

# The Dispute Board Federation

Geneva - Singapore

*Excellence in Dispute Resolution since 2001*

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## Featured Events and Continuing Professional Development Units

### 2011

There are several new programmes and events being planned for the New Year.

Programmes include Claims, The Use of Witnesses in DAB Hearings, DAB Advocacy & Procedures as well as our new Certification Programme in Partnership with RICS.

Starting in 2011 we will also have regular DAB Member Briefings from the World Bank, the EBRD, The Millennium Challenge Corporation, and the Islamic Development Bank.

On a social and networking note we will have our Professional Member-Guest Dinners to be scheduled in London, Dubai, Singapore, Santiago, Stockholm, Beijing, Istanbul, Bogota, and Sarajevo.

Also to be planned is an International Golf Tournament networking event for Development Bankers, Contractors, and DAB professionals to be at St. Andrews, Scotland.

For a full listing please go to our website  
[www.dbfederation.org](http://www.dbfederation.org)

## The New Year

The New Year is off to an excellent start with new staff, new programmes and new activities. First the DBF would like to welcome Fatos Selita as its newest member of staff. Fatos is our new Governmental Relations Liaison Officer and he will be responsible for business development, first in the Balkans specifically Albania for the next 3 months and then later Singapore.

Our Programmes for 2011 are taking shape and you can get a preview of them at our website [Programmes 2011](#). Included in the array are our new combined training and accreditation programmes with the Royal Institution of Chartered Surveyors and an article by Ben Beaumont, the Chair of the Working Party, explaining what is happening on that front. Additionally the 2011 FIDIC *Total Immersion* Programme is now accepting applications for its 2011 waiting list and a separate email will be going out shortly giving more details on this very popular course.

On a philanthropic note Anne Eve is putting together the DBF Golf Tournament to be scheduled for later this year. The tournament is meant to not only provide an excellent networking opportunity for our members but also to raise funds for DBF scholarships for deserving students and individuals. More on this exciting event as it develops.

**Herbert Wilson**  
Executive Director

Royal Institution of Chartered Surveyors and the DBF

By: Ben Beaumont\*



I have been involved in dispute resolution from more than 30 years. It was in 1977 that I joined the Chartered Institute of Arbitrators as an associate. Since that time, I have devoted much of my life to the concept of solving disputes in ways other than litigation. In 1998, the NGO which I've formed, the Forum for International Conciliation and Arbitration, (FICACIC) commenced operation in Zambia. In 2002 FICACIC was invited to become an observer to Working Group II at UNCITRAL.

It is against this background that a little over a year ago, I approached Martin Burns; the Director of Dispute Resolution Services at RICS, to ascertain whether there might be any interest at RICS in the promotion of the dispute resolution concept of dispute boards. Well, to keep matters brief there was interest. A working group was constituted. Discussions took place with the Dispute Board Federation, DBF. As a result a partnering agreement was signed in November 2010 between RICS and the DBF. This agreement constitutes the basis for a global initiative by RICS in partnership with the DBF to accredit persons from throughout the world, who are willing and capable of acting as dispute board members.

I set out below, the description of the initiative and the concept, relative to dispute boards, which is also available on the RICS website. As chairman of the working group, I am very proud of the encouragement and enthusiasm provided by RICS and the DBF. The speed with which both bodies accepted the idea and expressed a willingness to work with each other, resulting in an agreement has delighted me.

Dispute Boards are an effective mechanism of dispute avoidance, resolution and management for contractual disputes on medium to large scale projects. Dispute Boards usually exist throughout the duration of a contract and can be referred to at any time by any one of the parties to make a recommendation or determination of the dispute referred.

### **Training and Accreditation of Dispute Board Members**

Following the announcement of our recent partnering agreement, DRS has developed, alongside the Dispute Board Federation (DBF) a training and assessment programme to qualify RICS Accredited Dispute Board Members.

Candidates who successfully complete the RICS training and assessment programme will also be certified as Dispute Board Professionals by the DBF and will be entitled to join the DBF as a Professional Member.

In addition, DRS will maintain an RICS Accredited Dispute Board Member register. The register will contain the names of professionals who have successfully completed the training and assessment programme and the register of names will be available free of charge upon request from DRS. The register aims to enable users of Dispute Boards to select the most suitable Dispute Board Member for their particular project, whether that project be international or domestic.

For further information on the training programme, download the RICS/DBF joint accreditation and certification [brochure](#).

### **Appointment of a Dispute Board**

In addition to the DBF, RICS will now also be able to nominate Dispute Board Member(s) or a Dispute Board Chair in situations where this is a requirement of the applicable contract or if the parties are unable to reach agreement. RICS will only nominate a professional included on the register.

### **What are the advantages of Dispute boards?**

The main advantage is that a Dispute Board involved with the project or venture from inception through completion has 'hands on' knowledge of every aspect of the project/venture. The Dispute Board knows the parties, knows the goals and objectives, and is able to act very quickly to either prevent a dispute from arising or if one does arise able to give a decision very quickly, in some cases, as soon as 30 days from the formal request.

Additionally because the Dispute Board knows the parties, it can, if asked by both parties, give its' opinions on matters of concern thus preventing future arguments and moving the project/venture forward towards successful, stress free completion.

- Confidentiality - any disputes will remain confidential

- Expertise - members of the Dispute Board will be selected for their knowledge and expertise before any dispute has arisen
- Flexibility - the parties can agree the procedure in advance and can agree any changes to it during the course of the project
- Prevention of disputes - the existence of the Dispute Board can prevent disputes escalating because the parties are reluctant to be seen to be making frivolous claims. This is an incentive for the parties to reach a negotiated settlement between them
- Relationships - Dispute Boards can help to preserve relationships because the process is consensual and the parties have a stake in the Dispute Boards
- Understanding - by undertaking an ongoing relationship and regular site visits the Dispute Board will acquire a good working knowledge of the project. When a dispute arises, the Dispute Board will have a much better understanding than an arbitral tribunal which will only be appointed after a dispute has arisen

I wish to make clear that while dispute boards were originally envisaged to reduce disputes in construction contracts. They are now found in any contractual relationship, which provides goods and services of whatever nature. This is an international initiative to provide dispute board members of the highest quality, who are willing and able to serve throughout the commercial world.

The concept of dispute boards is acceptable, whatever the culture. The legal background is irrelevant. No employer or contracting party loses self respect, or national respect, by accepting the concept of a dispute board. By having these boards in place all parties involved are placed in a win-win situation.

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