



# COBRA 2010

## CIB W113 Law Sessions

### ACCEPTED ABSTRACTS

Abstract No.	Author(s)	Title	Stream(s)	Author Affiliation
1.	• Beresford Hartwell	Adjudication – The New or the Old Arbitration?	ADR	None
2.	• John Pointing	Public nuisance re-visited	PROP/ENV	Kingston University, UK
3.	• Maree Chetwin	Comparative analysis of aspects of damages; consequential loss, classification and calculation	INT	University of Canterbury, Christchurch, NZ
4.	• Andrew Agapiou and Bryan Clark	An investigation of construction lawyer attitudes to the use of mediation in Scotland	ADR	Strathclyde University, Glasgow, UK
5.	• Andrew Agapiou	Whistle blowing protection provisions in common law countries in relation to professional employees of the construction industry	PROF	Strathclyde University, Glasgow, UK
6.	• Evaldas Klimas	The duty to co-operate in construction work contracts	CONS	Vilnius
7.	• Imad Dawood and Jason Underwood	Construction dispute: A costly phenomenon for the economy	ADR	University of Salford, UK
8.	• V. Caballer, N. Guadalajara, Elena De la Poza	The capitalization rates for the valuation of the land uses in the Spanish law context	PROP/INT	INECO, Valencia, Spain
9.	• Ajibade Ayodeji Aibinu, Lola-Akin Ojelabi, Blair Gardiner	ADR and the courts: key developments and challenges in Australia	ADR	University of Melbourne, Australia
10.	• Lim Lan Yuan	Public housing management law in Singapore	HOUS	NUS
11.	• Ajibade Ayodeji Aibinu, Ling-Ye She	Managing conflicts and disputes in the delivery of Australian construction projects – a positional analysis of Dispute Review Board system	CONS	University of Melbourne, Australia
12.	• Susan Bright	The Challenges of Integrating the Carbon Reduction Scheme into Commercial Leases	PROP/ENV	New College, Oxford
13.	• Charles Muzi Nsibandé	Synopsis of Papers on Black Economic Empowerment that were Presented at COBRA 2009	OTHER	South Africa
14.	• Maria Luisa, Gomez Jimenez	The Housing Policies for Remodeling and Renovation in Spain	HOUS/INT/PLAN	Universidad de Malaga
15.	• Muhammad Ahsan Che Manaaim	Lessons Learned from the Operation of Adjudication I the United Kingdom, New South Wales (Australia), New Zealand and Singapore	ADR	King's College London, UK
16.	• Phebe Mann, David Tze Wan Wong	Implications of Commons Act 2006 for the Registration of Land as a Town or Village Green	PROP	University of Reading, UK
17.	• CH Van Zyl, JJP	Dispute Resolution Alternatives: Problems, Preference and Process	ADR	University of the Free State, SA

