

A Study on the Practicability of Expedited Arbitration on the Sri Lankan Construction Industry

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Abstract— Arbitration procedure was originated as the most efficient ADR method as it was fast track in resolving disputes and no legal formalities involved. But was then criticized even internationally as being a foundation for civil litigation. Hence, expedited arbitration procedures were introduced in the international arbitration forums as a variant of arbitration to re-root the advantages once originated in the arbitration proceedings, the accelerated speed and cost effectiveness, while considering the necessity of the finely tuned procedural of a quality award. Many studies have established that in the current practice expedited arbitration has been adopted in numerous arbitration institutes and is effectively being initiated to solve challenging disputes in various discipline. Thus, this study aims to approach the practicability of expedited arbitration in the Sri Lankan Construction Industry. To identify the current practice and the tendency of adaptation it in Sri Lankan construction, qualitative primary data was collected from conducting semi-structured with Sri Lankan construction stakeholders and arbitration institutes and analysed through content analysis. Which resulted the conclusion that construction stakeholders tend to be more reluctant towards adopting to expedited arbitration and identified motives behind was lack of awareness and mainly the downfall of the Sri Lankan construction.

Keywords— Expedited Arbitration, Construction Disputes, Sri Lankan Construction.

I. INTRODUCTION

Claims and dispute resolution is a well-known and most addressed topic these days in the Sri Lankan construction industry, especially among both locally and foreign funded public projects. With the complexity and the diversification of many disciplines and trades in the construction industry, conflicts leading to claims and resulting unresolvable disputes is common and frequent. Such frequency where disputes can be found in every project in spite of the size and the impact and the rate of occurrence is very high because there is no specific phase or time during the design and construction of project especially to occur a dispute (Hall, 2002).

These claims and disputes were not a recent day problem, even in a late past finding by Brooker and Lavers (1997) it was identified greater the complexity of the constructing

project higher the complexity of most of the disputes arise, and mostly due to the difficulty and degree of work, inadequately cloused contract documents, financial disputes, communication difficulties and poor planning. Abeynayake and Weddikkara (2012) defined Alternative Dispute Resolution (ADR) as an informal third party platform that encourages the disputed parties to plead each parties disputes to the agreed technical third party who would then proceed to the disputed matters in a more practicably feasible, consensual and less formal strategy than the court procedures. Through a comprehensive study done by Nihaaj (2016), was able to classify what ADR methods were in practice by the Sri Lankan construction industry; Negotiation, Mediation, Conciliation, Adjudication and Arbitration.

The nations provided legislative framework laying out the guidance and conduct of arbitration proceedings is governed under the Arbitration Act of Sri Lanka No. 11 of 1995, also framing out the most feasible or systematic instrument for the execution of arbitral awards and enabling the process more feasible and speedy substitute to litigation to carryout resolving disputed commercial parties' matters. The act laid the grounds by setting a set of applicable rules to adopt for resolving a disputed matter using arbitration. Sri Lanka initiated to act first in all of South Asia to enact an arbitration law, by way of the Arbitration Act (Senarathna & Abeynayake, 2018). And according to the Act, as it clearly has provisioned in Part VII of the Act, that the award delivered by the arbitral tribunal shall be final and binding on the parties to the arbitration agreement, arbitration procedure is the only ADR method that gives such binding award. Therefore, the arbitration procedure was put into the market solely for avoidance of the controversy, cost, and outlay of court procedures. Disputants seek certain reliefs such as: financial savings, petite length to resolve, further a feasible and reasonable process, professional decision causes, concealment and confidentiality, and a reliable binding award." (Lipsky and Seeber, 1998). Arbitration was originated as the most efficient ADR method because it was a fast track method to resolve the disputes as no legal formalities were involved. But the entire arbitration system was then criticized even internationally as being a foundation for civil litigation and was described as "court-like" due to the costly and time draining procedures more like court trial, as through agreements for prolonged judicial evaluation of arbitration

awards (Stipanowich, 2010). And subsequently resulting gratuitous frustration on both the disputants and the arbitration system due to the resulting of vagueness, delay and expense (Torgbor, 2013), distressing its appeal as an effective method of dispute resolution as it was originated for (Stipanowich & Lamare, 2014). A previous study stated the consequences of ineffective construction arbitration procedure resulted to be; failure to fulfil disputants' objectives as in terms of cost, time and quality of the proceedings and the final binding award (Risse, 2013).

