

VIAC – Questionnaire for Mediators

1. **Name:** José Rafael Mata Dona

2. **Nationality:** Venezuelan and Belgian

3. **Contact information**

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

Member of the Brussels Bar, Belgium, since 2012

Member of the Barcelona Bar, Spain, since 2011

Member of the Caracas Bar, Venezuela, since 2002

Ordre des Barreaux francophones et germanophone de Belgique - Recognition of Spanish qualifications at Law as equivalent to Belgian University Diploma (2014)

Spanish Ministry of Education - Recognition of Venezuelan qualifications at Law as equivalent to Spanish University Diploma (2011)

Université catholique de Louvain, Belgium

LL.M in international and European law (2006)

Universidad Católica Andrés Bello UCAB, Venezuela

Abogado (2001)

Before getting started in independent practice, I served as a legal advisor in Belgium and in the litigation department of several international law firms.

(Please find enclosed my CV)

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

- Arbitration, both commercial and investment
- Civil and Commercial Mediation
- Litigation (enforcement of international arbitral awards and homologation of settlement agreements by courts)

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

Accredited civil and commercial mediator at Belgian Federal Mediation Commission since 2014

Memberships

- Hong Kong International Arbitration Centre, HK45 since 2016
- Club Español del Arbitraje, Secretary of the Belgian Chapter of the CEA and CEA -40 since 2015
- Vienna International Arbitral Centre, Panelist of the VIAC list of Practitioners in international arbitration since 2015
- Singapore International Arbitration Centre, YSIAC since 2015
- Swiss Arbitration Association, ASA Below40 since 2015
- International Council for Commercial Arbitration, Young ICCA since 2015
- *Deutsche Institution für Schiedsgerichtsbarkeit*, DIS 40 since 2014
- Belgian Centre for Arbitration and Mediation, Panelist of the CEPANI list of Practitioners in arbitration since 2014
- Young International Arbitration Group of the London Court of International Arbitration (LCIA) since 2013
- Young Arbitrators Forum of the Belgian Center of Arbitration (Cepani40) since 2012
- Young & International Associate of the International Centre for Dispute Resolution (ICDR) since 2012
- International Chamber of Commerce (ICC) Young Arbitrators Forum since 2012

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*)?

During the training sessions (90 hours) leading to the accreditation by the Belgian Federal Mediation Commission, I acted as a (co)-mediator or single/team counsel in 6 to 10 civil or commercial national cases under the bMediation Rules. Lawyers and/or experts represented the parties in some of those cases.

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

N/A

- What other ADR-experience do you have?

As an arbitrator, I have experience under the VIAC and ICC Arbitration Rules, UNCITRAL Arbitration Rules, as revised in 2010, and LCIA Arbitration Rules (2014). I have acted as Chairman or co-arbitrator in 14 moot international arbitral proceedings:

- 4 international arbitrations under the aegis of the Foreign Direct Investment International Arbitration Moot (2015) London, UK
- 10 under the aegis of the Willem C. Vis Pre-Moot (2015 & 2016) in Düsseldorf, Germany, and in Brussels, Belgium

I have acted as arbitral secretary or in a different function in 2 arbitral proceedings:

- 1 joint Belgium and Luxembourg Moot court on Interim Measures in International Commercial Arbitration organized by Young ICCA (2015)
- 1 domestic arbitration in Caracas, Venezuela (2002)

As a negotiator, I have represented a number of NGOs in negotiations of an array of international development projects and partnership agreements under the framework programs of the European Commission. I have experience dealing with NGOs from Abkhazia, Argentina, Azerbaijan, Colombia, Guatemala, India, Kenya, Macedonia, Madagascar, Moldova, Nicaragua, Palestine, Somalia and many European countries.

As a memorial judge, I am currently participating in the Foreign Direct Investment International Arbitration Moot, which will take place in November 2016 in Buenos Aires, Argentina, and participated earlier this year in the 13th Hong Kong Vis East Moot.