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18.	• Alfredo Serpell, Maria Alejandra Oyuela	A Critical Analysis of the Potential Application of Dispute Resolution Boards in the Chilean Construction Industry	ADR	Pontificia Universidad Catolica de Chile
19.	• Lonny Simonian, Thomas M. Korman	New Disadvantaged Business Enterprise (DBE) Requirements for United States Federal Stimulus Funded Projects	CONS/OTHER	California Polytechnic State University, USA
20.	• Yseult Marique	Comparing English and Belgian Public Private Partnerships for Complex Construction Projects: Tucked between Remedies, Proposals and Partnering Mechanisms?	CONS	Darwin College, Cambridge, UK
21.	• Spike Boydell, Glen Searle	The Contemporary Urban Commons: A Case Study of Darling Harbour, Sydney	PROP	University of Technology, Sydney, Australia
22.	• Jane Ball	Where will European Property Law go Next? Tenancies and Property after <i>Hutten-Czapka v Poland</i> and <i>FEANTSA v Slovenia</i>	PROP	University of Sheffield, UK
23.	• Azlan Shah Ali, Adi Irfan Che Ani	Uncertainty of Building Regulation for Refurbishment Projects in Malaysia	BREG	University of Malaya, KL, Malaysia
24.	• Thomas M. Korman, Lonny Simonian	Legal Implications of New Equipment Anti-Idling Requirements	CONS/OTHER	California Polytechnic State University, USA
25.	• Li Bin	The Function and Efficiency of Anticipated Recording in China's Real Estate Transactions	PROP	Harbin Institute of Technology, China
26.	• Jian Zuo	Sustainability Policy in Construction: A Qualitative Inquiry	ENV/PROF	University of South Australia
27.	• M.J. Maritz, D.C. Robertson	When Clients do not Pay: A Critical Analysis of the Legal Remedies Available to the South African Building and Civil Engineering Contractors and Consultants	CONS	University of Pretoria, SA
28.	• Patricia Ng	Balancing Housing Need and Prevention of Homelessness within the Built Environment	HOUS/ADR	Recent PhD SOAS, London
29.	• Penny Brooker	Mediators and Lawyers: Towards a Code of Good Practice for Construction Mediator	ADR	Wolverhampton University, UK
30.	• Lonny Simonian, Thomas M Korman	Legal Issues Associated with Building Information Modelling	CONS	California Polytechnic State University, CA
31.	• Colleen Theron	Surveying the Environmental Challenge	ENV	Lexis Nexis, London
32.	• M. Groosman, N.P.M. Scholten	Equivalent Performance in Dutch Building Regulations	BREG	
33.	• Jill Howieson	ADR for a Built Environment <i>Interdiscipline</i>	EDU	University of Western Australia
34.	• Nicky Richardson	Choice of Law in the Absence of a Valid Choice of Law Clause	INT	University of Canterbury, NZ
35.	• Phebe Mann	Who Owns the Copyright of Architectural Works and Designs?	PROP	University of Reading, UK
36.	• Thomas M Korman, Lonny Simonian	Legal Implications of Recently Approved California Highway Assault Legislation	CONS	California Polytechnic State University, CA
37.	• Jian Zuo, Stephen Pullen, George Zillante, Michael Arman, Lou Wilson, Nicholas Chileshe	Regulatory Aspects of Affordable and Sustainable Housing	BREG	University of South Australia
38.	• Cheung Sai on, Pang Hoi Yan, Tam so Yan	How do Identifications Influence Construction Professionals? A Study of Quantity Surveyors in Hong Kong	PROF	City University of Hong Kong

39.	• Mark Stallworthy	A UK Response to Climate Change: the Legal Relevance of Placing Statutory Duties on Central Government	ENV	Swansea University
40.	• Eeva-Maija Pusa	The Proposed Directive on Industrial Emissions: What Will Change Regarding the Best Available Technique (BAT), the Finnish Perspective	ENV	University of Helsinki
41.	• Jason Prior, Spike Boydell	Re-thinking Property Rights in Carbon in the Context of Science, Technology and Society	ENV/PROP	University of Technology, Sydney
42.	• Jill Morgan	Leasehold Enfranchisement: the Removal of the Residence Requirement	PROP	Swansea University
43.	• Asanga Gunawansa	The Impact of Public Policy and Sovereign Immunity on Recognition of Foreign Arbitral Awards	CONS/INT	NUS
44.	• Asanga Gunawansa	Is There a Need for Public Private Partnership Projects in Singapore?	CONS/INT	NUS
45.	• Asanga Gunawansa	Threat of Non-traditional Investment Risks Affecting Public-private Partnerships in Developing Countries	CONS/INT	NUS
46.	• Francis Moor	Does the Planning Act 2008 Enshrine and Heighten the Statutory Immunity Defence?	ENV/PLAN	University of Salford
47.	• Tim McLernon, R. Eadie	Inhibiting and Enhancing Impingements on Second Year Undergraduate Construction Law Education	EDU	University of Ulster
48.	• Luke Bennett	Judges, Trespassers and Occupier's Liability in the Built Environment	OTHER	Sheffield Hallam University
49.	• Rachel Leow	Minority Protection Doctrines: From Company Law and Equity to Strata Title	PROP/HOUS	NUS
50.	• Thomas Stipanowich	Arbitration: The 'New Litigation'	ADR	Pepperdine University, CA, USA
51.	• Thomas Stipanowich	Taking Charge of the 'New Litigation'	ADR	Pepperdine University, CA, USA
52.	• Thomas Stipanowich	'Thin-slicing' and Conflict Management: 'Real Time' Strategies for Relational Conflict	ADR	Pepperdine University, CA, USA
53.	• Stanislaw Kalus	Construing the Notion of Real Estate's Market Value in the Context of Valuer's Liability	OTHER	University of Silesia, Poland
54.	• Paul Tracey	Relevant Cultural Considerations When Administering International Construction Contracts	CONS	University of Salford
55.	• Sarah Lupton	Environmental Performance Provisions in Building Contracts: Can a Contract be Green?	ENV/CONS	Cardiff University
56.	• Peter Williams	Managing Urbanisation and Environmental Protection in Australian Cities: Approaches for Integrating Biodiversity and Urban Growth in Sydney	ENV/PLAN	University of New South Wales
57.	• Mustafa Afif Bin Ab. Halim, Asmidah Binto Ahmad, Kamilah Wati Binti Mohd	Mediation in Civil Law: Malaysian Practice	ADR	University of Malaysia
58.	• Priyanka Raina, Vasantha Abeysekera	Construction Defects and Monetary Retentions in Construction Projects: A Review of Case Law	CONS	Auckland University of Technology, NZ
59.	• S.Y. Adiaba, F.N. Hammond, D.G.	Property Registration and the Problem of Information Asymmetry	PROP	University of Wolverhampton

