there are various intersectional diversities surrounding people's lives, based on markers such as ethnicity, language and religion. When conflicts are not adequately addressed, they can impact the community in several ways, causing communal disharmony:

Deepening divides: Unresolved conflicts tend to widen the gaps between different groups. Over time, mistrust and resentment build up, making it harder for communities to work together or even engage in everyday interactions. Existing distinctions based on languages or cultural norms can even exacerbate differences between individuals and groups causing various frictions which may ultimately result in communities being alienated from each other.

Increased tensions leading to violence: Persistent disputes can lead to a rise in social tension, which might eventually trigger acts of violence or open conflict, disrupting daily life and endangering community safety. The civil war in Sri Lanka and persisting ethnic tensions are examples of such societal breakdowns resulting from heightened tensions between different groups.

Economic challenges: Conflict can have a significant economic impact. When a society is divided, businesses may hesitate to invest, tourism may decline, and overall economic growth may slow down. The instability can also make it difficult to create job opportunities and improve living standards. They also hinder economic development and investment in conflict-affected regions, further exacerbating poverty and underdevelopment.

Weakened community institutions: Institutions like local governments, the legal system, and community organizations are essential for maintaining peace. Unresolved disputes can erode trust in these institutions, leaving people feeling unsupported and leading to further instability.

Hindered social integration: For a multicultural society to thrive, every group needs to feel included and respected. Ongoing conflicts can lead to isolation, where groups retreat into their own spaces, reducing opportunities for dialogue and mutual understanding.

Long-Term legacy of conflict: The scars of unresolved disputes can be passed down from one generation to the next. This enduring legacy can make future reconciliation efforts more difficult, as memories of past conflicts continue to fuel division and suspicion.

[12] Centre for Poverty Analysis, 'Strengthening a Just Alternative: A Knowledge, Attitudes and Practices (KAP) Survey Report' (2022 <https://www.sedrsrilanka.org/_files/ugd/f86d26_97bb038b39ce4a81b15ec3964abaeb73.pdf> accessed 1 March 2025.
[13] Centre for Poverty Analysis, 'Strengthening a Just Alternative: A Knowledge, Attitudes and Practices (KAP) Survey Report' (2022) <https://www.sedrsrilanka.org/_files/ugd/f86d26_97bb038b39ce4a81b15ec3964abaeb73.pdf> accessed 1 March 2025.

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During the SCDR project, the ADR forums identified a range of critical disputes in the districts of Monaragala, Badulla, Ampara, Mannar, Trincomalee, and Vavuniya. Among the key disputes identified were land disputes in the North and East, which undermined social cohesion and trust between communities, perpetuating inter-communal tensions and hindering reconciliation efforts. Addressing disputes early and using inclusive resolution methods can help prevent these negative outcomes. ADR practitioners are vital in this process. By facilitating open communication and understanding, they help diverse communities heal, rebuild trust, and move towards a more peaceful and cooperative future. In Sri Lanka ADR has played a critical role played in fulfilling developmental and peacebuilding objectives, in addition to its significance in enhancing the administration of justice.[14]

In addition, it should be noted that according to the Mediation Act, only disputes between individual disputants can be heard at Community Mediation Boards. Therefore, one could argue that ADR forums largely cater for those types of disputes that fall outside the ambit of the Mediation Act. In other words, the ADR-forum model discussed in this guidebook could effectively serve as a gap-filler, particularly concerning disputes involving communities which are not covered by the Mediation Act. Moreover, the ADR forum model does not in any way undermine nor compete with existing strategies concerning peaceful dispute resolution (such as through Mediation Boards) but rather compliments them.

> **Something to think about** : Reflect on the benefits of using ADR methods in multicultural contexts such as Sri Lanka. Can you think of examples from your communities? Feel free to add your insights on why ADR is a preferable method to resolve community disputes.
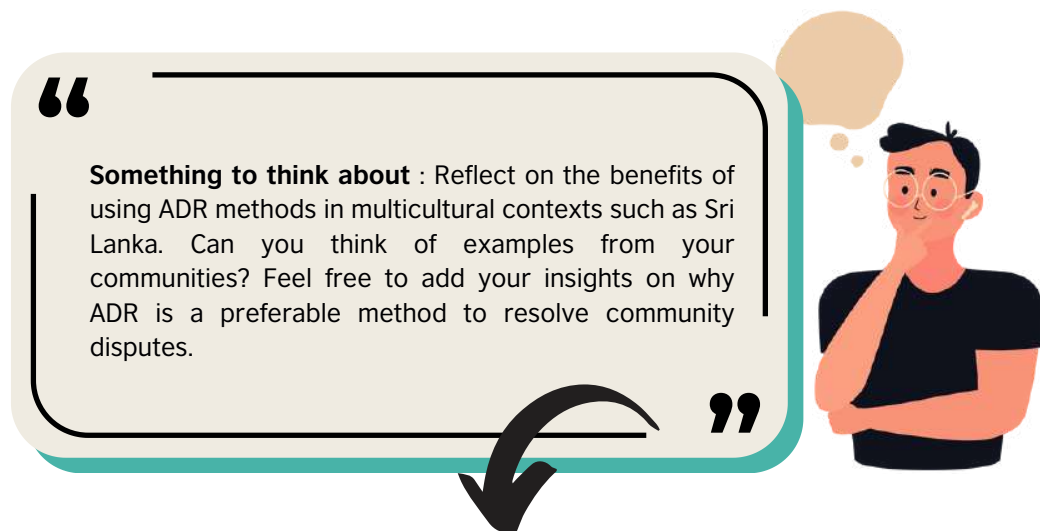
Improving Justice

✦ Increase popular satisfaction with dispute resolution

✦ Increase access to justice for disadvantaged groups

✦ Reduce delay in the resolution of disputes

✦ Reduce the cost of resolving disputes

Development and Peacebuilding Goals

✦ Increase civic engagement and create public processes to facilitate economic restructuring and other social change

✦ Help reduce the level of tension and conflict in a community

✦ Manage disputes and conflicts that may directly impair development initiatives

✦ Strengthening social cohesion through ADR methods that are inclusive and participatory.

[14]Sumudu Chamara, 'The role of community based alternative dispute resolution mechanisms' The Morning (Colombo, 4 April 2023) <https://www.themorning.lk/articles/hjjXeuAvwLJONFtXw4oA> accessed 1 March 2025; Craig Valters, 'Building Justice and Peace from Below? Supporting Community Dispute Resolution in Asia' (2016) <https://asiafoundation.org/wp-content/uploads/2024/08/Building-Justice-and-Peace-from-Below.pdf> accessed 1 March 2025; Mohamed Munas, Hasanthi Tennakoon, Malinda Meegoda and Mehala Mahilrajah, 'Community Mediation: Resolution of the Peiple, by the People and for the People' (2018) <https://www.cepa.lk/wp-content/uploads/2020/08/Community-Mediation-Study-2-WPS-29-2018.pdf> accessed 1 March 2025.
US Agency for International Development (USAID), 'Alternative Dispute Resolution Practitioners' Guide' USAID (1998), p. 5 <https://gsdrc.org/docs/open/ssaj1.pdf> accessed 1 March 2025.

1.3 What are ADR Methods?

There are several alternatives to litigation as seen in figure 1 below. It is important to remember that these alternatives share commonalities but are distinct from each other.
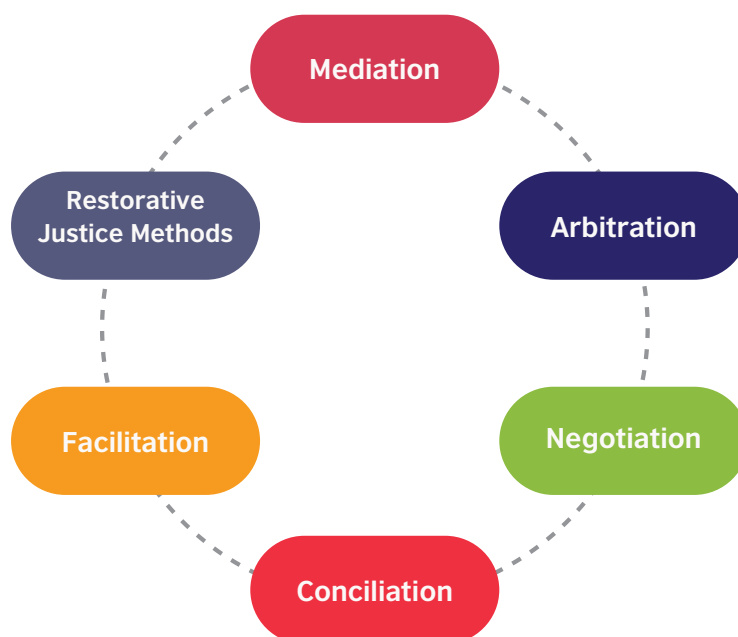
Figure 1: ADR Methods

Mediation: involves a neutral third party who helps disputing parties reach a mutually acceptable resolution. Its flexibility allows mediators to incorporate culturally relevant practices, such as using community elders or religious leaders as mediators. This respect for cultural norms enhances the legitimacy of the process and fosters greater buy-in from the parties involved.

Arbitration: involves a neutral third party hearing the dispute and rendering a decision. The ability of disputants to choose their arbitrators and decide on the rules governing the arbitration process allows arbitration to accommodate cultural preferences, such as applying culturally specific legal principles or customs. Arbitration is often used in cross-border commercial disputes.

Negotiation: direct communication between disputants to reach a settlement. In multicultural communities, successful negotiation requires awareness of different cultural communication styles.[15]

Conciliation: Conciliation brings disputants together for discussion, facilitated by a third party. The conciliator may assist with setting the agenda, record-keeping, and moderation but generally takes a less active role in resolving the dispute.

Facilitation: Like conciliation, facilitation involves a third party acting as a moderator, ensuring that all parties are heard, but not actively resolving the dispute.

Restorative Justice Methods: In criminal justice systems, restorative justice is increasingly used as a form of ADR, focusing on repairing harm and restoring relationships. In multicultural communities, methods like communal dialogue circles are effective in promoting healing and reconciliation by prioritizing collective well-being.

[15] Christopher W. Moore, Ramani Jayasundere and M. Thirunavukarasu, 'The Mediation Process Trainee's Manual Community Mediation Programme' Ministry of Justice (n.d.), p. 13 <https://www.moj.gov.lk/images/pdf/trainee_english_final_med_process.pdf> accessed 1 March 2025.

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1.4 Understanding Key Concepts related to Disputes

Figure 2: Common understandings of "Conflict" [16]

Defining disputes, conflicts, and violence is not an easy task. Scholars have used many definitions to define these key terms. Words like disputes and conflicts are sometimes used interchangeably, which can even lead to confusion.[17] Experts like John Burton make a distinction between disputes and conflicts. According to him, disputes are understood to be short-term disagreements that are relatively easier to resolve.[18] In contrast, conflicts are seen as long-term, deep-rooted issues that are often seen as "non-negotiable".[19] In today's context, there is consensus that conflict is an everyday social phenomenon in human societies. In other words, they are und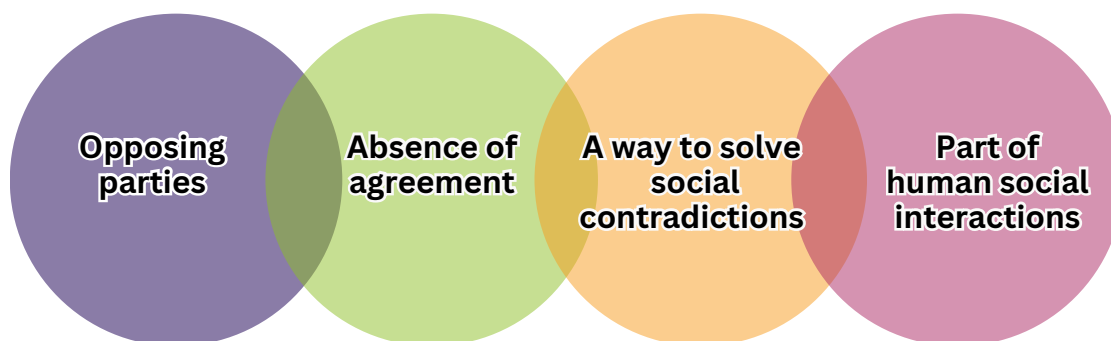erstood as a natural characteristic of human social systems.[20] The diversities that exist in societies and human relationships can lead to contradictions and disharmony. These are inevitable aspects of the human experience and are also important for social development.[21] However, there is a distinction between conflict and violence. Violence is a negative consequence of how the conflict was dealt with.

