

**INVESTIGATE THE MOST SUITABLE
PROFESSIONAL TO BE AN ARBITRATOR IN THE SRI
LANKAN CONSTRUCTION INDUSTRY**

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Resolution

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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.

Further, I acknowledge the intellectual contribution of my research supervisor Ch.QS. Prof. (Mrs.) B.A.K.S. Perera for the successful completion of this research dissertation. I affirm that I will not make any publication from this research without the name(s) of my research supervisor(s) as contributing author unless otherwise I have obtained written consent from my research supervisor.

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I hereby acknowledge that Edirisinghe Arachchillage Ayesha Priyadarshani has followed the dissertation process for the Master's Dissertation set by the Department of Building Economics under my supervision.

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ABSTRACT

INVESTIGATE THE MOST SUITABLE PROFESSIONAL TO BE AN ARBITRATOR IN THE SRI LANKAN CONSTRUCTION INDUSTRY

Construction projects are performed in the construction industry under numerous legal agreements involving various parties. Mechanisms for resolving conflicts are required for the successful completion of construction projects. The merits of adopting Alternative Dispute Resolution (ADR) processes depend on the terms of the contract and the preferences of the disputing parties. Currently available studies fail to resolve the disagreement between the key competencies possessed by each of the professionals who serve as arbitrators for the construction industry in Sri Lanka. Few authors, however, have conducted systematic studies on the critical competencies required for an arbitrator to succeed in their profession and provide the best, unbiased resolution after the arbitration process. In the Sri Lankan construction industry context, this illustrates the imperative requirement to evaluate and appreciate the qualifications of professionals in the industry. Thus, this study aims at the suitability of professionals as arbitrators in the construction industry based on their competencies. The research apprehends a qualitative approach, and the objectives were achieved through a literature review and sixteen (16) semi-structured interviews among arbitration professionals in the construction industry. Selected professionals for this study are Engineers, Quantity Surveyors, Architects, and Lawyers. The findings illuminated suitability, not suitability, and any modifications needed of those selected professionals. Furthermore, there is a comprehensive comparison of competencies required by an Arbitrator and the competencies of selected professionals for this study. Finally, the findings recommended the most suitable professional for the construction industry arbitration.

Keywords: Construction industry, Arbitration, Arbitrator, Competencies, Professionals in the construction industry

DEDICATION

**I dedicate this work
to my beloved parents and
husband
for their love, endless support,
and encouragement!**

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LIST OF ABBREVIATION

ADR	Alternative Dispute Resolution
AIAC	Asian International Arbitration Centre
CAS	The Court of Arbitration for Sport
CIETAC	The China International Economic and Trade Arbitration Commission
CRCICA	Cairo Regional Centre for International Commercial Arbitration
DIAC	The Dubai International Arbitration Centre
DR	Dispute Resolution
ICC	International Chamber of Commerce
ICDR	The International Centre for Dispute Resolution
ICSID	The International Centre for Settlement of Investment Disputes
KLRCAC	Kuala Lumpur Regional Centre for Arbitration
LCIA	The London Court of International Arbitration
PCA	The Permanent Court of Arbitration
SCC	Stockholm Chamber of Commerce
SIAC	The Singapore International Arbitration Centre
ICE	Institution of Civil Engineers
IESL	Institution of Engineers, Sri Lanka
NSPE	National Society of Professional Engineers
IQSSL	Institute of Quantity Surveyors Sri Lanka
AIQS	Australian Institute of Quantity Surveyors
RICS	Royal Institution of Chartered Surveyors
RIBA	Royal Institute of British Architects
SLIA	Sri Lanka Institute of Architects
ARB	Architects Registration Board
IBA	International Bar Association
BASL	Bar Association of Sri Lanka