

Lessons from Ancient Practices of Using Buddhist Teachings for Dispute Resolutions in Sri Lanka to Enhance Recent Trends of Alternative Dispute Resolution Methods - A Legal Analysis

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As mentioned in the Oxford Dictionary (2017), a conflict could mean ‘A serious disagreement or argument, typically a protracted one. A prolonged armed struggle. A state of mind in which a person experiences a clash of opposing feelings or needs. A serious incompatibility between two or more opinions, principles, or interests.’ The usual judicial procedure does not, however, handle the complexity of some of these problems. It requires an independent method with an independent and unbiased knowledgeable third person to resolve these disputes. These processes such as Arbitration, Mediation, Conciliation and Negotiation are recognized as Alternative Dispute Resolution methods (ADR). These methods, while not novel, are similar to some ancient methods which are similar to the current Alternative Dispute methods. The main problem examined in this research is how traditions of Sri Lankan conflict/ dispute resolution methods might be used to improve the legitimacy of present Sri Lankan ADR approaches. The objective of this research is to evaluate the practicalities of those ancient methods and to find out and recommend some novel concepts in to the current ADR methods. This study is based on normative research which analyses primary and secondary sources relevant to the subject. Furthermore, this research would analyse to what extent the ancient methods can be used to develop the efficiency of current ADR methods, most importantly with the principles used in ancient Sri Lanka with reference to Buddhist teachings.

Keywords: Ancient dispute resolutions, Buddhist teachings, Alternative dispute resolution (ADR), Sri Lanka