

Liquidated Damages in Construction Disputes: Myth and Reality of the Sought Predictability

Date: Wednesday, 26 October 2022
Time: 18:30 – 20:00 pm Doha time (GMT +3)

Venue: Online through Zoom
Language: English



Event Description:

This is a joint webinar presented by the Ciarb Qatar Branch and AACE Qatar Section.

Most standard forms of construction contracts provide for liquidated damages in case of delayed completion of the works. Including liquidated damages in construction contracts has been explained by the intention to provide certainty and to save the expenses of proving loss. What is the concept of liquidated damages and how do they apply in the region and, particularly, in Qatar? Do they really provide certainty? Is there any role for experts when liquidated damages clauses provide for an agreed amount payable when the contractual completion date is overrun? What are the best practices in approaching these? Numerous questions arising from this important topic will be discussed during this webinar with our experienced speakers: a lawyer will touch upon the issues from a counsel and arbitrator standpoints while an expert will give his insight from his practice. Construction practitioners, contract managers, consultants, experts, lawyers and in-house counsel who participate at the webinar will have the opportunity to put their questions and share their experience at the Q&A session.

Special Appearances



Prof. Dr. Mohamed Abdel Wahab
Ciarb MENA Trustee



Dr. Nasser Al-Adba
Chair of Ciarb Qatar Branch

Moderator



Saad Hegazy
AACE Qatar President
Vice Chair of Ciarb
Qatar Branch

Speakers



Ahmed Habib
Attorney, International
Arbitration & Dispute
Resolution DWF LLP, Doha
& Paris offices



Eng. Abduljabbar
Arbitrator and Mediator

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Profile

Prof. Dr. Mohamed Abdel Wahab, C.Arb, FCI Arb

Prof. Dr. Mohamed Abdel Wahab is a Professor of International Arbitration, Private International Law and English Contract Law at Cairo University; Founding Partner and Head of International Arbitration, Construction and Energy Groups at Zulficar & Partners Law Firm (Egypt); ICCA Treasurer & Member of the Governing Board; Dean of the Africa Arbitration Academy; Chair of the International Expert Committee of the Permanent Forum for China Construction Law; Vice-Chair of the ICC Governing Body for Dispute Resolution Services; Co-Chair, IBA Arab Regional Forum; Vice-Chair of the Advisory Committee of the CRCICA; Member of the CIMAC Court of Arbitration; Member of the Advisory Board of the MIAC; Member of the LACIAC Court of Arbitration; Member of the

ITA Academic Council; Member of the Advisory Board, Indonesian Arbitration Centre; and Member of the Court, PCA.

He served as 'Arbitrator', 'Legal Expert' and 'Counsel' in more than 245 cases, involving parties from the Africa, Asia, Canada, Europe, the Middle East and the United States. He featured in cases under the auspices of the AAA, BCDR (Bahrain), ADCCAC (UAE), CRCICA (Egypt), DIAC (UAE), DIFC-LCIA (UAE), ICC (France), ICSID (USA), KIAC (Rwanda), LCIA (UK), LMAA (UK), QICCA (Qatar), RCICAL (Nigeria), SCC (Sweden), SIAC (Singapore), TIAC (Uzbekistan), as well as ad hoc UNCITRAL proceedings, involving mega multi-hundred million dollars disputes involving private parties, investors, States and State-owned entities. He received the LAW Magazine 2017 Best Legal Practitioner Award, the 2018 ASA International Arbitration Advocacy Prize, the 2019 AYA Hall-of-Fame African Arbitrator Award, the 2020 and 2021 Client Choice International Award.

He is listed in Who's Who Global Elite Thought Leaders: International Arbitration (2021 and 2022); selected among the Legal500 Africa Powerlist (2021) and the AYA's Africa's Top 30 Powerlist (2021). He is the coeditor (with Prof Maxi Scherer and Ms. Niuscha Bassiri) of "International Arbitration and the COVID-19 Revolution" (2020); coeditor (with Prof Ethan Katsh and Mr. Daniel Rainey) of "Online Dispute Resolution: Theory and Practice" (2021); and is the author of the Abdel Wahab Pandemic Pathway to Virtual/Remote Hearings.

