

# ENGINEERING & CONSTRUCTION RISK INSTITUTE

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## **Purpose:**

The purpose of this paper is to highlight significant strategic considerations with respect to prevalent forms and methods for resolving international construction contract disputes.

## **Introduction:**

Reference is made to the ECRI Best Practices entitled Contract Critical Issues (ECRI-TC-1) and Important Contract Issues (ECRI-TC-005). The former notes the importance that contracts specify a dispute resolution process including choice of forum, law, language, number of arbitrators and arbitration rules and recommends facilitated mediation as the most expeditious and least expensive method for resolving disputes among parties willing to compromise. The latter recommends that contracts state the law and process governing dispute resolution and provide that the contractual dispute resolution method constitute the exclusive remedy of the parties.

This paper draws substantially upon the presentation by Mark Roe, Head of International Arbitration at Pinsent Masons, entitled "Best Practices for International Contract Dispute Resolution," which he delivered at the ECRI Sponsors' Meeting in London 9 December 2010.

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