



ESCL MASTER THESIS PRIZE 2016

JURY REPORT

The ESCL consists of 17 national construction law societies. One of the tasks of the ESCL is to promote knowledge of international construction law. Once a year, in that context, a conference is organized by one of the associated societies. Because of the great appreciation for education and research an annual Master Thesis Prize has been created. This is the fifth year this prize has been awarded.

The jury is chaired by the President of the ESCL who appoints two or more other members of the jury. The current President of the ESCL is Dr. Gerhard Hartmann of Austria. He appointed Professor Dr. Benoît Kohl (*Professor, University of Liège and University of Paris II - Counsel, Stibbe Brussels*) and Professor Dr. Anthony P. Lavers (*Counsel, White & Case LLP, London - Visiting Professor of Law, Oxford Brookes University*) and Professor Dr. M. Hugues Périnet-Marquet (*professor, University of Paris II*) as jury members.

In assessing the scientific quality of the thesis, the jury evaluates the following aspects of the thesis: originality of the topic, approach/quality of analysis, approach/quality of presentation, interest to construction law and construction professions.

The First prize awarded is EUR 2.500,- and the Second prize awarded is EUR 1.000,-.

The winner may be invited to submit a (modified) version of the thesis for publication to the editorial board of the International Construction Law Review to be considered for publication.

The jury has come to a decision on the First prize (one prize winner) and a split Second prize (two prize winners), based on a written assessment of the theses and a conference call discussion.



FIRST PRIZE

Rachel Griffiths

Title: "Offshore Wind Farms: The Need for a Standard Suite of Contracts"

University: University of Reading

Study program: Oil and Gas Law

IN GENERAL

This thesis scores highly on all four criteria. It is consistently strong and an original contribution offering possible solutions to the needs of the renewable energy industry. The research is well reported and the analysis convincing. The research is helpful for construction lawyers and professionals who deal with issues in the offshore wind industry.

ASSESSMENT BY CRITERION

Originality of the topic

The area itself is comparatively new, little has been published regarding this topic. The thesis is therefore very interesting and original. The author has proven that there is a need for a full standard suite of contracts in the offshore wind industry.

Approach/quality of analysis

The consideration of the EU perspective and of the LOGIC off-shore oil and gas contracts is well-done. The conclusions are particularly strong. The structure of the thesis is logical and the author examines this topic very well. Especially the recommendations section is rather strong and the author states useful steps. The author displays a substantiated understanding of the issue.

Approach/quality of presentation

The thesis includes a couple of helpful tables. Furthermore it is well written and well presented.

Interest to construction law and construction professions

Renewable energy is a very important subject in modern Europe and the response of the legal profession to demands of the industry for appropriate forms of contract makes this thesis of particular interest. This thesis is highly relevant for construction lawyers and professionals who deal with issues in the offshore wind industry.



SECOND PRIZE

Sahra Mohammadi

Title: "The Future of Green Building Contracts in Turkey"

University: Middle East Technical University (METU)

Study Program: Civil Engineering and Construction Management Program

IN GENERAL

This is an in-depth research on green building. On grounds of originality and contribution to construction law and the construction industry in Turkey, this thesis scores highly.

ASSESSMENT BY CRITERION

Originality of the topic

The thesis raises interesting issues regarding green building contracts. The combination of a country where green building contracts are new and the methodology, give this thesis a high score on originality.

Approach/quality of analysis

The author has made a comprehensive survey on a theoretical level. The analysis is helpful and interesting and the research is solid. The comments provide genuine insight.

Approach/quality of presentation

Very good, there is a good use of diagrams and tables.

Interest to construction law and construction professions

Despite the very specific focus, or rather because of it, this research is likely to interest all involved in environmental aspects of construction contracting from a comparative point of view.



SECOND PRIZE

Martin Joseph Cooney

Title: "Challenging Mediated Settlement Agreements"

University: King's College London

Study Program: Construction Law & Dispute Resolution

IN GENERAL

The quality of analysis is very good and the research is evidently of value for countries in which mediation is not yet fully developed.

ASSESSMENT BY CRITERION

Originality of the topic

Mediation is frequently dealt with in published literature, including the English case law on which this is based. The European angle, which is limited, is original in this specific context.

Approach/quality of analysis

The level of analysis is good.

Approach/quality of presentation

Excellent.

Interest to construction law and construction professions

The research includes a successful attempt to cover the EU perspective. It contains a proper overview for the dispute resolution community, especially lawyers engaged in mediation.

Gerhard Hartmann (Chairman)

Anthony Lavers

Benoît Kohl

Hugues Perinet-Marquet

Date: 3 October 2016