

**SECURING PARTY AUTONOMY IN THE  
ARBITRATION PROCESS: A CASE OF SRI LANKA**

Bamunu Achchige Harshi Madubashini

(159164X)

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Department of Building Economics

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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 Masters, 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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.....

Harshi Madubashini

.....

Date

The above candidate Bamunu Achchige Harshi Madubashini has carried out research for the masters' dissertation under my supervision for dissertation process set by the Department of Building Economics.

.....

Ch.QS. Prof. (Mrs.) B.A.K.S.Perera

Dissertation Supervisor

.....

Date

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## **ABSTRACT**

### **Party Autonomy in Arbitration Process in Developing Countries: Case of Sri Lanka**

International arbitration is one of the most popular dispute resolution methods in the commercial world, which provides an opportunity to understand impact of globalization on the international practice of commercial law. Due to the complexity of the construction projects and different foreign entities involved in construction contracts, it is difficult to reach to a solution when disputes arise in the commercial contracts. Therefore, arbitration is recognized as the most commonly used method to resolve disputes due to the element or party autonomy used in the arbitration process. However, there are some issues regarding the mechanism of using element of party autonomy in arbitration and different strategies to get an award within a reasonable time. This study aims to propose a framework of party autonomy for arbitration in the Sri Lankan construction industry. In order to achieve the research aim, elements of party autonomy and sub elements of party autonomy have been identified through the literature review, document survey, interview survey and manual content analysis was used to analyze the qualitative data in the research.

Research revealed that it is vital to consider the elements of party autonomy and strategies in the initial stage of contractual process if parties expect to receive an award within a reasonable time in arbitration process. Through research findings, it could be recommended that parties develop more awareness of the arbitration procedure and different elements and sub elements could be used to receive an award within a reasonable time. Agreed elements, sub elements and strategies should be in a written document, which can be used time-to-time in arbitration process and awareness should be raised regarding the importance of them.

**Key Words:** Arbitration, Elements, Party Autonomy, Strategies

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## **LIST OF ABBREVIATIONS**

<b>Abbreviation</b>	<b>Description</b>
ADR	Alternative Dispute Resolution
FIDIC	Federation of International consulting engineers
ICC	International Chamber of Commerce
SCC	Stockholm Chamber of Commerce
SIAC	Singapore Institute of arbitration center
ICLP	Institute of Commercial Law & Practice
LCIA	London Court of International Arbitration
ICSID	International Convention of Settlement of Investment Disputes
UNCITRAL	United Nations Commission on International Trade Law

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