	Proverbs, C.A. Booth, R. Block, J. Lamond	in Property Markets of Sub-Saharan Africa		
60.	• Henk Visscher, Frits Meijer	Building Regulations and Control in the Face of Climate Change	BREG	Delft University of Technology, Netherlands
61.	• Maria Giovannone	Photovoltaic Industry and Construction: New Risks, Legal Framework and Best Practices in Italy and Germany	INT	Italy
62.	• Helle Ina Elmer	Sustainability and Property Law in Danish Planning Law	PLAN/PROP	Denmark
63.	• Carl Calvert, Nicolas Chauvin	A Comparison of Mapping Needs for Land Title in a Common Law and a Civil Law Jurisdiction (England & Wales and France)	PROP/INT	Bournemouth University and Universite du Maine
64.	• Thanuja Ramachandra, James Olabode Rotimi	The Prevalence of Payment Losses in Construction Disputes in New Zealand	CONS/INT	Auckland University of Technology
65.	• Darren Olsen, J. Mark Taylor, Kamila Triche	To What Extent are Building Information Models Being Relied upon as a Part of the Contract Documents?	CONS	Auburn University, AL, USA
66.	• J. Mark Taylor	Dispute Resolution: A Preliminary Report. Recent Changes to the AIA Documents	CONS	Auburn University, AL, USA
67.	• J. Mark Taylor	Sustainable Building Practices: Legal Incentives and Barriers	CONS	Auburn University, AL, USA
68.	• J. Mark Taylor	Wrap-Up Insurance Policies for Commercial Construction: A Preliminary Report on their Use and Availability	CONS	Auburn University, AL, USA
69.	• Juan Carlos Hernandez	The Principle of Universal Accessibility and of Design for all Ages in the Spanish Building Regulation	BREG/OTHER	Spain
70.	• Deniz Ilter, Attila Dikbas	Opinions of Legal Professionals Regarding the Selection of Appropriate Resolution Methods in Construction Disputes	ADR	Istanbul Technical University
71.	• Michael Guan Rui	A Comparative Study of Architect's Professional Practice Between Hong Kong and Mainland China	PROF	University of Hong Kong
72.	• Mick Strack	Property Loss Due to Coastal Erosion	PROP	University of Otago, NZ
73.	• F. Mohd Raslim, N.E. Mustafa, J. Yaakob	Partnering in Construction: An Analysis of Law Cases	CONS	Malyasia
74.	• Seah Xiande Aaron	Conceptualising the Singapore Real Estate Investment Trust	PROP/INT	NUS
75.	• Una Woods	Adverse Possession of Boundary Strips: Lessons from Abroad	PROP	University of Limerick
76.	• Mehdy Naimi, Peter Fenn	An Examination of T5 Contracts from a Transactional Cost Perspective	CONS	University of Manchester
77.	• Robert J. Morris	Outcome-based Education, Criteria-referenced Assessment and Work-integrated Education for Built Environment Students	EDU	University of Hong Kong
78.	• Spriha Singh, Raghav Pandey	Arbitration from Construction Industry Disputes	ADR	Lohiya National Law University, India
79.	• Nayan Agrawal	Law, Judiciary and Environmental Governance: Rethinking the Evolution of Forest Laws in India	ENV	Bihar, India
80.	• Biemo W Soemardi, Reini D. Wirahadikusumah	Challenges in Implementation of Alternative Dispute Resolution in the Indonesian Construction Legal	ADR	Institut Teknologi Bandung, Indonesia

