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Editorial

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This edition of *Management, Procurement and Law* focuses primarily on management issues – management of conflict, management of health and safety, management of programmes, management of risk and management of people. That is not to say that procurement and legal matters are not touched on, as management, procurement and law are all interrelated, as will be evident from reading the papers.

There is a further theme detectable in some of the papers: the role that education can play in improving the management, procurement and legal skills of practitioners in the construction industry. There are plans for a future themed edition of *Management, Procurement and Law* on the education and training of civil engineers in a changing world environment that will no doubt explore this topic in some detail. In the meantime, I believe a wide range of readers, whether academics, experienced practitioners, recent graduates or students should find something of interest in this edition of the journal that will hopefully be both informative and thought-provoking.

The briefing on ‘Conflict, disputes and their management’ by Wall and Fellows (2010) notes the trend to move away from litigation and arbitration towards alternative dispute-resolution methods and the management of conflict. It explains the difference between a conflict and a dispute, and provides a helpful overview of the classification of conflict, through type and effect; the different primary perspectives on conflict, its impact and function; the primary sources of conflict; and the various models used to describe the conflict process. A categorisation of methods of conflict and dispute resolution is offered, with further discussion of different styles of managerial methods of conflict resolution, their likely effect on business relationships, and conflict behaviour.

The content of this briefing is largely repeated in the paper ‘Conflict on multi-national construction projects’ by Fellows and Liu (2010), but the paper goes further by exploring issues of cultural compatibility of participants in multi-national construction projects and the influence of different cultural backgrounds on attitudes to conflict resolution. It does so by reviewing the theory and literature relating to cultures and considering that in relation to the achievement and measurement of project performance and the project culture framework. This leads to a discussion of culture and conflict in construction projects, with conclusions relevant to the procurement of multi-national construction projects and the

successful management of conflict arising on such projects. This paper also proposes a research agenda to fill identified gaps in current knowledge.

Another briefing, by John Anderson (2010), on a completely different topic, ‘Regulations to improve construction health and safety’, assesses current legislation, the requirements of professional institutions, and the actions of the UK government and the Health and Safety Executive to address this issue. The paper offers, as a contribution to debate, a set of proposed draft regulations to address acknowledged shortcomings in the education of construction professionals in health and safety matters at undergraduate level and thus improve the effective management of construction health and safety.

The paper, by Glenn Hide (2010b), ‘Managing a programme under the NEC3 ECC contract’ is a follow-up to a paper, by the same author, in the last edition of the journal. That paper was about ‘Producing a programme under the NEC form of contract’ (Hide, 2010a) whereas this paper is about programme management. As in his previous paper, Mr Hide offers valuable insight and practical advice in an easily readable style but, this time, focussing on the use of the contractor’s programme as a management tool. It should be read by all involved in the monitoring, updating and approval of the contractor’s programme under an NEC3 ECC contract, whether working for the contractor or the project manager, but others, less directly involved, could also learn much from this paper.

The subject of operational risk could not be more topical, with the ongoing catastrophe of the oil leakage from BP’s operations in the Gulf of Mexico still being reported in the international media. The paper by Allport and Ward (2010) – ‘Operational risk: the focus for major infrastructure?’ – is not about drilling for oil, and the reasons for the current oil spillage are not yet fully understood, but the possible consequences of failing to effectively identify and manage operational risk are clearly demonstrated by that incident. Less dramatically, and in a somewhat different context, the paper presented in this issue nevertheless provides an extensive summary of the findings of a major study, funded by the Institution of Civil Engineers, into the importance of operational risk, the uncertainties giving rise to the risk, and its effective management. The paper sets out clear conclusions, including the need to improve existing practice by ‘focusing on managing uncertainty (not just adverse events)’ and ‘the need for a wider role and education of civil engineers’.

A short paper about Fidic's Red Book 1999 edition by Hillig *et al.* (2010) provides a useful introduction into this widely used standard form of contract, aimed at those construction professionals not yet especially familiar with it. Finally, there is a very helpful book review, by Donnie MacNicol, of 'Managing People on Construction Projects' by Soetanto *et al.*, published by the European Construction Institute.

I hope that, in reading this edition, others will be encouraged to write about their particular area of interest. There is much to discuss and debate in the management, procurement and law of civil engineering, which will be of interest not only to civil engineers, but to all manner of construction professionals. If writing several thousand words does not appeal, let me remind readers that, at the end of each article there is an invitation to let the author(s) know what you think about the content and subject of their paper, which might spark a reply and a published discussion. Simply email the editor (journals@ice.org.uk) with up to 500 words.

REFERENCES

Allport RJ and Ward S (2010) Operational risk: the focus for major infrastructure? *Proceedings of the Institution of Civil*

Engineers – Management, Procurement and Law 163(3): 121–127.

Anderson J (2010) Regulations to improve construction health and safety. *Proceedings of the Institution of Civil Engineers – Management, Procurement and Law* 163(3): 97–100.

Fellows R and Liu A (2010) Conflict on multi-national construction projects. *Proceedings of the Institution of Civil Engineers – Management, Procurement and Law* 163(3): 101–110.

Hide G (2010a) Producing a programme under the NEC form of contract. *Proceedings of the Institution of Civil Engineers – Management, Procurement and Law* 163(2): 59–64.

Hide G (2010b) Managing a programme under the NEC3 ECC contract. *Proceedings of the Institution of Civil Engineers – Management, Procurement and Law* 163(3): 111–119.

Hillig JB, Dan-Asabe D, Donyavi S, Dursun O and Thampuratty A (2010) Fidic's Red Book 1999 edition: a study review. *Proceedings of the Institution of Civil Engineers – Management, Procurement and Law* 163(3): 129–133.

Wall CJ and Fellows R (2010) Conflict disputes and their management. *Proceedings of the Institution of Civil Engineers – Management, Procurement and Law* 163(3): 93–96.