

**ADOPTING TO ONLINE DISPUTE RESOLUTION TO
RESOLVE DISPUTES IN SRI LANKAN
CONSTRUCTION INDUSTRY**

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Master of Science in Construction Law and Dispute Resolution

Department of Building Economics

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DECLARATION

I declare that this is my own work, and this dissertation does not incorporate without acknowledgement any material previously submitted for a degree or diploma in any other University or Institute of higher learning and to the best of my knowledge and belief it does not contain any material previously published or written by another person except where the acknowledgement is made in the text. I retain the right to use this content in whole or part in future works (such as articles or books).

Signature:

Date:

The above candidate has carried out research for the Masters dissertation under my supervision. I confirm that the declaration made above by the student is true and correct.

Name of Supervisor: Prof. Y.G. Sandanayake

Signature of the Supervisor:

Date:

DEDICATION

To my beloved parents who upgraded my life providing their boundless love, care and encouragement

To my loving husband who always encouraged me and supported me and for his care for me and two kids and for the time he dedicated for me to make this research success

To my loving sister who providing all time motivation dedicating her time

To my mother-in-law for her valuable support to make this research success

To my dear research supervisor Prof. Yasangika Sandanayake for her great supervision to make this success

I dedicated this research to all of them

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ABSTRACT

Adopting to online dispute resolution to resolve disputes in Sri Lankan construction industry

Dispute is an outcome of a problem which emerged when the minds are not met. Disputes are unavoidable in construction industry due to its inherent characteristics. Both litigation and ADR approach is deployed to resolve disputes in Sri Lankan construction industry. With the development of information and communication technology, electronic based ADR become popular among the companies as well as the construction industry. When considering the Sri Lankan construction industry, it requires a faster and cost-effective ADR practices than before with the gradual increasing of the complexity and number of construction projects. There is therefore a pressure to accelerate the system digitalisation since the technology can also handle more complicated disputes in Sri Lankan construction industry. Hence, this research was conducted with the aim of investigating the possibility of adopting ODR to resolve disputes in Sri Lankan construction industry. Accordingly, a comprehensive literature review was conducted followed by semi-structured interviews with 15 construction industry dispute resolution experts selected through purposive sampling method under the qualitative research approach. The collected data was analysed through manual content analysis.

According to the findings, adjudication, arbitration, negotiation, mediation, conciliation, expert determination and amicable settlement are the ADR practices used in Sri Lankan construction industry. However, most of the respondents were not satisfied with the current ADR process since they were unable to receive the expected outcome from them. Besides, all the respondents were aware about the ODR concept and most of them considered ODR as conducting ADR practices through online. Sri Lankan construction industry require ODR since to address increasing number of claims, cost effectiveness, quick resolution, switching to novel working arrangement and to minimise deficiencies in current mechanism. Respondents stated that ODR is highly applicable for arbitration, adjudication, DRB and pre-trials in Sri Lanka. The benefits of ODR includes virtual presence, global accessibility and convenience. Key challenges to implement ODR in Sri Lanka includes lack of awareness of ODR concept, privacy and confidentiality issues and lack of trust. Development of approachable platforms, training programs, designing trustworthy platforms are some of the strategies that can be taken to support ODR implementation in Sri Lanka. The findings of this research will assist the Sri Lankan construction industry to enhance the efficiency and effectiveness of ODR.

Keywords: Alternative Dispute Resolution (ADR); Construction Industry; Dispute Resolution (DR); Online Dispute Resolution (ODR), Sri Lanka.

TABLE OF CONTENT

DECLARATION	i
DEDICATION	ii
AKNOWLEDGEMENT	iii
ABSTRACT	iv
TABLE OF CONTENT	v
LIST OF FIGURES	ix
LIST OF TABLES	x
LIST OF ABBREVIATIONS	xii
LIST OF APPENDICES	xiii
CHAPTER 1	1
INTRODUCTION TO RESEARCH	1
1.1. Research Background	1
1.2. Research Problem	2
1.3. Aim and Objectives.....	3
1.4. Research Methodology	4
1.5. Scope and Limitations.....	4
1.6. Chapter Breakdown	4
1.7. Chapter Summary	5
CHAPTER 2	6
LITERATURE REVIEW	6
2.1. Introduction to the Chapter	6
2.2. Disputes in Construction Industry.....	6
2.3. Causes Behind the Disputes in Construction Industry	6
2.4. Effects of Disputes on Construction Industry	7
2.5. Dispute Resolution in Construction Projects	7
2.6. Dispute Resolution Mechanisms.....	8
2.6.1. Amicable Settlement	9
2.6.2. Negotiation.....	9
2.6.3. Conciliation.....	9
2.6.4. Mediation	9
2.6.5. Expert Determination	10

