

6.0 LIST OF REFERENCES

- Abdulhay, S. (2004). *Corruption in International Trade and Commercial Arbitration*, London: United Kingdom: Kluwer Law International.
- Ansari. (2014). "Party Autonomy in Arbitration: "A Critical Analysis" 6(6). Retrieved from: <http://www.sciencepub.net>
- Abeynayaka, M. (2013). Special Features and Experiences of the Full- Term 'Dispute Adjudication Board As An Alternative Dispute Resolution Method In The Construction Industry Of Sri Lanka Retrieved from: <http://www.buildresilience.org/2013/proceedings/files/papers/375.pdf>.
- Abeynayaka, M. (2017). Alternative dispute resolution methods used in the construction industry in sri lanka industry of Sri Lanka. Retrieved from: https://www.academia.edu/35284764/ADR_methods_used_for_construction_industry_sri_lanka?auto=download
- Abeynayaka, M (2008). Special Features and Experiences of the Construction Industry - Arbitration in Sri Lanka. Retrieved from: http://www.irbnet.de/daten/iconda/CIB_DC26734.pdf
- Amaratunga R.D.G., Haigh, R., & Thurairajah, N. (2007). Leadership in construction partnering projects: Research methodological perspective.35-47. Retrieved from http://usir.salford.ac.uk/9883/1/leadership_in_construction.pdf
- American Arbitration Association Commercial Arbitration Rules. R-12, Retrieved from: <https://www.adr.org/>
- Amerasignhe, A.R.B., (2011). "The Sri Lanka Arbitration Act, No 11 of 1995 – A presentation" K.Kanag-Isvaran, PC, S.S Wijeratne, *Arbitration Law in Sri Lanka*. Retrieved from: <https://dynalex.wordpress.com/2017/06/11/to-what-extent-has-the-concept-of-de-localization-permeated-the-legal-regime-of-sri-lanka-a-critical-comparison-with-prevalent-international-standards/>
- Asozu, A.A., Raghvan, V., (2000). The legal frame work for arbitration in Sri Lanka past & present. Retrieved from: <http://heinonline.org/HOL/LandingPage?handle=hein.kluwer/jia0017&div=70&id=&page>

- Arbitration Law in Sri Lanka, (2000). Retrieved from: <http://www.vakilno1.com/saarclaw/srilanka/arbitration-law-in-sri-lanka.html>
- Bay Hotel & Resort Ltd Vs Cavalier Construction Co. Ltd (2001) Privy Council, RetrievedFrom:<http://www.nadr.co.uk/articles/published/ArbLR/Bay%20Hotel%20v%20Cavalier%202001.pdf>
- Bermann, G.A. (2016). Limits to party autonomy in the composition of the arbitral panel, Retrieved from: <https://arbitrationlaw.com/library/limits-party-autonomy-composition-arbitral-panel-chapter-3-limits-party-autonomy>
- Blackaby, N., Redfern & Hunter. (2009). International Arbitration (5th ed), Oxford University Press.
- Blake, S. (2011). A Practical Approach to Alternative Dispute Resolution, London: Oxford University Press.
- Bryman, A., & Allen, T. (2011). Education Research Methods. Oxford: Oxford University Press.
- Carlquist, H.(2006). Party Autonomy and the Choice of Substantive Law in International
- Commercial Arbitration (Master's Thesis, University of Goteborg, Sweden).Retrieved from:<https://gupea.ub.gu.se/bitstream/2077/3079/1/200656.pdf>
- Celikboya,L.O, & Erdem(2016). Promoting Settlement in Arbitration, Retrieved from: www.mondaq.com/turkey/x/477948/trials+appeals+compensation/Promoting+Settlement+in+International+Arbitration
- Chatterjee, C. (2003) The Reality of Party Autonomy in International Arbitration, Journal of international Arbitration.20 (6),539-540.Retrieved from: http://www.accessmylibrary.com/com2/summary_0286-20043302_ITM
- Chovankova,K.(n.d). Arbitration proceedings. Retrieved from: <http://www.uninova.sk/files/sk/fp/ulohy-studentov/2rocnikmgr/arb-proc-extract.pdf>

