DRBF Paris 2013

History of DBs DABs and DRBs

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Early History

- **Cave Man approach**
  - Don’t 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](http://www.fidic.org)

- **ICC**
  - [www.iccwbo.org](http://www.iccwbo.org)

- **DRBF**
  - [www.drb.org](http://www.drb.org)

- **World Bank**
  - [www.worldbank.org](http://www.worldbank.org)

- **ICE**
  - [www.ice.org.uk](http://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.