Let's explore a few definitions of conflict:	
Galtung	A conflict "is a dynamic process in which structure, attitudes and behaviors are constantly changing and influencing one another." [22]
Pruitt and Rubin	A conflict is a perceived divergence of interest, or a belief that the parties' current aspirations cannot be achieved simultaneously.[23]
Glasl	A conflict is an interaction between actors (individuals, groups, organisations, etc.) where at least one actor senses incompatibilities between their thinking, imagination, perception, and/or feeling, and those of the others.[24]

[16]This illustration is inspired by the definitions of conflict explored in Council of Europe, 'T-Kit 12: Youth Transforming Conflict' (2012) <https://pjp-eu.coe.int/documents/42128013/47261899/T-Kit12_EN.pdf/9791dece-4a27-45e5-b2f1-b7443cb2125b?t=1384858698000> accessed 1 March 2025.
[17]B Spangler and H Burgess, 'Conflicts and Disputes' (Beyond Intractability, March 2017) <https://www.beyondintractability.org/essay/conflicts_disputes> accessed 1 March 2025.
[18]B Spangler and H Burgess, 'Conflicts and Disputes' (Beyond Intractability, March 2017) <https://www.beyondintractability.org/essay/conflicts_disputes> accessed 1 March 2025.
[19] Timothy Keator, 'Dispute or Conflict? The Importance of Knowing the Difference' (Mediate.com, 22 August 2011) <https://mediate.com/dispute-or-conflict-the-importance-of-knowing-the-difference/#:~:text=According%20to%20John%20Burton%20%281990%29%2C%20a%20dispute%20is,rooted%20issues%20that%20are%20seen%20as%20"non-negotiable"%20%281990%29> accessed 1 March 2025.
[20]Council of Europe, 'T-Kit 12: Youth Transforming Conflict' (2012), p. 54 <https://pjp-eu.coe.int/documents/42128013/47261899/T-Kit12_EN.pdf/9791dece-4a27-45e5-b2f1-b7443cb2125b?t=1384858698000> accessed 1 March 2025.
[21] Ibid.
[22] Galtung (1969) as quoted in Oliver Ramsbotham, Tom Woodhouse and Hugh Miall, Contemporary Conflict Resolution: The Prevention, Management and Transformation of Deadly Conflicts (5th edn, Polity, 2024).
[23] Dean G. Pruitt and Jeffrey Z. Rubin, Social Conflict: Escalation, Stalemate and Settlement (Random House, 1986).
[24] Glasl (1994) cited in IRENEES, 'Categorisation of Violent (Social) Conflicts' (IRENEES, November 2007) <https://www.irenees.net/bdf_fiche-notions-191_en.html> accessed 1 March 2025.

> **Something to think about**: What is your definition of a conflict? What are the similarities and differences between your definition and the definitions we explored here?

Moreover, there are key elements characterising conflicts, as seen in Figure 3 below. This is a useful starting point to get into the art of analysing conflicts and identifying ways to resolve the conflict constructively. It is crucial to remember that there is a distinction between conflict and violence, as some make the mistake of understanding them as the same.
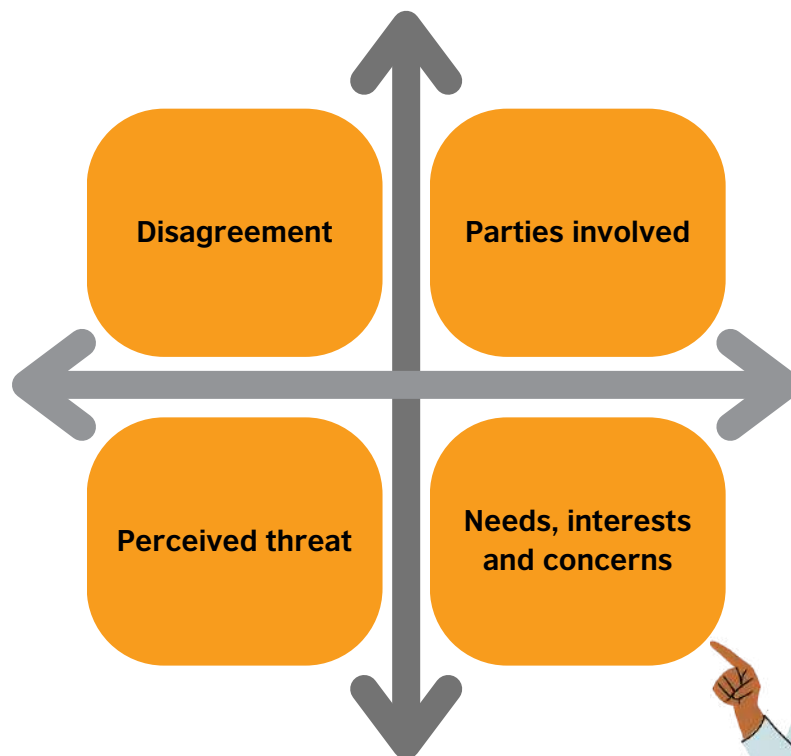
Figure 3: Elements of a Conflict[25]
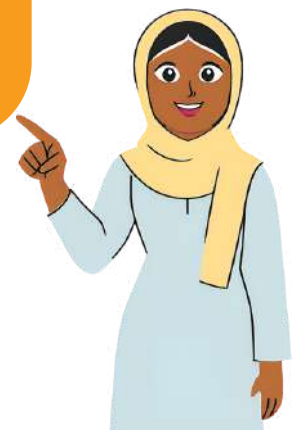
[25] Based on elements of a conflict explored in Council of Europe (COE), 'T-Kit 12: Youth Transforming Conflict' COE (2012), p. 56 <https://pjp-eu.coe.int/documents/42128013/47261899/T-Kit12_EN.pdf/9791dece-4a27-45e5-b2f1-b7443cb2125b?t=1384858698000> accessed 1 March 2025.

Additionally, there are multiple ways to classify conflicts as seen in figure 4. At times, naming conflicts as political or ethnic can also trigger negative connotations in certain communities.[26] However, knowledge about different types of conflict is valuable to understanding the nature of the conflict we are dealing with in a better manner.
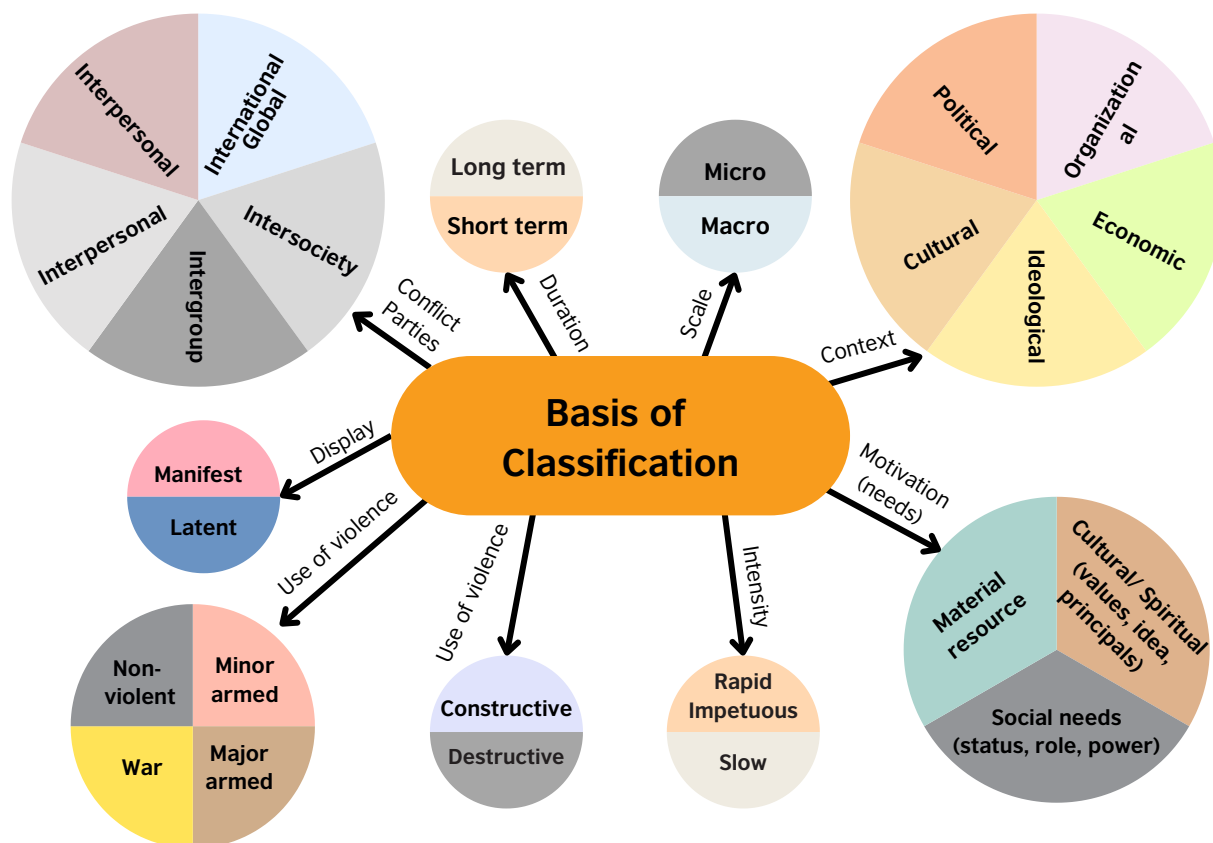
Figure 4 – types of conflicts [27]

> **Something to think about**: Which classification criteria do you find most useful for the disputes/conflicts you encounter in your community? In your view, what are the issues you would have to consider in resolving these disputes?

[26] Ibid, p. 57
[27] Council of Europe (COE), 'T-Kit 12: Youth Transforming Conflict' COE (2012), p. 57 <https://pjp-eu.coe.int/documents/42128013/47261899/T-Kit12_EN.pdf/9791dece-4a27-45e5-b2f1-b7443cb2125b?t=1384858698000> accessed 1 March 2025.

1.5 Limitations of ADR

It is important to also recognize that ADR is not the panacea for all disputes within a community. ADR approaches may fall short in certain areas. As you browse through this guidebook it is important to bear in mind that acknowledging limitations is the first step to understanding the challenges that you are likely to face in applying ADR approaches to community disputes. Thus, recognizing limitations remains crucial in designing inclusive, adaptable and effective ADR processes that are geared towards promoting long-lasting community cohesion.

Power Imbalances and Exclusion:
In diverse communities, there is a risk that ADR processes may unintentionally favour more powerful or vocal groups. This can result in marginalized voices being overlooked, which may undermine efforts to build genuine community cohesion.[28]

Questions regarding Binding Enforcement in comparison to Court Decisions:
Generally, due to the informal nature of ADR agreements and the reliance on the voluntary commitment of all parties, ensuring that all participants honour the agreement can be challenging, potentially affecting long-term trust and stability.

In Sri Lanka however a certificate of settlement is issued upon a successful mediation of a dispute. A certificate of non-settlement is issued when the mediation is not successful, which provides a valid legal base for parties to proceed with litigation. According to the Mediation Act where one party fails to comply with the settlement or violates the terms of settlement at any time, then the other party is required to report this to the mediation board immediately[29]

Addressing Underlying Structural Issues:
ADR typically focuses on resolving immediate disputes, but it might not fully address deeper, systemic issues such as historical grievances, economic inequalities, or long-standing social divisions. Without addressing these root causes, the potential for future conflicts remains.[30]

[28] Piyumani P. Ranasinghe and Dhanushka Silva, ' A Study on the Implications of Social Factors on Community Mediation in Sri Lanka' (2023) Working Paper <(https://www.researchgate.net/publication/366878717_A_Study_on_the_Implications_of_Social_Factors_on_Community_Mediation_in_Sri_Lanka> accessed 1 March 2025.
[29] Mediation Boards Commission, 'The Mediation Process' (n.d.) <http://mediation.gov.lk/en/mediation-programme/overview/> accessed 1 March 2025.
[30] Chris Gill, Jane Williams, Carol Brennan and Carolyn Hirst, 'Models of Alternative Dispute Resolution (ADR) A Report for the Legal Ombudsman' Queen Margaret University Consumer Insight Centre (2014) <https://www.researchgate.net/publication/269401391_Models_of_Alternative_Dispute_Resolution_ADR>accessed 1 March 2025.

Reliance on Voluntary Participation: ADR is most effective when all parties are willing to engage openly. If key stakeholders are unwilling or distrust the process, the effectiveness of ADR in resolving conflicts and fostering cohesion can be significantly reduced.

Resource Constraints: Successful ADR initiatives require skilled facilitators, adequate time, and sometimes financial support. In resource-limited settings, these constraints can hinder the implementation and sustainability of ADR efforts.

