

# VIAC – Questionnaire for Mediators

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3. **Contact information**

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4. **Education and professional experience (original profession; where did you study?):**

*Please add your CV!*

**1.2019 Doctor (Ph.D.) – Construction & Energy Law contracts, On-line NY- U.S.A.**  
**Certified International Arbitrator by Grotius for International Legal Studies - The Hague -PCA, NL.**  
**CEDAR Mediator from School of Law International University of Business& Economy in Beijing- China , Harvard University [Contract Law \( Trust-to Promise- to Contract\)](#) Harvard UX– USA , Intellectual Property Law & Policy School of Law -University of Pennsylvania-USA . International Water Law (Dual French-English) by Universite De Genève -Switzerland. European Business Law- Competing in Europe from Lund University -Sweden. International Law in Action- the Arbitration of International Disputes by Leiden University-NL.Challenging Forensic Science-How Science Should Speak to Court - Université de Lausanne.**

1. 2018-Master of Laws (L.L.M.) – University of Aberdeen ,Kings College UK.
2. 2001-Master of Information Management Systems -City University ,Washington , U.S.A
3. 1985- Bachelor of Science in Civil Engineering – New England College , N.H , U.S.A
4. Micro-Master Energy Principles & Renewable Energy from University of Queensland -Australia.
5. Natural Resources for Sustainable Development (Oil Gas & Mining) SDG Academy(U. Columbia)
6. Certified Project management Development by International Development Bank (in Latin America)
7. Coastal Engineering Tsunamis-Storm by Waseda Univ Civil & Environmental Eng Dept.Tokyo- Japan.
8. Innovative Governance of Large Urban Systems by Federal Polytechnic School of Lausanne.
9. Global Environmental Management -Urban,Environment- by Technical University of Denmark (DTU).
- 10.** Artificial Intelligence -Machine Learning for All by University of London-UK .

## Awards / Recognitions

1. Recognized in 2018 as best Technical Expert of the year in Middle East region (1st International Engineering Arbitration conference 2018-Dubai).
2. Recognized in 2014 as Mediator of the Year at Dubai Courts-UAE.
3. Harvard Model U.N in 1985 Harvard University U.S.A and Global Diplomacy by University of London.

## Positions

**A] Current ( past 15 years):**

1. Arbitrator Mediator , Adjudicator & Technical Expert with Ministry of Justice/DIAC,ICC since 2006
2. Founder of AlMarsat projects -Dubai -UAE& Canada Quality Experts-Ontario-Canada since 2005.
3. Airports Consultant with International Civil Aviation Organization -Montreal -Canada since 2001.

**B] Previous( 20 years):**

1. Senior Director of Dubai land Contracts / Engineering Projects in Africa–Middle Est 2008-2012.

2. Quality & Contracts manager for Airports, Ports, Roads, power stations, Hotels projects 1989-2007.
3. Project Engineer to Project Manager for Infrastructure projects J&P from Cyprus to Gulf Countries 1985

## ADR / Professional Experience

**A] Arbitrator:** [over 50 disputes as Tribunal /Chair / Co-Arbitrator or Sole Arbitrator ] to list few;

**1. DUBAI FINANCIAL CENTRE (DIFC-LCIA) as Co-Arbitrator involved UK Queen Council**

Contractor-Developer Construction dispute over school building defects in Dubai, claim amount (U\$D 2M).

**2. Emirates Maritime Arbitration Center EMAC 1<sup>st</sup>.case ( DIFC-LCIA) as Co-Arbitrator**

EPC dispute (off shore Oil Islands construction) patent Marine construction procurement, claim (U\$D 3M )

**3. DIAC as Co-Arbitrator** Main Contractor-Subcontractor dispute on towers in Dubai Marble and granite defects, claim amount (U\$D 1.5M)

**4. DUBAI COURT as Chairman of the Arbitration Tribunal** Developer-Investor Dispute over Real Estate contracts resulting damages to investor, Claim amount (U\$D 1.3M).

