

DRBF Paris 2013

History of DBs DABs and DRBs

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Early History

- **Cave Man approach**
 - Don' say much – carry a big stick
- **Medieval Europe**
 - Shout loudly – carry a big stick
- **Thomas Cromwell 1485 – 1540**
 - Listen & speak quietly
 - Commercial ADR practice

Progress

- **LCIA:** 1883/1892
- **FIDIC:** 1913
- **CIArb:** 1915
- **ICC:** 1919
- **DRBF:** 1996

Evolution of DB Rules

■ Ad Hoc Rules

- In use as and when required
- Eg: Eisenhower Tunnel (1975)
- Eg: El Cajon Honduras (1980)

■ Institutional Rules

- FIDIC circa 1995 onwards
- DRBF 1996
- ICE 2005
- IChemE: 2005 (DRB)

Procedural Rules

- FIDIC
 - www.fidic.org
- ICC
 - www.iccwbo.org
- DRBF
 - www.drb.org
- World Bank
 - www.worldbank.org
- ICE
 - www.ice.org.uk

Funding Agencies Using FIDIC

- World Bank
- Multilateral Banks
- Development Authorities
- Reconstruction Agencies
- Governments

TRENDS

Decision / Recommendation / Opinion ??

- Provide an enforced outcome?
- Assist Dialogue / Good Practice / Capacity
- Failure to enforce / Non willingness or inability to settle
- Facilitates certainty of administration

Joint ventures & P3 Developers

- Transparent Audit trail
- Time, Cost & Conflict control
- Multi level DBs

Disputes are a fact of life



Dispute Boards Reduce Conflict



**If you do not
agree or select
DB Members
then someone
else will do so
on your behalf**