

**EVALUATING THE SUCCESS LEVEL OF DESIRED
OUTCOMES OF ALTERNATIVE DISPUTE
RESOLUTION METHODS IN BUILDING PROJECTS IN
SRI LANKA**

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(179160B)

Degree of Master of Science in Construction Law and Dispute
Resolution

Department of Building Economics

University of Moratuwa

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March 2020

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DECLARATION

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Evaluating the Success Level of Desired Outcomes of Alternative Dispute Resolution Methods in Building Projects in Sri Lanka

The success or failure of dispute resolution depends comprehensively on implementing a mechanism to resolve the particular dispute while having a sound understanding of the ideologies and features of each dispute resolution method. This document reported a study on the features of both traditional and Alternative Dispute Resolution mechanisms including litigation, negotiation, mediation, adjudication, arbitration and hybrid methods. Even though, the topic Alternative Dispute Resolution in construction industry has been rapidly addressed, the actual scenario of achieving desired outcomes by using Alternative Dispute Resolution for resolving construction disputes has not been discussed sufficiently.

The aim of this research was to evaluate the success level of using Alternative Dispute Resolution methods to resolve disputes in building projects in Sri Lanka by assessing the level of achieving desired outcomes of Alternative Dispute Resolution (ADR). The research employed a mixed research approach entailing semi-structured interviews as the preliminary stage and case studies as the following stage. Subsequently, manual content analysis and cognitive mapping were used to capture and map the major findings from the interviews and case studies.

Results of the analysis elicited that there are five highly desired outcomes of using ADR hence those were evaluated under each case study to review the achievement level. Accordingly, the analysis evident that the parties would not get desired outcomes of ADR as expected and the research has identified six main reasons for this cause. Finally, recommendations were provided to enhance the level of achieving desired outcomes of using ADR by minimizing the loop holes identified in case study findings.

Key Words: *Alternative Dispute Resolution, desired outcomes, level of achieving*

*I dedicate this piece of work
to my beloved family
members.....*

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Gamage I.S.

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LIST OF ABBREVIATIONS

ADR – Alternative Dispute Resolution

CIDA – Construction Industry Development Authority

DRB or DAB - Dispute Review Board or Dispute Adjudication Board

FIDIC- The International Federation of Consulting Engineers

JCT - Joint Contracts Tribunal