- Chukwumerjie,O.(1994). Choice of Law in International Commercial Arbitration. Australia, University of Sydney Law School publications.
- Creswell,J.W.(2009).Research design. Retrieved from https://ucalgary.ca/paed/files/paed/2003_creswell_a-framework-for-design.pdf
- Cordero, M. (1999), regarding the recognition of party autonomy as a conflict of laws rule. pp 75-84,Tano Ashehoug.
- Day,J.(2015). Confidentiality in International Arbitration: Virtue or Vice? Retrieved from: https://law.smu.edu.sg/sites/default/files/law/CEBCLA/Notes_Confidentiality_in_International_Arbitration.pdf
- Dalkey, N. C., & Helmer, O. (1963). An experimental application of the Delphi method to the use of experts. *Management Science*, 9 (3), 458-467.
- Demirkan and Celik.,(2017). Arbitrators nationality. Retrieved from: <http://www.internationallawoffice.com/Newsletters/Arbitration-ADR/Turkey/Kolcuolu-Demirkan-Koakl-Attorneys-at-Law/Does-an-arbitrators-nationality-constitute-a-restriction-on-appointment>
- Design building wiki, (2019). Alternative Dispute Resolution for construction. Retrieved from: https://www.designingbuildings.co.uk/wiki/Alternative_dispute_resolution_for_construction_ADR
- Devydenko, D.(2015). Enforcement of Settlement Agreements Reached in Arbitration and Mediation. Retrieved from: <http://arbitrationblog.kluwerarbitration.com/2015/11/25/enforcement-of-settlement-agreements-reached-in-arbitration-and-mediation/>
- Dynalex.,(2017). To what extent has the concept of de-localization permeated the legal regime of Sri Lanka? – A critical comparison with prevalent international standards. Retrieved from: https://dynalex.wordpress.com/2017/06/11/to-what-extent-has-the-concept-of-de-localization-permeated-the-legal-regime-of-sri-lanka-a-critical-comparison-with-prevalent-international-standards/#_ftn2

- Dursun,G.S. (2013).A critical examination of the role of party autonomy in international commercial arbitration and an assessment of its role and extent, Retrieved from : http://www.yalova.edu.tr/Files/UserFiles/83/8_Dursun.pdf
- Elliot,F.,(2013), Is arbitration confidential, Retrieved from:
https://www.fenwickelliott.com/sites/default/files/richard_smellie_-_is_arbitration_confidential.pdf.
- Essays, UK. (November 2013). Obligation Of Performance Reaches To An End Contract Law Essay. Retrieved from: <https://www.lawteacher.net/free-law-essays/contract-law/obligation-of-performance-reaches-to-an-end-contract-law-essay.php?cref=1>
- Expert Evidence.(2016). Role of the arbitrator. Retrieved from:
<http://expert-evidence.com/role-of-the-arbitrator/>
- Farrell,P.Sherratt,F. & Richardson,A. (2016). Writing Built Environment Dissertations and Projects: Practical Guidance and Examples. United Kingdom, John Wiley and Sons.
- Feilzer, M. Y. (2010). Doing mixed methods research pragmatically: Implications for the rediscovery of pragmatism as a research paradigm. *Journal of Mixed Methods Research*, 4(1), pp.6-16.
- Flume,A.(1992).Internal Market autonomy, II(4),155-170.Retrieved from:
http://www.kc.ac.uk/depsta/law/research/cel/events/99_00/internal_market/autonomy.pdf
- Fidel,E.N.(2016). Choosing the Seat in Arbitration Clauses and Agreements. Retrieved from: <http://newjurist.com/choosing-the-seat-in-arbitration-clauses-and-agreements.html>
- Fornara,S., (2017). Institutional vs. ad hoc arbitration: when and why. Retrieved from:
http://www.gasi-arbitration.ch/documenti/37/37_FORNARA_Presentation.pdf
- Gaillard,L., Newman & Richard.D.,(Eds).(2003). The Role of the Arbitrator in Determining the Applicable Law,Guide to International Arbitration. Retrieved

from: http://www.shearman.com/en/newsinsights/publications/2004/01/the-role-of-the-arbitrator-in-determining-the-ap__

Gaillard,F., The Form requirement for arbitration agreements in international commercial arbitration. Retrieved from: <https://www.duo.uio.no/bitstream/handle/10852/20268/26160.pdf?sequence=1>

Gibbs, (2007). Qualitative Coding, Consortium of European social science data archives,

Gillies,P.,(1988). Concise Contract Law, School of Economic and financial studies, Macquarie University. Sydney, Australia, Federation Press.

Godman, P., Roughtan, Dominic., Gilmore, David., Margeston, Gavin., Coney, Peter., & Bailey, Chris.,(2006), Negotiating governing law and dispute resolution clauses in international commercial contracts. Retrieved from: <https://www.lexology.com/library/detail.aspx?g=08a41896-6b21-47fa-91ed-25f9f4b216ce>.