As the two most primitive pillars of arbitration being fast track and cost-effective are now criticized and dragged down and becoming a litigation procedure as more time consuming, cost ineffective, complex and lapses of quality in the award became a problem internationally and among all disciplines that practice arbitration especially in the construction. Hence, expedited arbitration procedures were introduced in the international arbitration forums as a variant of arbitration to re-root the advantageous outcomes once originated in the arbitration proceedings the accelerated speed and cost effectiveness, while concurrently considering the necessity of the finely tuned and upright procedural of awarding a quality award.

Thus, expedited arbitration institutes as significant instrument to counter the adverse consequences of judicialization (Marchisio, 2017). Also in the same study it highlighted the primary purpose of expedited arbitration as to presumed expense, timeline and prompting execution that is relative to the value or density of the dispute. Expedited arbitration it has created a strategic procedure accumulating the advantages of arbitration including flexible, private, final, binding, and directly enforceable. Simply an effort to restore the judicialization offering a cost and speed effective forum for pleading of commercial grievances with judicious due procedure (Dautaj, 2021). Many studies have established that in the current practice expedited arbitration has been adopted in numerous arbitration institutes and is effectively being initiated to solve challenging disputes in various discipline. Thus, this study aims to approach the practicability of expedited arbitration in the Sri Lankan Construction Industry. The aim of the study can be objectified as follows;

- i. To analyse the current practice and trends of expedited arbitration internationally.
- ii. To identify the current practice of expedited arbitration in Sri Lanka.
- iii. To assess the tendency of adaptation to the expedited arbitration by Professionals in the Sri Lankan construction industry.

A. Current Adaptation of Expedited Arbitration

Internationally, expedited arbitration rules have been implemented in numerous leading and prominent

arbitration institutions, including the International Chamber of Commerce (ICC), the Arbitration Institute of the Stockholm Chamber of Commerce, the Singapore International Arbitration Centre, the Hong Kong International Arbitration Centre, the American Arbitration Association, the International Centre for Dispute Resolution, the International Institute for Conflict Prevention and Resolution (CPR), the World Intellectual Property Organization, and Judicial Arbitration and Mediation Services. The London Court of International Arbitration (LCIA) has expedited rules only for the formation of the tribunal and the replacement of arbitrators and leaves it to the tribunal to use the flexibility of the LCIA rules to streamline the process (Pettibone, 2021).

According to the study of current arbitration practice in Sri Lanka was able to identify that the only and leading two Commercial Arbitration Institutes namely; The Sri Lanka National Arbitration Centre (SLNAC) on 13th May 2022 has launched Expedited Arbitration Rules For Expeditious, Cost Effective Arbitrations along with the Board of Investments (BOI) and Institute for the Development of Commercial Law and Practice (ICLP) amended the Rules incorporating, Rule 32; Expedited Procedures, by the Council of Management with effect from 1st April 2021.

B. Expedited Rules

The ICC Expedited Rules are more concise and presented as Annexure VI to the 2021 ICC Arbitration Rules (ICC - International Chamber of Commerce, 2021). The ICC Expedited Rules necessitate that the award is obligated to be given within six months after the date of the case management conference and eradicates the requirement of the tribunal to be prepared in means of reference for tendering to the ICC Secretariat at the beginning of the arbitration. The sole authority is placed with the tribunal to adopt any necessitated procedural measures that shall be deemed to be appropriate after the consultation with disputants. Measures shall comprise of preventive document production and the quantity, extent, scope and scale of submissions, necessitating written witness evidence, and determining the dispute without holding a hearing, but if a hearing is needful to be held, the arbitral tribunal may conduct vide videoconference, telephone or similar means of communication. (Heitzmann, 2017).

