APPLICATION OF THE MED-ARB HYBRID ADR METHOD IN SRI LANKAN HIGH-RISE BUILDING CONSTRUCTION

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Declaration Page of the Candidate & Supervisor

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Abstract

APPLICATION OF THE MED-ARB HYBRID ADR METHOD IN SRI LANKAN HIGH-RISE BUILDING CONSTRUCTION

The high-rise building sector in Sri Lanka is increasingly being influenced by multi-party disputes over time, costs, quality and scope which limits the available solution within the traditional litigation process and the stand-alone ADR mechanisms. The study determines the appropriateness of Med-Arb which is a composite method of mediation and arbitration as a context-sensitive dispute resolution channel in high-rise construction projects in Sri Lanka. The research initially reviews the peer-reviewed articles on the local dispute patterns, the current ADR use, and the international trends in the hybrid use of the models to determine the theoretical context and find a definite gap in the empirical evidence regarding Med-Arb in the Sri Lankan construction industry. It goes on to follow a qualitative, interview-based approach with purposive samples of twelve practitioners with experience in ADR use, attitude towards hybrid ADR, and closer perceptions of Med-Arb process designing, safeguards, and implementation needs. The results prove that the most common ADR techniques used in high-rise conflict include negotiation, mediation, and arbitration, whereas hybrid approaches, such as the Med-Arb, are still at an infantile phase as a more of a conceptualization rather than a customary way of doing things. Experts see Med-Arb as having a potential of providing outcomes that are more cost efficient and technically sound, and that is more likely to maintain commercial relationship by settling most disputes in an encouragement period and arbitration settlement of remaining disputes. Drawing on literature and field work, the investigation comes up with a practice-based strategic approach that details the roles, steps, safeguards, and facilitating circumstances of Med-Arb in high-rise construction on Sri Lanka to include capacity-building, early activation, role-separation procedures, and the incorporation of Med-Arb terms into standardized contracts. Overall, the study presents Med-Arb as a prospective yet not sufficiently tested hybrid ADR technique the effective implementation of which requires a meticulous design of the procedure, specific training, and favorable contractual and institutional frameworks.

Keywords: Arbitration, Construction, Dispute, Mediation, Sri Lanka

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