

International
Construction
Law Association

ICLA



SCL 2016

Sixth Society of Construction Law International Biennial Conference

Sep 13-15, 2016

Unique Hotel - Av. Brigadeiro Luís Antônio, 4700, São Paulo-SP (Brazil)

**„ The Construction Law under the different families of
Common and Civil Law: points to remember and consider “**

Dr. jur. Wolfgang Breyer
ICLA Chairman

Breyer Rechtsanwälte
Managing Partner

What is the ICLA?

- Established May 2015
- Board - lawyers, barristers, construction professionals, judges and academics specialising in [International] Construction Law
- Open to all with interest in Construction Law

Academic and association support of ICLA

- Universities and organisations supporting and/or on board



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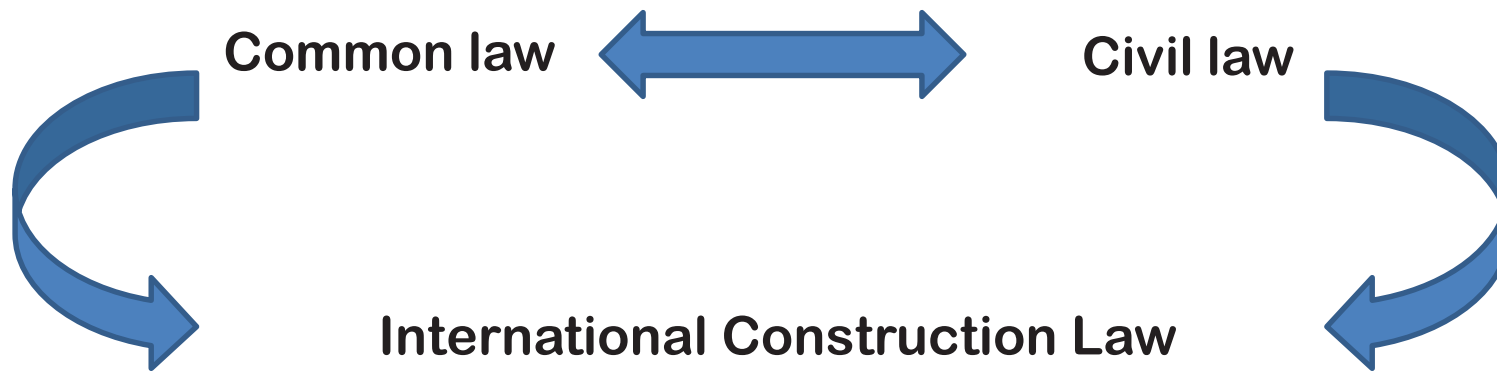
SEFI

Gcila | GLOBAL CONSTRUCTION
& INFRASTRUCTURE
LEGAL ALLIANCE



Melbourne Law School

ICLA Objectives



ICLA Objectives

- Comparative construction law
- Fill gap as to academic literature
- Producing practically usable results
- Advise and submit reports
- Collaborate with other professional bodies
- What can we learn from each other?

ICLA families of law (and expanding...)

- English Common law
- German Civil law
- French Civil law
- South Americas
- North Americas
- Chinese Civil law
- Russian (and CIS) Civil law
- Nordic Civil law
- GCC Civil law (Middle East)
- Australian Common law
- South Africa (coming soon)

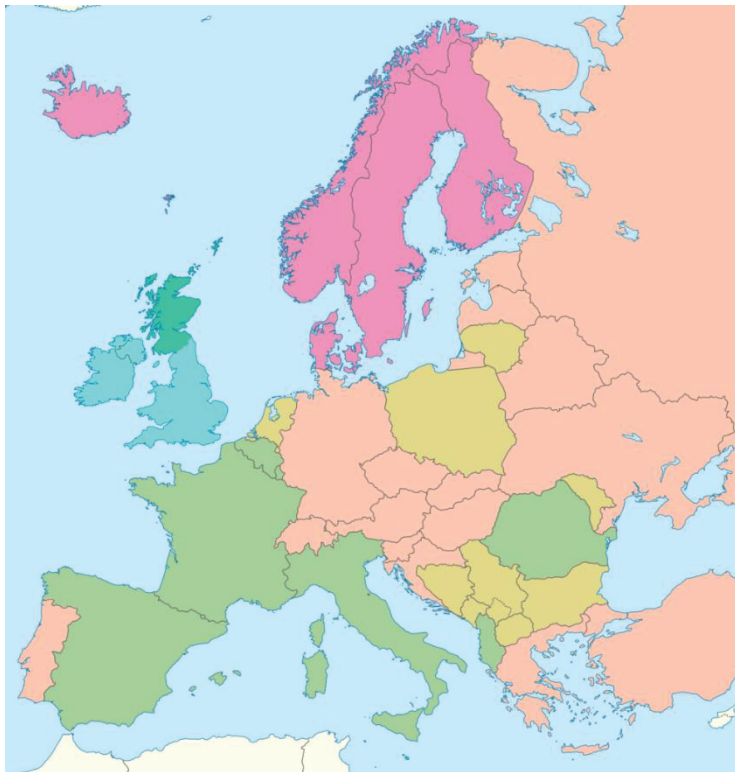
Overview of Global Legal Families

- Lord McNair, former President of International Court of Justice, “*The General Principles of Law recognised by Civilised Nations*” (1957):

“It is often said that the parties to a contract make their own law, and it is, of course, true that, subject to the rules of public policy and order public, the parties are free to agree upon such terms as they may choose. Nevertheless, agreements that are intended to have a legal operation (as opposed to a merely social operation) create legal rights and duties, and legal rights and duties cannot exist in a vacuum but must have a place within a legal system which is available for dealing with such questions as the validity, application and interpretation of contracts, and generally, for supplementing their express provisions.”

