



# NEWSLETTER GAMA YOUNG PROFESSIONAL FORUM

*Theme: Sustainability of the Consulting Engineering Industry in Africa*

## Chair's Message



**Adedoyin Obi-  
kanye**  
Nigeria

Hi there!

It has been another exciting year for the FIDIC-GAMA young professionals forum (YPF) as the recently started forum continues to gain momentum all over the member associations in Africa. The YPF was represented at Maputo, Mozambique and the impact of the YP is on the increase in the consulting engineering industry in Africa.

This is the second edition of the FIDIC - GAMA YPF newsletter since its launch earlier in February 2014 and it is the pleasure of the GAMA Young Professional Steering Committee to present this edition for your information on all the happenings at the Young Professionals Forum.

Our commitment to young professionals in the consulting industry is to help you find a niche where you can be heard, seen and identified. Our continuous reinforcement to the young professional all over the continent is to understand that the young professional is a highly significant individual in the scheme of things in the future of Infrastructural development in their countries.

The theme of this newsletter is “sustainability of the consulting engineering industry in Africa! This has called for a whole lot of questioning in the mind of young professional. How will this generation take on the mantle of leadership when it their time. The newsletter has provided an expose on how the gap between the old Professionals and the young professionals may be bridged, it has also the YP account of the Maputo, Mozambique conference, it shares on the essential competencies and attitudes to grow a young professional, also a “going forward” message drawn from a young professionals experience of the GAMA 2014 conference in Maputo, an article on mediation in the construction industry and finally, an inspirational article towards the young professionals attendance of the next FIDIC -GAMA conference in 2015 which will take place at Accra in Ghana.

We look forward to your presence in Ghana for the conference in 2015. It promises to be wow event for the young professional. Enjoy all of these articles and let us know what you think all the time. You may reach us on [fidicgamaypf@gmail.com](mailto:fidicgamaypf@gmail.com).

Akwaaba!!! Like the Ghanaians will greet; which means welcome!!!



# NEWSLETTER

## GAMA YOUNG PROFESSIONAL FORUM

*Theme: Sustainability of the Consulting Engineering Industry in Africa*

### THE GAMA YOUNG PROFESSIONAL STORY OF THE MAPUTO, MOZAMBIQUE GAMA CONFERENCE 2014

It was a fantastic conference for all Young Professionals. The entire conference almost became a Young Professionals conference. It seemed that the conference had been put in place for the Young Professionals. The theme of the conference; Local Involvement in Major Projects for Sustainability had all the YPs going very wild with excitement and why not, as sustainability of any organization or association is always centered around the next generation.

It was one conference where all speakers had every one entranced in their topics of discussions and there was not a dull moment. This conference is the 1<sup>st</sup> Conference since the inauguration of the Young Professionals Forum in Khartoum, Sudan 2013. There were 6 Young Professional Speakers in the 2-day Conference all talking around the Young and Sustainability of Projects and organizations are being centered around them in order that the sustainability of the Industry will be guaranteed in the future.

The young professionals present were about 30 most of which were from Mozambique and other Young Professionals from Morocco, South Africa, Ghana and Nigeria, participating very strongly either in presentations or in asking questions and seeking clarifications. There were about 250 delegates in attendance at the conference.

#### Sunday 23<sup>rd</sup> March, 2014

The Young Professionals had their “meet and greet session” with about 20 Young Professionals in attendance. The Managing Director of FIDIC, Enrico Vink addressed the young professionals with a need to come up with more areas to impact in the FIDIC – GAMA Community and he particularly referred to involvement with the GAMA working committees.



**Adedoyin Obikanye**  
Nigeria



*Cross section of YPs and the GAMA Chairman, Engr. George Sitali, at the Meet and greet session*



# NEWSLETTER

## GAMA YOUNG PROFESSIONAL FORUM

*Theme: Sustainability of the Consulting Engineering Industry in Africa*

The outgoing GAMA Chairman; Arthur Taute also geared the young professionals towards being part of the GAMA community and he succeeded in encouraging a few Young Professionals to volunteer to be a part of the various committees available in GAMA. In attendance at the meet and greet session was George Sitali from Zambia, who was the incoming GAMA Chairman and other members of the GAMA Executive Committee and the President of the Association of Consulting Engineers, Nigeria . Engr. Temilola Kehinde.