Godman, D., (2016), Different methods of dispute resolution in construction disputes. Retrieved from: <https://www.gdlaw.co.uk/site/blog/sectors-blog/construction-blog/different-methods-of-dispute-resolution-in-construction-disputes>.

Global construction disputes report, (2018). Dispute causes. Retrieved from: <https://www.arcadis.com/media/C/9/C/%7BC9C32C0C-34CD-4D6D-8B12-083EE0349170%7DGlobal%20Construction%20Disputes%202018.pdf>.

Gunawansa,A.(2010). The legal consequences of breach of government undertakings to investors. Retrieved from: <http://www.irbnet.de/daten/iconda/CIB20112.pdf>.

Hammes,M. (2012).Expert witness in arbitration. Retrieved from: <https://files.skadden.com/sites%2Fdefault%2Ffiles%2Fpublications%2FJulie%20Bedard.pdf>

Heuman,L.(2003). Arbitration Law of Sweden: Practice and Procedure, Juris Publishing, New York.

- Harrison, B. & White, E. (n.d). Exclusion of arbitration appeal rights requires ‘final and binding’ clause, Retrieved from: http://www.mcmillan.ca/Files/Bharrison_Exclusionofarbitration.pdf
- Holzmann,H.M., Neuhaus,J.E.,(1995). A Guide to the UNCITRAL Model Law on International Commercial Arbitration. Legislative History and Commentary. America: Kluwer law International Publishers.
- Hunter, M & Redfern, A. (1999) Law and Practice of International Commercial Arbitration, Third Edition, Sweet and Maxwell, London.
- Institute of international law, Resolution of arbitration on between states, state enterprise or state entities, and foreign enterprises 12 September 1989 5. ICSID Review –FILJ 139-(1990). P 31.
- International Chamber of commerce Rules of Arbitration, (2012) Article 17.1. France. Paris.
- Institute of Commercial Law and Practice Rules, (1996). Retrieved from: <http://www.iclparbitrationcentre.com/rules.php>
- International convention of Investment Disputes, (2017). Retrieved From: <https://icsid.worldbank.org/en/Pages/process/Confidentiality-and-Transparency.aspx>
- Isik,F.(2013). The-separability-of-an-arbitration-clause-from-the-underlying-contrat, Retrived from : <http://www.erdem-erdem.av.tr/publications/law-post/the-separability-of-an-arbitration-clause-from-the-underlying-contrat/>
- Jullian D. M. Le (2006). ‘Achieving the Dream: Autonomous Arbitration’ 22(2) Arbitration International 179, 189
- Jefferson, G. (2004). Glossary of transcript symbols with an introduction. In G. H. Lerner (Ed). Conversation Analysis: Studies from the First Generation. (pp: 13-31). Amsterdam: John Benjamins.

Kanag-Isvaran & Wijerathna, S.S.,(2011). Arbitration Law in Sri Lanka, Law and arbitration of Sri Lanka, Nugegoda Srilanka. Deepanee Printers and publishers.

Kanag-Isvaran.,(2016). Arbitration – why has it not worked? a comment on the operation of the arbitration act. Retrieved from <https://www.lawnet.gov.lk/1960/12/31/arbitration-why-has-it-not-worked-a-comment-on-the-operation-of-the-arbitration-act/>

Khatchadourian, M. (2017). Analysis' on the 2017 reforms and amendments in the procedural rules of the Arbitration Centers (Part 3 of 3). Retrieved from: <https://www.linkedin.com/pulse/dr-minas-khatchadourian-analysis-2017-reforms-rules-3-khatchadourian/>

Kazutake,O.(2005). The senian law review, Arbitration and Party Autonomy, Vol. 38, No. 1, 2-2.

Retrieved from: <http://repository.seinan-gu.ac.jp/bitstream/handle/123456789/778/lr-n38v1-p1-31-oku.pdf?sequence=1>

Konrad. (2017). The Arbitral procedure. Retrieved from: <http://konrad-partners.com/knowledge-base/arbitration-guide/the-arbitral-procedure.html>

Lawrence,G.H. (2013). The delicacy of adjudication. Retrieved from: <http://www.iesl.lk/page-1742771>

Legaldesk,(2016). Different type of arbitration and their importance. Retrieved from: <https://legaldesk.com/general/different-types-of-arbitration-and-their-importance>

Masadeh,A.(2013). The court's supportive role in Arbitration under the law of United Arab Emirates. Retrieved from: <http://www.isaet.org/images/extraimages/IJHMS%200101231.pdf>

Marful-Sau,S. (2013). 'Can International Commercial Arbitration Be Effective without National Courts? A Perspective of Courts Involvement in International Commercial Arbitration'. Retrieved from: http://www.dundee.ac.uk/cepmlp/gateway/files.php?file=cepmlp_car13_4_635429854.pdf

