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Using African Engineering ADR Practitioners in Resolving Infrastructure Project Disputes Under the AfCFTA Protocol

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Abstract
The African Continental Free Trade Area (AfCFTA) is an important initiative aimed at the integration and development of Africa. This trade initiative provides an opportunity for engineering enterprises in the development of infrastructure projects which are important developmental requirements. With almost all human endeavors disputes are likely to arise. Disputes related to infrastructure projects and engineering enterprise can be complex creating delays in progress, escalated cost and sometimes wasted funds. This paper explores the possibility of strategically employing the expertise of African engineering ADR practitioners in the resolution of such disputes when they arise. It suggests that ADR practitioners with expert knowledge of the subject of disputes are best placed to resolve such disputes. It explores mechanisms for encouraging African engineers to be ADR practitioners to create enough capacity to deal with these disputes when they arise. This paper relies on secondary sources. It explores how African ADR centers can be strategically supported to help the AfCFTA initiative in using African Engineering ADR practitioners who are affiliated with these Centres. It suggests that to deliver these, targeted training, policy changes and strategic collaboration is required to realise these goals.

Keywords: African Continental Free Trade Area (AfCFTA), Alternative Dispute Resolution (ADR), Infrastructure Projects.

Introduction

Overview of the African Continental Free Trade Area (AfCFTA)

The African Continental Free Trade Area (AfCFTA) is a protocol that has been set up to enhance the economic integration of African nations. This protocol was introduced in 2018 and came into effect on May 30, 2019, when 54 out of 55 African Union member states signed the Agreement. It has created one of the world's largest free trade areas. The combined GDP of member states is approximately $3.4 trillion and involves about 1.3 billion people. The AfCFTA protocol provides for increased intra-African trade, enhancing economic integration and boosting industrialisation. (Pine, 2020). Other benefits to member states include economic development, sustainable and inclusive socio-economic development, enhancing competitiveness and the supports for small and medium enterprises (African Union, 2015).

The implementation of AfCFTA is rolled out in phases. It has begun with the establishment of the free trade area, negotiation on the competition policy, intellectual property rights and investment. To operationalize the protocol, the AfCFTA secretariat has been established. Other units include the dispute settlement mechanism and committees to provide oversight on goods and services, investment and competition ((AUDA-NEPAD) & Center, 2020).

Some of the immediate challenges AfCFTA would contend with include lack of infrastructure, promoting commerce through the standardisation of regulations, norms and policies across the economies of member states. It also has to ensure that trade and integration opportunities and advantages are fairly spread across member countries and socio-economic groups, especially the marginalised ones (Wapmuk & Ali, 2022).

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AfCFTA would establish Africa as an important player in world trade and enhance the economic resilience of member states.

Importance of Infrastructure Development for Economic Integration

Infrastructure development is a major factor required for economic integration (Bassolé, 2014). AfCFTA provides a comprehensive framework which can be taken advantage of to promote infrastructure development. An improved and reliable infrastructure, such as roads, railways, ports, and airports reduce cost of transportation, reduces transit times and ensures the efficient movement of goods and services across member states. An efficient logistics network is a critical success factor for businesses, it enables them to minimise inventory costs and respond quickly to market demands (Tang, 2022).

Infrastructure that are essential for trade activities and industrial operations include the following. Reliable energy infrastructure ensures consistent power supply, industrial and export processing zones attracts investments in manufacturing and value-added businesses, diversifying the economy and encouraging growth (Fofack, 2021). Some other critical infrastructure includes reliable Internet and telecommunications which would promote innovation, digital trade and e-commerce. Generally, well developed infrastructure is attractive to investors, reduces operational risk and costs. It signals an investment friendly environment.

Challenges and Disputes in Infrastructure Projects

Whiles important for economic growth and development, infrastructure projects are prone to various challenges and disputes. However, these projects can be proactively managed to avoid or minimise these challenges and disputes.

In Africa, many projects overrun their initial budget due to unforeseen costs, poor planning and poor initial design. Also, large infrastructure projects often involve multiple stakeholders, making coordination complex and prone to conflict. Delays in project execution and payments can lead to increased cost and can be a source of conflict. Sometimes projects begin when the total funding required has not yet been secured. This could result in delayed payments or scaled down projects when the envisage funding is not realised.

Navigating the regulatory environment for planning permission and building permits can be complex, leading to delays and creating conflict amongst parties. Land ownership and rights also can be a source of conflict which can arise during the course of the project. Where there is political instability projects can be abandoned, and disputes may arise out of such actions.