8. Languages (including levels)

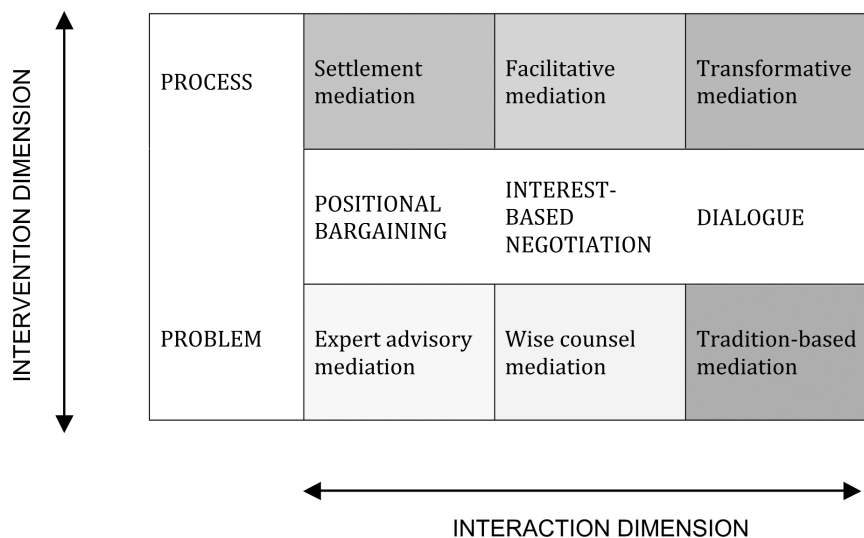
Mother tongue: Spanish.

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): English and French.

Basic knowledge: Czech.

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.

I see myself in the vertical upper half and in the horizontal right half of the sliding scales.

As to the models, I have been trained mainly as a facilitative mediator.

My preferred style is to be flexible and creative.

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?

Competence and trustworthiness

11. Publications and other activities in ADR related matters (e.g. training sessions, seminars, conferences, articles and others):

- VIAC/UN UNCITRAL/IMI Joint Conference on International Mediation. 21 Sept. 2016, Vienna, Austria.
- ICC YAF Conference on "Tribunal-Assisted settlements in International Arbitration". 8 Sept. 2016, Zürich, Switzerland.
- CEPANI, Exposé du Professeur Thomas Clay "Le Coarbitre". 21 June 2016, Brussels, Belgium.
- Dutch Chapter of Club Español del Arbitraje, Inaugural Conference "Lago Agrio - Arbitration in The Hague". 8 June 2016, Peace Palace, The Hague, The Netherlands.
- Co-Chair at the Belgian Chapter of the CEA, ICC, DIS and CEPANI Conference on "EU Law and Arbitration". 19 Feb. 2016, Brussels, Belgium.
- bMediation and l'Institute des Juriste d'Entreprise (IEJ) Business Mediation Summit "Challenge your Dispute Resolution Strategy". 28 Jan. 2016, Brussels, Belgium.
- Case contributor to Arbitrator Intelligence.