The CPR Fast Track Rules are extensive than the ICC Expedited Rules, but like the ICC Expedited Rules they are tangled into the CPR Administered Arbitrations Rules, to be applied except to the expressly modified extent laid by the CPR Fast Track Rules. The arbitral tribunal may consider certain vague components during the determination that may include, complex scope of the case, phase of the proceedings, awareness of the parties to foresee the conditions trusted upon to provision the appeal when agreeing to assume expedited arbitral rules, the

urgent necessity to resolve the dispute, necessity for efficiency and expedition and the requirement to ensure due process and procedural fairness. In the CPR Fast Track Rules is stretches the parties to specifically select a date of preference between 90 to 180 days to deliver the award after constituting the tribunal, the absence of such preference shall designate the tribunal to deliver the award within 90 days after the constitution (Fast Track Rules For Administered Arbitration, 2020).

The United Nations Commission on International Trade Law (UNCITRAL) Expedited Arbitration Rules 2021, took initiation on year 2018 by the UNCITRAL Commission mandating the Working Group II (Dispute Settlement) to form a forum of grieving dispute in relation to expedited arbitrations with the intention of accumulating involvement, experience and practice of numerous arbitration institutes as a feedback to foray a balance between effectiveness and due process, eventually encouraging more arbitration institutes to adopt and amend existing institutional arbitration rules to enforce expedited arbitration. As an appendix to the UNCITRAL Arbitration Rules 2010 "UNCITRAL Arbitration Rules" dictate that the award shall be made within six months from the date of the case management conference, but in exceptional circumstances this limit may be extended to nine months. And hearings shall only be held upon the request by parties to the tribunal (Nations, 2022). The difference from, the ICC Expedited Rules and the CPR Fast Track Rules is that it consent the tribunal to continue with evidencing disputes determining the award solely upon the written submissions, documents provided and other submittals after consulting with the disputants without a hearing (Pettibone, 2021).

Whereas in Sri Lanka SLNAC adopted as it's recommended Rules the UNCITRAL Arbitration Rules. Whereas the Expedited Arbitration Rules, adopted by the UNCITRAL on 21 July 2021, entered into force on 19th September 2021, hence, herein subject to modification as SLNAC Expedited Arbitration Rules. It partakes to progressively focus to international commercial platforms for disputants seeking a resolving that is final and feasible in terms of cost and time. The Rules provided for disputants to settle to a rationalized and less complex procedure. At the same time, the Expedited Arbitration Rules balance the efficacy of the proceedings and disputant's rights to be integrity and fair, (SLNAC, 2022).

While, arbitrations accompanied at the ICLP Arbitration Centre are rendering to the ICLP Arbitration Centre Rules, which allow the platform for both local and international arbitrations in Sri Lanka. The Rules are modelled on the Rules of the Arbitration Institute of the Stockholm Chamber of Commerce and necessitated amendments are done accord with the Sri Lankan Laws and conditions. ICLP conduct proceedings under other Rules such as the

UNCITRAL Rules and the ICC Rules. These Rules take to be assumed by the Council of Management of the Arbitration Centre of the ICLP (Guarantee) Restricted for use by parties who have included a clause submitting any disputes to Arbitration by the ICLP Arbitration Centre. ICLP Rules have been embraced to take effect from the 01st April 2021, (ICLP, 2021).

II. METHODOLOGY

The aim of this study was to assess the practicability of expedited arbitration in the Sri Lankan construction industry, with the comprehensive background of this study qualitative data was collected. Hence, Mixed Method Research was embraced where it delivers an expanded methodological methodologies to unwrap a wider viewpoint to this study than mono-method designs. The selection of a research methodology is mostly support to the amenability with the study objectives outlined, which would then accommodated focus of the study in fulfilling the sole purpose of the conduct of this study (Snyder, 2019).