The meet and greet session was directed by Jeshika Ramchand-Moosamy from South Africa. The Young Professionals had begun networking with each other from the first day of the conference. Francis Kofi Yankey; the Vice Chair of the Young Professionals Forum Steering Committee also gave a short talk on how Young Professionals can begin a Forum in their various countries. The meet and greet session was followed by the welcome session to open the conference for 2014.

### Two days of the Conference

The first day of the conference was interesting as we all had to be there on time. Very interesting and moving when we took the Popular “African Anthem” which was an anthem in some countries in Africa. This demonstrated African Unity with all 250 delegates on their feet. On the first day we had 4 Young Professionals speak at the conference. They include; Amine Amar from Morocco. He spoke about developing competencies for Projects in Morocco.



*Cross Section of the 1<sup>st</sup> set of speakers inclusive of a YP from Morocco – Amine Amar*





# NEWSLETTER GAMA YOUNG PROFESSIONAL FORUM

*Theme: Sustainability of the Consulting Engineering Industry in Africa*

The Second Young Professional speaker was Michele Kruger from South Africa who had a joint session with the MD of FIDIC. Michele who was also a past chair of the FIDIC Young Professionals Forum titled her paper “Sustainability in the African Context”. Her emphasis was that the FIDIC Project Sustainability Pack could be used to drive future investments, can assist in determining the priorities for a specific investment amongst other things. The 3<sup>rd</sup> Speaker was Nasiru Danlami, a member of the GAMA Young Professionals Forum Steering Committee from Nigeria. He spoke on the theme: The African Young Professional and Development of Sustainable Local Expertise. A Young Professional’s view. His emphasis was on the capacity development as the African Continent is blessed with a good population of Younger generations.



*Adedoyin Obikanye, showing her award, with her are George Sitali, GAMA Chairman and Arthur Taute, past Chairman of GAMA*

Another Young Professional from South Africa named Tafadzwa Mukwenana from CE-SAYPF, South Africa termed his paper “Prepared to Lead?” and he equated Engineering to a football game. He explained that the team with the best players and better coaches perform better, he referred to the strong need for capacity building even for the best hands. The fifth speaker Ibrahim Buga termed his paper the “competitiveness of the local firms the path way to international participations.” He urged the local firms to step up their game in order to match up with other counterparts in the developed society also emphasizing on the capacity development of the young as a way of ensuring that reality.



# NEWSLETTER GAMA YOUNG PROFESSIONAL FORUM

*Theme: Sustainability of the Consulting Engineering Industry in Africa*



*Former FIDIC YPFSC Chair; Michele Kruger from South Africa and Adedoyin Obikanye; GAMA YPFSC Chair*

*The Second picture is a group of South African Young Professionals at the gala night*



Finally, Adedoyin Obikanye; the chair of the GAMA Young Professionals Forum Steering Committee also presented a paper termed “Analysing the involvement and consideration of young professionals in Major Projects for Sustainability.” She presented an analysis of data collected from 47 Young professionals, who work in 25 Consulting Engineering Firms in 8 Countries of the GAMA Community. And the conclusion is that 99.9% of them would rather be involved in Major Projects as Projects amongst other things is the training field for the Young Professionals.

The Conference was concluded with a workshop on the 3<sup>rd</sup> day, an interesting Gala night and a cruise on the sea.



*Jeshika Ramchund with her South African at Gala night.*



*Cross Section of African YPs at the Gala night*



# NEWSLETTER

## GAMA YOUNG PROFESSIONAL FORUM

*Theme: Sustainability of the Consulting Engineering Industry in Africa*



*GAMA YPF Steering Committee with Engr Kofi Asare*



*A scene during the sea cruise*

The young Professionals Steering committee met with five Mozambican Young Professionals to institute the pioneers of the forum with the intention of constituting a Mozambican Association arm of the Young Professionals Forum.