Overview of Global Legal Families

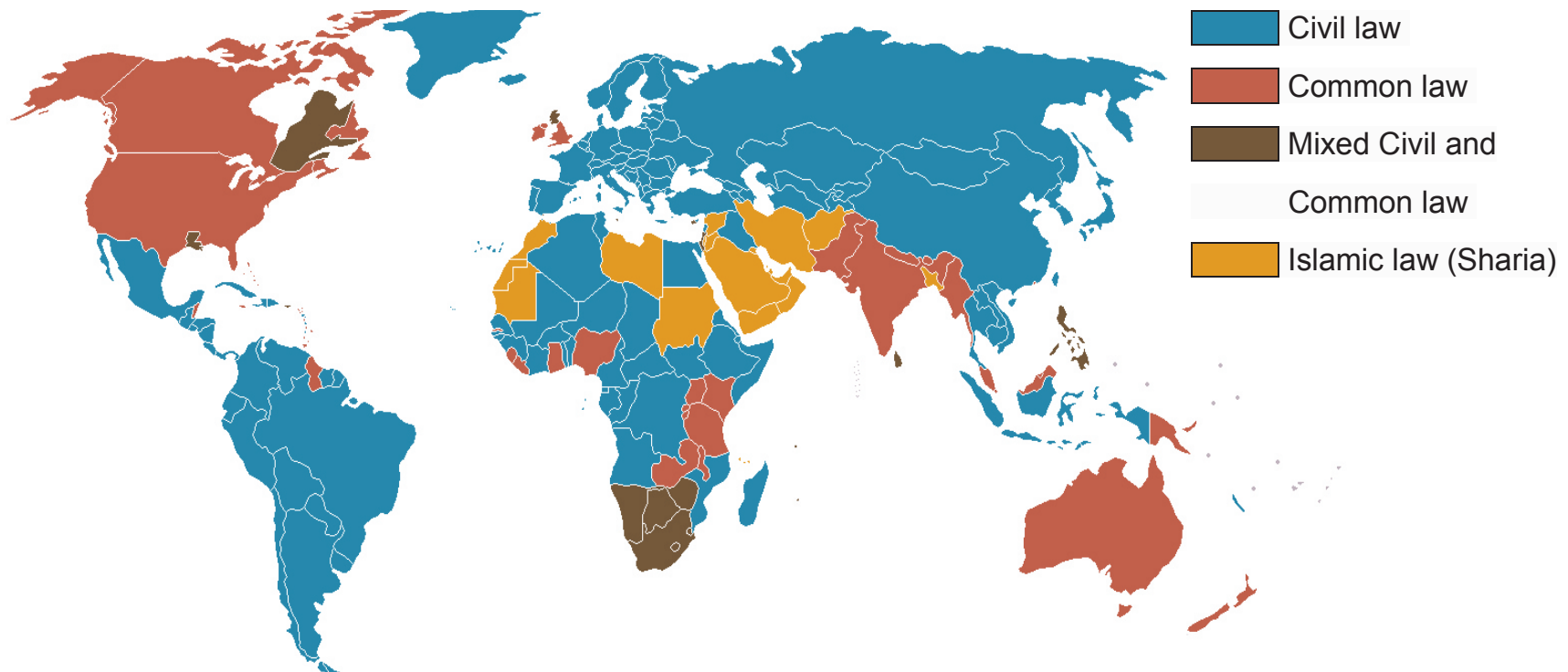
- Legal systems of Europe



Light blue	Common law
Dark green	Mixed Common law and Civil law
Light blue	Civil law
Orange	German law
Light green	French law
Yellow-green	Mixed Indigenous law and German/French law
Light blue	German/French law
Pink	Nordic

Overview of Global Legal Families

- Legal systems of the world



Overview of Global Legal Families

- How to divide the world legal families?
 - Historical – Common law, Germanic, Napoleonic, etc
 - Geographical – South America, Russia and CIS, China, etc

Overview of Global Legal Families

Country	System of law (origins)
China	Germanic
Russia	Germanic
Kazakhstan	Germanic
Japan	Germanic
Chile	Napoleonic
Egypt	Napoleonic
Romania	Napoleonic
Belarus	Germanic
Poland	Germanic/Napoleonic
Turkey	Germanic
India	Common law
Singapore	Common Law
UAE	Napoleonic