

Mediation as an Alternative Dispute Resolution Method in the Construction Industry of Sri Lanka

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Although, the litigation process is the traditional mode of dispute resolution, drawbacks of litigation process have opened up the 'Alternative Dispute Resolution' (ADR) methods for construction disputes. Mediation can be identified as the commonly practicing ADR methods in international construction industry. However, the current experience of mediation in the Sri Lankan construction industry is not that much popular with compared to the other ADR methods. Hence, it is essential to review the suitability of mediation for resolving construction disputes in Sri Lankan construction industry.

Literature survey was done together with the pilot survey for effectiveness in data collection and research problem was approached through case studies of three experienced ADR practitioners in construction dispute resolution. Relevant data were gathered through conducting semi-structured interviews among aforementioned ADR practitioners. Findings of this research study identified the mediation process, advantages, disadvantages, best ways of practicing mediation by overcoming the disadvantages, barriers for the implementation of mediation and best ways of establishment by overcoming the barriers. Based on the research findings, suitability of the process, practice and establishment of the mediation were evaluated to review the overall suitability of mediation in Sri Lankan construction industry.

Results of this research indicate the process, practice and establishment of mediation is suitable for the Sri Lankan context. Further, this research is limited to the evaluating the suitability of mediation only in resolving construction disputes in Sri Lanka and data collection were limited to the experienced ADR practitioners who having analytical knowledge in mediation practice.

Keywords: Mediation, Litigation, ADR, Dispute resolution, Construction industry, Sri Lanka