# NEWSLETTER

## GAMA YOUNG PROFESSIONAL FORUM

*Theme: Sustainability of the Consulting Engineering Industry in Africa*

### ESSENTIAL COMPETENCIES AND ATTITUDES TO GROW A YOUNG PROFESSIONAL

Some issues of concern expressed by many CEOs and senior managers of Consulting Firms are the gaps in essential competencies and attitudes exhibited by some of the current crop of Young professionals (YPs).

Typical of these issues include low ratings in technical and soft skills required to effectively contribute to the business of consulting. Of greater concern is the attitude of YPs to work and general impatience exhibited by the get rich quick syndrome.

In my interactions with some senior managers of firms at conferences and other professional gatherings, it became imperative for me to share my thoughts with a view to initiating a discussion that will benefit the YPs, CEOs and all of us as to whether being technically competent is enough for a Young Professional (YP) to succeed along the inevitable journey from a YP to a respected professional.

In examining the issues, this article shall focus briefly on the list presented in table1.

**Table1:** Essential competencies and Attitudes to grow a Young Professional

Competencies	Attitudes
Technical	Determination
Communication	Positive Outlook
Information Management and Technology	Responsibility
Team Work	Honesty
	Punctuality
	Dependability
	Attention to details

#### • Competencies

A certain level of academic qualification is required to qualify a YP to a particular Career Cadre, however we were told that engineering practice begins after graduation. In their early career stages YPs are usually under tutelage, therefore could work under different specialised teams in an organisation. Respective organisations should assist YPs working under them to choose a suitable specialisation, and once on the path a YP should remain focused and up to date. *Future is for those who learned to master and sustain relevance in their callings.*



**Engr. Ibrahim  
Buga  
Nigeria**



# NEWSLETTER

## GAMA YOUNG PROFESSIONAL FORUM

*Theme: Sustainability of the Consulting Engineering Industry in Africa*

Communication skills are crucially vital to convey technical outputs. Listening is an important communication skill, dressing and articulated body language could go a long way in convincing clients that they are in capable hands. Technical outputs are expected in form of formal reports and sometimes public presentations. Every YP should learn to communicate beneficial ideas both internally within the firm and externally where actions or inactions could affect the integrity of the Firm.

Closely related to communication is the ability to manage information. Enormous engineering data comes our way while on projects, it is essential to master the art of relevant data collection storage and retrieval. Protecting the confidentiality of the firm's business is also vital to recognise and learned early.

Team Work could be regarded as the magic wand in the successful delivery of engineering projects. A professional in the making is expected to be able to lead and be lead. It is revealing to realise that both the technical and communication skills are required to work effectively in a team.

Possessing the right competency is good but not sufficient enough to elevate a YP to a respected professional. The next section of this article shall focus on the attitudes and values which could be the determinant factors to the professional destiny of would be professionals.

### • Attitudes and Values

We set goals for ourselves whether related to official engagements or personal lives, **determination** could be a measure of one's Self-Discipline to actualise dreams to reality. At early stages, it is common for a YP to be tempted to give in to monetary gratifications against long term satisfaction. Professional Services are about capacity and human capital which usually takes a while to achieve and consolidate. Determination could be a vital weapon to fight unnecessary distractions along the journey to professional fulfilments.

**Positive outlook** is necessary to a determined YP to remain focused beyond the moment. A negative minded individual is likely to fail assignments, as they say *cowards die several times before their actual deaths*. It is vital to remain positive and run miles away from infectious negative minded people in order to actualise our dreams.

Success is about taking responsibilities which in turns does not accommodate excuses. An excuse for non-performance translates to shying away from responsibilities and looking for short cuts. Unfortunately there is no space for short cuts on the desktop of **responsibility** and sustainable achievement.





# NEWSLETTER

## GAMA YOUNG PROFESSIONAL FORUM

*Theme: Sustainability of the Consulting Engineering Industry in Africa*

**Honesty** could be a reflection of most of the virtues described above. Engineering Projects are important economic trust accorded to the firms in general and by extension all the executing team members. The beginning of wisdom is to be honest to self and by extension to what ever calling one is involved.

A technically competent, responsible and honest YP has opened a door of acceptance by the CEO and other senior managers as dependable. **Dependability** could also signify the ability of a YP to work with little or no supervision, complete assigned tasks on schedule and sometimes under pressure.