Implementing the ADR process in multicultural communities

2.1 Methodology: Localising the Community Dialogue Approach

As we unveil the dynamics of how an ADR forum is set up in this section, it is important to first outline the methodology underlying the formation of ADR forums under the SCDR project. Inspired by the Community Dialogue Approach (CDA) developed by Search[31] the SCDR project set out to directly involve local stakeholders to address community disputes, and in that process develop essential ADR skills. CDA approaches have been utilised successfully in countries such as Yemen[32] and Afghanistan[33] where the approach was customised to the local context.

With these diverse global experiences in mind, the SCDR project considered the following objectives in adapting the CDA to the Sri Lankan context:

- Creating pockets of stability by building peace from the ground up even when there are existing tensions.

- Increasing stabilisation at the community level by rebuilding relations within and between local authorities and community members.

- Increasing effectiveness, efficiency and sustainability of peacebuilding programs designed and implemented by local CSOs/CBOs/NGOs.

- Ensuring that programs designed by CSOs/CBOs/NGOs are conflict-sensitive and follow Do No Harm principles.

- Enhancing relations between CSOs/CBOs/NGOs, community members, and other local stakeholders.

- Institutionalising the use of bottom-up design and localised approaches at CSOs/CBOs/NGOs.

- Encouraging a participatory approach where marginalised groups, including women, who are involved in community-level decision-making processes and peacebuilding activities.

- Enhancing the role of local governance by flagging community issues.

[31] Search for Common Ground, ' Community Dialogue Design Manual' (2016) <https://documents.sfcg.org/wp-content/uploads/2017/07/CGI-Anglais-interactive.pdf> accessed 1 March 2025.
[32] Search for Common Ground - Yemen, 'Building Community Stability in Yemen with Search's Community Dialogue Approach' (n.d.) <https://documents.sfcg.org/wp-content/uploads/2021/08/CDA-SFCG-Yemen.pdf> accessed 1 March 2025.
[33] Search for Common Ground – Afghanistan, 'Community Dialogue Approach: A Guide for Local CSOs in Afghanistan' (n.d.)

2.2 Characteristics of an ADR Practitioner

Effective functioning of any ADR forum is based on the makeup of its people. Thus, the characteristics that should be embodied by ADR practitioners remain a key determinant in the success of an ADR forum. Figure 5 illustrates the key characteristics of an ADR practitioner in breadth. However, one should be mindful that this is not an exhaustive list. An ADR practitioner is a versatile individual who often plays a dynamic role in the dispute resolution process. Hence, at the crux of an ADR practitioner is the ability to have a broad and open mindset. This is especially critical when ADR practitioners specifically operate in multicultural societies. In setting up, ADR forum members are not expected to be fully equipped with all these characteristics. Engaging in an ADR forum involves an important process of learning, unlearning and relearning, through which ADR practitioners can cultivate these skills. As you dive deeper into what each characteristic entail, you will also notice that they are often interrelated.
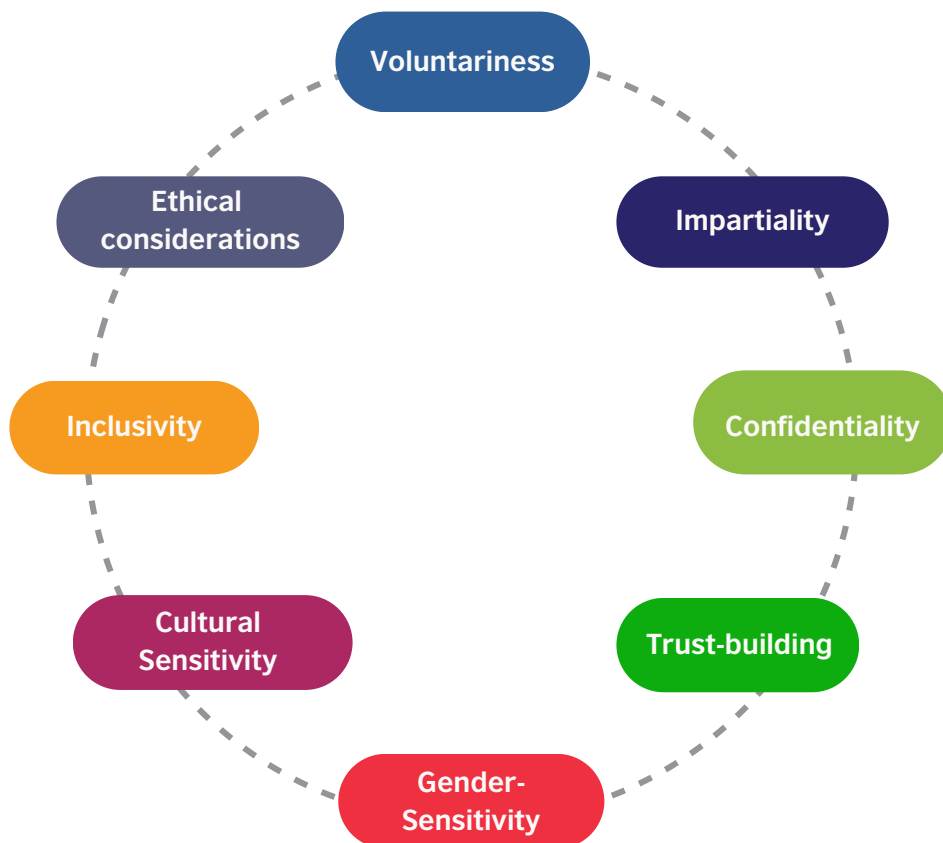
Figure 5: Key characteristics of an ADR Practitioner

Voluntariness: Since ADR is fundamentally based on the voluntary participation of all parties, an ADR practitioner must respect and uphold this principle, ensuring that all stakeholders engage freely without coercion or undue pressure.

Impartiality: Another core tenet of ADR is the neutrality of the practitioner. In other words, it is crucial for ADR practitioners to maintain impartiality throughout the dispute resolution process. Maintaining impartiality helps build trust in the process and ensures fair outcomes. Therefore, disputing parties should have the assurance that the practitioner does not favour any party or have a vested interest in the dispute. Practitioners should be self-aware of their social positioning/ identity factors and consequential biases in order to manage them effectively. Further, it is crucial to avoid conflicts of interest, ensure that all parties have an equal opportunity to present their perspectives and engage in open dialogue wherever necessary. Maintaining impartiality helps build trust in the process and enables practitioners to create an environment where parties feel empowered to negotiate and reach mutually acceptable solutions.

Confidentiality: Confidentiality encourages open and honest dialogue among disputing parties, especially when parties must navigate multiple sensitivities in the dispute resolution process. ADR practitioners must safeguard sensitive information shared during the process. This fosters a safe space for discussions and prevents the misuse of disclosed information outside the ADR setting. Consent also plays a key role in maintaining confidentiality. ADR practitioners should always be mindful about obtaining consent from any party before sharing information with the other party even within the dispute resolution process. Maintaining confidentiality is crucial to building trust between the ADR forum and the parties in dispute as well as the broader community and the ADR forum.

Trust-Building: Closely related to confidentiality is trust. Successful ADR relies predominantly on trust, between the parties, between the parties and the practitioners as well as between practitioners themselves. An ADR practitioner must be skilled in several trust-building techniques, which include integrity, transparency, and commitment to a fair process. Establishing credibility and rapport with participants encourages meaningful engagement and enhances the likelihood of successful dispute resolution.

Gender-Sensitivity: A good ADR practitioner is attuned to gender dynamics and power imbalances that may arise during dispute resolution. They should ensure that gender-related concerns are acknowledged and addressed, creating an inclusive environment where all participants feel heard and respected. This involves using gender-sensitive language, recognizing the specific challenges faced by women and marginalized gender groups, and ensuring equitable participation.

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Cultural Sensitivity: ADR forum members encounter disputes in multicultural settings, where parties have intersectional identities. It is important to understand and respect the diverse identities, traditions, values, and social norms that influence the disputing parties. Being culturally sensitive enables the practitioner to tailor dispute resolution approaches that are contextually appropriate and acceptable to all stakeholders. This is crucial to build consensus.

Inclusivity: ADR practitioners should ensure that all relevant stakeholders have a voice in the resolution process. This includes various groups, such as women, youth, minorities, marginalized groups and individuals with disabilities. Practitioners must adopt inclusive practices, such as providing language interpretation services, ensuring accessibility, and creating a safe space for all parties to participate effectively.

Ethical Considerations: ADR practitioners must adhere to high ethical standards. This includes honesty, accountability, and adherence to professional codes of conduct. Ethical considerations also extend to avoiding conflicts of interest, ensuring informed consent, and fostering fairness and equity in the dispute resolution process. Maintaining ethical integrity safeguards the legitimacy and effectiveness of ADR.

2.3 Establishing an Effective Selection Procedure

Selecting a project location and setting up an ADR forum can be challenging. However, if you have a good plan in place the process could be quite smooth! It is vital to remember that there are no established procedures or a strict rule book on how both these tasks cane be done. In the following sections, we outline how specific selection procedures were utilized to finalize project locations and set up ADR forums during the SDCR project.

2.3.1 Selecting Project Location

- Administrative unit
- Multicultural context
- Resource and service scarcities
- Invisible issues
- Inter/intra community dispute resolution mechanisms

◆ A specific administrative unit. For example, the SCDR project was implemented in selected divisional secretariat divisions in particular districts in Sri Lanka.

◆ Multicultural context. For example, in the SCDR project, at least two ethnic communities (multi-ethnic and religious) represented each division. However, it is important to note that, based on the needs ADR forums can also be set up in mono-ethnic contexts.

◆ Areas with resource and service scarcities. In Sri Lanka, the project considered rural villages, and plantation sector communities, where there were likely competing needs to access scarce resources and services.

◆ Existing invisible issues that impact peace and harmony. For example, polarization and tension situations among intra and intercommunity, a high probability level for conflict and violence situations, etc.

◆ Preference for where intercommunity/inter-religious ADR mechanisms are available, or such systems have existed in the past. Whether these systems are currently active is not a barrier.

Experiences from the field

Passara and Uva Paranagama divisions in the Badulla district were chosen primarily due to the communal diversities in the areas as it consisted of a multicultural and multi-ethnic population, including Sinhala, Tamil as well as Muslim communities. Malaiyaha Tamil communities living in the plantation sector added to the diversities within this region. Due to this diversity between communities, these areas were also conflict hotspots. Existing regional partner networks provided insights into existing community mechanisms that could be utilised to establish an ADR forum.

2.3.2 Critical Elements of an ADR Forum

Being an ADR member requires soft skills, passion and commitment which makes it difficult to field specific criteria in the selection process or outline the key components of a forum. Besides, the composition of a forum is heavily dependent on the context it operates. Experience from the SCDR project suggests that identifying the potential ADR members with the support of CBOs and NGOs working in the location for a prolonged period of time helps not just in identifying the ADR members with the right skills and passion but also in increasing the legitimacy of the forum in the long run. It also contributes to the sustainability of the forums as selecting the right member is a crucial step in establishing an effective ADR forum. Much care is required in selecting the ADR forum members. If the ADR forums are to be established through a CBO, care must be given to selecting the right CBO.

With the core tenets of a potential ADR practitioner in mind we can consider the following basic elements to develop an effective selection procedure.

People: Ideally the maximum number of core members per ADR should be between 15-20 members for each DS division. The maximum number of forum members can be determined by the partners as well based on a sustainability plan.

Representation: Inclusivity is key to build an effective as well as sustainable ADR forum. This includes the adequate representation of gender, sex, youth, LGBTQ, multi-ethnic, religious, disabled/differently abled diversities in each forum. This also helps in building trust among diverse members of the community regarding the ADR forum and contributes to creating a safe space particularly for those who are marginalized.

Passion: In selecting members, it is important to find individuals who are interest in committing their time and skills in an ADR forum.

Prior engagement: Forums can benefit from members who are already active in the peacebuilding and reconciliation process at the village/DS level. They may be part of existing community clubs, youth circles, reading circles or engaged in CBOs and other community level advocacy interventions).They can also be mediation board members, government officials, community leaders or religious leaders.

Prior knowledge: ADR-related knowledge and experience would be an added advantage. However, prior experience or knowledge should not be a barrier for an interested potential member's participation.

Participatory system: A participatory approach should be followed even in setting up an ADR forum. This entails involving the ADR forum members in decision-making processes to sustain the effective functioning of the forum in the long run. Therefore, ADR forum members should play an active role in the division of roles and delegation of tasks within the forum members. Moreover, due to hierarchical structures present within and between communities, those who have more power often tends to dominate the space. It is crucial for CBOs to facilitate the participatory approach and ensure its continuation by balancing power dynamics within the forum. As our communities are inherently hierarchical, it is common that those who has more power to dominate the space. it is of the CBO's role to facilitate the participatory approach and ensure its continuation by balancing power dynamics within the forum.