Dr. Nasser Al-Adba

Dr. Nasser Al-Adba is an accomplished and highly recognized lawyer in Qatar and MENA region, having practiced law extensively throughout the world. He specializes of major Corporate and Construction matters both litigation and ADR. Dr. Al-Adba practices also the fields of International Investment Law and International Trade, having been chosen for the World Trade Organization roster of panelists (WTO).

He is full time assistant Professor teaching the areas of Public International Law, ADR and Investment Arbitration at Qatar University (QU). Recently, Dr. Al-Adba is elected as the Chair of Chartered Institute of Arbitrators (CI Arb) Qatar Branch.

Academics:

- Ph.D. in International Investment Arbitration from University of Manchester, UK
- G.D.L. in International Negotiation, Mediation and Dispute settlement from Harvard Law School, USA
- L.L.M. from Graduate Institute of International and Development Studies, Geneva, Switzerland
- L.L.B. Qatar University, Qatar.

Saad Hegazy

Saad Hegazy is a Delay and Quantum Testified Expert Witness, Member of the Academy of Experts with over 20 appointments, Expert Determinator, Arbitrator and CEDR Accredited Mediator based between Doha and Dubai with more than 17 years' experience in Delay Analysis, Construction Contracts, Quantity Surveying, Claims, and Disputes Resolution in various industries and project types in GCC, Middle East, Asia, and Africa.

Saad has a wealth of experience and knowledge having worked on airports, metros, infrastructures, industrials, oil & gas, water treatment, utilities, luxuries and high-rise buildings projects. His expertise extends to arbitration, mediation and litigation work. His education includes BSc in Civil Engineering, MSc in Strategic Project Management, LLM in Construction Law and International Arbitration.

Saad is the President of AACE Qatar Branch, and Vice-Chair of CIArb Qatar Branch, previous ICC YAF MENA Regional Representative. Saad is a Fellow of the Chartered Institute of Arbitrators (FCIArb), Expert Witness and Member of the Royal Institution of Chartered Surveyors (MRICS), CEDR Accredited Mediator, and Arbitrator listed at QICCA, SCCA, CIArb, and W&W rosters.

Ahmed Habib

Ahmed Habib is an Attorney-at-Law, Member of Paris & Cairo Bars. He is an international arbitration and dispute resolution specialist, practising at DWF LLP. His practice emphasises on Europe, the Middle East and Africa.

He acts as counsel and arbitrator and is on the list of arbitrators of the ICC French National Committee. He has handled international arbitrations subject to a variety of applicable laws (civil and common law), covering several jurisdictions and conducted under the auspices of various arbitration centres (notably the ICC, ICSID, CRCICA, DIAC, LCIA and PCA) as well as ad hoc arbitration proceedings. His experience has covered a wide range of industries, including construction.

He is a member of the ICC Commission on Arbitration & ADR and was appointed as member of the committee entrusted with the reform of the Egyptian arbitration law.

He is fluent in Arabic, English and French and worked in each of those three languages.

Eng. Abduljabbar

Abduljabbar has over 30 years of experience in the fields of oil & gas, construction, manufacturing and international collaborative and JV agreements, in Qatar and internationally. He is a member of the Chartered Institute of Arbitrators (CI Arb) and registered arbitrator at LCIA and QICCA. He is a certified mediator by the National Association of Certified Mediators (NACM), International Mediation Institute (IMI) and CI Arb.

He is a subject matter expert registered with Qatar courts and Ministry of Justice and a certified FIDIC contracts claim determiner. Abduljabbar holds a master's in professional civil engineering from the University of Northern Arizona, BSc in oil and gas from the University of Southern California, LLM in oil & gas law from the University of Aberdeen, LLM in International business law from the University of Cumbria, and currently doing an LLM in construction law at RGU in Aberdeen.

He is a member of the American Society of Civil Engineers, Society of Petroleum Engineers, and Society of Construction Law. He has handled over 300 civil and commercial disputes in construction and Oil & Gas sectors, with claims of up to QAR 3 billion.