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# Undisputed success



By Piyumi Buddhakorala

Arbitration, to many a person's lack of knowledge, as one finds, is use of an arbitrator to settle a dispute as the *Oxford Dictionary* describes it. A form of alternative dispute resolution (ADR), such a process occurs outside of your ordinary courts and is a settlement technique in which a third party reviews the case and imposes a decision that is legally binding on both sides. It is most commonly used for the resolution of commercial disputes. A commercial dispute involves any disagreement between two businesses, usually regarding a contract. So no, you may not take your divorce case and 'arbitrate' your way through it. One particular centre, the Sri Lanka National Arbitration Centre (SLNAC) is the oldest Institution in the country in the administration of arbitrations for the resolution of commercial disputes having been established and incorporated in the year 1985. SLNAC's future role includes efforts to attract international arbitrations to Sri Lanka as a service provider and to make commercial dispute resolution by arbitration expeditiously, cost effective under due process of law.

**Resolving disputes**  
Hony. Chief Executive Officer/ Legal Advisor of the Sri Lanka National Arbitration Centre, Hiran de Alwis is a Legal Counsel

in Colombo holding a Post Graduate Diploma in Law (International Dispute Resolution) from the University of London and is a Chartered Arbitrator, a Member of the Chartered Institute of Arbitrators London (MCI Arb.).  
"We offer neutral venues for parties to resolve disputes instead of having to go to courts," De Alwis states. "If it is a local arbitration we hold it in our chambers in Vauxhall Street. Although parties are free to decide a venue of their own." For foreign cases they are able to again, either have it within their chambers or a five star hotel.  
"A higher fee means more income for the Centre, more opportunities for professionals and if by chance the government is short of foreign exchange, this is a good idea!" he comments with a laugh. They make it a point not to interfere in the cases and simply provide the venue, stenographers, available both in English and Sinhala and safe custody of documents. The parties also have the option of selecting a judge of their liking.  
**International arbitrations**  
Stressing on the importance of receiving international arbitrations he informs that it boosts international commerce for businesses and export/import. It also helps in the field of professionalism and the service industry as most lawyers who pass out and are unemployed may find opportunities in arbitration centres

vice tourism where international arbitrators may fly down to Sri Lanka and after the case is closed can indulge in a bit of Sri Lankan culture, possibly go to the Cultural Triangle.  
He states that more importantly with such a legal background and English skills Sri Lanka can be a neutral international arbitration centre. "We can rival Dubai and India," he says.  
With high standards for internalisation SLNAC needs the support of professionals, trade chambers, the media and the government as a facilitator. De Alwis explains that neutrality is of the highest importance. He further explains they remain strictly independent, and adds "We don't ask the state for help. We're not a profit oriented institution."  
**Not reading the contract**  
A major problem that many a citizen of this country is faced with is, not reading the contract fully and signing for terms and conditions they do not agree on. De Alwis cited an incident in Sri Lanka where two young boys developed a software product online and used an agreement found on the internet for their contract. When selling the product to their customer they faced the problem of having to go to Delaware, USA to sign the dispute resolution clause which they had unknowingly agreed to as stated in the contract. Having no money to afford a trip to the USA, the two were left penniless for their

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such as SLNAC. He goes on to add efforts. This is one of many cases that occur. De Alwis insists that



SLNAC Chambers in Vauxhall Street

SLNAC itself has taken up the task of holding seminars and advising law students to keep one and all well informed of legal documents and contracts and what one must be aware of when signing contracts.  
**New initiatives**  
The long serving Chief Executive Officer/Legal Advisor of the Sri Lankan National Centre is Edgar Cooray, a lawyer who has served in the capacity of CEO/Governor from its inception. However at the request of the Board of Governors, he continues to serve as a Governor. On an average, the centre conducts approximately 20 arbitration sittings per week. On a monthly basis the arbitration hearings total to a near 100. With its proceedings taking place with speed and accuracy it saves one the trouble of going through the usual courts which may sometimes take years to resolve cases.  
SLNAC has cooperation agreements with the Giant Triple "A" of the USA, Korean Commercial Arbitration Organisation and also with the Australia International Arbitration Centre, Hong Kong and Singapore International Arbitration Centres.  
Several new initiatives to make the arbitral process more efficient and thereby assist the business community to resolve commercial disputes for the public and the country to benefit by its dispute resolution mechanism is envisaged.