Experiences from the field

The example below illustrates the process of fielding an ADR forum during the SCDR project ensuring adequate representation of various groups.

Criteria to select 15 to 20	Target	Buddhist/ Sinhala	Hindu / Tamil	Islam / Muslim	Christian	Remarks
Youth	4	2	2	2	2	Below 35, gender considerations to be taken into account
Women	4	1	1	1	1	
Religious leaders	4	1	1	1	1	
Persons with Disabilities (gender considerations)						
Community leaders -Religious trustee board members	4	1	1	1	1	
Government officers	2					1 Mediation officer and 1 Grama Niladhari Officer
LGBTQ+						

2.4 Preparing Community Members as ADR Practitioners

It is evident by now that the success of an ADR forum relies largely on the strength of its members. Thus, once an ADR forum is set up, the next step involves building capacities on ADR tools and strategies. Not all forum members may share the same level of understanding about conflict analysis, stakeholder analysis or ADR techniques. Thus, there should be comprehensive training programmes to familiarise ADR forum members with these knowledge areas. Whilst there may be experienced individuals in the groups, it is important to maintain an inclusive, open and knowledge-sharing environment for all members to learn, contribute and thrive within the forum. Any efforts at building capacities should first begin with an open dialogue with all forum members about the purpose of ADR in building community cohesion, the principles or the ethos of the forum and a code of conduct.

The learnings from the SCDR project underpin that three priority areas require attention in capacity-building efforts. These are illustrated in figure 6.

Training 1 : Conflict/Dispute Transformation

Training 2 : Practical techniques used in ADR

Training 3 : Collaborative Action Training
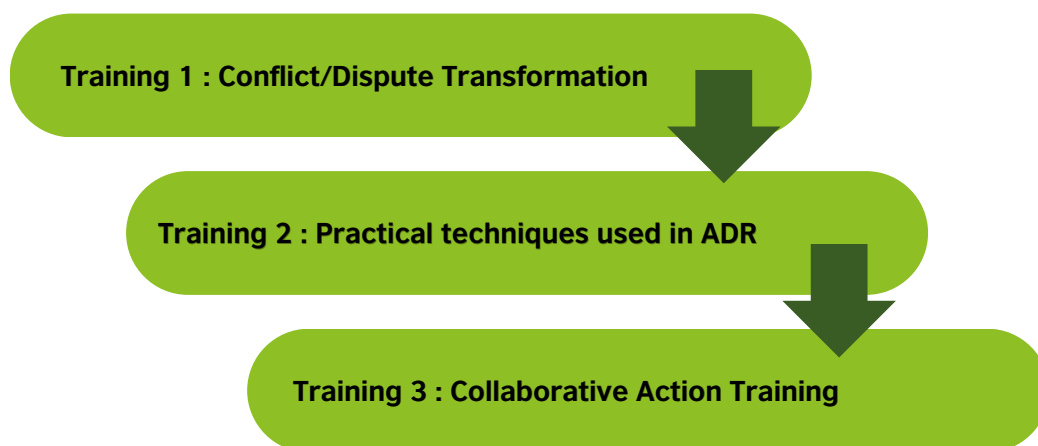
Figure 6 - Key priority areas in capacity building

These areas also help in devising an effective monitoring mechanism to understand how ADR forum members sharpen their toolbox.

2.4.1 Conflict/Dispute Transformation Training

Based on the understanding that conflict is natural and how it should be managed to gain positive outcomes, there are several important knowledge areas that can guide the structure of the session. These topics can also be used to evaluate each participant's knowledge regarding the topic.

Definitions of ADR in conflict resolution

◆▶ Brief Introduction to the conceptual frameworks of ADR and its importance in conflict resolution

Positive aspects of conflict

◆▶ Guiding participants to understand conflict as a natural process in society/human life, emphasizing that the actions taken within a conflict context can lead to positive or negative outcomes

Definitions of violence and distinguishing conflicts from violence

◆▶ Key definitions of violence
◆▶ Common misconceptions in understanding conflicts and violence
◆▶ How to distinguish conflicts from violence?
◆▶ Providing examples of conflicts which end with violence to understand negative outcomes of conflicts.
◆▶ Using the same example to show how there is potential for positive outcomes if the dispute is appropriately resolved.

Stages of conflict (dispute to violence transformation stages)

◆▶ Introduction to Glasl's model of stages of conflict
◆▶ Evaluate the conflict's status based on its stage
◆▶ Psychological and sociological aspects of conflicts

Importance of understanding conflict before action

◆▶ Developing critical thinking skills to assess conflicts objectively
◆▶ Understanding conflicts at the dispute level
◆▶ Dynamics of disputes and their role in broader conflicts

Recognized skills and tools for conflict analysis
◆ Explore theories and models related to conflict analysis
◆ Perspectives and active listening
◆ Effective communication skills
◆ Collaborative problem-solving techniques
◆ Conflict tools: conflict tree, stakeholder mapping, conflict triangle, onion ring

Alternative methods for conflict resolution
◆ Familiarize participants with ADR techniques

Conflict resolution outcomes (win-win, win-lose, lose-lose)
◆ Understanding the importance of consensus-building and win-win approaches

An effective session on conflict transformation is curated around interactive activities which invite participants to reflect and apply various tools to analyze conflicts. During the training sessions conducted under the SCDR project, participants were introduced to various conflict analysis tools and case studies, where they had to apply some of these tools and discuss them with their peers. Many participants highlighted that these activities were not only effective in gaining technical knowledge about key concepts in conflict analysis but also enabled them to understand how to practically apply concepts to different scenarios.

Figure 7: ADR forum members in Vavuniya engaging in a training session on stages of a conflict

2.4.2 Practical Techniques used in ADR

Once participants understand the fundamental principles of conflict transformation, it is imperative to accustom them to the practice of ADR. This requires all participants to develop core competencies in the knowledge areas outlined below. It is important that these practical techniques are introduced with adequate time and space for interactive activities and case study analysis. During trainings conducted under the SCDR project, participants engaged in role play activities based on several case studies, which proved to be widely effective and popular among participants to constructively engage with ADR techniques moving beyond a mere conceptual understanding.

**Key Knowledge areas to be included in sessions on
"Practical Techniques used in ADR"**

Psychology of communication and the practice of communication:
◆ Understanding the psychology of communication and the practice of communication as a fundamental skill
◆ Differences and nuances of each method

Practical understanding of facilitation skills:

◆ Introduction to Facilitation
◆ Facilitation process
◆ Skills required such as listening, attention, empathy, rapport and questioning
◆ Characteristics of the facilitator
◆ Benefits of facilitation

Negotiation that retains the power to resolve disputes:

◆ Five Stages of Negotiation
◆ Negotiation Strategies
◆ Identifying the requirement for a third-party negotiator to settle a dispute
◆ Role of ethics in negotiation

Mediation:

◆ Introduction to mediation and its importance
◆ Different types of mediation and their uses
◆ Benefits of mediation (and ADR techniques) for communities and individuals
◆ The long-term value of ADR as a dispute resolution mechanism

Arbitration

◆ Introduction to arbitration
◆ What is an arbitration award?
◆ What are arbitration rules?
◆ What are benefits and drawbacks of arbitration?
◆ What are costs of arbitration?
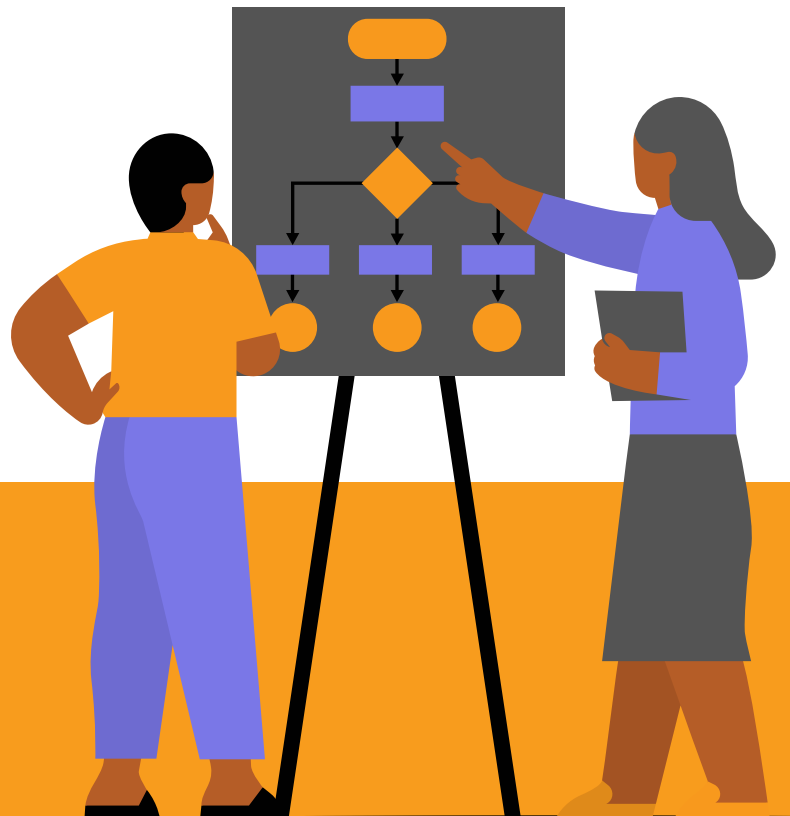
Figure 8: Training on ADR techniques in Mutur, Trincomalee held on July 2 & 3, 2024

2.4.3 Collaborative Action Training

As the third step, a session on collaborative action training is vital to equip participants with design thinking skills to formulate collective initiatives. The idea is to provide them with skills to make positive changes in conflict situations. In other words, collaborative action training sessions are crucial to ensure that ADR forum members understand the importance of working together as a team. In operating as a collective unit, forum members are not only put in a position of collaborative work, but they must be open to learning from each other and about each other.

There are several experiential techniques that are useful to strengthen collaborative learning in participants. For example, using visual representation tools in the dispute analysis process ensures collective participation in developing a deeper understanding of disputes. Particularly in stakeholder mapping exercises, forum members working together as a collective is crucial in developing a comprehensive strategy for dispute resolution.

Key Knowledge areas to be included in sessions on "Collaborative Action Training"

Collaborative action and its key components
◈ Using case studies to understand the importance of collaboration in dispute resolution as opposed to individualistic approaches

Community Mapping
◈ How to use community mapping to better understand the context of the dispute

Dispute identification, prioritisation and finalisation

◆ How to use community mapping to better understand the context of the dispute
◆ Key criteria for prioritising disputes in diverse communities
◆ Comprehensive approaches to problem analysis
◆ Visual representation of conflict analysis tools such as developing a problem tree based on selected disputes
◆ Identifying root causes in effective conflict analysis

Goal and objective setting

◆ Definition of collaborative action goals
◆ Distinction between collaborative action goals and objectives

Stakeholder analysis

◆ Analysis for stakeholder motivation in issues related to communal peace
◆ Importance of assessing interests and positions in stakeholder mapping exercises
◆ Critical role of stakeholder mapping in conflict resolution and strategy development

Developing collaborative action plans

◆ Practical insights into developing an action plan as a team

Experiences from the field

Experiences from the SCDR project exemplify the importance and need for continuous capacity-building measures to equip ADR practitioners with an adequate understanding of ADR in community issues. If you are developing a comprehensive training programme on dispute resolution the following factors are critical lessons from the SCDR project:

1. **Time**: The need to allocate sufficient time for training programs allows participants to take time to understand the heavy concepts and tools related to ADR.

2. **Additional components**: Designating time for additional training sessions on topics such as non-violent communication, and application of ADR techniques for identified disputes.

3. **Interactive and Practical**: Ensuring training sessions are as interactive as possible. This includes integrating field visits into training sessions.

4. **Incentives**: Providing a stipend for participants to attend training sessions to ensure that participants are comfortable in allocating time for capacity-building sessions.

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Chapter 3:
Conflict/Dispute Transformation

We have now arrived at one of the most important stages in the dispute resolution process, i.e. developing a deeper and nuanced understanding regarding the context and dynamics of the dispute in order to apply ADR methods and transform the dispute to reach a positive/constructive outcome. To start it is important to first understand how members can engage in community mapping.