- Marsoof, A. (2012). Arbitration Procedure, Law and Facilities in Sri Lanka, Retrieved from: https://www.academia.edu/12938711/Arbitration_Procedure_Law_and_Practice_in_Sri_Lanka?auto=download
- Marsoof, A. (2012) A comment on interim measures and arbitration in Sri Lanka, Retrieved from: https://www.academia.edu/20252590/A_comment_on_interim_measures_and_arbitration_in_Sri_Lanka?auto=download
- Masons. (2011). Institutional vs. 'ad hoc' arbitration. Retrieved from: <https://www.out-law.com/en/topics/projects--construction/international-arbitration/institutional-vs-ad-hoc-arbitration/>
- Matz,D.E (1994). Mediator Pressure and Party Autonomy: Are they Consistent with Each other? *Negotiation Journal*,10(4), 339-365.
- Methods of data collection,. (n.d) Retrieved from: <https://www.google.lk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=0ahUKEwilptT1pZDYAhUErJQKHwIsDG0QFggsMAE&url=http%3A%2F%2Fwww.open.edu%2Fopenlearncreate%2Fmod%2Fresource%2Fview.php%3Fid%3D52658&usg=AOvVaw21k3QPGaJZcW6Qda3nXUUO>
- Nayoum,S.G.(Eds.).(2007). Dissertation research and writing for construction students. United Kingdom. Elsevier publishers Ltd.
- Nabatova, V.(2017). Alternative dispute resolution in the construction industry
- Nihaj,M (2016) Critical analysis of arbitration method Used in the Construction industry in Sri Lanka. Retrieved from: <http://dl.lib.mrt.ac.lk/bitstream/handle/123/13045/Pre-text.pdf?sequence=2&isAllowed=y>
- Obaid,E.(2011).Content analysis. Retrieved from: <https://www.slideshare.net/eibeed/content-analysis-10187392>
- Latham & Watkins.,(2015). Guide to international arbitration. Retrieved from : <https://www.lw.com/thoughtleadership/guide-to-international-arbitration-2014>

- Levin, P. (1998). *Construction Contract Claims, Changes & Dispute Resolution*. 2nd ed. Reston, VA: American Society of Civil Engineers.
- Oetiker, C. (No date). Interim measures of Protection. Retrieved From: <http://www.sadarbitrazowy.org.pl/repository/lewi/upload/InterimMeasuresofProtection.pdf>
- Palkhivala, N. A. (1994). "We, the Nation: The Lost Decades", U B S Publishers' Distributors Ltd., New Delhi.
- Pulkowski, D. (2017). Arbitrator-Appointment-under-UNCITRAL-Rules, Retrieved from: <http://www.cids.ch/wp-content/uploads/2017/03/PCA-Arbitrator-Appointment-under-UNCITRAL-Rules.pdf>
- Pryles, M. (No date). Limits to Party Autonomy, Retrieved from: http://www.arbitration-icca.org/media/4/48108242525153/media012223895489410limits_to_party_autonomy_in_international_commercial_arbitration.pdf
- Rajoo, S. (2016). Institutional and Ad hoc Arbitrations: Advantages and Disadvantages. Retrieved from: <http://sundrarajoo.com/wp-content/uploads/2016/01/Institutional-and-Ad-hoc-Arbitrations-Advantages-Disadvantages-by-Sundra-Rajoo.pdf>
- Ranasinghe, A. (2015). Proceedings of the Institution of Civil Engineers - Management, Procurement and Law, Construction arbitration in Sri Lanka. Retrieved from : <http://www.icevirtuallibrary.com/doi/abs/10.1680/mpal.10.00010>
- RICS, (2017). Ethics and professional standards. Retrieved from : <https://www.rics.org/de/regulation1/compliance1/ethics--professional-standards/>
- Roebuck, D. (2008). Cleopatra Compromised: Arbitration in Egypt in the first Century BC' 74 Arbitration 3 263. Retrieved from: [https://www.google.lk/#q=Roebuck,+D.+\(2008\)+arbitration](https://www.google.lk/#q=Roebuck,+D.+(2008)+arbitration)
- Redfern and Hunter (4th Eds.). (2004). *Redfern and Hunter on international arbitration*, London: Maxwell.