- [Translation of the CEPANI arbitration rules and the Belgian Judicial Code provisions relating to arbitration from French to Spanish \(2015\).](#)
- CIArb Irish Brand, Accelerated Route to Fellowship (International Arbitration). 20-22 Nov. 2015 Dublin, Ireland.
- CILS, Foreign Direct Investment International Arbitration Moot. 29 Oct. – 1 Nov. 2015, London, UK.
- 5h ICC YAF Global Conference. 25-27 June 2015, London, UK.
- X International Congress of the CEA. 8-10 June 2015, Madrid, Spain.
- IX Meeting of the CEA -40. 7 June 2015, Madrid, Spain.
- CEPANI40 debate evening with Ms. Erica STEIN and Ms. Hilde VAN DER BAAN on “Appointment of arbitrators: parties v arbitral institutions”. 5 May 2015, Brussels, Belgium.
- ASA below 40 / CFA-40 Conference, “The Better Seat? France v. Switzerland”. 24 Apr. 2015, Paris, France.
- PCA-ICCA Seminar, “The Practice of Arbitrating in Arab Countries: Avoiding Procedural Pitfalls (with some focus on the UAE)”. 16 Apr. 2015, The Peace Palace, The Hague, the Netherlands.
- CEPANI Arbitration classes (18 hours): Class 1: “From the arbitral clause to the constitution of the tribunal”, Class 2: "From the terms of reference over procedural orders and agenda to case management meetings, Class 3: "From the hearing to the award". Feb.- Apr. 2015, Brussels, Belgium.
- 2nd and 3rd Brussels Pre-Moots. 2015 and 2016, Brussels, Belgium.
- VIII and IX Düsseldorf Pre-Moots. 2015, and 2016, Düsseldorf, Germany.
- CEPANI40, Lunch debate with Ms. Niuscha Bassiri: “Arbitral Secretaries - The exposed ghostwriter”. 27 Feb. 2015, Brussels, Belgium.
- Young ICCA, Skills Training Workshop - Moot Court on Interim Measures in International Commercial Arbitration. 30 Jan. 2015, Brussels, Belgium.
- CEPANI, Lunch debate with Ms. Nadia Darwazeh: "The Jerusalem Arbitration Centre: An innovative approach to resolving commercial disputes in a challenging political context". 15 Jan. 2015, Brussels, Belgium.
- EUROCHAMBRES, Conference on “Mediation for Growth”. 10 December 2014, European Parliament, Brussels, Belgium.
- ICC YAF, Conference on “Brussels, Europe and the Future of Arbitration”. 04 Dec. 2014, Brussels, Belgium.
- CEPANI40, Lunch debate avec Remy Gerbay: “Mere ‘administrators’ vs. ‘ancillary decision makers’: Myths and realities of the functions of arbitral institutions”. 24 Nov. 2014, Brussels, Belgium.
- CEPANI40, Lunch debate with Pascal Hollander on "Emergency arbitration in practice: How it works? Does it work?" 07 Oct. 2014, Brussels, Belgium.

- ICC Belgium, "Effective management of arbitration: A Guide for In-House Counsel and Other Party Representatives". 30 Sept. 2014, Brussels, Belgium.
- bMediation, Lunch debate with Carol Bloom on the Transformative Mediation Model. 18 June 2014, Brussels, Belgium.
- CEPANI, Lunch debate with Domitille Baizeau on the new IBA Guidelines on Party Representation. 17 June 2014, Brussels, Belgium.
- CEPANI 40, Lunch debate with Hakim Boularbah: ("La place de l'arbitrage dans le nouveau règlement Bruxelles I") the place of arbitration within the new Regulation Brussels I. 27 Feb. 2014, Brussels, Belgium.
- CEPANI 40, Lunch debate with Charles Price on the different arbitral systems ("Arbitration - Vive la différence"). 16 Jan. 2014, Brussels, Belgium.
- CEPANI 40, "The new 2013 CEPANI Arbitration Rules". 24 Oct. 2013, Brussels, Belgium.
- bMediation, Civil and Commercial Mediation classes (96 hours). Oct. 2013 – Feb. 2014, Brussels, Belgium.
- IBA Arbitration Committee, ICC YAF, ICDR Y&I and Arbitration Ireland: Young Arbitration Practitioner Symposium. 10 Oct. 2012, Dublin, Ireland.
- School for Professional Education of the Brussels (French speaking) Bar, Arbitration classes (12 hours). Apr. 2012, Brussels, Belgium.
- Catholic University of Louvain, LL.M in international and European law (Diplôme d'études spécialisées en droit international et européen) Major subjects: International dispute resolution (Classes with Prof. Bernard Hanotiau), international trade law, international contract law, European competition law, European financial and tax law and international private law. 2005-2006, Louvain-la-Neuve, Belgium.
- First experience in domestic arbitration, 2001-2002, Caracas, Venezuela.