3.1 Community Mapping

Community mapping is one of the first exercises done by ADR forum members as soon as they were selected as forum members to gain a better understanding of the context that they are working in. This exercise involves mapping infrastructure, communal locations, natural resources, dispersion of ethnic and religious communities and conflict-prone areas. In doing so, it solidifies the forum members' understanding of the context and sets the stage for the next steps of the ADR forum, introducing the forum members to the broader dispute resolution process. During the SCDR project, there was a conscious effort to ensure that community mapping exercises also aided in building capacities, trust and inclusivity within the ADR forum, which was represented by individuals from various CSOs, NGOs, CBOs etc. At the stage of community mapping, an initial round of analysing Strengths, Weaknesses, Opportunities and Threats (SWOT) is also useful to identify potential challenges at the very beginning. These insights are valuable for the dispute selection, transformation and overall resolution process.

3.2 Dispute Identification, Prioritisation, Validation and Selection

ADR forum members may have diverse views regarding the disputes in their community and may also share varying views regarding the disputes that ought to be prioritised. In operating as a collective it is useful for members to be equipped with certain techniques in selecting the dispute. Drawing from the experiences shared by ADR forum members throughout the SCDR project, the following considerations remain crucial in the dispute selection process.

Deeper research, community mapping and selection

Creating a priority list of disputes

Acknowledging the existence of disputes

Deciding factors in selecting a dispute:

There are several deciding factors used to categorize selected disputes based on whether they can be channelled to ADR forums. This includes:

◆ Whether the dispute has the potential to lead to violence if not addressed,

◆ Whether the dispute has been already directed towards other formal/informal dispute resolution mechanisms set up by the State, i.e. Police, Judiciary and mediation boards?

◆ The nature and intensity of the dispute and

◆ The capacity and resource availability of the ADR forum to address and transform the dispute

Experiences from the field

A common challenge observed during the SCDR project was differentiating between disputes and community problems such as increased drug addiction, child or early marriage, lack of resources, etc. Whilst these problems can be one of the many causes or consequences of disputes within/between communities, they do not inherently fall under the ambit of what we identified as disputes. Further, these problems were related to widely prevalent social issues, which makes it difficult to distinguish the parties involved, a crucial aspect of an effective dispute resolution process.
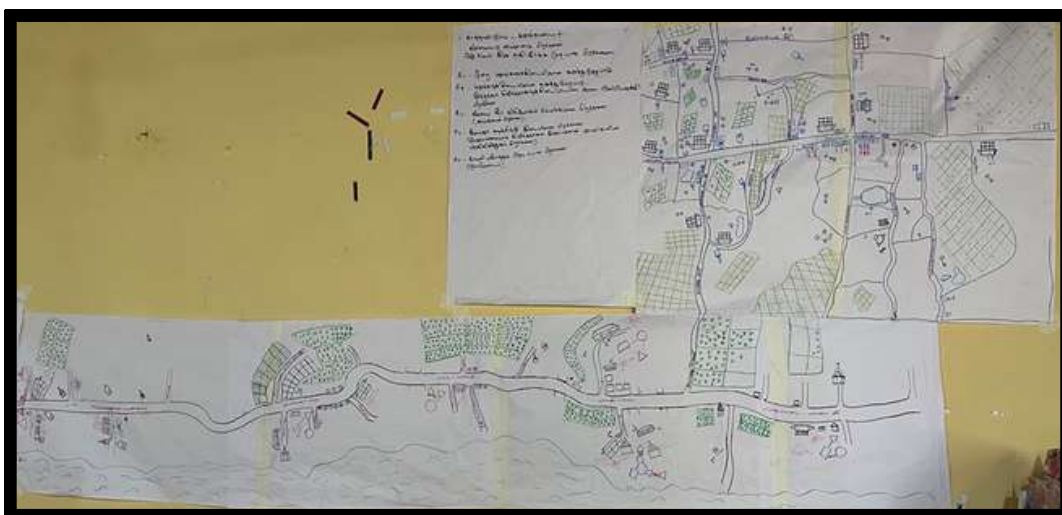

Figure 9: An example of a Community Map developed by the Manthai West ADR Forum in Mannar District, Sri Lanka

Acknowledging the existence of disputes:

Then ADR forum members come together and collectively or in groups can brainstorm different issues in the community which they perceive as problems and disputes.

Experiences from the field

During the SCDR project, ADR forum members were initially hesitant to share the inter-religious, inter-ethnic conflicts in their community as there is a misconception prevailing in the society that talking about issues will lead to the escalation. Due to this misconception, there is a tendency to deny the existence of disputes. It is crucial to acknowledge the existence of the dispute to analyse and address the dispute before it escalates into violence. This is also what makes the ADR approach preventive as opposed to curative.

Creating a priority list of disputes:

Once ADR forum members have identified and acknowledged different disputes existing in the community, forum members should collectively discuss and arrive at a consensus on which disputes they want to prioritise based on their capacities. This is a critical step because despite the interest and/or the will of members there are limitations concerning the capacities, time and resources that can be spent in resolving disputes. Moreover, some issues are national in scale and remain beyond the scope of the ADR forum's capacities. For example, during the SCDR project participants shared issues concerning contested archaeological sites in the North and East of Sri Lanka, which were beyond the capacity and scope of the ADR forum. Thus, it is critical to create a priority list of disputes as the next step in the dispute selection process.

It is also important to note that having a priority list of potential disputes that the ADR forum aims to resolve ensures that in any instance a selected dispute cannot be taken forward in an ADR process due to reasons such as the dispute being beyond the scope of the ADR forum (as a result of the understanding of the nature and the intensity of the dispute through the dispute validation process), there is always a list of options available for the ADR forum members to consider.

Experiences from the field

During the SCDR project ADR forums were encouraged to select and address issues considering aforesaid practical limitations. In one ADR forum, the members created a general list of disputes in their communities and voted "1"/ "2"/ "3" to place the three most critical issues in their community, which according to their perception was a priority. Once all forum members finished voting, the three disputes that received the highest number of votes were finalised as the priority list of disputes to be considered by the forum for ADR. In selecting the disputes, forum members also took into account factors such as the nature of the dispute, i.e. selecting the dispute by considering the inter/intra-community nature.

Dispute validation and selection:

The process of selecting a dispute requires gaining a deeper and more nuanced understanding of the dispute. Even if forum members have curated a priority list and have reached a pre-consensus stage of selecting the dispute, there should be a deeper understanding of the dispute that they intend to resolve. Here it is vital to validate and understand the dispute through various mechanisms. For example, individual meetings, family visits to the parties involved in the dispute, and dialogues with community members and other stakeholders who can help to confirm that the prioritized issue is in the dispute stage. This process ensures that the dispute in consideration has the potential to be addressed through the ADR forum. It also confirms whether the nature of the dispute known to the ADR forum members aligns with the reality of the dispute. In this stage, forum members can collect all relevant documents and evidence from disputing parties for documentation purposes if needed.

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Once a deeper understanding of each dispute is obtained, forum members will have a comprehensive outlook in selecting the most suitable dispute for the ADR process. It also enables more community engagement and ownership which later aids in strengthening the dispute resolution process by ensuring community support. As a result of the validation process, if it is known that the identified dispute does not fall within the scope of the ADR forum, the forum members can select the next dispute in the priority list or repeat the selection process to identify/select any new, burning issues in the community that could be addressed through the ADR forum.

3.3 Understanding the Dynamics of the Dispute: Dispute Analysis

Dispute/conflict analysis is at the crux of the dispute transformation process. The analysis requires a thorough examination of the details and underlying dynamics of a dispute/conflict within a community, including the interests, needs, and perspectives of all involved parties, to identify the root causes of the dispute and develop a path towards resolution. Figure 10 depicts various dimensions underlying conflicts.

If you recall the key knowledge areas discussed under the conflict/dispute transformation training programme in section 2.4.1, you may remember that ADR forum members were introduced to several tools to analyse conflicts. These tools ranged from the conflict tree, and the ABC triangle to comprehensive stakeholder mapping exercises, all of which provided practical insights on identifying the causes, effects, historical background, key players, and power dynamics in a conflict—factors that may not be immediately obvious. Community dialogues play a crucial role in the dispute analysis process. Community dialogues, family visits or individual meetings are usually conducted to validate the dispute and have valuable insights that can be used to analyse disputes using conflict analysis tools such as the conflict tree.
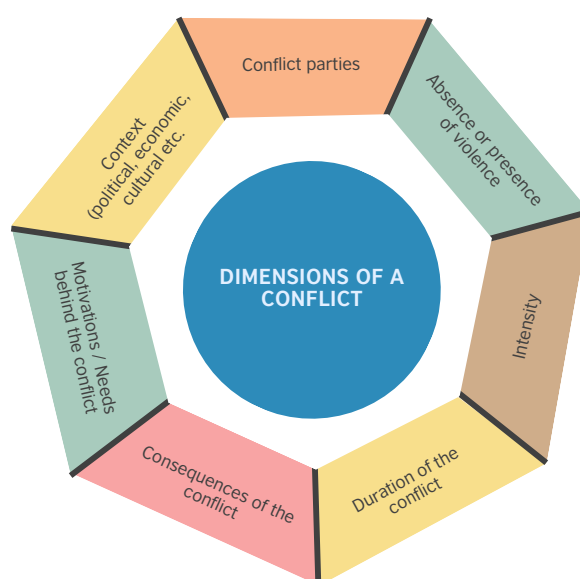

Figure 10: Various dimensions of a conflict

Experiences from the field

▶▶ During the SCDR project, the ADR forums that came together were a collective of various individuals who often had experiences in addressing community issues and engaging with various stakeholders but were seemingly more inclined towards an individualistic approach in addressing issues as opposed to a collaborative one. Therefore, in preparing ADR forum members to address disputes within the community as a collective, special attention was paid to introducing various tools to collaboratively formulate an approach to conflict transformation.

In introducing conflict analysis tools ADR forum members were able to gain a deeper and more nuanced understanding of different disputes that they are dealing with, unveiling aspects of the respective dispute which were not immediately obvious. The Mannar town ADR Forum in the Mannar district unveiled several hidden dimensions of a conflict through the utilisation of conflict tools such as the conflict tree and stakeholder mapping.

▶▶ A member of the ADR forum brought a dispute concerning a vehicle belonging to a Muslim individual that was parked on a land adjacent to the local Hindu temple, which had caused friction between the Muslim and Hindu communities in the village.

▶▶ The ADR forum members with the guidance of Search and the local NGO partners conducted separate meetings with the mosque committee, the temple committee, and community leaders. Based on the insights shared at these meetings, forum members utilised tools such as the conflict tree and stakeholder mapping exercises to gain a deeper understanding of the root causes of the dispute and the interests of different parties.

▶▶ During these deep-dives ADR forum members discovered that both the temple and mosque committees had competing interests in the land next to the temple. The mosque committee envisioned using the land to set up a community building, such as a Rural Development Society or a preschool. The temple committee needed the land, especially during festivals, for religious processions and for devotees to rest or set up temporary stalls.

▶▶ Through stakeholder engagement, forum members found out that a significant misunderstanding existed between the two communities regarding another land behind the temple and that the land-related dispute was accelerated due to a misunderstanding about this other land. The Hindu community believed that an international organisation, with the support of the Muslim community, had deliberately altered the land to prevent Hindus from using it. The Muslim community harboured a similar suspicion, believing the international organisation had acted with the support of the Hindu community to prevent Muslims from using the land. Later, during the inter-community dialogues, this misunderstanding was addressed, and both communities learned that neither had any involvement in the land alteration.

▶▶ Mannar's ADR forum shows us the importance of community dialogues in validating the dispute. What portrayed itself as a parking issue later connoted a complex issue related to land and competing interests between two ethnic groups.

Given the scope of this guidebook, we will not be detailing each conflict analysis tool in this section. However, the following examples are outlined to showcase how conflict analysis tools were utilised by different ADR forums throughout the SCDR project.

Conflict stages and escalation

Forum members used picture cards given in figure 11, which are based on Glasl's stages of conflict, to identify the window for conflict transformation.

Figure 11: Picture cards used during the SCDR project to identify stages of a dispute/conflict

Conflict tree

The Mutur ADR forum from the Trincomalee district used the conflict tree to break down a conflict into its constituent parts, helping to identify the root causes, underlying issues, and potential solutions. The dispute in Mutur was concerning communities of three neighbouring villages, all belonging to the same ethnic group, were locked in a prolonged and contentious dispute over limited cemetery land resources. The shortage of available space for burials had led to growing tensions and division between the communities, undermining their once harmonious relationships. Despite efforts from both government and non-government bodies, the conflict persisted and deepened, with no lasting solution in sight. The conflict tree below showcases how participants tried to identify the root causes and effects of the dispute.

