

*“ Bridging the Past, Present,
and Future ”*

11th International Society of Construction Law Conference

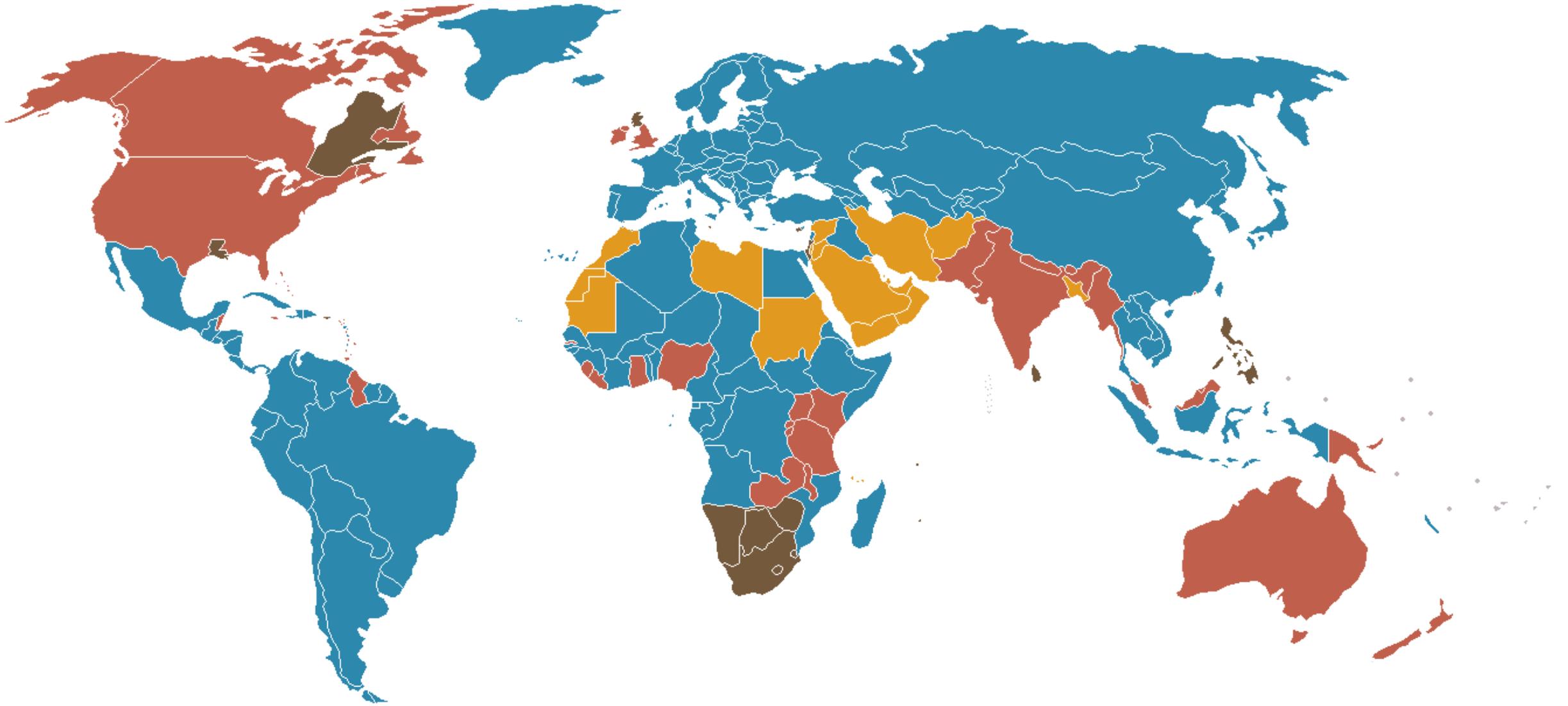
**COEX Gangnam
Seoul, Korea
22~24 October 2025**



To What Extent is there an International
Construction Law?
Professor Doug Jones AO and Sarah Biser

