



PANTHÉON-ASSAS
UNIVERSITÉ
INTERNATIONAL

International Construction Law Conference 2024

Lex Constructionis

Is there a law applicable to construction disputes that transcends the governing law of the contract? Are we moving towards a Lex Mercatoria for international construction projects?

DATE: Thursday 24th October 2024

From 5:30pm to 7:00pm, Singapore Time (GMT+8)

Followed by drinks and a networking session

Venue: Assas International, INSEAD Asia Campus, Singapore

ONLINE ATTENDANCE AVAILABLE

With the widespread use of standard forms of contracts in construction projects, related case law and established principles and guidance notes such as the SCL Delay and Disruption Protocol, are we seeing the advent of a new *Lex Constructionis* that transcends the governing law of the contract when resolving construction disputes?

International construction contracts, which are often derived from standard forms of contract such as FIDIC, tend to define the parties' rights and obligations under the contract in some detail as well as the allocation of risks between them. Over the years, we have seen the emergence of a body of case law and legal doctrine based on the interpretation of those standard forms of contract (particularly FIDIC) which has contributed to the emergence of concepts and accepted principles of construction law (e.g critical delays and entitlement to EOT and prolongation costs, concurrency, LDs v. contractual penalty, time bar, acceleration, mitigation, basis of calculation

of compensation for prolongation, the role of the Engineer/Contract Administrator when certifying payments under the contract) – outside the strict application of the governing law of the contract – particularly in the context of disputes arising from delay and disruption claims.

Tribunals' heavy reliance on expert evidence in those construction cases combined with the delay and quantum experts' reliance on established principles and practices (as set out for example in the SCL Delay and Disruption Protocol) has also contributed to what can be described as a new *Lex Constructionis* – a subset of *Lex Mercatoria* – and could give the impression that the governing law of the contract may place a lesser role in the resolution of construction disputes.

The conference will explore (1) whether there are indeed universally accepted principles of construction law, constituting a *Lex Constructionis*, which bring greater uniformity of approach when resolving construction disputes by bridging in particular the gap between common law and civil law (2) the variety of sources of this *Lex Constructionis*; and (3) whether in practice tribunals are persuaded that this *Lex Constructionis* should prevail over sometimes unclear provisions of the governing law.



This event is organised in conjunction with the Specialist Accreditation Scheme of the Singapore Academy of Law, and of the LL.M. in International Construction Contracts offered by Paris-Panthéon-Assas University, Singapore campus.

Assas International School (Singapore)
1 Ayer Rajah Avenue, Singapore 138676, Tel: (65) 6799 5388
CPE Registration number 201117141R
Period of registration: January 17th, 2012 to January 16th, 2030.
Committee for Private Education (CPE) is part of SkillsFuture Singapore (SSG)

SINGAPORE CAMPUS
+65 6799 5388
www.assas-international.com
Singapore@u-paris2.fr

SPEAKERS

KEYNOTE SPEAKER



Sir Vivian Ramsey KC
International Arbitrator & International Judge of Singapore International Commercial Court

Vivian Ramsey KC acts as an arbitrator, mediator, expert and dispute board member on major construction projects around the world. He is also an International Judge of the Singapore International Commercial Court. He originally qualified and worked as a chartered civil engineer, before qualifying and practicing as a barrister. He became head of Keating Chambers in London in 1992, was appointed a High Court judge in 2005 and became judge in charge of the Technology and Construction Court in London from 2007 to 2010. He is the co-editor of Keating on Construction Contracts, now in its 10th edition, and a Visiting Professor at the Dickson Poon School of Law at King's College, London. Sir Vivian is also a lecturer on the LLM course in International Construction Contracts at the Panthéon-Assas University (Singapore Campus).

MODERATOR



Frédéric Gillion
Pinsent Masons MPillay LLP

Frédéric Gillion is a partner within Pinsent Masons' Construction Advisory & Disputes team. Over his 24-year long career, he has advised on all aspects of construction projects, including in Dispute Board, expertise and arbitration proceedings, and provided legal support on live construction projects in a wide range of construction sectors, including general infrastructure, transport, water and wastewater, and energy. Frédéric is dually qualified (Solicitor in England and Wales / Avocat Paris Bar), a Certified FIDIC Adjudicator and member of the FIDIC President's List, and contributes to the International Construction Law Review. Frédéric is the Director of the LLM course in International Construction Contracts (Singapore Campus).

PANEL SPEAKER



Alastair Henderson
Partner, Herbert Smith Freehills

Alastair Henderson heads Herbert Smith Freehills' dispute resolution practice in Southeast Asia. He is ranked among the leading arbitration experts in Asia. Alastair handles cases from many sectors and industries including construction, infrastructure, transport and energy projects. His clients include governments, public bodies, international banks, and major regional and multinational companies. Alastair is also an active arbitrator and has served on tribunals throughout the region as sole arbitrator, co-arbitrator and presiding arbitrator.