An important component of dependability is **Punctuality**. A surprise that awaits many YPs is revelation of the reality of becoming busier as one move along the professional career ladder. It is therefore imperative to learn the art of Time Management quite early. Everything has a measure of time and the concept of *African Time* should be discarded from the dictionary of a professional in the making.

To add useful value to the colour of professional virtue is to dedicate **attention to details**. Engineering Professional Services tends to move closer to perfection. Though perfection is often not achievable, however a YP should learn to develop a habit of checking, checking and crosschecking of any completed work before submission.

My conclusion is a clarion call to upcoming Professionals, that we should lower or manage our expectations. To achieve enduring professional success some of the following are vital ingredients along the inevitable journey.

- *Master your art*
- *Learn to communicate effectively*
- *Manage information and technology*
- *Learn to lead and be lead*
- *Be determined, optimistic and Persevere*
- *Be responsible, honest and dependable*
- *Pay attention to useful details*
- *Master your time to master the world*

***“You are likely to miss when you chase money, a respected professional is however likely to attract goodwill and money to follow his footsteps of enduring success”***



# NEWSLETTER

## GAMA YOUNG PROFESSIONAL FORUM

*Theme: Sustainability of the Consulting Engineering Industry in Africa*



**Francis Kofi  
Yankey**

**GAMA YPF Vice  
Chair, Ghana**

### THE FIDIC-GAMA MAPUTO 2014 CONFERENCE-GOING FORWARD!

The GAMA Maputo 2014 Conference arguably was well planned and implemented. Kudos to the Local Organizing Committee! But some happenings deserve mentioning and commendation. It is an observation that I am certain, escaped the attention of most participants. This observation happened during the official opening session of the Conference and deserve to be brought to light for future Conference organization. It is punctuality at its best!

In our part of the world, “Big Men,” has popularly referred, or State Officials, hardly arrives on time during events or conferences. Often their opening remarks upon arrival would be heralded with reasons why they could not make it on time. One popular phrase often use is, “circumstances beyond my control.....” However, that was not the case for the Mozambican Minister of Public Works and Housing, **Honorable Cadmiel Feliane Muthemba**. Not only did the Minister and his entourage arrived on time, but respected the time slots allocated to him during his speech to the amazement of all. This exemplary leadership deserves commendation and worthy of emulation, going forward!

The moderator before the commencement of the official opening session announced that all should be punctual since the Honorable Minister, in his words, “does not play with his time.” In fact, some of us took the announcement with a pinch of salt due to past experience. But we were proven wrong!

The announcement and observation by the moderator clearly shows that the Honorable Minister for over a time, has built a reputation and integrity for himself that has been noticed and respected. Perhaps he has been guided by the wise saying, “*Those who make the worst of their time, most complain of its shortness.*” -*La Bruyere*. This is a challenge to all and sundry especially young professionals who are preparing for leadership to one day become “big” men and women.

We cannot as young professionals excuse ourselves of the shortness of time if we really want to make an impact. In fact, our seriousness and effectiveness would be measured on how important we attached to time.

The following quote from Peter F. Drucker, should therefore guide of all us, going forward!

*“Everything requires time. It is the only truly universal condition. All work takes place in time and uses up time. Yet most people take for granted this unique, irreplaceable, and necessary resource. Nothing else, perhaps, distinguishes effective executives as much as their tender loving care of time.”*



# NEWSLETTER

## GAMA YOUNG PROFESSIONAL FORUM

*Theme: Sustainability of the Consulting Engineering Industry in Africa*

### BRIDGING THE GAP BETWEEN THE OLD AND YOUNG PROFESSIONALS IN THE CONSULTING ENGINEERING INDUSTRY

The survival of an organization, industry, association and nation is centered on many things. Some of which may include the organizational mission, vision, goals, values, purpose etc. The prime movers of the organizations' vision and goals are the human resources. In addition, if any organization is to be successful and is to be sustained which also means generational then the future of that organization, association, nation or industry must be hinged on the sustenance and development of the young professional within the organization. The growth of the young professional equates to the sustainability of the organization. This implies that in Africa, the future of the consulting industry which is the future of infrastructural development of the continent has a large bearing on development of the young professional today.