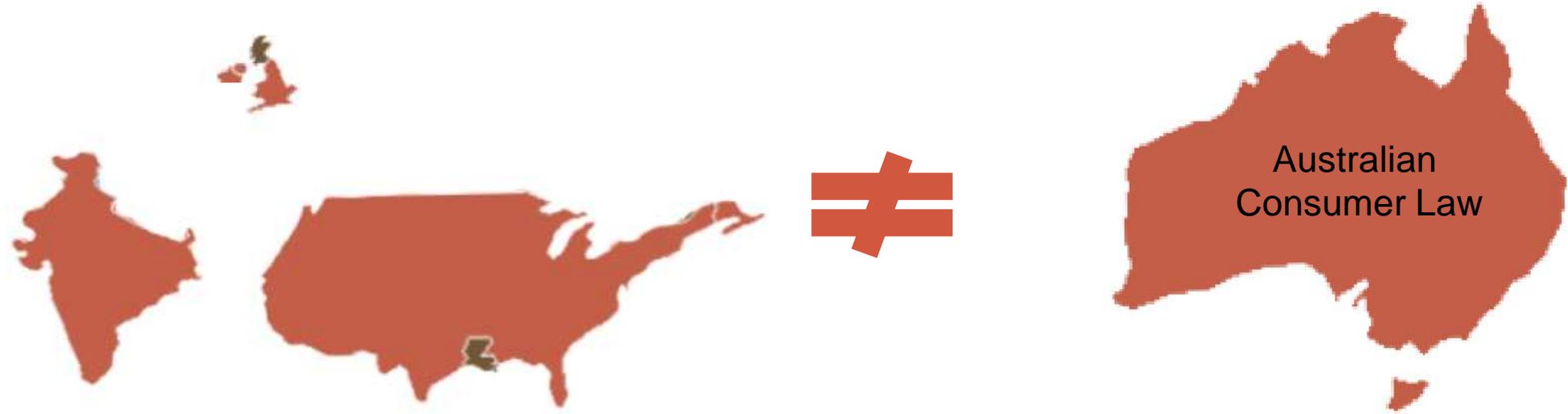


The Society of
Construction Law
International



- Civil Law
- Common Law
- Islamic Law
- Mixed System

Even Within Common Law Countries there is an Issue-based Delineation



● Common Law

FIDIC Contracts

Australia: Australian
Consumer Law



Brazil: Exclusion of
Indirect Damages

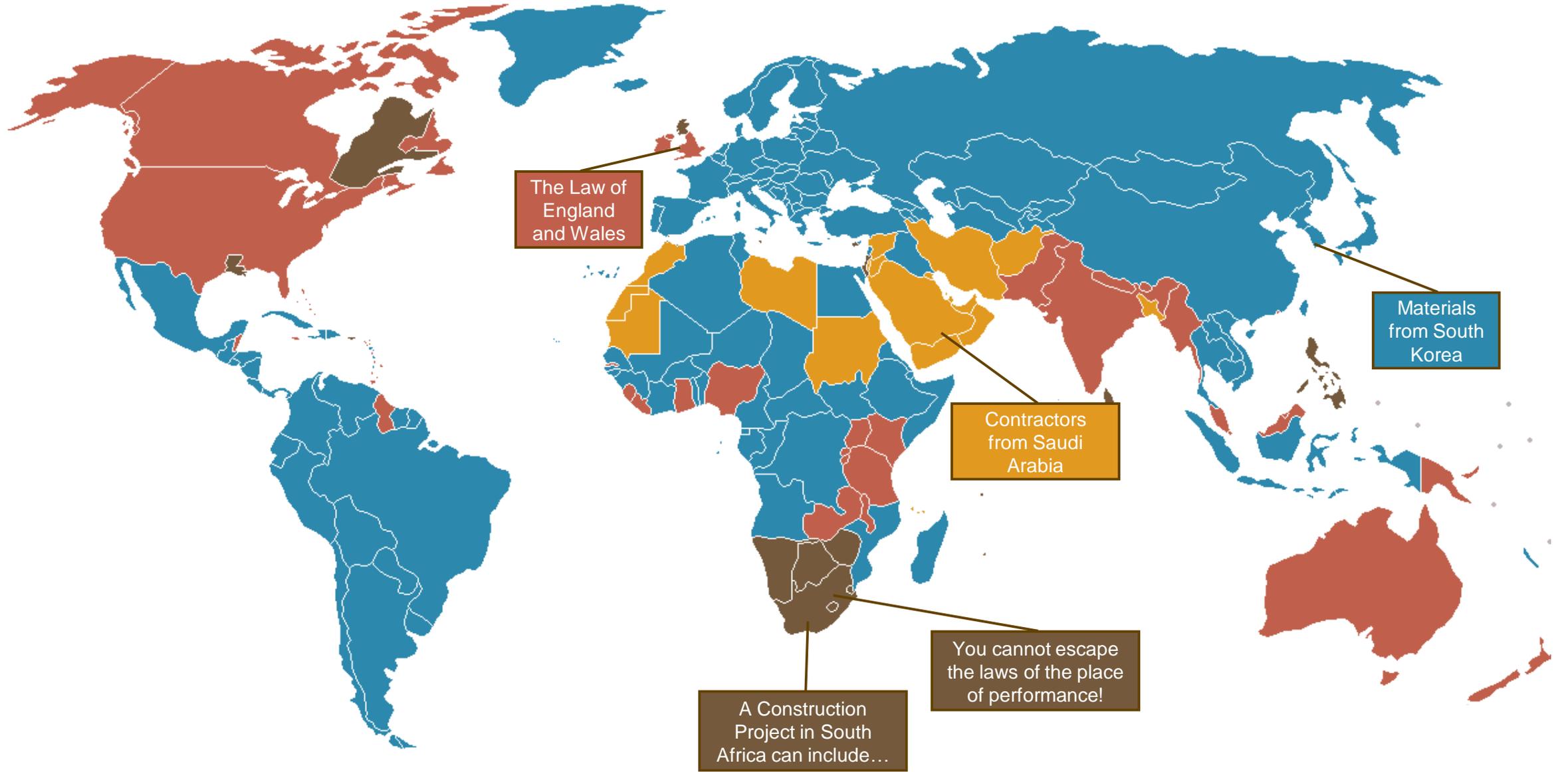


Islamic Law: Decennial
Liability, Force Majeure



Civil Law: Proportionate
Liability





Cost of Performance



Time of Performance



Quality of Performance



Are there International Construction Law Norms?

What Happens When Governing Law is Not Specified?

Voie Directe

Tribunal applies own reasoning / discretion.

Consider:

- Contract
- Circumstances of case / significant connecting factors
- Submission of parties

Voie Indirecte

As prescribed by contract or rules.
Consider conflicts of Law rules:

- Which conflicts rules apply?
- Does contract / rules provide for discretion to apply “applicable” or “appropriate” rules?
- “Closest connection” test?
- “Center of gravity” / “grouping of contract” (New York)?

Voie Directe vs. Voie Indirecte:

**Will results be the Application of
the
Same or Different Law?**

Conclusion

International Construction Law is best understood not as a distinct legal system, but as a method that demands:

Fluency in Multiple Legal Traditions

Sensitivity to Local Constraints

A Comparative Approach to Risk Allocation and Dispute Resolution





Thank You!