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Problem Trees of Mutur Division

To put the shine board for Hindus cemetery separately

Tension increase

Conflicts

One community has been neglect from RDS

Conflicts of opinion
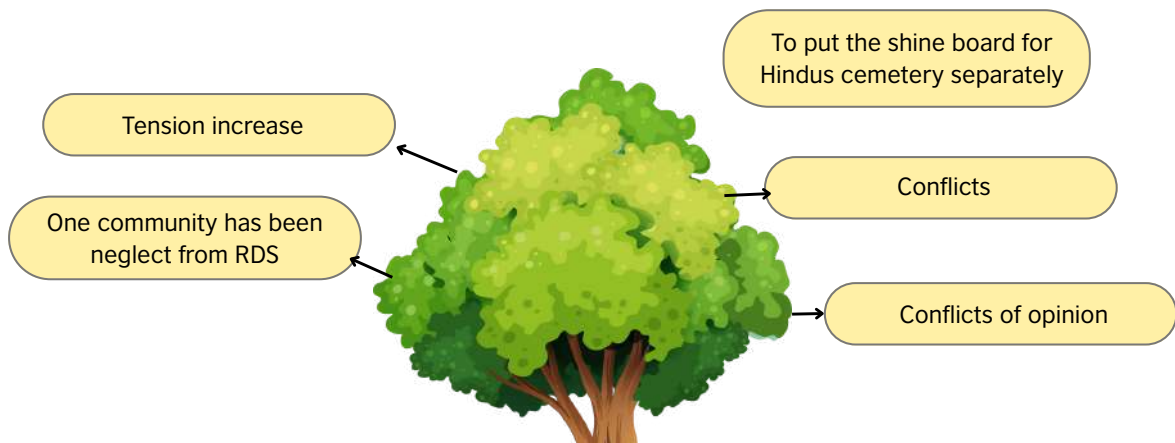
The conflicts between the three communities for using cemetery.

There is no separated cemetery among three communities

Ethnic conflict

No trust and not understanding of culture and ethnic between the communities.

The peoples forced to transferred

Internal Law

There is no equal land among three communities

Lack of Land

Population increased

Lack of Land

There is no proper documents maintenance before the war

The opportunity for multiple religion and cultural event

The people's lack of knowledge about documents keeping

The lack of person or group for creating opportunities.

There are no strengthen CBO's in the village (RDS/WRDS/Community centre)

Forum members also used the conflict triangle as a tool to identify the attitudes, behaviours and the context of a dispute/conflict situation.

Attitudes: Refers to the beliefs, opinions and feelings that individuals or groups hold about themselves, others, and the conflict. Understanding attitudes is crucial for grasping the emotional dimensions of the conflict.

Behaviours: Encompasses the observable actions and reactions of the parties involved in the conflict. Analysing behaviours helps identify patterns and triggers that contribute to the conflict dynamics.

Context: Represents the specific issues or disputes at the core of the conflict. By examining the conflicts, one can identify the underlying causes and motivations driving the overall disagreement.

The conflict triangle emphasizes the interconnectedness of attitudes, behaviours, and conflicts. Changes in one element can influence the others, making it a useful framework for understanding and intervening in conflicts at a systemic level.
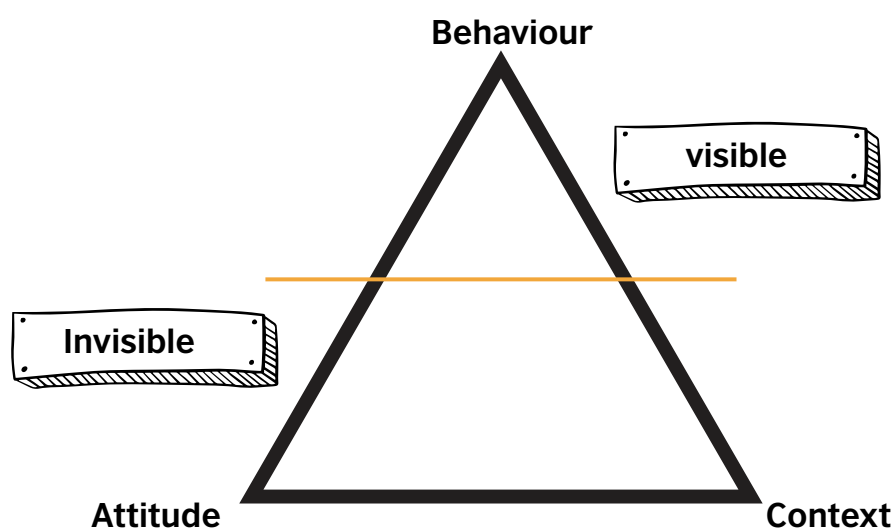
Behaviour

visible

Invisible

Attitude   **Context**

Figure 12: Conflict Triangle

3.4 Collaborative Action for Dispute/Conflict Transformation

3.4.1 Stakeholder Mapping

Stakeholder mapping is a crucial step in the dispute resolution process as it informs the strategy to engage partners in managing the dispute inclusively and holistically. A stakeholder is an individual, group or organization that has an interest in/or influence over/or is affected by a dispute.[35] Stakeholders are usually diverse, ranging from government agencies to community leaders, religious groups as well as civil society organisations in the area. Stakeholder mapping is the process of identifying, analysing and visually representing these entities.[36]

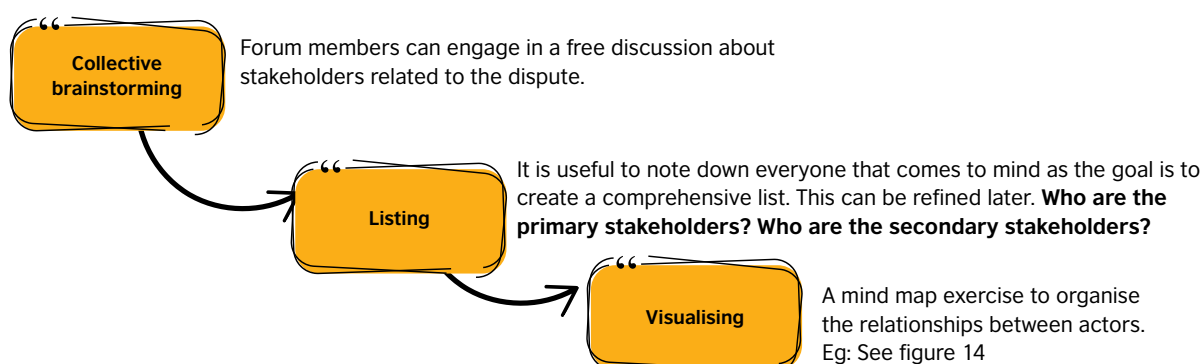Figure 13: An illustration depicting different stakeholders by Siegmann (2024)[34]

Why do we map stakeholders?

To understand:
1. who the stakeholders are,
2. their interests and needs,
3. their power and influence,
4. how they are connected to other players and activities.[37]

How do we map stakeholders?

There are different ways to map stakeholders. The template followed during the SCDR project is given below.

Collective brainstorming — Forum members can engage in a free discussion about stakeholders related to the dispute.

Listing — It is useful to note down everyone that comes to mind as the goal is to create a comprehensive list. This can be refined later. **Who are the primary stakeholders? Who are the secondary stakeholders?**

Visualising — A mind map exercise to organise the relationships between actors. Eg: See figure 14

[34] Illustration by Siegmann (2024) cited in 1000 Landscape for 1 Billion People, 'Stakeholder Mapping and Analysis: Theory and background information for facilitators and participants' 1000 Landscape for 1 Billion People (2022) <https://www.planetgold.org/sites/default/files/EN_Stakeholder%20Mapping%20-%20Theory%20Handout%20.pdf> accessed 1 March 2025.
[35] Ros Tennyson, 'The Partnering Toolbox: An Essential Guide to Cross-sector Partnering' The Partnering Initiative (2011) <https://archive.thepartneringinitiative.org/wp-content/uploads/2014/08/Partnering-Toolbook-en-20113.pdf> accessed 1 March 2025; Arthur Zimmerman and Claudia Maennling, 'Mainstreaming Participation Multistakeholder management: Tools for Stakeholder Analysis:10 building blocks for designing participatory systems of cooperation' Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) GmbH (2007) < https://increate.med-ina.org/static/assets/uploads/share/Step5-tools/FMECD-Mainstreaming-Participation-Stakeholder-Analysis-2007.pdf> accessed 1 March 2025.
[36] Darian Stibbe and Dave Prescott, 'The SDG Partnership Guidebook: A practical guide to building high-impact multi-stakeholder partnerships for the Sustainable Development Goals', UNDESA (2020) < https://sustainabledevelopment.un.org/content/documents/26627SDG_Partnership_Guidebook_0.95_web.pdf> accessed 1 March 2025.
[37] 1000 Landscape for 1 Billion People, 'Stakeholder Mapping and Analysis: Theory and background information for facilitators and participants' 1000 Landscape for 1 Billion People (2022) <https://www.planetgold.org/sites/default/files/EN_Stakeholder%20Mapping%20-%20Theory%20Handout%20.pdf> accessed 1 March 2025.
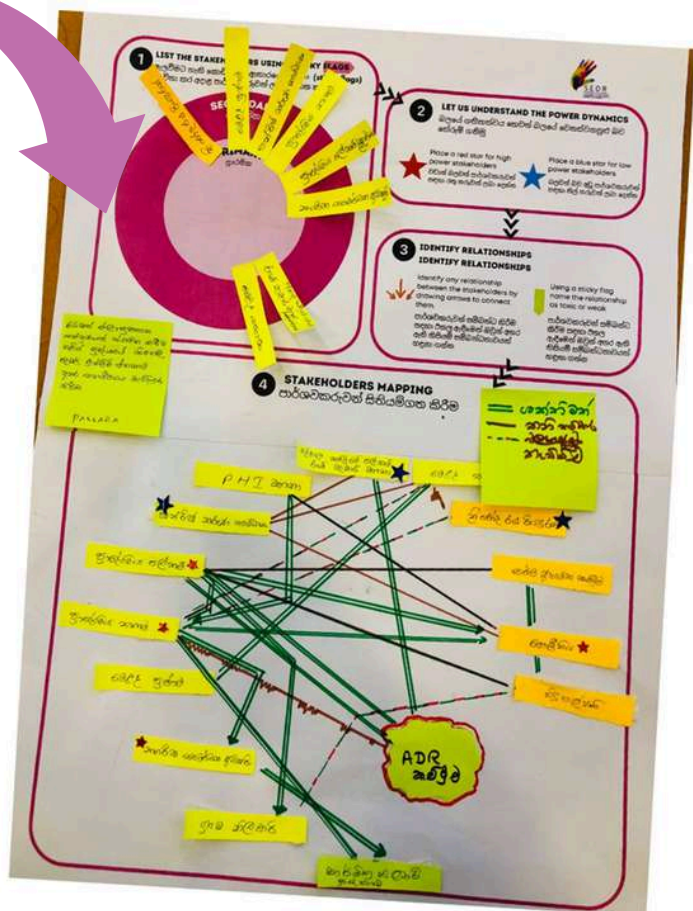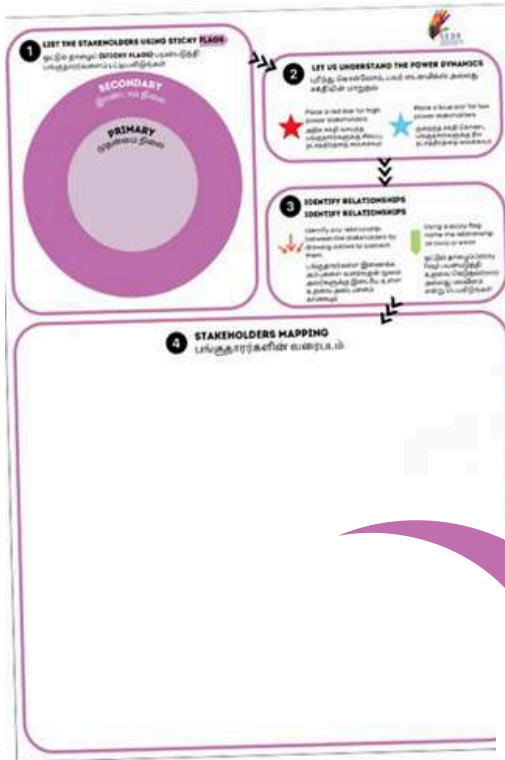
Figure 14: Template for Stakeholder Mapping used by ADR forum members in Badulla. This template was initially developed by the YouthAct Project

Overall, stakeholder mapping exercises enabled ADR forum members immensely in:

▸ Mapping individuals or groups who share similar interests in the dispute, is useful knowledge in devising an effective engagement strategy. Actors who exert low influence on the dispute can be easily recognised as well.