Therefore, consulting engineers, professionals bodies in the building construction industry and their associations should center their growth on things they will achieve in the future and then act today with the future in mind. *Our leaders must lead and move the industry forward with the future in mind.* The leaders should begin to paint the desired future in the young professional today and get them involved. We cannot overemphasize that the young professional (between the ages from after university graduation to about 40 years old) is the epitome of consulting engineer tomorrow. The society should be concerned about the whereabouts of these young individuals. If Africa would become a much more developed continent and sustain the development of infrastructure, then our leaders in the consulting industry and in the community must among other things build this mentality in the mind of the young professionals in their various countries. The effort should be a continuous and deliberate.

It is also a recognized fact that there are lots of challenges with employing young professionals such as their lack of ability to stay and learn on the job or job hopping caused by diversion to more paying jobs within or without the industry, unwillingness to learn, and lack of focus, inability to take and assume responsibility. It has been realized that these exuberance and excesses displayed by young professionals demeans the intention of the old professionals and "puts them off." Therefore, it has become part of the young professionals' forums' (YPF) responsibility to provide an avenue where the young professionals can express themselves freely and help one another to commit to the vision of being the future custodians of the consulting industry. The YPF realizes that she must educate the young professionals with the values of commitment, management, perseverance, sustainability and help them to understand the awesome responsibility they have to their societies and nations.



**Adedoyin Obi-  
kanye**  
Nigeria





# NEWSLETTER

## GAMA YOUNG PROFESSIONAL FORUM

*Theme: Sustainability of the Consulting Engineering Industry in Africa*



In answering the question of bridging the gap between the old and young professionals in the construction industry. It is important to realize that the gap is not about the age only, it is the wealth of experience, knowledge, latitude of maturity developed, integrity, transparency and fairness that could be passed on from the Old to the Young so that the young will be trained.



*One of the most important gap covering criteria for the young is perseverance in learning, financial contentment for a period of 7-10 years, willingness to take on responsibility for the organization and industry as the years roll by. This is a critical tools for the young professional to take on the generational responsibility for the industry. Otherwise, their growth will be stunted and this translates to the stunted growth of the organization in the long run and the society eventually.*

*The young professional must be ready to be under the tutelage for no less than 7-10 years depending on the field of interest. These years will help to acquire the needed certifications and qualifications for practice, to learn about the entire industry and familiarize with other professionals and associated bodies. In these years, the young professional will be permitted to make errors and will still be given a chance. These learning years are crucial after graduation. The young professional will be certain of the career course or path to keep at after this period.*

*The young professional should also be ready to be mentored by some older professional. This is a dedicated, deliberate mentoring not just incidental. Your mentor may or may not be your boss. We do employ our consulting professionals to be mentors to the young professionals as this tool will be highly required in bridging the gap.*

*In bridging the gap between the old and young professional, we need to intensify on our capacity building strategies for the young. Capacity building should be a deliberate organization of management and technical skills provided in institutes of training within our industry and associations to enhance the young professionals. These trainings could be locally or regionally or internationally organized to facilitate more learning experience for the*



# NEWSLETTER

## GAMA YOUNG PROFESSIONAL FORUM

*Theme: Sustainability of the Consulting Engineering Industry in Africa*

young professional. The trainings maybe cost intensive and organizations should be willing to support with funds to promote their abilities to perform and be better members of the organization and society.

The last gap bridging strategy is exposure to symposiums, conferences, that is, FIDIC and GAMA conferences and the local association's national conference. The young professional needs to be actively involved with the local association because the future of the association will be sustained by a current young professional. We employ the young professionals to be interested in being a part of such conferences and associations and the old professionals to support the young morally, financially and mentally.

If our organizations, association and the industry must be generationally sustained, we cannot overlook the development of the young. International exposure enables the young professional to understand that his counterparts or colleagues all over the world are not different from him. As a matter of fact they have the same challenges, opportunities, job descriptions, concerns etc. They are also under tutelage. They have mentorship programs and symposiums to promote and enhance the development of the young and everywhere in the world the young professionals are the custodian of the future infrastructural development. If the 3<sup>rd</sup> world has the vision of becoming the 1<sup>st</sup> world sometime, then their young should be thus exposed to the 1<sup>st</sup> world's facilities of learning, technology and knowhow.