Disagreements over project scope and changes is also a source of dispute. Poorly written contract documents and construction management including poor judgement leading to omissions and commissions by contract managers can lead to disputes (Butyrin, 2023).

To avoid or minimise conflicts, comprehensive feasibility studies and risk assessments should be done before project initiation. Well written contracts outlining scope, responsibilities, risk allocation and dispute resolution mechanisms, stakeholder management including local community engagement should be carried out from the onset to address concerns and build support for the project. Understanding of ADR enables engineers to eliminate conflict in projects and when conflicts occur resolving them through ADR mechanisms is helpful.

This paper explores how

i) ADR training can be beneficial to Engineers.
ii) African Engineers can be relevant in dispute resolution of large infrastructure projects under AfCFTA.
iii) African ADR Centres can support AfCFTA in the resolution of infrastructure disputes

Dispute Resolution Mechanism Under AfCFTA

There is a structured and effective framework for dispute resolution under AfCFTA. This is aimed at disputes amongst member states arising out of the interpretation and application of the AfCFTA Agreement. The institutional framework for these dispute resolutions as the dispute settlement body (DSB). The DSB comprise representatives of each member state. This body provides oversight on the whole process of dispute resolution which includes the formation of panels adoption of reports from the panels and appellate it body and implementation monitoring. Administrative and logistics support is provided by the AfCFTA secretariat including selecting the panellists and organising hearings (Ojok, 2023).

The dispute resolution process starts with consultations, if that fails then through good offices, conciliation or mediation facilitated by a neutral third party agreeable to the disputing states. These are voluntary and non-binding mechanisms. If these mechanisms fail the complaining party can request the formation of a panel typically three or five experts selected by the secretariat from a register it maintains. The panel will consider the dispute and issue a report which goes to the DSB. The report is adopted unless there is consensus not to adopt it. The panel report can be appealed on legal grounds. In such a case an Appellate body is formed. It considers the case and issues a report which is subject to adoption by the DSB. Parties must comply with these recommendations.

The Role of Engineers in ADR

Definition of Alternative Dispute Resolution (ADR)

Alternative dispute resolution ADR mechanisms are processes employed to settle dispute outside the traditional judicial system. These mechanisms or methods may be binding or non-binding and include mediation, arbitration, negotiation and adjudication. They are meant to be collaborative, less formal, less expensive and faster compared to the traditional judicial system. (Amoa-Abban, 2017)

In mediation and neutral third party the mediator, selected jointly by the parties, helps negotiate amicable resolution. This process is non-binding until an agreement is reached. It aims to facilitate communication amongst parties to arrive at a consensual agreement.

In arbitration a neutral third party, selected jointly by all parties, considers the evidence and arguments from the parties and makes a binding decision. Grounds for appealing the decision are very limited. In negotiation the parties voluntarily engage each other to arrive at a mutually acceptable resolution. This can only be achieved when the parties are willing to communicate and compromise.

Adjudication is where an adjudicator provides a temporary binding decision. This can later be subject to arbitration or litigation if necessary. It provides a quick resolution and typically used in construction disputes to keep projects moving.

Importance of ADR in Infrastructure Projects

Disputes in infrastructure projects causing delays can be costly. ADR benefits parties in an infrastructure dispute because it is generally less expensive and faster than court litigation. Parties are also involved in the resolution process (Marion Smith, 2023). The parties can agree on a settlement or resolution that may not be available through litigation. Also, they can select a third-party neutral who understands the project context to resolve the conflicts. These experts may not be available in litigation. ADR mechanisms such as negotiation and mediation help parties to preserve professional relationships and can improve collaboration. The ADR process is also confidential and as such sensitive project information are protected (Barrett, 2004). Where ADR mechanisms are incorporated into project contracts it provides a road map for resolving disputes if they arise. Most infrastructure contracts now incorporate ADR mechanisms as part of the dispute resolution process ensuring that parties can be a part of the dispute resolution process. This approach appears to provide the best alternative for dispute resolution in infrastructure projects as it preserves relationships, maintains confidentiality, manages risk and employ industry experts.