		System		
81.	• Tilak A Ginige, Ann Thornton	Severn Tidal Barrage Project: A Legal Paradox? A Case Study Looking at the Possible Conflict Between Climate Change Policy and Environmental Legislation in the UK	ENV	Bournemouth University
82.	• Charles Olatoye	The Dynamics of Violent Oil Conflict in the Niger-delta Region of Nigeria: A Case for the Application of Alternative Dispute Resolution	ADR	University of Manchester
83.	• Thomas F. Vandenburg, Robert Schultz	Assessing the Roles of Regulation, Litigation, Management and Environmental Advocacy in Protecting Groundwater Resources in the United States	ENV	Los Angeles
84.	• Alison Ahearn	Procurement and the Recession: Notes from a 2010 Case Study on Crossrail	CONS	Imperial College London
85.	• Alison Ahearn, Xiaolei Zhang	Legal Barriers for Foreign Design Firms Entering the Chinese Market	CONS/INT	Imperial College London
86.	• Claudia Acosta	Urban Supports Provision: How the Public Entities Obtain Land for Public Purposes. Bogota 2002 - 2008	PROP/PLAN	Sao Paulo, Brazil
87.	• Ayodeji Sunday Ojo	Defect Liability Period: Employer's Right and Contractor's Liabilities Examined	CONS	Ministry of National Development, Seychelles
88.	• Nuhu Braimah	The Use of Disruption Analysis Techniques for Proving Loss Productivity Claims	CONS	Brunel University
89.	• Florence Walker, Stephen Pryke	Investigating the Relationship Between Construction Contract Documentation Incompleteness and Loss-and-expense Claims: Practical Considerations	CONS	UCL
90.	• Pervin Senol	The Role of Regulations, Juridical Control and Social Objection in Formation of Space: Case of Turkey	PLAN/ENV/PROP	Suleyman Demirel University, Turkey
91.	• Jim Mason	A Single Ethical Code for the Construction Industry: What do Young Professionals Think?	PROF	University of the West of England
92.	• Rosalind Malcolm	An Integrated Product Policy Approach to Products and their Impact on Energy	ENV	University of Surrey
93.	• Jenny Casmus, Melissa Daigneault	Constructing a Professional Credentialing Scheme for the Construction Industry	PROF	Texas A&M
94.	• Melissa Chan	Innovation to Manage Disputes: The NEC Approach	CONS	Queensland University of Technology
95.	• Michael Reynolds	A New Frontier for the Construction Court	CONS	Anglia Ruskin University and LSE
96.	• Michael Reynolds	New Horizons in Teaching Law	EDU	Anglia Ruskin and LSE
97.	• Simon Hoffman	Housing and Children's Citizenship	HOUS/PROP	Swansea University
98.	• Brodie McAdam	BIM Implementation and the Law: An International Literature Review	CONS/PROF	University of Salford
99.	• Peter Kennedy, Janey Milligan, Lisa Cattanach, Edward McLuskey	The Development of Statutory Adjudication in the UK, 1998 to the Present Day	ADR	Glasgow Caledonian University
100.	• Wayne Lord	Cost and Trust: A Review of Pre-contract Negotiations	CONS	Loughborough University
101.	• Steffan Rees,	Has the Recession Undermined or	CONS	University of

