

**ICC Construction Industry Arbitrations:
Recommended Tools and Techniques for
Effective Management of Arbitrations**

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Agenda

- The drafting group
- Mandate: The function of the updates
- The 2001 Report: What stays?
- The update
- Panel discussion
 - **US perspective: Sarah**
 - **Greek perspective: Ioannis**
 - **International perspective: Audience participation**

The Drafting Group

- Co-chairs:

- **Aisha Nadar**
- **Christopher Seppälä**

- Members:

- » Mohamed Abdel Wahab
- » Essam Al Tamimi
- » David Barry
- » Caroline Duclercq
- » Shelly Ewald
- » Robert Gaitskell QC
- » Crenguta Ioana Leau
- » Doug Jones AO

- **Advisors:**

- » Nael Bunni
- » HH Humphrey Lloyd QC

- » Pablo Laorden
- » Pierrick Le Goff
- » Christopher Lau
- » Erin Miller
- » Elena Otero-Novas Miranda
- » Vivian Ramsey
- » Juan Eduardo Figueroa Valdés

➤ Commentators: Patricia Galloway, John Hinchey, Troy Harris, Jane Jenkins

Dispute Resolution

Structure

Drafting group

Mandate

2001 Report

Updates

The Function of the Update

Narrow mandate:

To align the Report with the 2017 Arbitration Rules and recent developments in construction arbitration

The 2001 Report: What's Staying?

- Scope
 - **Provides guidance on a range of tools and techniques to assist in developing cost-effective procedures for the arbitration**
 - Focus on case management
 - No single 'right' way in which a construction arbitration should be conducted
 - Commendable courses and the factors that arbitrators and parties may bear in mind when considering them
 - **Aimed primarily at arbitrators, but some proposals concern the parties.**
 - **The Report tries to accommodate the approaches of various jurisdictions.**

The 2001 Report: What's Staying?

- Structure
 - **The main headings continue as they currently exist, except:**
 - 'Procedural Meeting' changed to 'Case Management Conference (CMC)';
 - 'Summary of Main Recommendations and Suggestions' moved to front of report.

The Updates

- Update drafted by co-chairs
 - **Based on comments received from drafting group and commentators**
 - **Reviewed by drafting group, commentators and ICC**
 - **limited to characteristics of construction arbitration specifically**
 - Does not address general topics of arbitrations such as tribunal secretaries.
 - **'Summary of Main Recommendations and Suggestions' section updated after the update of the main body was completed**
- Meant to complement rather than repeat other ICC publications
 - **E.g. ICC Report on Reducing Time and Costs in Arbitration**

The Updates Report Structure

- Sections updated:
 - **Background**
 - **Selection of Arbitrators**
 - **Initial Stages**
 - **Terms of Reference**
 - **Case Management Conference**
 - **Hearing**
 - **Timetable**
 - **Procedure**
 - **Further working documents**
 - **Tests**
 - **Programmes and Critical Path Networks**
 - **Splitting the Case**
 - **Documents**
 - **Witnesses**
 - **Experts**
 - **Hearing**
- New sections added:
- » Interim measures
 - » Settlement in Arbitration
 - » Translations
- Global launch: 18 February 2019, Stockholm, Sweden

A Critical View

Sahar Biser on ICC arbitrations in the US
and
Ioannis Vassardanis ICC arbitrations in Greece