- Samberg, G.A. (2017). The Use of Experts in International Arbitration: Selection of an Expert Witness. Retrieved from: <https://www.mintz.com/legal-insights/alerts/articletype/articleview/articleid/3734/the-use-of-experts-in-international-arbitration-selection-of-an-expert-witness>
- Samuel,A.(1989). Jurisdictional Problems in International Commercial Arbitration: A study of Belgian, Dutch, English, French, Swedish, Swiss, US and West German Law,24(1),294-296.
- Samuel,M. (2017). Confidentiality in International Commercial Arbitration: Bedrock or Window-Dressing? Retrieved from: <http://arbitrationblog.kluwerarbitration.com/2017/02/21/confidentiality-international-commercial-arbitration-bedrock-window-dressing/>
- Sunday,A.F. (2015). The doctrine of party autonomy in international commercial Arbitration: myth or reality. Retrieved from: <https://www.ajol.info/index.php/jsdlp/article/viewFile/128033/117583>
- Supreme court of the democratic socialist republic of Sri Lanka, (2010). In the supreme court of the democratic socialist Republic of Sri Lanka. Retrieved from: http://www.supremecourt.lk/images/documents/SCAppeal10608_FINAL.pdf
- Slaughter,A.(2004).Approaching the Global Arbitration Table: Comparing the Advantages of Arbitration as Seen by Practitioners in East Asia and the West. Retrieved from: <file:///C:/Users/icbt.NG-PIONEER/Downloads/SSRN-id1542609.pdf> .
- Shackelford, E.(2006). Party autonomy and regional harmonization of rules in international commercial arbitration, university of Pittsburgh law review Vol. 67(897).
- Stockholm chamber of Commerce Arbitration Rules, (1999). Retrieved from : <http://www.sccinstitute.com/dispute-resolution/rules/>
- Stephenson. D (1993). Arbitration practice in construction contracts. Retrieved from https://books.google.de/books?id=v5tvV3CoeAYC&pg=PA28&lpg=PA28&dq=appointment+of+arbitrators+who+has+knowledge+in+construction&source=bl&ots=3S628oZN6K&sig=5_ZBObN-10e-zY8NUTdPl-

auH1g&hl=si&sa=X&ved=0ahUKEwjwm8762ZDYAhXGJIAKHbhqBjgQ6AEILTAB#v=onepage&q=appointment%20of%20arbitrators%20who%20has%20knowledge%20in%20construction&f=false

Teshome, M, (2019). Interim measures of protection in international commercial arbitration in Ethiopia. Retrieved from: <https://www.abyssinialaw.com/blog-posts/item/1549-interim-measures-of-protection-in-international-commercial-arbitration-in-ethiopia>.

Turner,W.C.(2010). A brief overview of the use of evidence in arbitration. Retrieved from: <https://www.nvbar.org/wp-content/uploads/Brief%20Use%20of%20Evidence%20in%20Arbitration.pdf>

Wijethilake, Y.J.W. (1998). Attorney General Law Review. Retrieved from: http://www.negombolawsociety.com/Attorney_General_Law_Review_June1998.pdf

Welser,I., Klausegger,C.,(2008). Fast Track Arbitration: Just fast or something different? Retrieved from: http://www.chsh.com/fileadmin/docs/publications/Welser/Beitrag_Welser_2009.pdf

Webster,T.H.(2002).Selection of arbitrators in nutshell, Construction of the various stages in arbitration . 19 (3).

Yi,E.,(2018). Themes Don't Just Emerge—Coding the Qualitative Data. Retrieved from: <https://medium.com/@projectux/themes-dont-just-emerge-coding-the-qualitative-data-95aff874fdce>

ACTS

Arbitration ACT NO. 11 OF 1995, Parliament of the democratic Socialist republic of Sri Lanka.

Arbitration Act 1996 United Kingdom, Retrieved from:
<http://www.legislation.gov.uk/ukpga/1996/23/contents>

7.0 BIBLIOGRAPHY

- Begic,T.(2005). Applicable law in international investment disputes, The Centre for interdisciplinary postgraduate studies of the University of the Sarajevo. Netherlands. Eleven international publishing.
- Bagheri,M. (2000). International Contracts & economic regulations. Dispute resolution through international commercial arbitration. The Centre for financial regulation city university business school, Netherlands. Kluwer Law International, taxation publishers and martinus nijhoff publishers.
- Gary,B. (2001) International Commercial Arbitration, Commentary & materials .2nd edition, Netherlands, Transnational publishers.
- Petit, S., and Edge, M., (2014) International Arbitration Report Issue 2: The governing law of the arbitration agreement Q&A+
- Institute Numeric, Research Union, (2012). Retrieved from :
<https://www.ukessays.com/essays/psychology/explanation-of-the-concept-of-research-onion-psychology-essay.php>