



THE CHANGING FACE OF DISPUTE RESOLUTION

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- Dispute Resolution Consultant
- Expert Witness – Overseas civil engineering projects
- Over 40 years experience in the construction industry
- 15 years living and working overseas
- Developer of two multilingual websites
 - go4constructionjobs.com
 - go4construction.com - Global Supply Chain Directory



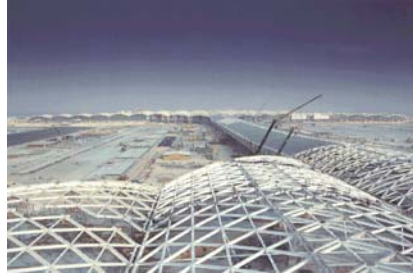
Major Projects



- Yellow River Hydro Electric Scheme in China



- Hong Kong International Airport



Major Projects



- LNG Gas Plant
Bonny Island
Nigeria

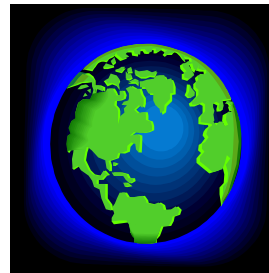




Mission Statement



- To understand how Dispute Resolution is changing in the global market place
- Correctly establish risk management procedures to avoid disputes
- Manage the successful resolution of those disputes



Paper Summary



- Alternative Procurement Strategies
- Legal Framework
- Main types of Contract
- Traditional Types of Dispute Resolution
- Alternative Types of Dispute Resolution



Alternative Procurement Strategies



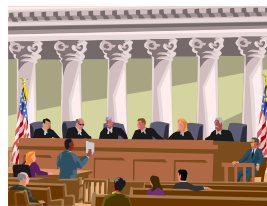
- Traditional
- Design and Build
- Turn Key EPC
- Financed
- Cost Plus (Management/CM/Target Cost)



Legal Framework



- Form of Contract
- Law of the Contract
- Contract Language
- Location for Dispute Resolution





Main Forms of Contract



- FIDIC - Federation Internationale des Ingenieurs Conseils
- EPC – Engineering Procurement Construction
- ICE – Institution of Civil Engineers
- JCT – Joint Contracts Tribunal
- PFI – Private Finance Initiative
- PPP – Public Private Partnership
- ECC – Engineering and Construction Contract
- BOT – Build Operate Transfer
- DBFO – Design Build Finance Operate



Traditional Types of Dispute Resolution



- Court of Law
- Arbitration



Alternative Types of Dispute Resolution



- Mediation
- Adjudication
- Expert Determination
- Dispute Review Boards - DRB
- Independent Dispute Avoidance Panel



Mediation



- Parties meet with Mediator – 1 or 2 days
- Both Parties put case
- Mediator meets with Parties separately
- Persuades Parties to settlement
- Mediator doesn't divulge own position



Adjudication



- Housing Grants, Construction and Regeneration Act 1996
- Parties can request appointment of Adjudicator
- Appointment and Referral within 7 days
- Decision within 28 days of Referral



Dispute Review Board



- Yellow River Hydro Electric Scheme in China
- Panel of 3 persons
- Met bi-monthly over 2 years
- Total claims US\$400 million claim

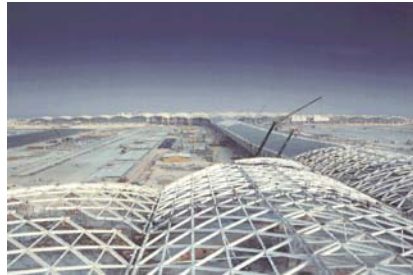




Dispute Review Panel



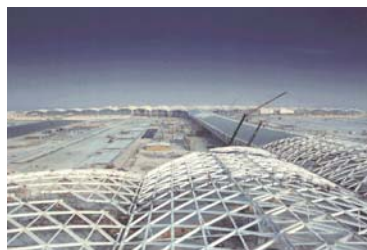
- Dispute Review Panel
 - 6 leading members
- Hong Kong International Airport
- Met every 3 months
- Resulted in settlement by Parties



Hong Kong



- Hong Kong Airport
 - Dispute Review Panel
- Hong Kong Infrastructure Projects
 - Mediation
 - Adjudication
 - Arbitration





Court Procedures in the UK



- Civil Procedure Rules
- Pre-Action Protocol
 - Exchange of Information
 - Attempt to Reach Settlement
 - Efficient Management of Proceedings
- Expert Determination



London Olympics 2012



- Independent Dispute Avoidance Panel
- 10 Leading Industry Figures





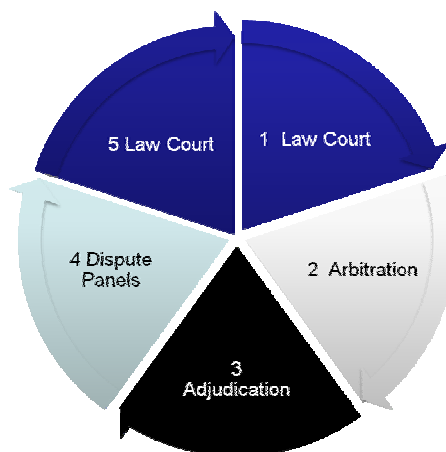
Dubai – Middle East



- Dubai – Sharia Law
- New Free Zone
- Dubai International Financial Centre DIFC
- Own Civil and Commercial Laws
- Based on UNCITRAL Model Arbitration Law



The Full Circle





The Changing Face of Dispute Resolution



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- Copies of Presentation