A. Population and Sample

To evaluate the practicability of expedited arbitration in the Sri Lankan construction industry, primary data was collected as this adaptation was a recent endeavour to Sri Lanka. Therefore, adopted the application of the mixed method approach subjecting construction professionals in consulting, contracting and government firms involved in the Sri Lankan construction industry specifically with engagement to Sri Lankan Arbitration proceedings and Sri Lankan Arbitration Institutions namely; SLNAC and ICLP.

In spite of solely subjecting the population to arbitrators, the population was widened up to all construction professionals with current engagement to arbitration practice was due to the fact that currently there are only 23 Institute of Engineers Sri Lanka (IESL) Certified Arbitrators practicing in Sri Lanka (iesl.lk, 2023). Whereas, according to the SLNAC there are only 03 arbitrators who have been registered to be sole arbitrators for Expedited Arbitration for Construction Sector Dispute Panel (SLNAC, 2023). Therefore, the above population was selected.

Steering this population, the data was gathered through the conduct of numerous semi – structured interview sessions. Segmentation of the sample was using purposive sampling technique to collect broad set of data through gathering the interviewees' perspectives, current engagement and recommendations in relation to the objectified subjects of this study. This purposive sampling was done based on the profession, experience and the scale of engagement in the Sri Lankan Arbitration proceedings under SLNAC and ICLP. Hence, to broadcast a focused outcome from the interviewees, 30 professionals were considered as the sample for this study using purposive sampling.

B. Data Collection Methods

Whereas, to obtain expressive and broad perspectives, current engagement and recommendations from the sample under this study oriented to grasp certain key aspects, including to identify the current practice of expedited arbitration in Sri Lanka and to assess the tendency of adaptation to the expedited arbitration by Professionals in the Sri Lankan construction industry. The semi – structured interviews were conducted with a sample of 30 professionals in order to gather detailed data, subjectively comprehending areas like applicability by professionals, applicability from Employer’s perspectives, awareness to the subject, individual aspects, recommendations, and other practical based data. The professionals were narrowed to ones who are currently in the practice for reliable and quality data. Hence, the semi – structured interviews were structured incorporating open – ended questions mainly reflecting the achievement of the objectified aims of this study.

C. Data Analysis and Presentation Methods

The qualitative data collected through the interviews and open – ended questions were analysed using content analysis technique. Further, subjected to frequency analysis. These analysed frequencies enabled to strike a figurative result to scale the practicability of expedited arbitration in the Sri Lankan construction industry.

III. RESULTS AND DISCUSSIONS

A. To analyse the current practice and trends of expedited arbitration internationally.

With the detailed and intensive literature review conducted on the subject enabled to discover and analyse the statistics of expedited arbitration internationally. For this study the main focus was given to the statistics of the International Chamber of Commerce (ICC), arbitration institute as it is the most leading arbitration institution in the international world.

As studied the amended ICC Arbitration Rules enacting the expedited procedure provisions came into effect on the 01st of March 2017, highlighting the five (05) key provisions of the ICC’s Expedited Procedure allowed when determining whether to extend or, on the contrary, exclude its application:

- i. *Time limit of six (06) months to render the final award:* the arbitral tribunal is obligated to render the award within six (06) months from the date of the first procedural case management conference. The ICC Court shall provision an extension of time inconsideration of the plead made by the arbitral parties, but most of the awards rendered since the enactment of the Expedited Procedure in 2017 was within the time limit of six (06) months (Appendix VI, Article 4.1 of the 2021 ICC Rules).