**5. DUBAI COURT as Sole Arbitrator.** Developer-Investor dispute where developer delayed causing damages to the investor. Claim amount (U\$D 12.2M).

**6. Ajman court -Chairman of the Tribunal investor /Developer** Real Estate dispute value ( U\$D 2M).

**B] Construction Adjudicator /Expert Determination** [conducted over 450 for Dubai courts since 2006];

**1. Construction Adjudicator** over 300 investors Vs main developer dispute, developer failed to deliver causing damages, Claim amount (over U\$D 100M).

**2. Real Estate Appeal court – Adjudicator** Developer -Investor dispute, Value (U\$D 2.5M)

**3. Formation of Islands Marine works -court-Adjudication** claim over ( U\$D 30 millions ).

I am also Certified Adjudicator **from AIAC – CIPPA 2013 – Kuala Lumpur -Malaysia** since 2017 and registered with ICC -with few Appointments on construction -Energy disputes.

**C] Expert Witness** [over 1,000 Expert witness reports in English and Arabic dispute cases since 2006]

Conducted in 2014 alone over 105 cases with maximum turn over decision/opinion in max 21 days .

**1. DIAC as Claimant Expert Witness** Developer-Investor dispute claim amount (U\$D 3.91M)

**2. DIAC as Tribunal Expert Witness** Developer-Investor dispute Time , value amount (U\$D 5.4M)

**3. DIAC as Respondent Expert Witness** International Contractor- Employer dispute, value (U\$D 20M )

**4. DIAC as Claimant Expert Witness** Developer-investor dispute, claim amount (U\$D 1.9M)

**5. DIAC as Expert Witness** Int. U.S Designer-KSA Employer Hospital ,value (U\$D 15.3M).

## Panel Admissions

a. **Arbitrator:** Court of Appeal (*equivalent to “Supreme Court in UAE”*) Ministry of Justice -U.A.E

b. **Arbitrator:** Dubai International Arbitration Center as per Civil Law Jurisdiction.

c. **Arbitrator:** in Dubai International Financial Center **DIFC** & Emirates Maritime Arbitration Center **EMAC “LCIA common law Jurisdiction”**, Singapore Chamber Maritime Arbitration **SCMA** ,Hong Kong International Arbitration Center **HKIAC**, Vienna International Arbitration Center **VIAC & Mediate.com**

d. **Arbitrator/Adjudicator/Expert:** International Chamber of Commerce, **ICC**.

e. **Arbitrator:** Kigali International Arbitration Center/Ukrainien International Arbitration center.

**5. Core area of current professional activity:**

a. Construction Disputes b. Real Estate Development Disputes c. Energy & Infrastructure Disputes d. Commercial Contracts Disputes. e. Maritime disputes f. Water Conflicts g. Intellectual Property

**6. Accreditation in the field of ADR (including relevant trainings and connected qualifications):**

## Professional Accreditations

a. **Fellow** (FCI Arb): Chartered Institute of Arbitrators, U.K in addition to AMINZ Fellow Arbitrator Mediator Institute New Zealand.

**b.Fellow** (FSIARB) Singapore Institute of Arbitrators & **Fellow**(FMIARB)Malaysian Institute of Arbitrators.

**c.Certified Judicial Legal Expert** Diploma [Arbitrator /Technical Expert] Dubai Judicial Institute /UAE.

## **7. Practical experience in mediation**

How many (international) mediations have you participated in as single/co-mediator/in a team?

- administered by an institution; under which Rules? in which areas/fields?
- how complex (*please provide examples, participation of lawyers/experts*)?

**Mediator / Mediations: [conducted over 50 all single Mediations with UAE courts since 2014 to list few]**

### **1. Maritime survey/Real Estate dispute before Dubai courts Mediation**

**Developer -Investor dispute over the actual completion of an Island Claim amount (U\$D 25M).**

**2. DIAC Mediation Developer-Investor dispute late delivery of contractual deadline (U\$D2.9M)**

**3. DIAC Mediation Developer-Investor dispute Promise not delivered (U\$D 2.7M)**

**4. DIAC Mediation Developer-Investor dispute Promise not delivered on time (U\$D 4.8M)**

**5. Dubai Court Mediation International Contractor – Employer Hospital Barsha Dispute (U\$D 90M).**

**6. Abu Dhabi Courts Mediation Marine Coastal Contractor- Surge -Storm Dispute value( over U\$D 2M).**

How often have you acted in a different function (e.g. consultant, expert)?

