



Arbitration and Dispute Resolution



# Arbitration and Dispute Resolution

## Introduction:

Arbitration frequently includes a binding agreement and takes place when an arbitrator, usually an attorney, applies the law and facts to a dispute, resulting in an award or decision. Mediation and conflict resolution are two excellent choices for commercial issues between two parties that wish to stay friends and partners and collaborate in the future. Mediators are unbiased third parties, and mediation is not always legally binding. A claim is when you assert your ownership of anything, such as your medical records or the title to your property. When you make a claim or assert anything, you are claiming or asserting that it is true. On their tax returns, people declare dependents and deductions.

## Targeted Groups:

- All those involved in implementing contracts and handling claims and change orders; also those involved in any step of contract preparation/ administration for them to appreciate the importance of a well-prepared contract.
- Contract Professionals.
- Project Managers.
- Contract Administrators.
- Contract Engineers.
- Project Engineers.
- Risk manager / Contract Risk Professionals.
- Project Owners/Employers.
- Contractors and equipment/material suppliers.
- Contract Administrators and.
- Quantity Surveyors.
- Legal advisers.

## Course Objectives:

- How to evaluate and quantify claims
- Gain an understanding of the basis of contract claim: time, money, and quality.
- Know when the contractor is entitled to Extension of Time EOT claims
- Deal with variation claims and what to approve and what not to
- Understanding the overarching legal and pragmatic goals in managing claims
- Gains skill sets to be better prepared to deal with difficult issues.
- Knowing different dispute resolution methods to resolve claims disputes.

## Targeted Competencies:

- Various Modes of Dispute Resolution.
- Contractual Claims.
- Legal Framework for International Arbitration.
- Negotiation and Resolution of Disputes.
- Other Documents and Negotiations.

## **Course Content**

### **Unit 1: Various Modes of Dispute Resolution:**

- Expert determination
- Mediation
- Conciliation
- Arbitration
- Ad-hoc and institutional arbitration
- Venue of arbitration
- Enforcement of award
- Sovereign immunity and other problems of suing foreign governments
- Benefits and challenges of mediation of public disputes over arbitration
- Understanding implied waiver of sovereign immunity
- Mock arbitration & mediation

### **Unit 2: Contractual Claims:**

- Overview of main contractual provisions relevant to claims and counter- claims.
- Types of claims, in construction and other areas - and their distinctive features
- Causes of typical claims.
- Re-measure disputes
- Set up project management assessment - PMA.
- Counterclaims - how they differ from claims.
- Rights of set-off.
- Force majeure- when it applies and when not.

### **Unit 3: Legal Framework for International Arbitration**

- Arbitration Agreement or Clause
- Arbitration Conventions and Investment Treaties
- Arbitration Procedural Rules
- National Laws
- National Courts

### **Unit 4: Negotiation and Resolution of Disputes:**

- Contract negotiation
- Dispute Resolution clauses
- Unequal bargaining positions
- Negotiation, compromise and settlement
- Litigation
- Arbitration

## **Unit 5: Other Documents and Negotiations:**

- Letters of Intent or Award
- Bank and Insurance Bonds
- Letters of Comfort or Awareness
- Collateral warranties
- Alliance /Partnering Agreements
- "Side Letters"
- Finance arrangements
- Negotiating contract qualifications and amendments