

**16.01  
2016**

## **PRACTICAL VIEWS ON DISPUTE PREVENTION AND RESOLUTION IN MAJOR INTERNATIONAL PROJECTS**

**DATE**

**16<sup>th</sup> January 2016**

**TIME**

**6.00pm – 7.30pm**

**VENUE**

**Auditorium  
Kuala Lumpur Regional  
Centre for Arbitration**

Bangunan Sulaiman, Jalan Sultan Hishamuddin  
50000 Kuala Lumpur, Malaysia

**PROGRAMME**

- 5.30pm Registration
- 6.00pm **Advantages, Limits of Dispute Boards and the Key Role of the Parties by Pierre Genton.**  
Moderated by Ramdas Tikamdas
- 6.30pm **Prevention Techniques versus Legal Proceedings, a Trend?**  
by Paul-A Gélinas  
Moderated by Ramdas Tikamdas
- 7.00pm Q&A Session
- 7.30pm End of programme

For more information, please contact  
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This talk is particularly dedicated to employers and contractors the so called “users” as well to their legal advisors and professionals involved in large infrastructure and industrial projects, and to practitioners in the engineering and economic fields who can be called to participate actively in Dispute Board proceedings.

### **Advantages, Limits of Dispute Boards and the Key Role Played by the Parties by Pierre Genton**

Amongst the various approaches in avoiding long and costly legal proceedings, the attention of the participants will be drawn to the importance and success rate of the Dispute Board (DB) speedy mechanism in avoiding and resolving disputes in large projects. Due consideration will be made to the various types of Dispute Boards, the importance of investments made and of the issue of cash-flow which might influence the success of the project. Advantages and disadvantages, the actual trends will be discussed and illustrated by some examples in the construction industry. Other aspects such as the key role of the parties before, at the contract signature (when selecting the approaches and appointing the board) and during the contract performance will be discussed.

### **Prevention Techniques versus Legal Proceedings, a trend? by Paul-A Gélinas**

A number of ways have been developed over the past 30 years to allow parties to prevent disputes from escalating into blown-out litigation or arbitration: early warning and mandatory discussion clauses, expertise, negotiations, mediation, mini-trials. Many Dispute Boards agreements contain provisions permitting the Parties to resort during the DB process to many of these amicable settlement tools. A comparison between the workings of Dispute Boards and international commercial arbitration tribunals does illustrate why the use of dispute prevention techniques in international projects has become more than anecdotic.

**ADMISSION IS FREE. LIMITED SEATS AVAILABLE.**





**Pierre Michel Genton** is a graduate of the Swiss Ecole Polytechnique Fédérale de Lausanne (EPL) and of the International Management Institute (IMD). He has an experience of some 35 years in Prevention and Dispute Resolution. He acted in international infrastructure and industrial cases as chairman and member in many major arbitration, mediation, dispute boards, adjudication cases as well as forensic expert and consulting engineer. He has been involved on projects in Europe, Middle-East and Middle/South America. He was resident in Morocco, Iraq, Philippines and Thailand.

He is the founder and senior partner of PMG Consulting Engineers & Economists in Lausanne (Switzerland) specialized in the prevention and resolution of disputes in the construction industry and in the project management of multidisciplinary projects. He has been appointed by the 7 ministers forming the Swiss Federal Council as one of the seven experts being members of the Supervisory Board for the Alp Crossing Railway Project (Alptransit project). He was appointed by the UN Secretary General as Commissioner at the United Nations compensation Commission for the Gulf War damages. Over 5 years, together with two colleagues he decided on nearly US 100 billion claims. He is presently with several multibillion projects such as the Panama Canal and the 340 km High Speed Railways in France. He was and still is a visiting professor at various universities (faculties of law, faculty of economic sciences and technical universities in Switzerland, Austria, France and Portugal).

He was the chairman of the task force having initiated the Dispute Board Rules of the International Chamber of Commerce (ICC) and participated to the latest October revision of such Rules. He is also the author of a great number of publications in dispute prevention.



**Paul-A. Gélinas** has for some twenty years concentrated his practice in the field of International Commercial Arbitration and Dispute Board, acting as Arbitrator and member of DBs, in particular as Chairman. He served on the International Court of Arbitration as the Canadian Member from 1974 through 1990. He is the past Chairman of the ICC Commission on Arbitration (1996-2001).

Before devoting his full time to dispute resolution, including mediation, he advised clients involved in international joint ventures; he acted for some 20 years as negotiator and counsel to Elf, now Total. In 1985, he acted for the successful tendering French consortium for the construction of the Channel Tunnel.

He joined the Montreal based international law firm Phillips & Vineberg in 1968 and became in 1976 its resident partner in Paris. In 1985 he co-founded Derains Gélinas & Partners, a law firm based in Paris with an office in Nicosia; since 1994, he runs an independent practice in Paris. He obtained his law degree from McGill University in Montreal. He is a member of the Montreal and Paris Bars and active in many professional organisations.



**Ramdas Tikamdas** is an Advocate & Solicitor and has been in practice for 32 years with experience in various areas of the law including civil and commercial disputes, construction, banking, labour disputes and administrative law. He is also Chairman of the Disciplinary Committee of the Advocates & Solicitors Disciplinary Board.

He is a Fellow of the Chartered Institute of Arbitrators, a qualified Mediator with the Nationwide Mediation Academy, UK/USA, and a certified Adjudicator with KLRCA.

He has been involved in the civil society movement in human rights and consumerism for many years. He is the Past President of the National Human Rights Society (HAKAM) and has held office in various civil society organisations including Pahang Consumers Association, Selangor Consumers Association and Federation of Malaysia Consumers Association (FOMCA).

He is a Guest Lecturer for Police Training for Masters Programme in Social Science (University Kebangsaan Malaysia); and has attended various international and domestic conferences as speaker on various issues relating to law, consumerism and human rights. He is also co-editor of the books *"Human Rights and the National Commission"* and *"Freedom of Expression in the Arts"*.

For registration, please email your details below to [events@klrca.org](mailto:events@klrca.org) or fax to **+603-2271 1010** by **13 January 2016**

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