Unique Skills Engineers Bring to ADR

Engineers by their training can bring a set of unique skills to ADR that can significantly enhance the effectiveness and efficiency of the process. With infrastructure projects engineers bring valuable technical knowledge, problem solving skills, project management expertise and a collaborative mindset to the ADR

process. Engineers have the ability to analyse complex technical issues and communicate them clearly and concisely facilitating better understanding among all parties involved in a dispute. The engineers' experience in project management and the particular discipline equips them to evaluate claims related events that may arise within a dispute. These may take a while for a non-engineer to appreciate and apply these principles. Indeed, an engineer may be invited as an expert to assist a non-engineer ADR practitioner under such circumstances. It is however, more advantageous if the ADR practitioner is an engineer.

Encouraging African Engineers to Become ADR Practitioners

Benefits of Engineers Practising in ADR

An engineer who has ADR training can bring it to bear on managing projects by helping their companies or clients avoid litigation and prevent project delays which can be costly in terms of time and resources. African engineers understanding of ADR can help them in managing stakeholder issues on infrastructure projects across the continent. Engineers can serve as expert witnesses, mediators, and arbitrators in ADR processes. This can lead to greater recognition within the industry enhancing one's professional standing. It provides a second profession, and it can be practised together with engineering. An engineer trained in legal principles and procedures related to ADR heightens his understanding of contractual and legal aspects of projects. This also puts them in good stead for leadership and management roles as it provides them with the ability to manage complex disputes and negotiations. African engineers trained in ADR can add to the pool of skilled ADR practitioners capable of resolving complex disputes so that we do not have to rely on practitioners from other continents to resolve African issues. ADR training and practise, also, provides professional and financial benefits to engineers. It enhances their reputation expands their network and provides them with career growth.

Training and Certification Programmes in ADR

To participate effectively in ADR, one has to be trained and certified. These training programmes will provide engineers with the required skills and credentials to practise as mediators, arbitrators, or expert witnesses. Training and certification programmes are offered by some universities and ADR centres across the continent. Professional Engineering Institutions (PEIs) have recognised the importance of ADR in resolving disputes in infrastructure projects and are promoting ADR amongst engineers. Indeed, some infrastructure projects contracts refer to some of these institutions for the appointment of arbitrators and other ADR practitioners when disputes arise. In addition to the training of engineers as ADR practitioners the PEIs should advocate for ADR friendly policies and create ADR centres for resolving principally engineering disputes.

Utilization of African ADR Centres

Overview of African Arbitration Centres and their Functions

There are a number of ADR centres in Africa resolving disputes in the commercial and construction sectors and also capacity building services.

These centres include:

1. Lagos Court of Arbitration (LCA) – Nigeria
2. Cairo Regional Centre for International Commercial Arbitration (CRCICA) – Egypt
3. Nairobi Centre for International Arbitration (NCIA) – Kenya
4. Ghana Arbitration Centre (GAC) – Accra
5. Kigali International Arbitration Centre (KIAC) – Rwanda
6. Association of Arbitrators (Southern Africa) AASA
7. Dispute Resolution Centre (DRC) – South Africa

ADR centres in Africa are important, they help in the resolution of disputes through arbitration, mediation and other ADR mechanisms. They offer capacity building programmes and provide advocacy for the use of ADR. These centres contribute to the efficient and effective resolution of disputes and enhancing economic growth and stability in the region. African ADR centres can play important roles in supporting the AfCFTA framework dispute resolution functions to facilitate cross-border trade and investment. Whiles

the dispute resolution framework in the AfCFTA protocol is between states, disputes between investors and state and also amongst investors can be handled by these African ADR centres. This is important for maintaining investor confidence and protecting investment. These centres should be strengthened and promoted for the resolution of disputes under AfCFTA. This would be cheaper than other ADR centres outside the continent and provide African centres the opportunity to grow. Where international ADR centres must be involved it should be in partnership with one of the African ADR centres.

Strategies for Integrating Engineers into ADR Centres.

With infrastructure projects and other engineering disputes it is important and necessary that the ADR practitioners have some engineering knowledge, are engineers or have engineers assisting them. These ADR centres must make a conscious effort to work with PEIs to build capacity amongst engineers to assist them. They can participate in engineering conferences, seminars and workshops to promote the role of engineers in ADR and the benefits of ADR training. It can also be integrated into the continuous professional development (CPD) requirements for engineers so they can continuously build capacity in dispute resolution. The ADR centres can promote research on the role of engineers in ADR using case studies and best practises to demonstrate the impact of technical expertise on dispute resolution outcomes.

Case Studies

Successful Dispute Resolution in Infrastructure Projects using Engineers

Considering the role played by engineers in the resolution of some key infrastructure projects can highlight the need for engineers to be involved in ADR.