	Robert Shawyer, Annie McCartney	Improved Ethical Behaviour When Dealing with the Supply Chain in the UK Construction Industry		Glamorgan
102.	• Simon Hoffman	The Role of the Voluntary Sector to Help Resolve Housing and Homelessness Cases Before the Administrative Court in Wales	HOUS	Swansea University
103.	• Michael C. Brand, Philip Davenport	A Proposal for a 'Dual Scheme' of Statutory Adjudication for the Building and Construction Industry in Australia	ADR	University of New South Wales
104.	• Paul H.K. Ho	Standard Form of Contract for Decoration, Repair and Maintenance Works for Laymen Use	CONS	City University of Hong Kong
105.	• Anna Devitofrancesco, Matteo Ghellere, Italo Meroni	Systems for the assessment of the environmental sustainability of building: the national experiences	BREG	Italy
106.	• N.P.M. Scholten, R.N. Wijnands	Probabalism: the way out for performance based building regulations	BREG	Netherlands
107.	• Frits Meijer, J Branco Pedro, Henk Visscher	Comparison of building permit procedures in EU countries	BREG	Delft University of Technology, Netherlands
108.	• Inga-Liisa Paavola	Legal challenges on controlling CSS and land planning	BREG	Finland
109.	• Lothar Hofmann	Construction regulations and standards: application and compliance	BREG/CONS/PLAN/INT	Austria
110.	• Joachim E Wafula, AA Talukhaba	Retrofits and renewals in buildings for energy efficiency and building regulations and control in local authorities in South Africa	BREG	University of Witwatersrand, South Africa
111.	• A bellazzi, S. Galli, I Meroni	Regulation and control of indoor environment daylighting quality: a case study	BREG	Italy
112.	• Lorenzo Belussi, Ludovico Danza, Italo Meroni	The Italian regulation for energy performance of buildings: DOCET vs DOCET <sup>PRO</sup>	BREG	Italy
113.	• Philippe Weber	Spatial Planning to the Test of Property Rights in Switzerland: An Innovative Land Management Approach to Coordinate Spatial Planning Goals with Property Rights Interests	PLAN/PROP	University of Lausanne
114.	• S.N. Kamaruzzaman, Naziah Muhamad Salleh, S.A.F. Al Zawawi	Assessment on Problems of Issuances and Transferences of Strata Title in Malaysia: The Perception of the Owner	PROP	University of Malaya, KL, Malaysia
115.	• Paul Chynoweth	Insider research in the built environment: the forgotten paradigm	EDU	University of Salford
116.	• Julie Adshead	UK Planning Law as a Tool to Improve Emissions from Buildings	ENV/PLAN	University of Salford
117.	• Anuar Alias, Gan Seng Keong	Gated and Guarded Community Scheme (GACOS): Implications of Current Legal Framework and Planning Guidelines in its Implementation	HOUS/PROP	University of Malaya
118.	• Kelvin Koh	A Principled Response to Pre-contractual Remuneration	CONS	Singapore
119.	• John Adriaanse	Running Contracts Better: Litigation Lessons from the Building of Wembley Football Stadium	CONS	London South Bank University

120.	• Rachele Alterman	Compensation Rights for Land Use Regulation: The Findings of Cross-national Comparative Research	PLAN	Technion University, Israel
121.	• Alice Christudason	Sustainable Cities and the Collective (Enbloc) Sale Phenomenon in Singapore: Urban Redevelopment or Environmental Regression?	ENV	NUS
122.	• Dimitrios Athanasakis	Set-off Defences in Multiparty Construction Arbitrations: Appraising the Parties' Legal and Business Incentives Submission Variants	ADR	Queen Mary University of London
123.	• J. Branco Pedro, J. Jorge Boueri	Social Housing in Portugal and in the Municipality of Sao Paulo: Comparison of Space Standards	BREG/HOUS	National Laboratory of Civil Engineering, Lisbon, Portugal
124.	• David Greenwood	Automated Compliance Checking Using Building Information Models	BREG	Northumbria University

<b>KEY TO COBRA LAW STREAMS</b>	
Property Law	PROP
Construction Law	CONS
Environmental Law	ENV
Housing Law	HOUS
Planning Law	PLAN
Building Regulation & Control	BREG
International & Comparative Law	INT
Professional Liability & Ethics	PROF
Alternative Dispute Resolution	ADR
Legal Education in Property & Construction	EDU