**See above over 1,000 Expert Witness Reports in Construction /Real Estate and Maritime disputes.**

What other ADR-experience do you have?

**a. Recognized in 2018 as best Technical Expert of the year in Middle East region (1st International Engineering Arbitration conference 2018-Dubai).**

**b. Recognized in 2014 as Mediator of the Year at Dubai Courts-UAE.**

**c. Harvard Model U.N in 1985 Harvard University U.S.A &Global Diplomacy by University of London.**

## **8. Languages (including levels)**

### **a.Mother tongue**

Working languages (i.e. languages in which you have both a spoken and written command so that you may conduct mediation proceedings in this language):

**Active (for oral hearings): English (native)past 40 yrs. Arabic (Native + fluent), French (Fluent) Trilingual .**

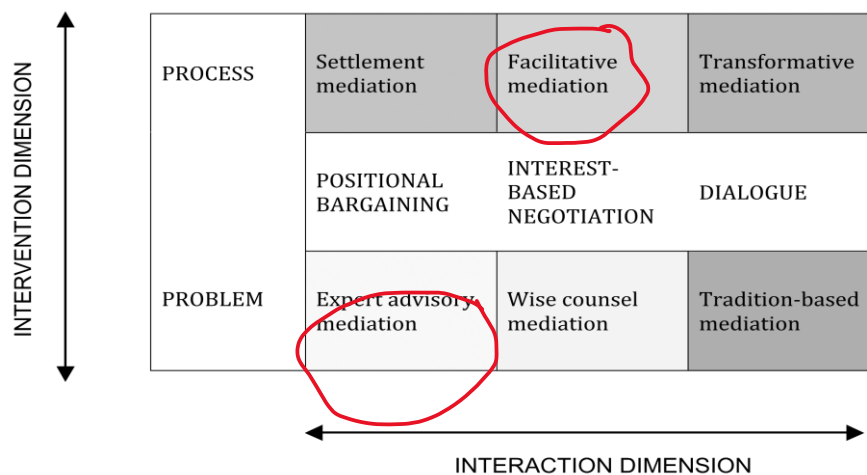
**Passive (for reading documents): English (native) Arabic and working knowledge over 40 yrs.**

**Drafting (for writing Awards/Decisions/etc.): English & Arabic (native), past 15 years.**

**Basic knowledge: Spanish & German**

## 9. Style of mediation

Where do you see yourself? Please tick box as appropriate or indicate your preferred style.



© Alexander, Nadja (2011) "The Mediation Meta-Model - the realities of mediation practice," *ADR Bulletin*: Vol. 12: No. 6, Article 5. Available at: <http://epublications.bond.edu.au/adr/vol12/iss6/5>; see also here for a detailed description of the 6 mediation styles.

## 10. Please describe aspects of your personality which could be interesting to clients you are going to mediate; what would former clients emphasize in your work?

**Diplomat but firm /strict focused .**

## 11. Publications and other activities in ADR related matters

(e.g. training sessions, seminars, conferences, articles and others):

### Publications

- 1.2020 Clauses Saving Time and costs 2020 ( in both English and Arabic ) still under final review.
- 2.2019 ADR – When ADR & Arbitration becomes successful? (Legal Blogs).
- 3.2018 ADR contracts clauses across One Road one Belt Initiative ( 2018 LLM Dissertation).
1. Mediation and Expert Witness Hot Tubbing techniques ( paper at Jakarta Conference 2018)
- 5.2016- Competenze-Competenze in Arbitration International Law newsletter.
- 6.2005-Quality systems on Mega Size Project (Technical – Blogs).
- 7.2003 The Importance of International Standardization (Technical Magazine)