Then the young professionals will recognize more and more the awesome responsibility required of them to grow their society and nation through all the means and policies provided by their nations. They will be able to influence the associations, their associations and organizations will begin to lead with the end in mind and the whole organization becomes generational. The future is being attended to today.

Therefore, we employ organizations to be more attendant in realizing their vision, mission and goals through the human resources who are young professionals and grow them for their organizations, communities and nation and also invest in them in order to achieve these organizational goals and satisfy the nation's future infrastructural need. In bridging the gap, the organization is built, the society is enhanced and the nation is richer in human resources and the future is secured.



# NEWSLETTER

## GAMA YOUNG PROFESSIONAL FORUM

*Theme: Sustainability of the Consulting Engineering Industry in Africa*

### MEDIATION IN CONSTRUCTION DISPUTES

I trust that most of construction professionals, regardless of their widely different capacities, would agree that disputes are factual component of construction industry. No matter what precautions have been taken the disputes will occur. Applying the best standards of practice will never completely eliminate the risk of having disputes in construction project.

May be it is the nature of the construction industry that makes the occurrence of disputes as a matter of fact. Please consider the following examples for characteristics of construction industry where activities are commonly performed over long time, complexity of activities including overlap between different trades, huge number of involved parties including individuals, different backgrounds of involved individuals, large investments including wide range of different commercial interests of involved parties, vagueness if not errors in relevant construction documents and complexity of the terms and conditions of construction contracts.

Due to the construction professionals' inherited practice, knowledge, understanding and acceptance of the disputes as a matter of fact, it is very hard nowadays to find a construction contract that does not include disputes resolution technique and mechanism regardless whether this contract is a standard form possibly with amendments or completely ad hoc form. Whatever the contract form is the dispute resolution clause will be there and is likely to identify a technique or more for dispute resolution which is likely vary from litigation to mediation.

In order to feel and understand the powers and effectiveness of Mediation as one disputes resolution technique, please consider the following brief of the other techniques.

First comes the litigation option as the most formal, highly enforceable and complicated option due to degrees of courts of law in the litigation process. The litigation include number of risks for the involved parties like usually the longest time before getting the judge's order/ decision which in some jurisdictions can take ages, relatively high cost for lawyers, preparation of documents and submission, potentials for battles of laws and the fact that none of the parties will be able to choose the judge with proper "know how" for the dispute at hand.

Actually despite of the litigation's advantages but it was the disadvantages that highly supported the need for Alternative Disputes Resolution (ADR) techniques. Arbitration is one of the well known ADRs. Similar to litigation in terms of formality and enforceability but with some modifications like the parties' ability to individually choose and/ or mutually agree arbitrator(s) and the process being accomplished at one degree/ level. Notwithstanding the advantages, still the disadvantage will be the need to get an executive order from the court of law to enforce the award in some jurisdictions, commonly highest cost and relatively long time to get the award. Certainly unlike the longer time at litigation but still deemed by most of construction practitioners as longer than should be. Hence, the industry is in need for another alternative that minimize time and costs factors.



**Eng. Ramy I.  
Naguib, Egypt**





# NEWSLETTER

## GAMA YOUNG PROFESSIONAL FORUM

*Theme: Sustainability of the Consulting Engineering Industry in Africa*

Therefore the introduction of Adjudication to the construction industry. The Adjudication alternative function through Dispute Adjudication Boards (DAB). The process is relatively less formal than Arbitration with same advantages in terms of ability to individually choose and/or mutually agree the adjudicator(s) and the process is also accomplished at one level/ degree. An additional advantage is that the DAB's decision is commonly awarded within shorter time than Arbitration (within 84 days from the dispute's referral date to the DAB as per the FIDIC Conditions of Contract for Construction 1999 or such other duration as may be agreed between the parties).

