

**A STUDY ON HYBRID VERSIONS OF ALTERNATIVE
DISPUTE RESOLUTION METHODS IN SRI LANKAN
CONSTRUCTION INDUSTRY**

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Degree of Master of Science in Construction Law and Dispute
Resolution

Department of Building Economics

University of Moratuwa
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DECLARATION

I, M.H. Mahesh Madushanka, 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.

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The above candidate has carried out research for the Masters' Dissertation under my supervision.

Name of the supervisor: Prof.(Ms) Udayangani Kulatunga

Signature of the supervisor:

Date:

DEDICATION

This dissertation is dedicated to all those who have played a significant role in my academic and personal journey.

ACKNOWLEDGMENT

It's my obligation to be thankful to all lecturers who provided me useful ideas on the Study and made many successful suggestions I have taken efforts in this research study. Nevertheless, this would have not been a success without the immense support of several individuals and organizations. I wish to extend my sincere gratitude to them all.

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My special thanks go to my dearest friends and colleagues for their undue support and good wishes. I'm forever thankful to my parents for backing me up in every achievement of my life. Lastly, I wish to express my heartfelt gratitude to my loving wife who has always been the strength behind my success.

M.H. Mahesh Madushanka.

ABSTRACT

A STUDY ON HYBRID VERSIONS OF ALTERNATIVE DISPUTE RESOLUTION METHODS IN SRI LANKAN CONSTRUCTION INDUSTRY

The construction industry in Sri Lanka is faced with numerous challenges related to the resolution of disputes. Traditional litigation processes are often time-consuming, costly, and adversarial, causing significant delays and financial losses for all parties involved. In response, alternative dispute resolution (ADR) methods have gained popularity as more efficient and collaborative approaches to resolving conflicts.

This study explored the appropriateness of using Hybrid Alternative Dispute Resolution methods in the Sri Lankan construction industry. The study commenced with an extensive literature review to identify existing hybrid ADR methods in construction industries globally and highlight their potential benefits and drawbacks. This provided a foundation for developing a conceptual framework for hybrid ADR methods tailored to the Sri Lankan construction industry. Semi-structured interviews were conducted with a purposive sample of 15 participants who had frequently engaged in dispute resolution. The study gained in-depth insights into the advantages, challenges, and overall satisfaction with Hybrid Alternative Dispute Resolution methods and participants' recommendations for improvement.

Content analysis was applied to the interview data. The key advantages identified by the participants included time efficiency, cost efficacy, privacy and confidentiality, neutrality and impartiality, having greater control over the process, and maintenance of a healthy business relationship. However, the respondents also emphasized the challenges in applying Hybrid ADR methods, such as lack of awareness concerning Hybrid ADR methods, absence of a dedicated institution or a statutory body, and lack of trained professionals. They also made necessary suggestions and recommendations for improving the use of Hybrid Alternative Dispute Resolution methods.

Keywords: *Alternative Dispute Resolution (ADR), Hybrid Alternative Dispute Resolution Methods, Negotiation, Mediation, Conciliation, Arbitration.*

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LIST OF ABBREVIATIONS

| Abbreviations | Explanation |
|----------------------|--|
| AAA | American Arbitration Association |
| ADR | Alternative Dispute Resolution |
| Arb-Con-Arb | Arbitration-Conciliation-Arbitration |
| Arb-Med | Arbitration-Mediation |
| Arb-Med-Arb | Arbitration-Mediation-Arbitration |
| ASFE | Associated Soil and Foundation Engineers |
| CCMA | Commission for Conciliation, Mediation and Arbitration |
| CIDA | Construction Industry Development Authority |
| CMCSL | Commercial Mediation Centre of Sri Lanka |
| DAB | Dispute Adjudication Board |
| DRB | Dispute Review Board |
| FIDIC | Federation Internationale Des Ingenieurs-Conseils |
| FMCS | Federal Mediation and Conciliation Service |
| ICLP | Institute of Commercial Law and Practice |
| ICTAD | Institute for Construction Training and Development |
| ICT | Information and Communication Technologies |
| LRA | Labour Relations Act |
| Med-arb | Mediation-Arbitration |
| SBD | Standard Biding Document |
| SIAC | Singapore International Arbitration Centre |
| SIMC | Singapore International Mediation Centre |