	Sarah Biser Aisha Nadar Ioannis Vassardanis
ICC Construction Industry Arbitrations: Recommended Tools and Techniques for Effective Management of Arbitrations	

Agenda

- The drafting group
- Mandate: The function of the updates
- The 2001 Report: What stays?
- The update
- Panel discussion
 - US perspective: Sarah
 - Greek perspective: loannis
 - 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:

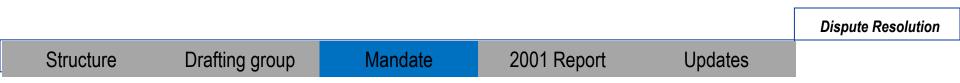
- » Nael Bunni
- » HH Humphrey Lloyd QC

- » 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	

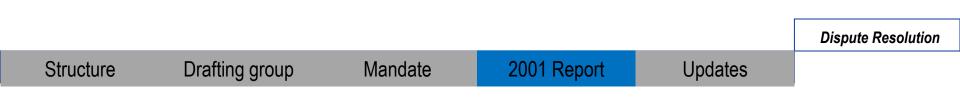
The Function of the Update

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

Dispute Resolution