

**APPLICATION OF ARBITRATION & ADJUDICATION
METHODS: THEORETICAL & PRACTICAL
DIFFERENCES WITHIN SRI LANKAN
CONSTRUCTION INDUSTRY**

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University of Moratuwa

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postgraduate degree.

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2. DECLARATION

I declare that this dissertation is my own work, and it 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 in my 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 the content of this dissertation in whole or part in future works (such as articles or books).

UOM Verified Signature

Signature:

Date: ...25/11/2025

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

Name of Supervisor: Mr. M.D.T.E. Abeynayake

UOM Verified Signature

Signature of the Supervisor:

25/11/2025
Date:

3. DEDICATION

I would like to dedicate the dissertation work to my immediate family (wife, mother, son and daughter) where their understanding on my contribution to this work pleased me throughout the course of the dissertation. All of them were beside my determination to complete this hard work and understand their time with me in the process.

4. ACKNOWLEDGEMENT

In this work I specially acknowledge turning an idea into a dissertation is hard as it sounds. I especially want to thank the individuals who contributed to achieve my dissertation goal.

The dissertation is developed with the contribution of a lot of party information processed by me to suite the purpose. Other than literature references, some information is gathered by various means such as through industry experience, becoming student of various institutions, participant of workshops, seminars, CPDs, meetings, hearings and discussions. Therefore, I would like to acknowledge the contribution of following personnel towards several inclusion of the dissertation. They are namely my supervisor for this dissertation, academic staff of post graduate MSc. (CL&DR) programme of University of Moratuwa, academic staff of ICPL diploma course for commercial Arbitration, other various institutions that I have a membership, present employer, employers of my previous employment establishments, respondents of questionnaire survey as well as industry experts who contributed immense to reach the conclusion of the research.

5. ABSTRACT

Arbitration and Adjudication methods in Sri Lankan construction industry is not very famous within professionals working in the industry. Unexpected ignorance of AAA by the professionals is the treatment received at most of construction places. With available literature, there is also very limited opportunity to do research for finding application methods and their differences in the industry. At international and local arenas, it is very hard to find resources available to match the required values as references. During the research, targeted respondents are also very reluctant to provide their output. Industry experts, though they are struggling with their own construction problems provided best values to the topic. Development of framework to formalize questionnaire as well as the interview become a hurdle with limited resource references. Inputs from case studies have provided a considerable clear path towards analytical stage and thereafter. Results of the data analysis of questionnaire survey, turned the approach for recognizing effective methods, incorrect behavior pattern and applications of dispute resolution methods and their limitations. Substantial research target is reached at end of analysis to interviews. The research is conducted in mixed survey methods and presented having applications of RII, MWR and NVIVO analytical systems. Recommendation is mainly based on solution to problematic differences of theory and practicality. Capability of extraction to research values and findings of methodical analysis have lightened up the solution proposed. Suggested new theory and governing institution shall rearrange existing implemented methods. Proceeding with the new arrangement shall place AAA practice in quite attractive position within Sri Lanka Construction Industry.

Keywords: Arbitration, Adjudication, Differences, Methods, Application

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9. LIST OF ABBREVIATIONS

<u>Abbreviation</u>	<u>Description</u>
AAA	Adjudication and Arbitration
ADR	Alternative Dispute Resolution
AOA	Adjudication or Arbitration
AT	Arbitration Tribunal
CIDA	Construction Industry Development Authority
DAA	Dispute Adjudication Agreement
DAB	Dispute Adjudication Board
DB	Dispute Board
D&B	Design & Build
DR	Dispute resolution
EAC	Employer and Contractor
EOT	Extension of Time
EPC	Engineering, Procurement and Construction
FIDIC	Federation Internationale Des Ingenieurs-Conseils
GCOC	General Conditions of Contract
HC	High Court
ICC	International Construction Chambers
ICLP	Institute; Development of Commercial Law & Practice
IESL	Institute of Engineers Sri Lanka
JCT	Joint Construction Tribunal
MWR	Morale well-being recreation
M&P	Measure and Pay
NEC	New Engineering Contract
NGO	Non-Government Organization

List of Abbreviations, Contd....

RII	Relative Importance Index
SBD	Standard Bidding Document
SIAC	Singapore International Arbitration Centre
SLAA	Sri Lanka Arbitration Act
SLIA	Sri Lanka Institute of Architects
SLNAC	Sri Lanka National Arbitration Centre

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