



ENGINEERING PROFESSIONS ASSOCIATION NATIONAL ADJUDICATOR'S LIST

PRESS RELEASE

CONVENTION: ALTERNATIVE DISPUTE RESOLUTION IN THE LOCAL CONSTRUCTION INDUSTRY

A convention was held at the Safari Conference Centre on Thursday 20 October 2011 to discuss trends in alternative dispute resolution (ADR) in the construction industry locally, in the region and internationally, outlining the various forms of ADR available, and to highlight the latest developments in standard construction contract documents such as FIDIC. A primary goal was to take stock of ADR, and to ensure that the process stays abreast of international developments.

Adjudication as a means of dispute resolution on construction contracts was introduced in Namibia several years ago and has benefited both contractors and employer organisations by the facilitation of fast and cost effective resolution of disputes.

The speakers at the convention included experienced senior professionals involved in ADR locally, in the region and abroad.

The keynote address was given by Mr Gordon Jaynes, a lawyer in private practice, based in England and specialized in contractual aspects of international construction projects. He is Chairman Emeritus of the International Bar Association Committee on International Construction Projects and Founding Chairman of the Inter-Pacific Bar Association of the same name. He serves on the Editorial Boards of The International Construction Law Review and Construction Law International. Mr Jaynes spoke primarily of the growth trends of ADR internationally, and presented two papers on the subject.

Another speaker with much experience in dispute resolution is Mr Kevin Spence, a professional civil engineer specializing in the execution of major construction contracts in South Africa and the region. He is a fellow of the South African Association of Arbitrators.

Other presenters included Mr Peter F Koep, outlining the activities of the Professional Association of Mediators and Arbitrators of Namibia (PAMAN), and Mr Mbingee Hindjou explaining the role of the Association of Consulting Engineers of Namibia (ACEN) in the promotion of internationally recognised contract documentation such as FIDIC.

Mr Ako Al-Jaf of the Engineering Professions Association (EPA) explained the functioning of the National Adjudicator's List (NAL) that is managed by the EPA which acts as an independent nominating authority of accredited adjudicators.

Participants included representatives of employer organizations, such as the roads Authority and the City of Windhoek as well as consulting engineers and members of the local construction industry.

The convention was hosted by the EPA and ACEN, with the support of Giz.

The following key points were noted:

- The local construction industry, although small compared with some of its neighbours, is adequately sophisticated to benefit from alternative dispute mechanisms
- Although the NAL was formally launched only several years ago, and has experienced steady growth through increased use by employer organizations, further skills development and exposure is necessary to ensure that the benefits of ADR can be fully utilized
- The various professional and contractor associations in Namibia will need to work closer together on matters such as ADR, to ensure all in the industry are made aware of its benefits
- A data base of all persons involved in the local construction industry must be generated, to ensure the dissemination of information
- This first convention should be repeated annually

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