- ii. *Sole arbitrator:* Expedited Procedure will only apply to typically necessitate the position of a sole arbitrator. The purpose to enact the expedite constitution for the arbitral tribunal, in promoting the tribunal’s capability on determining both the procedure and evidence promptly and cut-off arbitrator payments (Appendix VI, Article 2 of the 2021 ICC Rules).
- iii. *No Terms of Reference and an early Case Management Conference (“CMC”):* the foundational document that is distributed with relation to the time, and the first CMC must take place within 15 days of the date on which the documents were transferred to the arbitral tribunal (Appendix VI, Articles 3.1 and 3.3 of the 2021 ICC Rules).
- iv. *Document production and submissions are limited:* to promote efficiency, the tribunal shall, after discussion among the arbitral parties, agree not to permit any requirements for hard copy documents at all, and to limit the number, length and scope of written submissions, witness statements and expert reports (Appendix VI, Articles 3.4 of the 2021 ICC Rules).
- v. *There may be no hearing:* the tribunal shall, after discussion among the arbitral parties, agree that there won’t be a necessity for a hearing, in which case neither witnesses nor experts are examined nor the dispute is resolved solely on the basis of documents submitted by the parties (Appendix VI, Article 3.5 of the 2021 ICC Rules).

The statistical publications by the ICC elaborates that by the year 2019, 869 disputed cases were registered under the ICC courts whereby, 146 cases were directed under the Expedited Procedure, demonstrating a 17% of ICC arbitration proceedings. The amendments made in the 2021 ICC Expedited Rules is provision to drive a rise in the percentage of contribution to follow Expedited Procedure (Matamoros, 2021).

The statistical publications by the Stockholm Chamber of Commerce (SCC) Arbitration Institute governed by UNCITRAL Arbitration Rules, elaborates that by the year 2020, 131 disputed cases were registered under the SCC Arbitration Rules whereby, 67 cases were directed under the Expedited Rules, demonstrating a 31% of SCC arbitration proceedings.

It can be clearly deduced that with the time and evolutions of the arbitration practices, disputed parties, arbitrators and other related individuals or organizations will eventually be aware of the existence of this concept of Expedited Procedure and will increase their expertise and experience in expedited arbitration procedures and will direct their disputed cases into the application of Expedited Procedure with no resistance at all.

As the first step of introducing and enacting expedited rules has been taken, now the arbitration institutions

internationally shall be necessitated to promote and spread the awareness of all gains and the beneficial factors of adopting or driving the disputed cases under Expedited Procedures.

B. To Identify the Current Practice of Expedited Arbitration in Sri Lanka.

The data collected through the semi-structured interviews conducted with the Sri Lankan Arbitration Institutions namely; SLNAC and ICLP, were both comprehensive qualitative data and quantitative data. Hence, the quantitative data collected was directly feed into frequency analysis forming graphical and diagrammatic results.

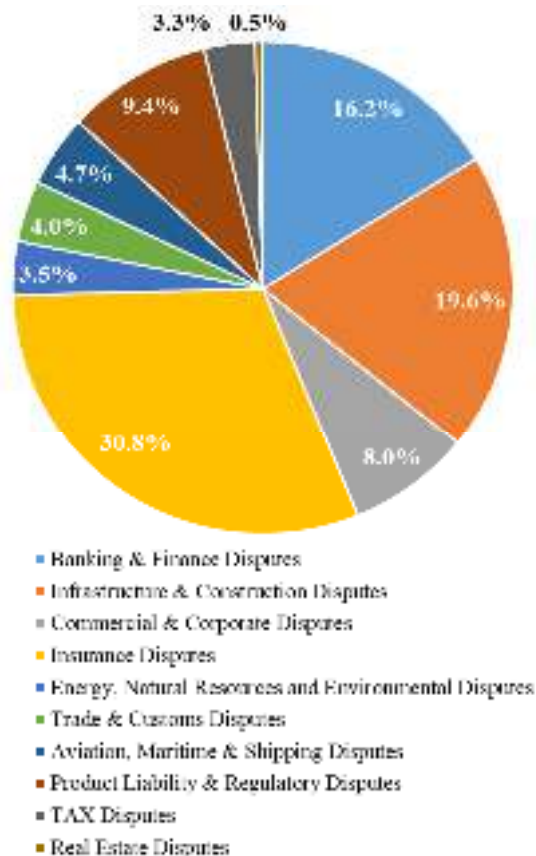


Figure 1. Current Practice of Expedited Arbitration in Sri Lanka
Source: Author, 2023

