

Post-Tsunami Mediation in Aceh and Sri Lanka

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'The best year of my life' is how I describe to those who ask about the past ten months I have been living and working in Asia. Accepted originally for a two month summer internship with the United Nations in Aceh, Indonesia, the fascinating work, people and place led me to extend to a full six month internship. At the end of this, enthused and excited about the work, I carried on to four months in Sri Lanka working with an international NGO respected for its work in conflict situations. A week's holiday in Thailand on the way home, after working consistent 12-14 hour days, often six days a week, rounded off this most amazing experience.

Through the work I was involved with, I was able to gain an insight into various aspects of dispute resolution practise in both Aceh and Sri Lanka. This article will give a brief outline of one interesting aspect of this: the use of mediation in post-tsunami disputes.

In the aftermath of the December 2004 tsunami, which caused the death of almost 170 000 people in Aceh, several legal issues arose affecting those most vulnerable in the community. For example, many wives did not have their name on the certificate of title of their land and homes. When husbands passed away, these women, left to look after surviving children were left without sufficient resources and land. Others critical legal issues related to inheritance and the guardianship of orphans. An NGO called International Development Law Organisation (IDLO) focused on community mediation training and legal rights awareness to help address these recurring issues. Using local lawyers and Judges, IDLO have been running community mediation training alongside legal rights awareness programs for the past three years in communities around Aceh. Traditionally, village leaders have been involved in community level dispute resolution based around both customary (*adat*) law and Islamic (*syariah*) law. The training built on these competencies and was also designed to build trust and community cohesion in communities recovering from not only the tsunami but also the previous 30 years of violent conflict with the Central Indonesian Government, which only ended in a peace agreement signed in 2005.

After Aceh, Sri Lanka was the country next most severely impacted by the tsunami. In response to the many complicated legal issues arising from the tsunami, and in some parts of the country, also from three decades of internal conflict, the Government amended their Mediation Act 2003 to provide for the establishment of Tsunami Special Mediation Boards. Mediator training of local professionals with varied backgrounds ranging from retired public servants to lawyers and engineers included basic mediation skills, international principles of internally displaced persons (IDPs) and the Special Tsunami Law 2005. The amendment made it mandatory for disputes arising from the tsunami which involved values less than Rs500 000 (\$NZ8000) to be handled by the Mediation boards before filing a court action. In what is considered to be the second most litigious society in the contemporary world, ironically the mediation amendment itself generated court action. Its constitutional validity was challenged in the Supreme Court by those claiming that by covering social and economic issues, it inappropriately interfered with the judicial process. However this petition failed and the Boards were duly established. Since then, the Tsunami Special Mediation Boards have been busy dealing with various issues, including land

demarcation disputes, complaints against public official regarding tsunami relief and redress, lost land documents and balancing assistance from NGOs between communities, ethnic and religious groups.

It has been such a privilege to work in these parts of the world; to play a small part in a much wider struggle for recovery, peace and development and to gain insights into various aspects of culture, dispute resolution and law. I wish to sincerely thank LEADR for their support and financial contribution, helping enable me to undertake these unpaid internships.

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