



MIDDLE EAST

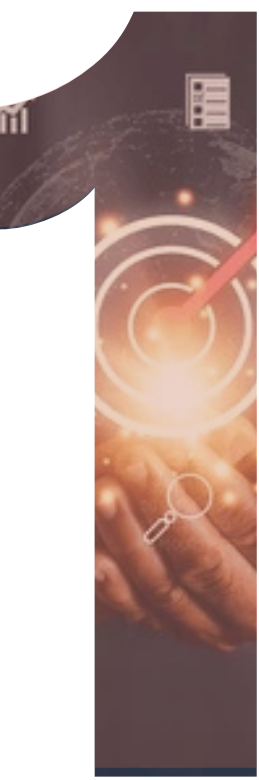
CONSTRUCTION

DISPUTES



Essential Tips for Effective Claims

Navigating construction disputes in the Middle East requires strategic planning and a proactive approach. Unforeseen challenges can disrupt even the most carefully planned projects, making a well-structured dispute resolution strategy crucial. This article outlines 10 practical tips to help parties maximise their chances of success when formal proceedings become unavoidable.

A vertical decorative graphic on the left side of the page. It features a hand holding a glowing, golden orb with concentric circles and a magnifying glass over it, set against a dark background with faint grid lines.

CLARIFY YOUR COMMERCIAL OBJECTIVE

Before initiating proceedings, a party must ensure that its commercial objectives are clearly defined. Litigation can often be more complex than expected, so having a well-articulated goal allows for better strategic decision-making throughout the process. While adaptability is essential, especially as a case unfolds, parties that lack a clear vision risk being reactive rather than proactive. Parties should engage internal and external counsel early to ensure objectives align with legal strategies.

BUDGET WISELY



Effective dispute resolution requires an adequate and balanced budget. While cost-cutting may be tempting, it should not come at the expense of presenting a strong case. Invest adequately to gather evidence, hire experts, and craft compelling arguments that support a party's claims.





MAINTAIN COMPREHENSIVE DOCUMENTATION

Accurate, chronological documentation is the backbone of any successful claim. Keep detailed records of contracts, communications, notices, delays, and other key documents. A well-organised set of records saves time, reduces costs, and enhances the clarity of a party's claim. For example, a contractor claiming increased costs due to variations will need to present robust documentation to substantiate their case.

ASSEMBLE AN INTERNAL DISPUTES TEAM



Create a cohesive internal team that includes project stakeholders and experts familiar with the project. This team should collaborate to gather evidence, provide relevant insights, and support the legal team as required. Disjointed internal coordination can lead to missed opportunities and weakened cases.



A large, stylized number "5" in a light brown color. Inside the "5", there is a circular inset image showing a person's hands holding and reviewing a document.

COMMUNICATE STRATEGICALLY

Consistency in communication is vital. All correspondence should align with the overall strategy. Clear and unified communication strengthens a case, especially when a dispute has arisen or is likely to arise.



ADHERE TO CONTRACTUAL

DISPUTE RESOLUTION CLAUSES

Strict adherence to the agreed contractual dispute resolution mechanisms is imperative. Deviating from or ignoring those procedures can lead to delays, increased costs, and potential penalties. Compliance with multi-tiered clauses and preconditions is essential to avoid procedural setbacks that may divert attention from resolving the substantive issues of the dispute.



A close-up of a hand holding a pen, writing on a calendar or planner.

PRIORITIZE AND

STRUCTURE CLAIMS

Identify key claims and present them in a well-substantiated, organised manner. Prioritise claims to ensure that the strongest arguments are emphasised, backed by relevant documentation.

COLLABORATE FOR

A COMPELLING CASE

Parties should collaborate closely with their legal team to ensure their case is presented in the strongest possible manner. Active involvement by the parties can provide valuable insight and enhance the effectiveness of legal arguments. Proactive contributions are vital to building a more compelling and well-rounded case.





STAY COMMITTED TO THE PROCESS

Maintain momentum once the dispute is underway. While settlement discussions can be beneficial, they should generally not distract from progressing the case. Staying proactive helps prevent unnecessary delays if negotiations do not result in an agreement.

SEEK EARLY PROFESSIONAL ADVICE



Complex construction disputes often require expert guidance. Seeking legal and technical advice early in the process can uncover critical insights and anticipate potential counterclaims. Waiting until deadlines are imminent is a risky strategy that can compromise a party's case.





CONCLUSION

By adhering to these 10 actionable tips, parties can navigate construction disputes more effectively and improve their chances of a favourable outcome. A well-prepared, strategic approach not only safeguards a party's interests but also supports a cost-effective resolution process.



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