2.6.6.	Adjudication.....	10
2.6.7.	Arbitration.....	11
2.7.	Traditional Dispute Resolution Practices.....	11
2.7.1.	Benefits of Traditional Dispute Resolution Practices	12
2.7.2.	Drawbacks of Traditional Dispute Resolution Practices.....	13
2.8.	Modern Dispute Resolution Practices.....	14
2.8.1.	Benefits of Modern Dispute Resolution Practices	14
2.8.2.	Drawbacks of Modern Dispute Resolution Practices.....	16
2.9.	Disputes Resolution Methods Used in Sri Lankan Construction Industry.....	17
2.10.	Nature of Current Legal Background of Dispute Resolution Methods in Sri Lanka	17
2.11.	Online Dispute Resolution (ODR).....	19
2.11.1.	Benefits of ODR Implementation	20
2.11.2.	Challenges for the ODR Implementation.....	24
2.11.3.	ICT Infrastructure for ODR	26
2.11.4.	Global ODR practices and cases	27
2.11.5.	Legal and Regulatory Framework for the ODR.....	28
2.12.	Need of Online Dispute Resolution to Sri Lankan Construction Industry.....	29
2.13.	Chapter Summary	30
CHAPTER 3.....		31
RESEARCH METHODOLOGY		31
3.1.	Introduction to the Chapter	31
3.2.	Research Design.....	31
3.3.	Research Approach	31
3.4.	Research Framework.....	32
3.5.	Research Method	32
3.5.1.	Literature Review.....	33
3.5.2.	Semi-structured Interviews	33
3.5.3.	Sampling Technique	34
3.5.4.	Interview Guideline Design	34

3.5.5.	Data Analysis Techniques.....	34
3.6.	Chapter summary	35
CHAPTER 4.....		36
RESEARCH FINDINGS AND DISCUSSION.....		36
4.1.	Introduction to the Chapter	36
4.2.	Semi-Structured Interviews.....	36
4.3.	Knowledge and Awareness of Current Dispute Resolution Methods.....	37
4.3.1.	Awareness of the Dispute Resolution Mechanisms	37
4.3.2.	ADR Practices Used in Sri Lankan Construction Industry DR	37
4.3.3.	Awareness about the Legislative Provisions for ADR.....	38
4.3.4.	Experience in ADR Methods Used in Sri Lanka	39
4.3.5.	Benefits and Drawbacks of ADR Methods.....	41
4.3.6.	Respondents' Satisfaction with the Current DR Process in Sri Lanka and Its Deficiencies.....	44
4.3.7.	Awareness of the Online Dispute Resolution Concept	45
4.3.8.	Experience of ODR Use in Dispute Resolution	45
4.3.9.	Infrastructure for ODR.....	46
4.3.10.	Legislative Provisions Accompanied with ODR	47
4.3.11.	Requirement of ODR for Sri Lanka	47
4.3.12.	Benefits of ODR.....	51
4.3.13.	Challenges in Implementing ODR	55
4.3.14.	Benefits and Drawbacks of Applying ODR to Different ADR Practices	57
4.3.15.	Strategies to Support ODR Implementation in Sri Lankan Construction Industry	62
4.4.	Summary of Research Findings and Discussion.....	65
4.5.	Chapter Summary	68
CHAPTER 5.....		69
CONCLUSIONS AND RECOMMENDATIONS.....		69
5.1.	Chapter Introduction	69
5.2.	Conclusions of the Study	69
5.3.	Recommendations for Industry Practitioners.....	71

5.4. Recommendations for Further Research.....	71
5.5. Concluding Remarks.....	72
LIST OF REFERENCES	73

LIST OF FIGURES

Figure	Description	Page
Figure 1.1	Chapter breakdown	4
Figure 2.1	Costs and level of control of the DR mechanisms	8
Figure 2.2	Development of ODR	20
Figure 2.3	Components of ODR platform	26
Figure 3.1	Research framework	32
Figure 4.1	Summary of data analysis	66

LIST OF TABLES

Table	Description	Page
Table 2.1	Benefits of traditional DR practices in construction industry	13
Table 2.2	Drawbacks of traditional DR practices in construction industry	14
Table 2.3	Benefits of modern DR practices in construction industry	16
Table 2.4	Drawbacks of modern DR practices in construction industry	17
Table 2.5	Benefits of implementing ODR	23
Table 2.6	Challenges of implementing ODR	25
Table 2.7	ICT infrastructure required for ODR implementation	27
Table 3.1	Consistency of the interview guideline	34
Table 4.1	Respondent profile	36
Table 4.2	Benefits and drawbacks of ADR methods	41
Table 4.3	Agreement of respondents on benefits of ODR implementation	51
Table 4.4	Agreement of respondents on challenges of ODR implementation	55
Table 4.5	Benefits and drawbacks of applying ODR to arbitration	58
Table 4.6	Benefits and drawbacks of applying ODR to negotiation	58
Table 4.7	Benefits and drawbacks of applying ODR to adjudication	59
Table 4.8	Benefits and drawbacks of applying ODR to mediation	59
Table 4.9	Benefits and drawbacks of applying ODR to conciliation	60
Table 4.10	Benefits and drawbacks of applying ODR to DRB	60
Table 4.11	Benefits and drawbacks of applying ODR to pre-trial	61
Table 4.12	Benefits and drawbacks of applying ODR to expert determination	61

Table 4.13	Benefits and drawbacks of applying ODR to amicable settlement	62
Table 4.14	Strategies to implement ODR in Sri Lankan construction industry	64

LIST OF ABBREVIATIONS

Abbreviation	Description
ADR	Alternative Dispute Resolution
AI	Artificial Intelligence
BIM	Building Information Modelling
CIDA	Construction Industry Development Authority
CRT	Civil Resolution Tribunal
DRB	Dispute Review Board
DR	Dispute Resolution
ICT	Information and Communication Technology
IT	Information Technology
NAC	National Arbitration Center
ODR	Online Dispute Resolution
SBD	Standard Bidding Document
SCR	Supreme Court Rules

LIST OF APPENDICES

Appendix	Description	Page
Appendix - A	Sample Interview Guideline	85
Appendix - B	Sample Interview Transcript	93
Appendix - C	Data Analysis Summary Tables	109