## 12. Memberships in mediation institutions / functions in mediation institutions/organizations:

1. American Society of Civil. Engineers (ASCE). 3. Project Management Institute (PMI) Member U.S.A
- 2.International Chamber of Commerce ICC(ADR committees /workgroup/ Task forces since 2016) .
- 3.Society of Engineers -in the United Arab Emirates( member since 1987) .
4. International Bar Association (Construction , Maritime , Oil & Gas work Group) Asia, Africa & Europe.
5. Senior Mediator on construction, Energy, Real Estate , Intellectual Property. (mediate.com)
6. Registered Professional Engineering Expert & Arbitrator at United Arab Emirates Ministry of Justice.
7. Certified Opinion Engineer at Dubai Municipality -Dubai ( U.A.E)

## 13. Special expertise or specializations (please list a maximum of three) in your ADR-practice:

**Construction , Energy & Real Estate Contracts Technical Disputes Reasonings , International Disputes**

## 14. Soft Skills (e.g. intercultural competences):

### Publications

- 1.2021 Clauses Saving Time and costs 2020 ( in both English and Arabic ) still under final review.
- 2.2020 ADR – When ADR & Arbitration becomes successful? (Legal Blogs).
- 3.2018 contracts clauses across One Road one Belt Initiative ( 2018 LLM Dissertation).
- 4.Mediation and Expert Witness Hot Tubbing techniques ( paper at Jakarta Conference 2018)
- 5.2016- Competenze-Competenze in Arbitration International Law newsletter.

6.2005-Quality systems on Mega Size Project (Technical – Blogs).

7.2004 The Importance of International Standardization (Technical Magazine)

### Speaking / Lecturer Engagements

1. 2014 – AIA Training Course Panel speaker on Expert Witness Role as per UNICITRAL-IBA, Dubai.
2. 2018– Success of ADR requires Technical Knowledge (Expert Determination) + ADR & Arbitration in MENA region 2018 – University of Middlesex Moot-Arbitrator, Dubai UAE.
3. 2018 – Main Speaker at AMA 5th international Mediation Conference Jakarta, Indonesia.
4. 2018-19-Main Speaker for Expert Role & chosen as one of the Best Expert 2018 Dispute Adjudication Avoidance Board DAAB by SELEM, Dubai.
5. 2020- Main Speaker at RALA conference & CIS countries ADR conference in addition to participate in 100's of webinar on International Arbitrations with AIAC , SIAC , FIDIC , Germany , DIFC ,Governance.
6. 2020 Organizing Few Pan Arab Webinars in 2020 with UAE , Morocco, Egypt, Sweden & North America.
7. 2013-19 Participating in 100's International Chamber of Commerce (ICC), International Bar Association (IBA), ICCA congress and International Civil Aviation Organization (ICAO)

15. **How do you ensure your professional quality (e.g. coaching, practice supervision, etc)?**  
**Leading Training , webinars and creating teams**

16. **Date of birth: June 7<sup>th</sup> 1963**

VIAC offers mediation practitioners the possibility to present themselves on its website. VIAC reserves the right to publish any presentations submitted and to remove it as the case may be. Parties are free to nominate a mediator of their choice and so is the VIAC Board when appointing a mediator. These presentations do not constitute recommendations but may assist the parties in choosing a mediator willing to conduct proceedings according to the Vienna Mediation Rules. The fact that a mediation practitioner appears on this list, does not authorize this person to use the title "VIAC-mediator".

- I have completed this questionnaire to the above to the best of my knowledge and believe they are accurate.
- I hereby consent that the data provided in this questionnaire may be processed for the appointment of mediators and published by VIAC. This includes in particular publication on the website of VIAC as well as use in any presentations, etc. This consent may be withdrawn at any time by contacting VIAC at our general contacts, in particular by email addressed to office@viac.eu. The consequence of any such withdrawal will be that my data will no longer be processed by VIAC. For further information see our privacy statement at [www.viac.eu](http://www.viac.eu).

**22August 2020**

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Date

and

**Jamal Chaykhouni**  
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Signature