▸ Efficient problem-solving as forum members can make informed decisions on how to utilise established and validated relationships in the dispute resolution process and strategize effective action plans for pursuing new connections.

▸ Enhancing collaboration by uniting different connections in the dispute resolution process.

▸ Identifying potential challenges, particularly challenges to equity and diversity by mapping various stakeholders whose voices were or have been neglected or excluded in the dispute landscape.

3.4.2 ADR Forum Meetings and Developing Action

During the ADR forum meetings, members planned, prepared for the dispute resolution process and engaged in post-activity reflection sessions. Action plans were developed during the ADR forum meetings based on the findings of dispute analysis, stakeholder analysis etc. This strategic outline details steps to address issues within a dispute landscape. The action plan is developed during the ADR forum meetings after the forum members collect data, validate and analyse the dispute. In the dispute resolution process outlined in the action plan forum members would reflect on this data. The action plan also provides the ability for forum members to consider the method of engagement or the communication strategy of the forum to engage in community
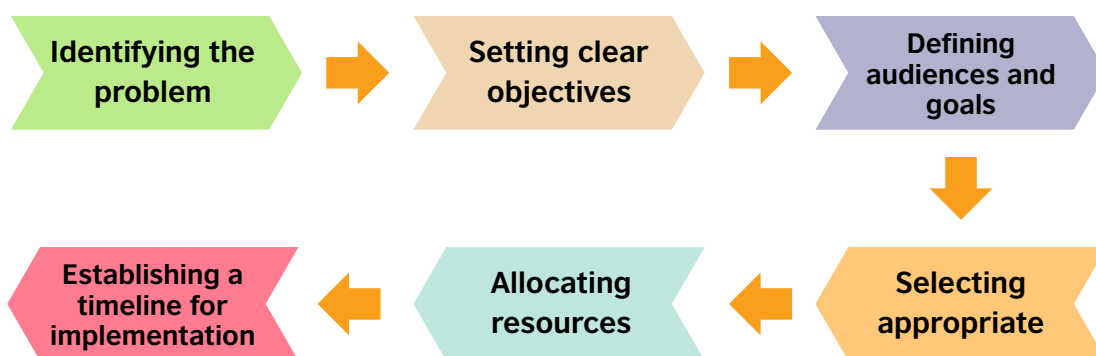

Figure 15: Key steps in developing an action plan

to engage in community dialogues successfully. Whilst action plans do not have a strict format figure 16 is an example of a guideline shared with ADR forum members in the SCDR project.

Figure 16: SCDR project guideline to develop action plans

Further, during the SCDR project, it was clear that in certain contexts root causes of the disputes were a consequence of knowledge gaps and a lack of soft skills such as communication skills in disputing parties and members in the community. These gaps and requirements were considered in developing the action plan. As a result, to engage with different stakeholders and communities, various strategies were adopted in the dispute resolution process. These included individual dialogues in addition to inter/intra-community dialogues. Moreover, the dispute resolution process included trainings, exposure visits and awareness raising activities to address knowledge gaps/lack of awareness regarding the root causes of the dispute. The key steps in developing an action plan are given in Figure 15.

3.4.3 Community Dialogues

As seen in section 2.1, the basis of the ADR process utilised in the SCDR project was the Community Dialogue Approach (CDA). With this methodology in mind, community dialogues were used to validate the disputes and engage with stakeholders in the dispute resolution process. Community dialogues include a range of activities such as conducting individual meetings with disputing parties, community members and other stakeholders to gather data, and organizing awareness raising campaigns and other community events.

To understand the importance and relationship between community dialogues and ADR forum meetings take a few minutes to reflect on the experiences from Mutur given below.

Experiences from the field

As seen above in section 3.2, the Mutur ADR forum dealt with an intra-ethnic dispute between three villages over a cemetery land. Recognising the need for an inclusive and peaceful resolution, the Mutur ADR Forum took the initiative to bring the communities together. Through a series of individual and joint discussions, meetings, and awareness campaigns, the ADR Forum provided a neutral platform where all parties could express their concerns and collaborate towards finding a mutually beneficial solution. It should be noted that these initiatives were designed based on the identification of the root causes of the dispute and with the objective of addressing these root causes effectively.

Key steps taken by the ADR Forum included:

▶ **Training and Exposure Visits**: The communities were given opportunities to learn from other regions and experiences to better understand the importance of collaborative efforts in conflict management.

▶ **Awareness Campaigns**: Educating the communities about the benefits of resolving disputes peacefully and collaboratively.

▶ **Multiple Discussions**: The ADR Forum facilitated continuous dialogue among the three disputing villages, ensuring that all voices were heard and that solutions were developed jointly.

After several rounds of discussions and collaborative efforts, the three parties agreed to form a common administration body for managing cemetery land and related maintenance and development. This body would consist of five members from each community, ensuring equal representation. The key positions—President, Secretary, and Treasurer—were also shared equally among the parties, fostering a sense of fairness and cooperation.

During the collaborative dispute transformation trainings in the SDCR project forum members were provided with the action plan format given above, which served as a guideline document for forum members to analyse a particular problem by identifying the root cause, main objective, and sub-objectives in a collaborative manner. The sequence of activities was carefully developed to ensure the result of one activity has a connection to the next activity. Overall, all the activities in one way or the another contribute to the de-escalation of the dispute gradually.

3.4.4 Risk Assessment and Mitigation Strategies

Risk assessment is also a useful mechanism for the ADR forum to collaboratively identify potential challenges and discuss plausible mitigation strategies to overcome certain risks. ADR forums operate in multicultural contexts. Thus, there can be different types of risks.

> **Something to think about**: During the SDCR project training sessions, participants were provided with various case studies to identify risks and mitigation strategies for addressing conflicts through a comprehensive action plan. One case study involved a dispute over access to water between two ethnic communities in Sri Lanka. Think of yourself being a participant in this training session. What are the potential risks and mitigation strategies you can think of in addressing a similar inter-ethnic dispute concerning access to water?

Ethnopolitical tensions?

Resource scarcity?

Legal and Regulatory Challenges?

Lack of community participation?

Risks	Mitigation Strategies
Ethnopolitical Tensions	◈ Conduct facilitated dialogues and workshops, emphasizing common interests and the shared goal of community development. ◈ Actively involving respected community leaders from both sides to build trust.
Resource Scarcity	◈ To address concerns about insufficient water resources, collaborating with environmental experts to implement water conservation techniques. ◈ Engaging farmers in sustainable agricultural practices to optimize water usage.
Legal and Regulatory Challenges	◈ Collaborating with legal experts to navigate and address potential legal obstacles. ◈ Working with local government authorities to propose a potential water-sharing agreement, which is aligned with existing laws and regulations.
Lack of Community Participation	◈ Conducting extensive awareness campaigns, observation visits and exposure visits to mitigate the risk of low community participation. ◈ In such events, emphasising the benefits of community involvement and the potential positive outcomes of a water-sharing agreement.

Experiences from the field

During the SCDR project, the ADR forum members in Badulla found out that external causes such as pine tree plantations resulted water scarcities for certain communities. Due to the polarization of communities, the community that lived down the hills assumed that it was the community who lived up in the hills that were hindering the water supply. The community who lived up the hill were predominantly Sinhalese. Later through the observation visit to the Sinhalese community, the other community learnt that both communities were facing water scarcities due to the pine tree plantation. This understanding requires fielding various risk mitigation strategies.

Functioning of a Successful ADR Forum and Establishing Effective Evaluation Procedure

Clarity within the ADR forum regarding the roles and responsibilities of each forum member is essential to the smooth functioning of the forum as well as for the successful implementation of ADR techniques. The division of labour within an ADR forum is therefore key to avoid confusions, misunderstandings and conflicts within the forum itself. A key lesson from the SCDR project is to understand that forum members themselves are diverse and due to their other roles as community heads, or executive members in community organizations may create an environment where each forum member would take their own decisions and follow an individualistic approach to resolving the community disputes. Hence, to strengthen collaborative capacity of a forum it is important to have specific terms of reference.

4.1 Division of Labour within the Forum

Clarity within the ADR forum regarding the roles and responsibilities of each forum member is essential to the smooth functioning of the forum as well as for the successful implementation of ADR techniques. The division of labour within an ADR forum is therefore key to avoiding confusion, misunderstandings and conflicts within the forum itself. A key lesson from the SCDR project is to understand that forum members themselves are diverse and due to their other roles as community heads, or executive members in community organizations may create an environment where each forum member would make their own decisions and follow an individualistic approach to resolving the community disputes. Hence, to strengthen the collaborative capacity of a forum it is important to have specific terms of reference.

During the SCDR trainings, facilitators invited forum members to divide roles and responsibilities amongst each other based on each person's skills. Participants were asked to stand next to a role that they see themselves as best suited. These roles included:

◆ Facilitator
◆ Mediator
◆ Negotiator
◆ ADR promoter
◆ Dispute data management
◆ Community mobilizer
◆ Stakeholder networkability

Dividing roles between each other in this way strengthens the autonomy and sense of ownership over the ADR forum as members themselves are distributing roles between each other.

4.2 Maintaining Dispute Register

Maintaining a dispute register is another best practice characterising an effective ADR forum. A dispute register is a comprehensive record-keeping tool designed to track and manage the progress of disputes that are handled through the ADR forum. Since the forum utilises various tools and ADR techniques to resolve the dispute, records of the process are critical to ensure integrity, transparency, accountability, and efficiency within the ADR forum as well as the broader community. This approach aims to not only track and manage disputes but also to provide tangible proof of the procedures followed and outcomes achieved.

Purpose of a Dispute Register

From initiation to resolution, gather and maintain comprehensive records to serve as verifiable evidence of the entire ADR process

Assess the effectiveness of different dispute resolution methods used by the forum
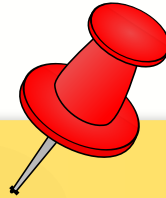
Inform future strategies and improvements in dispute resolution practices based on key learnings and outcomes

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Dispute Register

1 **Date of referred**: The date when the dispute was officially brought to the forum.

2 **Parties involved**: Names and contact details of the disputing parties.

3 **Nature of dispute**: A brief description of the dispute (e.g., property, administration, community conflict etc.)

4 **ADR method used**: Specify the method used (e.g., mediation, arbitration, negotiation.

5 **Assigned forum members**: Name of the individual overseeing the resolution/management process.

6 **Session dates**: Dates of all ADR sessions/ meeting/discussion held.

7 **Status of dispute**: Status (e.g., Open, In Progress, Resolved/managed, Closed.

8 **Outcome/Resolution**: Brief description of the resolution or outcome, if achieved.

9 **Follow-Up Actions Required**: Any actions required post-resolution-if applicable.

10 **Closure Date**: The date when the dispute was formally closed.

11 **Remarks**: Any additional notes or observations.

4.3 ADR Meetings: Planning, Reflection and Review

In the dispute resolution process, the best way to plan the engagement with the community and stakeholders is by using a functionality-based checklist method. This paves the way for a structured approach ensuring that all aspects of the ADR process are appropriately addressed from the preliminary level to post-dialogue monitoring and evaluation activities. In this section, we observe the key planning checklist used during the SCDR project as a guide to plan ADR forum internal meetings and community dialogues. It is important to note that there are several considerations in utilising this checklist.

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◆ The purpose of the checklist is to maintain the integrity and effectiveness of the ADR process. This is not a static checklist and can be customised according to the needs of an ADR forum.

◆ Following the checklist in order is convenient as each section builds upon the previous one.

◆ Pay special attention to pre-forum preparations, as these lay the groundwork for a successful ADR session.

◆ Ensure active and informed participation from all parties involved, as this is crucial for a fair and effective resolution process.

◆ Properly document all outcomes and agreements and conduct thorough follow-ups to implement the resolutions effectively.

◆ Use feedback and evaluations post-forum to refine and improve future ADR processes.