Across the world examples of cross-border infrastructure projects abound. These cross-border infrastructure projects demonstrate the importance of shared infrastructure projects in integration, cooperation, and trade amongst countries. These projects include Channel Tunnel (Eurotunnel) which connects England and France; Hong Kong-Zhuhai-Macau Bridge which connects Hong Kong, Macau and mainland China. There is also the Oresund Bridge connecting Denmark and Sweden; International Bridge of the Americas connecting the US and Mexico, Kazakhstan-China Gas Pipeline between Kazakhstan and China; Nord Balt Power Cable between Sweden and Lithuania; Russia China Oil Pipeline between China and Russia; Singapore Malaysia High Speed Rail connecting Singapore and Malaysia. (Yong, 2018) Tat 14 - Transatlantic cable connecting the US, UK, France and the Netherlands.

A number of these projects encountered disputes which were resolved efficiently and effectively with ADR avoiding lengthy and costly litigation. Large and complex cross-border infrastructure projects are envisaged under the AfCFTA protocol. These case studies on similar projects provide insight into how disputes arising under such projects were efficiently and effectively resolved and the methods employed to resolve them. These case studies highlight the role played by engineers in the resolution of disputes during the execution of complex cross-border infrastructure project.

The following four cases, Channel Tunnel, The Hong Kong Zhuhai Macau bridge, Russia China oil pipeline and the West African Gas Pipeline Project are considered.

Channel Tunnel (Eurotunnel)

The Channel Tunnel project linking England and France is an engineering feat and a statement of European Unity. A cross-border infrastructure project, comprising a 50 km undersea tunnel connecting England and France. It provides a high-speed rail link for passengers and freight between the UK and Europe. The nature of the project itself was complex and its cross-border nature also presented additional dimensions to its complexity. (Flyvbjerg, 2005). Engineers from both countries were involved in this project. The project construction was from 1986 to 1994. The project has resulted in reduced travel time from seven hours to three hours between London and Paris and increased trade and economic growth between the UK and Europe.

The number of disputes that arose include disagreements between the engineers on technical issues such as tunnel boring machines to be employed and fire safety concerns in the tunnel. There were construction

delays and cost overruns. Disputes also arose concerning payments between contractors and subcontractors. There were also environmental concerns about marine life and coastal erosion. and community resistance. Also, there were disputes on revenue sharing between the two countries.

Stakeholders in this project included the UK government, French government, private consulting firms and construction companies, financial institutions, local communities, environmental groups, regulatory bodies, international organisations, workers groups, competing transport operators and passengers and freight customers. This project employed a combination of ADR methods including Negotiation, Mediation, Arbitration, Expert Determination, Adjudication with litigation being the last resort. (Channel Tunnel, 2007).

Engineers helped resolve the dispute by providing important technical expertise related to the design of the tunnel construction and safety. They also helped mediation and negotiation leading to resolving technical and payment disputes. Engineers provided binding expert determination on technical disputes. Disputes related to contractual obligations were resolved by arbitrators who were engineers.

This approach ensured that disputes were resolved efficiently reducing project delays. Also, technical issues were satisfactorily addressed and ensuring project quality and safety. It also provided cost effective solutions which reduced the cost overruns. Communication and collaboration between parties were enhanced leading to a successful project.

Some of the lessons learned include the need for engineers from different countries to collaborate, the fact that engineers can be good mediators, negotiators, and arbitrators. Also, the need for early involvement of engineers in dispute resolution processes.

The Hong Kong Zhuhai Macau Bridge (HZMB)

The HZMB is also another complex cross-border infrastructure project. This project is a 55-kilometre-long sea crossing bridge and tunnel system which connects Hong Kong, Macau and Zhuhai in China. It was constructed over a nine-year period from 2009 and 2018, and it is one of the world's longest sea crossing bridges (Wong, 2018).

It promotes the integration of these cities reducing travel time from 4-5 hours to 30 minutes. It has enabled easy access to tourist destinations between these cities' and faster transportation of freight. The project cost over 20 billion U.S. dollars. Numerous disputes arose including environmental concerns over marine life protection and noise pollution. (Hong Kong-Zhuhai-Macau Bridge, 2015) There were land acquisition and compensation conflicts with residents and businesses. Other dispute centred around construction delays and cost overruns, safety concerns, technical issues, traffic and toll management and cross-border issues.