Despite of the advantages still the decision made will not become binding upon the parties unless it is not challenged within certain duration (28 days as per the same FIDIC Conditions or such other duration as may be agreed between the parties). Some of the disadvantages that are likely to be faced:

- (1) Disagreement between the parties on how shall the DAB perform (standing DAB vs involvement only when dispute(s) arises),
- (2) One party's allegations of unnecessary extra costs and/ or time related arguments, and/ or
- (3) The deletion of DAB related clauses from standard forms (e.g. FIDIC) that originally included such clauses or in case of Ad Hoc forms the DAB clauses are not included.

Another ADR technique is Conciliation, a more relaxed and less formal technique than Adjudication. May be not well internationally known in construction disputes resolutions but still exist as an ADR option for the parties' consideration. The conciliator advises the parties in terms of his/ her best recommendations to settle a dispute at hand. The recommendation is not binding upon the parties. This technique is similar to Disputes Review Boards (DRB). The non-binding nature of the outcome is the most important disadvantage of the process including potentials for losing time and cost.

Now it worth to note that all above mentioned techniques include a third party (e.g. Judge, Arbitrator, etc.) who highly influence the outcomes of such techniques. This note draws line between all aforementioned techniques and Mediation. The outcome of Mediation process is 100% owned and mutually agreed by the parties. In other words the parties form their own agreement by their own free will via the mediator who acts as the facilitator for the parties' discussions to move forward toward settlement agreement.

The Mediation process gains its strength from number of unique criteria like on one hand the mediator is chosen by the parties mutual agreement or via appointing authority in case of lack of mutual agreement but on the other hand the mediator has zero effect on the settlement agreement when it is facilitative mediation.

Upon the parties' mutual agreement, the mediation process may include evaluative element in addition to the facilitative one.



# NEWSLETTER

## GAMA YOUNG PROFESSIONAL FORUM

*Theme: Sustainability of the Consulting Engineering Industry in Africa*

Moreover the process being:

- (1) Voluntary meaning the parties are there only based on their own free will,
- (2) None binding meaning that despite the fact that the parties agreed upon the process and voluntarily participated in the same but still they are not under obligation to reach settlement agreement,
- (3) Without prejudice meaning that nothing said, submitted, shared or the like with the mediation process can be admitted in any other further dispute resolution technique whether litigation or one of ADRs aforementioned, and
- (4) Confidential meaning that the information, statements and the like made with mediation shall not be shared with the other party in mediation and/ or to the public without the specific approval of the party and/ or parties.

Those criteria make the Mediation identified as the most controlled, by the parties, disputes resolution technique.

This sense of controlling in addition to maintaining the confidentiality, without prejudice, none binding, voluntary and independency and impartiality of the mediator; all together help to provide the parties with best dispute resolution environment. However mediators should not expect the parties coming into the mediation room wearing their best smile or nerve. Absolutely to the contrary, the parties will come in angry, frustrated and want to be listened to. So the mediator needs first not to be negatively affected by the parties' attitude and secondly be able to absorb such attitude then positively lead the parties to focus on potential settlement offers.

Actually once the mediator could act as expected from him/ her and when the specific criteria of mediation is well maintained then this will lead to have the mediation as best suitable technique for the construction industry.

The construction industry is sensitive mainly to time and costs. No developer, contractor, investor, consultant, engineer and/ or the like would either like to be involved in a project for too long than should reasonably be nor to bear extra costs unnecessarily. Of course each involved party will have its own commercial interests that would like to maintain.

Accordingly Mediation is likely be the parties' best option for the settlement of construction disputes. On one hand the time element in Mediation is kept to the minimum possible compared to other disputes resolution techniques (It is commonly one day however may be two). On the other hand the costs are also kept to the minimum where the costs would commonly be around some hundreds to few thousands of US Dollars which is incomparable to the costs of litigation and other forms of ADRs (e.g. Arbitration) that are commonly multiples of the costs of Mediation.



# NEWSLETTER

GAMA YOUNG PROFESSIONAL FORUM

*Theme: Sustainability of the Consulting Engineering Industry in Africa*

Moreover when the Mediation process ends with settlement agreement this would mean that the parties have just reached their best achievable end of dispute at reasonable time and costs. The greater the parties appreciate the value of settlement agreement compared to time and costs exerted to reach the agreement the greater the parties will appreciate the Mediation and believe in.