As shown in Fig. 1, the current practice of expedited arbitrations a total of 30, in all commercial aspects are graphically presented. With the figurative data illustrated it has clearly revealed that among all commercial arbitrations on going and had been done in the past Insurance Disputes, Infrastructure and Construction Disputes, Banking and Finance Disputes stand out to be the highest sectors engaged to resolve disputes using arbitration and additionally to practice expedited arbitrations. Accordingly, Product Liability and Regulatory Disputes, Commercial and Corporate Disputes, Aviation, Maritime & Shipping Disputes, Trade and Customs Disputes, Energy, Natural Resources and Environmental Disputes, TAX Disputes and with lowest percentage Real Estate Disputes were identified as the other sectors that currently practice

expedited arbitration in Sri Lanka. Further the results can be elaborated in detail as per the rankings from the comprehensive data collected during the interview.

Firstly, Insurance Disputes were the highest marked disputes to be resolved by the practice of expedited arbitration with a percentage of 30.8%. The reason was highlighted to be was the number of disputes arise out of insurance agencies, clients and out of insurance policies has a higher growing rate. Where it was stated that this was majorly due to the higher complexity of insurance agreements & policies provided, lack of knowledge in regards to the clauses in insurance policies of the clients, hidden adverse agendas and strategies incorporated in the policies and that the insurance agencies only opt to promote the positive and beneficial nature of getting insured and rather hiding all negative impacts and risks of getting insured.

Secondly, Infrastructure and Construction Disputes was the next highest marked disputes to be resolved by the practice of expedited arbitration with a percentage of 19.6%. Even previously in this study it was highlighted that the construction industry has a higher rating and probability of having disputes and during the interview it was also highlighted the rapid increase of the number is solely due to the adverse effects of East Sunday Attack event in 21st April 2019, COVID-19 Pandemic and the recent Economic and Political riot happened in the nation. Where, many projects were terminated by parties, parties failing to make financial arrangements, restriction of imported resources, price fluctuations and majorly contractual claims for damages occurred due to the aforementioned three events.

Thirdly, Banking and finance Disputes was the third highest marked disputes to be resolved by the practice of expedited arbitration with a percentage of 16.2%. Interviewers stated that this is due to the higher rating of disputes arise from leasing agreements, mortgages, loan agreements and gold pawning issues.

Respectively, Product Liability and Regulatory Disputes was the fourth ranked disputes to be resolved by the practice of expedited arbitration with a percentage of 9.4%, Commercial and Corporate Disputes was the fifth ranked disputes to be resolved by the practice of expedited arbitration with a percentage of 8%, Aviation, Maritime & Shipping Disputes was the sixth ranked disputes to be resolved by the practice of expedited arbitration with a percentage of 4.7%, Trade and Customs Disputes was the seventh ranked disputes to be resolved by the practice of expedited arbitration with a percentage of 4.0%, Energy, Natural Resources and Environmental Disputes was the eighth ranked disputes to be resolved by the practice of expedited arbitration with a percentage of 3.5%, TAX Disputes was the ninth ranked disputes to be resolved by

the practice of expedited arbitration with a percentage of 3.3%, and with lowest percentage of 0.5% Real Estate Disputes was to be the least sector to engage in resolving disputes by the practice of expedited arbitration.

C. To Assess the Tendency of Adaptation to the Expedited Arbitration by Professionals in the Sri Lankan Construction Industry.

To fulfil this study, semi-structured interviews were conducted for the Sri Lankan professionals of the construction industry who with the engagement and the current involvement in Sri Lankan arbitrations that are ongoing and recently been awarded, to assess their tendencies towards adopting to expedited arbitration proceedings and shifting from the traditional arbitration procedure that is also currently in the practice by most disputants.

To conduct semi – structured interview purposive sampling was done where 30 number of construction professionals with expertise and well experienced in ADR system and mostly arbitration were selected and conducted the interviews. With a coverage of Arbitrators, Contractors, Construction Employers, Quantity Surveyors, Project Managers, Engineers, Surveyors and Lawyers who are engaged in arbitration.