These disputes were addressed through ADR methods and litigation. The ADR methods included negotiation and mediation, arbitration and dispute resolution panels. There were also government interventions and policy actions and shareholder management including public consultations. Engineers' involvement in the dispute resolution included technical mediation, expert witness and collaborative problem solving. They were also involved in mediation, arbitration and other ADR methods.

Numerous lessons were learned on this project including the collaborative approach to issues, early involvement of engineers and technical experts in resolving complex technical issues, cultural sensitivity, continuous improvement on dispute resolution mechanisms. The Hong Kong International Arbitration Centre (HKIAC's) arbitration rules and procedures were employed to resolve disputes that arose. The centre expertise and experience in handling complex infrastructure disputes plus their familiarity with the culture of the region made it a good choice.

Russia China oil pipeline (Eastern Serbia Pacific Ocean (ESPO) pipeline)
The ESPO is a complex energy infrastructure project between the Russia's oil fields in eastern Serbia and that of China's northeastern region. The project costs about 25 billion U.S. dollars and took eleven years to construct from 2006 to 2018 (Reuters, 2011). The project helped strengthen Russia-China cooperation and economic development of their regions. However, disputes arose between the two countries on routing, environmental concerns, funding and cost sharing, technical issues and tariff and pricing issues.

Disputes mechanisms employed to resolve them include negotiation and diplomacy, expert panels and technical committees', arbitration, mediation and consultation, government to government memoranda of understanding and agreements (Moura, 2012). The project used arbitration under the International Chamber of Commerce (ICC) to resolve technical and commercial disputes. Also, Russian Association of Arbitrators (RAA) was used for disputes related to Russian law and jurisdiction and China International Economic and Trade Arbitration Commission (CIETAC) for disputes related to Chinese law and jurisdiction. Engineers provided expert witness and technical mediation.

The West African gas pipeline (WAGP)
The West African Gas Pipeline (WAGP) is a cross-border project which started from 2005 and was completed in 2010. Its estimated cost was around $1 billion. The project is a 678-kilometre-long natural gas pipeline from Nigeria through Benin and Togo ending in Ghana. It connects the Escravos-Lagos pipeline system in Nigeria to the Takoradi-Tema pipeline in Ghana (West African Gas Pipeline Authority, n.d.)

During the construction of this project numerous disputes arose such as contractual disputes, technical disputes, environmental and social impact disputes, construction delays and defects, payment and financing disputes, permitting and regulatory disputes and border and territorial disputes.

Mechanisms used in addressing these disputes included negotiation and mediation, expert determination and technical audits, arbitration (ICC and ad hoc) and dispute resolution boards. Although, engineers from Ghana, Nigeria, Togo, Benin and South Africa played various roles in the dispute resolution, the arbitration was under ICC rules, no African arbitration centre was involved. However, in 2011 the WAGP project partners selected the Ghana Arbitration Centre (GAC) as the preferred arbitration centre for resolving disputes related to the operation of the gas pipeline (Treaty on the West African Gas Pipeline Project, 2003).

The use of African arbitration centres in cross-border projects in Africa promotes regional capacity building, reduces cost and reliance on foreign arbitration centres and because of cultural understanding enhances the efficiency of the dispute resolution process.

Under the AfCFTA protocol African engineers should be encouraged to take up the practise of ADR. Their involvement in resolving infrastructure projects disputes under AfCFTA would significantly contribute to the success of the protocol. They would be cost effective compared to other international practitioners their cultural competence, local expertise would be an advantage, and they would support African economic integration.

The capacity of African engineering ADR practitioners should be enhanced as there are numerous cross-border projects in progress and envisaged. These include Lagos- Abidjan highway the Grand Inga Dam (DRC-Zambia), Zambia-Tanzania-Kenya Power, Africa 1 highway (Egypt – South Africa), Nigeria-Niger-Benin Railway and many more. African regional ADR centres should be ready to assist with dispute resolution under these projects so we can be self-reliant in dispute resolution.

Key SuccessFactors in Dispute Resolution of Infrastructure Projects
The engineer's ability to understand the technical issues, enables them to identify the root cause of the dispute. They are able to understand and assess the project cost timelines and specifications which are important in resolving disputes over delays and budget overruns.

Engineers may apply problem solving skills and propose realistic alternatives that may help parties reach technically sound and economically viable agreements. Engineers can break down the technical and legal language to the understanding of non-technical stakeholders. Engineers can communicate technical information clearly and persuasively to help mediation and negotiation processes.