The relative smoothness of Mediation, compared to how the other forms of disputes resolution could be, include less potentials for the parties to walk out with hard feelings toward one another especially when settlement agreement is reached. The absences of, or less potentials for, hard feelings would directly mean above average potentials for maintaining the parties future commercial relationship which works for the benefit of both parties.

Hopefully the above information about Mediation and comparison with other disputes resolution techniques would encourage the involved parties in construction industry to consider the Mediation as one very effective disputes resolution technique and include Mediation clauses in the future contracts.





# NEWSLETTER

## GAMA YOUNG PROFESSIONAL FORUM

*Theme: Sustainability of the Consulting Engineering Industry in Africa*

### 2015 FIDIC-GAMA ANNUAL CONFERENCE

**“Developing and Sustaining Africa’s Infrastructure: Promoting African Consulting Engineering Partnerships.”**

**12-15 April 2015**



The FIDIC-GAMA Annual Conference is the biggest annual networking event for consulting engineers in Africa and provides a forum for consulting engineers, government officials, local administrative authorities, funding agencies, contractors, suppliers of construction equipment and materials, investors and other stakeholders in the built-environment from the public and private sectors to share ideas on best practices as well as learn from each other effective ways of dealing with diverse challenges in order to achieve value for money and provide a sustainable quality of life for our people in Africa.

The 2015 Conference will be held in Accra, Ghana at the plush Mövenpick Hotel in the center of Accra. Ghana, previously known as the Gold Coast has a land mass of about 238,000km<sup>2</sup> and lies in West Africa, bordered by La Cote d’Ivoire in the west, Burkina Faso in the north, Togo in the east and the Gulf of Guinea and Atlantic ocean in the south. It has beautiful sand beaches stretching for some 560km with a peninsula at Cape Three Points in the west.

You will enjoy the cosmopolitan and upbeat capital in Accra, where the pace is fast and filled with beautiful beaches, luxurious hotels and an amazing nightlife, to the renowned Ashanti Kingdom with its vivacious city of Kumasi where their rich culture is the very breath of its people and the home of the famous traditionally woven Kente cloth. Also from one of the world’s undisturbed virgin rainforest with a spectacular view of the 40m high canopy walkway of the Kakum National Park located in the Central Region to the largest national park in the heart of pristine Guinea Savannah Woodland in the Northern Region. The spectacle and fun are endless.



**Naki Tetteh-Anowie, Ghana**



# NEWSLETTER

GAMA YOUNG PROFESSIONAL FORUM

*Theme: Sustainability of the Consulting Engineering Industry in Africa*

So join us from 12th to 15th April, 2015, for the 2015 Conference with the theme, **“Developing and Sustaining Africa’s Infrastructure: Promoting African Consulting Engineering Partnerships.”**

See you there!!! Akwaaba (welcome).





# NEWSLETTER

## GAMA YOUNG PROFESSIONAL FORUM

*Theme: Sustainability of the Consulting Engineering Industry in Africa*

**Chairperson**  
**GAMA YPFSC**



**Adedoyin Obi-  
kanye**  
**Nigeria**

### HOW TO BECOME PART OF GAMA YPF AND STARING YOUR OWN YPF IN YOUR COUNTRY

Membership is open to any Engineer, Planner or allied Professional under 40 years of age and firm is a member of GAMA.

The vision of this group is to provide a unified voice for young professionals throughout the GAMA community through a variety of forums, events and communication mechanisms.

Find out if there is a YPF running in your country and become part of this dynamic young professional group by providing your contact details. This can be done through your country Member Association (MA) of GAMA.

You will receive updates, newsletters and information on upcoming events such as GAMA conferences as well as FIDIC activities, from the GAMA YPF Steering Committee.

Otherwise visits the GAMA YPF face book page: <https://www.facebook.com/groups/1402744603273583/>, on steps to follow to start your own YPF in your country.

You can also reach us on **fidicgamaypf@gmail.com**

GAMA YPF Steering Committee is ever ready to offer the necessary support.