Pre-Forum Preparations	✗
1	Notification to all ADR forum members	
2	Development of an agenda for the ADR session	
3	Selection and preparation of facilitators	
4	Arrangement of a suitable venue for the forum	

ADR forum meeting checklist	✗
1	Attendance of members	
2	Checking banner and visibility requirements	
3	Carrying out forum activities according to the agenda	
4	Documentation of action points, mutually agreed decisions, follow-up requirements etc	
5	Decision for the next meeting date	

Pre-Community Dialogue

1	Notification to all parties involved in the dispute
2	Selection and preparation of neutral mediators or facilitators
3	Development of an agenda for the community dialogue
4	Arrangement of a suitable venue

Community Dialogue

1	Introduction and explanation of ADR process and rules by the facilitator
2	Presentation of the dispute by each party
3	Facilitation of discussion and negotiation between parties
4	Documentation of any agreements or resolutions reached
5	Ensuring that the process remains respectful and confidential

Post-Forum Activities

1	Preparation of a formal agreement or resolution document
2	Signing of the agreement by all parties and witnesses
3	Filing and storing of agreement documents for record-keeping
4	Follow-up with parties to ensure implementation of the agreement
5	Evaluation of the ADR process and outcome
6	Feedback collection from participants for future improvement

Additional Considerations	✗
1	Ensure the forum is accessible to all parties (consider physical access, language, etc.)	
2	Consideration of cultural, social, and legal aspects relevant to the dispute.	
3	Availability of support services (e.g., counselling, legal advice) if needed	

Monitoring and Reporting	✗
1	Regular monitoring of the impact of resolved disputes	
2	Reporting outcomes to relevant stakeholders	
3	Analysis of ADR forum effectiveness for continual improvement	

Experiences from the field

The practice of reflecting and reviewing the key activities, decisions and processes of the ADR forum is directly linked to the analysis of an ADR forum's effectiveness.
Reflecting involves a SWOT analysis or at the very least an analysis of the actions, lessons learned, key ADR mechanisms utilized, stakeholder engagements and identifying gaps.

In the **Kalmunai ADR Forum Feedback Meeting**, forum members developed a framework to reflect on the actions, lessons learned, key ADR mechanisms that had been utilised, the motivations for different stakeholder engagements and the gaps in the process of resolving the dispute. In their review, they shared insights on how the forum members identified collaborative efforts, particularly those engaging religious leaders, community members, shop owners and local government representatives who were instrumental in addressing a dispute concerning the disposal of animal waste in the area.

Through collaboratively reflecting on the ADR process, members observed several key factors which determined the longevity of the forum's work:

▸ *Recognized the importance of involving government officials and community members who understand community dynamics. The success in resolving issues at Korakkar School and the disposal of garbage along access roads illustrates the need for continuous dialogue and proactive measures to address community grievances.*

▸ *There is a pressing need for awareness-raising initiatives regarding the importance of clean water sources and environmental responsibility. The collaboration with mosque trustees and community leaders in tackling the disposal of animal remains serves as a model for future efforts.*

> *Identification and Accountability: The emphasis on having proper identification for individuals involved in the dispute is crucial for establishing credibility and facilitating smoother interactions with local authorities. This insight will enhance the efficiency of future engagements.*

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Chapter 5:
Sustainability of the ADR Process

5.1 Stakeholder Meetings and Celebration

It is clear by now that stakeholder engagement is a key determinant of the success of ADR forums. During the SCDR project, stakeholder meetings took place to bring together various entities that were involved in the dispute resolution process to present progress and discuss the ways forward, particularly in sustaining and future-proofing the ADR forum and its processes within the community. Here, even if the dispute was not fully resolved, the engagement with the stakeholders in the post-forum context was a valuable exercise to raise awareness of the ADR forums' success stories and advocate for support in continuing the community dialogue approaches to addressing local-level disputes.

5.2 How do we strengthen ADR Forums?

Through the Forum
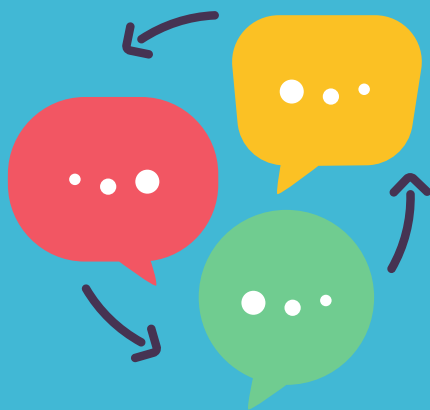
SWOT Analysis

Each member in the ADR forum can offer a different perspective on the SWOT of the program based on their diverse experiences. This reflection of weaknesses and threats that exist in the forum's effort is one of the most effective ways to counter challenges with a set of robust strategies that build upon strengths and opportunities. Thus, SWOT analysis plays a strong role in strengthening ADR forums.

- ❯❯ Strengths and Weaknesses are internal factors, which involves the internal qualities of the ADR forum and to an extent others' perceptions of forum. These include human resources, physical and financial resources, present and past activities/experiences.

- ❯❯ Opportunities and Threats are external factors that could impact the forum's functioning and activities. It is useful to cast a wide net in mapping out external factors that are beyond your control. Future trends, funding sources, environment, the economy, legislations etc are external factors.

Figure 17: SWOT Analysis by Kalmunai ADR Forum

Active membership and clear house rules

The sustainability of a forum rests on a solid base of engagement, particularly between its members. During the SCDR project ADR forums thrived where there were at least 15 active members. In addition, there are a few critical house rules:

◆◆ Developing a TOR that outlines roles, responsibilities, and expectations to ensure the forum's sustainability.

◆◆ Identification of sustainability focal points within the forum.

◆◆ Developing a code of ethics to guide consistent behaviour and decision-making across the ADR Forum.

◆◆ Cultivating an organizational culture that supports transparency and fairness.

◆◆ Laying a strong ethical foundation through the forum's work to enhance community confidence in the ADR process and its outcomes.

Communications, branding and recognition

Strengthening the forum's brand or building visibility within the community is critical to its success. Clear branding efforts can boost the forum's reputation and increase community engagement. It can also enhance the credibility of the forum.
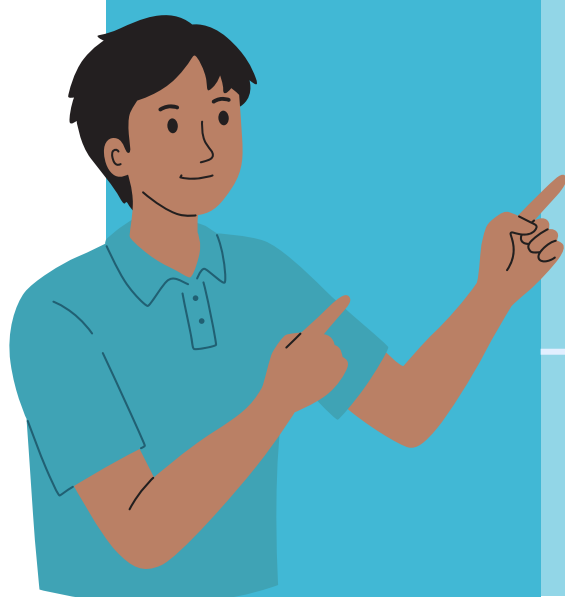
Therefore, ADR forums considered a few strategies to raise the forum's profile within the community, making its role in conflict resolution more recognized and respected. These included:

◈ Setting up a specific ADR forum WhatsApp group and/or Facebook groups for community visibility

◈ These social media platforms can also be tool to extend the forum's connectivity with each other and the broader community in the long-run by keeping members in touch and enabling members to share resources and extend support.

Figure 18: WhatsApp groups and Social Media posts on the ADR forums of the SCDR project
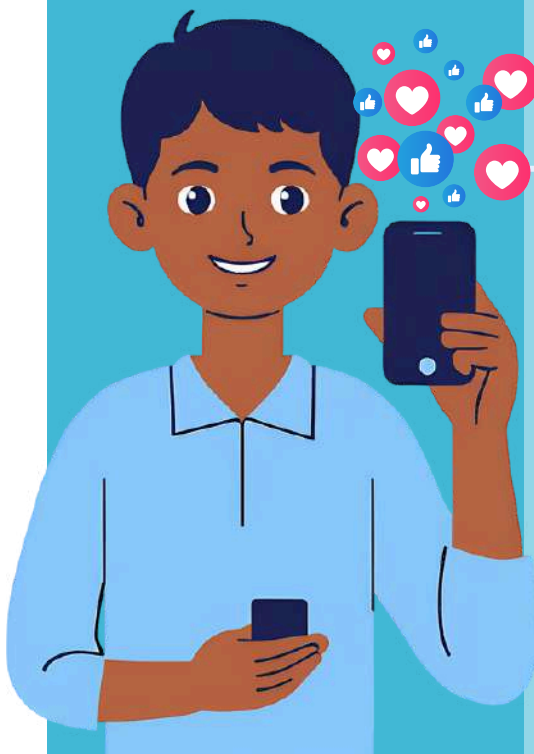
Taking the role of an Action Plan seriously

Another way to sustain actions of the forum is by strengthening the financial backing of the forum. For example, the SEED grant program of the SCDR project provided financial support for all forums and incentivized forums to create an action plan around the SEED grant program. This can result in the forum aligning itself with tangible goals in a given time period.

Reflecting on lessons learned and motivation factors

As discussed above, reflection and review of past experiences is critical to the sustainability of a forum as it provides the scope to understand strengths, challenges and measures for continuous improvement. In addition, reflecting sessions play a pivotal role in reminding participants their "why" in volunteering to be a part of an ADR forum. During the SCDR project, ADR forum members conducted monthly self-motivation reflections to stay engaged and understand the personal and community benefits of their volunteering work at the forum.

Capacity Building and supportive services to overcome challenges

Sustainability of a forum is heavily dependent on its human components. Therefore, it is vital to prioritise training and capacity building programs to help members develop advanced collaborative conflict transformation skills.

Through community engagement

Collaborative Approach

Collaboration between various stakeholders, including government authorities, religious leaders, local community members help strengthen the entire ADR process and ensure successful outcomes in the long run. Collaborative/consultative approaches strengthen the ADR forum's influence by extending beyond individual disputes, to other wider community issues, which require adopting similar approaches. Wider societal impact directly translates into trust within the communities about ADR processes and in return the sustainability of these efforts in building community cohesion.

Community outreach and education programs

Workshops, public forums, and informational campaigns, help ADR forums to empower community members with the knowledge and tools needed to engage in peaceful dispute resolution. These initiatives also demystify the ADR process, encourage wider participation, and foster a culture of dialogue and mutual understanding across diverse groups.

Through government support	**Government recognition and public acceptance**
	A lesson learned from the SCDR project is the importance of engaging government officials from early on. In such engagement, it is useful to employ a transparent and consultative approach by ensuring that disputes are validated with officials. Experiences attest to the fact that ADR initiative succeeded in securing government buy in as much possible. Recognition from government officials often increased public acceptance, which contributed to more collaborative efforts in dispute transformation.
	Legislative and policy support
	Legislative and policy support is also critical to strengthen community ADR. By working with local authorities and policymakers, ADR forums can help establish authority, ensuring that their decisions and recommendations carry weight. Such advocacy efforts not only legitimize the forum's role but also create an enabling environment that supports peaceful conflict resolution and fosters long-term community stability.

5.3 Lessons, Reflections and Way Forward

As we near the conclusion of the ADR guidebook, it is useful to reflect on the lessons learnt during the SCDR project, which could be utilised as critical points to strengthen future ADR projects adopting community dialogue approaches.

◈ **Recognition from government authorities**: During the SCDR project, the ADR forums gained recognition from government entities. However, a key lesson is to further increase government and public authority support to sustain the forum's work in the long run. This can be achieved by collaborating with national organizations and government institutes to solidify the ADR forum's position as a trusted body.

◈ **Support for forum members**: To encourage active engagement, participants whose livelihoods are affected by their involvement in ADR activities should be provided with allowances or compensation. This would reduce barriers to participation, especially for those who face financial challenges.

◈ **Comprehensive capacity building and orientation programmes**: A more comprehensive orientation should be provided to forum members to raise awareness and foster a deeper understanding of ADR processes. This could also involve spending more time on key topics related to ADR processes and gaining a nuanced understanding of the practical tools utilised in dispute resolution. ADR members should further build their capacity and knowledge in areas such as non-violent communication, law, human rights, and reporting skills. Enhanced training in these areas would equip them with the tools needed to handle disputes more effectively and professionally.

◈ **Managing expectations:** To avoid creating false promises or unrealistic expectations within the community, the ADR forum needs to manage expectations. Being a forum member is a responsible task as it requires building and maintaining trust. It is crucial to clarify the scope of their work and focus on resolving disputes within their capacity, without overcommitting or making unattainable promises.

◈ **Time Management and Efficiency:** ADR processes should be streamlined to avoid unnecessary delays and postponements, which can lead to third-party interventions or manipulations. Maintaining consistent engagement and rapport with the parties throughout the process is key to ensuring the resolution remains within the committee's control.

◈ **Maintaining Authority:** ADR members may face challenges related power dynamics, particularly when their authority being questioned by the public. To prevent this, it is important to build on the ADR committee's credibility and ensure that they act with transparency and consistency in all their dealings, fostering confidence in their abilities.

It is your turn!

Now that you have a sound understanding of the process of setting up an ADR forum, what are three key takeaways from the SCDR project that you want to take back to your organization or community?

1..

2..

3..

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