Lessons learned from other Regions with the use of Engineers in ADR

Africa can learn from regions around the world where ADR processes have effectively integrated engineers particularly in the resolution of complex infrastructure projects. Lessons learned from these regions can help guide the role of engineers in ADR practise within the AfCFTA framework. Dispute Resolution Boards (DRBs) have been employed in the United States on large scale infrastructure projects. These DRBs comprise technical experts including engineers who proactively resolve disputes before they escalate. This leads to faster and amicable resolutions and help the projects progress without hindrance. Examples of projects these DRBs have been employed on include the Denver International Airport.

The Institute of Arbitrators and Mediators Australia (IAMA) collaborate with PEIs to integrate engineers into ADR processes. The collaboration in dispute resolution relies on the strength of both legal and engineering expertise. In Singapore, a supportive legal and institutional framework has been established that recognises the role of engineers in ADR. Both the Singapore International Arbitration Centre (SIAC) and the Singapore Mediation Centre (SMC) often work with engineers as technical experts. (SIAC Arbitration, 2020)

Policy Recommendations

Proposals for AfCFTA Protocol to Support the Involvement of Engineers in ADR

It would be helpful to develop specific protocols under AfCFTA to support the involvement of engineers in ADR this would ensure that technical expertise is effectively integrated into dispute resolution processes.

For all large-scale infrastructure projects under AfCFTA it is recommended that DRBs be utilised. These DRB's should include engineers and other technical expertise with relevant experience alongside legal professionals to address technical disputes effectively. The protocol should develop guidelines and procedures for the DRB's including timelines reporting requirements and enforcement requirements (Jaldi, 2021).

The AfCFTA can provide accreditation and recognition for specialised ADR training programmes for engineers across member states. This should lead to the certification of engineers as ADR practitioners. A register of accredited engineers who are trained in ADR can be established so it can be relied upon to select technical experts or mediators or arbitrators should the need arise.

AfCFTA can also establish standardised ADR procedures across the region to provide consistency and predictability in the resolution of disputes. Accreditation of the ADR centres across the region for dispute resolution of infrastructure and construction disputes. Conditions for accrediting these centres should include criteria demonstrating the use of engineers for infrastructure dispute resolution.

These suggestions can contribute to an efficient and fair resolution of disputes creating a stable and enabling environment for trade and investment across Africa.

Framework for collaboration between governments engineering bodies and ADR Centres

The AfCFTA framework should provide a mechanism for harnessing the strength of governments, engineering bodies and ADR centres in resolving engineering disputes. The following approach and methodology could be considered.

Establishing coordination committees comprising government representatives, engineering bodies and ADR centres to provide oversight on the implementation of the ADR protocols, facilitate communication and ensure alignment of efforts across all stakeholders.

Governments should support the integration of engineers in ADR by providing funding for training programmes, awareness creation and support for the ADR centres. Their support should also include the enforcement of ADR agreements and decisions. Engineering bodies can promote the role of engineers in ADR among their members uphold professional standards for engineering and continuous professional development.

The ADR centres while providing their services should ensure the inclusion of engineers where appropriate. They should create a pool of certified engineers which they can rely on in the performance of their services. Harmonised regulations should be developed across member states.

This collaboration should be monitored including metrics for dispute resolution time cost savings and satisfaction levels. These regular reviews and assessment would help identify areas for improvement to ensure effectiveness of the collaboration.

There should also be collaboration with international ADR institutions to share best practises and standards. This can be done through exchange programmes for ADR practitioners and administrators. Encourage the private sector to adopt the use of ADR infrastructure dispute resolution.

Conclusion

To attract foreign direct investment in infrastructure projects, it is important to provide a stable and predictable investment climate which promotes sustainable economic growth. This requires amongst others a reliable and efficient dispute resolution mechanism and framework.

Infrastructure projects involving engineers in ADR would provide an assurance that the technical aspects of a dispute are thoroughly understood and addressed. Also, engineers should enforce high quality and standards in infrastructure projects to reduce the likelihood of disputes related to poor workmanship and design flaws. Harmonised ADR standards across member states will promote regional integration and encourage cross-border infrastructure projects. The ADR centres would create employment opportunities for engineers and other professionals. This would also encourage efficient development of infrastructure projects stimulating economic activities creating jobs and improving livelihoods across the continent. These would help in the realisation of the objectives of the AfCFTA protocol.

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