During the semi-structured interview, it was enclosed that many were reluctant to be adopting to proceed future arbitrations under expedited arbitration procedure unless enforced by the governing law of Sri Lanka. This prompt into studying the motive behind the reluctance therefore additional data was collected on the problematic subject and were compiled into a single set of data to an acceptable level to be analysed using content analysis with frequency tables. The common responses from the semi – structured interview was able to be categorized in to four general aspects.

Table 1. Motives for Relocating to Adopt Expedited Arbitration by Sri Lankan Construction Professionals

Responses	Frequency	Percentage
Lack of Awareness	20	24.4%
Less Number of Emerging New Arbitrations	28	34.1%
Higher Probability of Unknown Risks	15	18.3%
Reluctance to Deviate from Litigation Formalities	19	23.2%

Source: Author, 2023

Above Table 1., illustrates that the less number of emerging new arbitrations among the Sri Lankan construction industry is the highest that tends not to adopt expedited arbitration proceedings in resolving construction related

disputes. But the professionals also emphasized that lack of awareness regarding the current practice of expedited arbitration in Sri Lanka, solely avoid parties of arbitration to deviate from the traditional arbitration and the higher probability of not knowing the risks of adopting into expedited arbitrations can be the barriers that the current state the industry not seeming to be adopting to the new trend. In general, most of the professionals highlighted that due to the current state of the Sri Lankan construction industry is in a downfall where not even new projects are being commenced, thereby less disputes will arise from the construction industry eventually reducing the number of new arbitrations being emerged. Indicating that most of the ongoing arbitration procedures were commenced and long gone when SLNAC and ICLP launched the expedited arbitration to Sri Lanka.

Thus, they also pointed out that many disputants and professionals in Sri Lanka were not aware of the expedited rules enforced by SLNAC and ICLP. Hence, several dictate that they were unaware of the difference between the traditional and expedited arbitration procedures and the benefits of expedited arbitration. Moreover, due to the above reason and as expedited arbitration was recently introduced to Sri Lanka and that not many disputes were resolved under the expedited rules, the consequences and risks when adopting and that could be encountered during the proceedings and determination of the award stays unknown, many does not tend to adopt into expedited arbitration. And also, as the expedited arbitration procedure does not follow hearings and requires less number of documents and submissions to lead the evidence numerous disputants come to the understanding that the award delivered through the expedited arbitration procedure is not reliable and in poor quality, whereby the time for determination is also limited.

Many displayed their reluctance to deviate from litigation formalities to a more fast track dispute resolving procedure even being aware of the expedited arbitration procedure and knowing all benefits of it. This was observed by many lawyers who represent as the counsel party to the disputants. The stand on the fact that the expedited arbitration procedure would be ideal for small disputes with lesser amounts and not for larger scale disputes. Reasoning that with less submission of documents, without hearings, witness examinations and a limited time full disputed cases cannot be disclosed to the tribunal to allow a fair determination.

IV. CONCLUSION AND RECOMMENDATIONS

As a conclusion due to the downfall of the Sri Lankan construction industry it can be clearly acknowledged that the professionals and the industry itself is not ready to be shifted from traditional procedures to expedited arbitration even if it is more beneficial to all parties to an arbitration.

Even so, this could be turned around by certain attributable amendments by the professionals and the industry itself. With the data collected and reviewed literature on this study the certain recommendations could be adopted to rectify the situation including; conducting more Continuous Professional Development (CPD) events and workshops on expedited arbitration to spread the awareness among construction stakeholders, encouraging arbitration institutes to promote the key benefits and effectiveness of deviating to expedited arbitration among construction stakeholders, educating young and emerging professionals of the industry by incorporating the concept and rules of expedited arbitration into their academic syllabus and most effective way of spreading awareness on this study area would be encouraging and orienting academics and researches to pursue more studies and publications regarding the positive aspects of expedited arbitration.

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