PANEL SPEAKER



Paul Sandosham SAS (BC)
Partner, Clifford Chance

Paul Sandosham leads Clifford Chance's Energy, Infrastructure, and Resources (Disputes) practice in the region and co-heads the firm's global contentious construction initiatives. Admitted to the Singapore Bar and as a solicitor in England & Wales, he specializes in dispute resolution, including litigation, mediation, and international arbitration, representing parties in complex cross-border disputes. Recognized in leading legal publications, Paul is a Chartered Arbitrator and a fellow of the Chartered and Singapore Institutes of Arbitrators. He frequently serves as an arbitrator worldwide and is the General Editor of the *Practical Guide to the SIAC Rules*. He is also part of the pioneer batch accredited as a Senior Accredited Specialist in Building and Construction by the Singapore Academy of Law.

PANEL SPEAKER



David Bateson
Arbitrator

David Bateson is a leading international arbitrator who has acted in over 150 arbitrations in Asia, Europe, the Middle East and South America. He has acted as chairman, party-appointed arbitrator or sole arbitrator in arbitrations under most institutional rules and in ad hoc arbitrations, as a dispute board member or as a mediator. He has extensive experience in disputes in a variety of industry sectors, including construction, energy, resources, commodities, insurance, joint ventures, shareholder agreements and shipping. In construction, energy and resources David is involved in many of the largest projects in Asia-Pacific region, and the Middle East, and is a renowned specialist.

PANEL SPEAKER



Amit Garg
Secretariat, Delay Expert & Managing Director, Asia Pacific

Amit Garg is the managing director of Secretariat's Asian operations, and for the past decade he has been involved in providing dispute advisory services from Singapore and Hong Kong. He has extensive experience in performing delay analysis on complex international projects across the world and has served as an expert in arbitrations in respect of projects across Asia, Australia and the Middle East. Prior to working in construction consulting, Amit worked as a designer and construction manager on large commercial projects. He is an acclaimed speaker on construction programming and delay analysis and has been recommended as a leading expert in construction in *Who's Who Legal*.

PANEL SPEAKER



Matthew Secomb
Partner & Head of International Arbitration, Asia Pacific, White & Case

Dr Matthew Secomb is a partner in White & Case's International Arbitration Group in Singapore. Matthew specializes in international commercial arbitration with a focus on construction and energy-related disputes. Before moving to Singapore in 2015, he was based in White & Case's Paris office for nearly ten years. Prior to joining White & Case in 2006, Matthew was counsel to the ICC International Court of Arbitration in Paris. Matthew has a B.Com. and an LL.M. from the University of Melbourne, an LL.B. (hons) from Deakin University, and a Doctorat en droit (summa cum laude) from the Université de Fribourg (Switzerland). He is qualified as an avocat at the Paris bar, a solicitor-advocate in England & Wales, and a barrister and solicitor in Victoria, Australia.

DATES, FEES AND VENUE

Date: 24th October 2024 – Total 1.5h

Fees:

- Free for law students and SAL Accredited Specialists and Senior Accredited Specialists in Building and Construction Law (in-person only)
- SGD 50 for SAL Members (in-person only)
- SGD 90 for non-SAL members (in-person or online), for SAL members (online)

Location: INSEAD / 1, Ayer Rajah Avenue / Singapore 138676 or Zoom

CPD ACCREDITATION

CPD points: 1.5 Public CPD Points
Practice Area: Building & Construction
Training Levels: General

SILE Attendance Policy: Participants who wish to obtain CPD Points are reminded that they must comply strictly with the Attendance Policy set out in the CPD Guidelines. For participants attending the face-to-face activity, this includes signing in on arrival and signing out at the conclusion of the activity in the manner required by the organiser, and not being absent from the activity for more than 15 minutes. For those participating via the webinar, this includes logging in at the start of the webinar and logging out at the conclusion of the webinar in the manner required by the organiser, and not being away from the activity for more than 15 minutes. Participants who do not comply with the Attendance Policy will not be able to obtain CPD Points for attending the activity. Please refer to <https://www.silecpdcentre.sg> for more information.



PROGRAMME OVERVIEW

DAY Thursday 24th October 2024

MODULE	TIME
Lex Constructionis Is there a law applicable to construction disputes that transcends the governing law of the contract? Are we moving towards a <i>Lex Mercatoria</i> for international construction projects?	
Registration (0.25 hours)	5:15 pm > 5:30 pm
Conference (1.5 hours)	5:30 pm > 7:00 pm
Networking session	from 7:00 pm onwards

MORE INFORMATION AND APPLICATION
buci.chan@u-paris2.fr

VISIT OUR WEBSITE TO REGISTER
[assas-international.com](https://www.assas-international.com)