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

Member of the Belgian Centre for Arbitration and Mediation since 2014

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

- International Arbitration, both commercial and investment
- Civil and Commercial Mediation
- Negotiation of international development projects and partnership agreements

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

- Rigorousness and precision
- Organized approach to work
- Ability to work effectively with others
- Professional experience in multiple legal environments

15. How do you ensure your professional quality (e.g. coaching, practice supervision, etc.?)

My practice is conducted in an effective, impartial and competent way by means of objective standards concerning the provision of mediation services, such as:

In general terms

- Voluntary adherence to the European Code of Conduct for Mediators
- Compulsory submission to deontological codes of conduct, i.e. Ethical and professional rules of the Brussels Bar

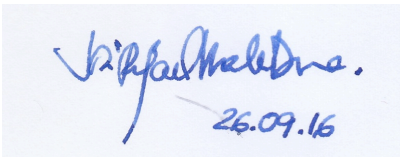
In particular

- Every two years, by means of a minimum attendance to 18 hours of mandatory civil and commercial mediation training imposed and regulated by the Belgian Federal Mediation Commission.
- Every calendar year, by means of 20 points of legal mandatory training imposed and regulated by the Brussels Bar Association.

16. Date of birth: 22.04.1977

I have completed the above questionnaire to the best of my knowledge and believe it is accurate. I understand that the above information will be used for VIAC's internal use and may be given to interested persons or may be published on VIAC's website.

Date and signature



Handwritten signature: *Kipfa Maledone.*
Date: *26.09.16*

MATA DONA, José Rafael

Avocat - Abogado
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1160 Brussels, Belgium
Mobile: 0032(0)485.190.301
Email: j.mata.dona@avocat.be

Accredited mediator at the Belgian Federal Mediation Commission since 2014.
Member of the Brussels Bar in Belgium (since 2012)
Member of the Barcelona Bar in Spain (since 2011)
Member of the Caracas Bar in Venezuela (since 2002)

PROFESSIONAL EXPERIENCE

2012 - to date	Sole practitioner (Brussels) Independent Alternative Dispute Resolution Professional
2007 - 2011	Sole practitioner (Brussels) Legal advisor
2003 - 2005	Polytechna S.A (Prague) Language professor
2002 - 2003	Litisent Law Firm (Caracas) Associate lawyer
2001 - 2002	Palacios Ortega y Asociados (Caracas) Associate lawyer
2000 - 2001	Travieso Evans Arria Rengel & Paz (Caracas) Full time trainee lawyer
1999 - 2000	Salgueiro y Asociados (Caracas) Part time trainee lawyer

Arbitration

I have experience under the VIAC and ICC Arbitration Rules, UNCITRAL Arbitration Rules, as revised in 2010, and LCIA Arbitration Rules (2014). I have acted as Chairman or co-arbitrator in 14 moot international arbitral proceedings:

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Mediation

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Negotiation

I have represented a number of NGOs in negotiations of an array of international development projects and partnership agreements under the framework programs of the European Commission. I have experience dealing with NGOs from Abkhazia, Argentina, Azerbaijan, Colombia, Guatemala, India, Kenya, Macedonia, Madagascar, Moldova, Nicaragua, Palestine, Somalia and many European countries.

Lectures & Entrepreneurship

As a Guest Lecturer, I have participated two times at the International Master in European Studies organized by the Belgian Italian Chamber of Commerce in cooperation with the Institute of European Studies of the University of Louvain.

Since 2010, I have been nominated two times as host entrepreneur by the European Commission within the frame of the Erasmus for Young Entrepreneurs Programme.

EDUCATION

- 2005 - 2006 *Université catholique de Louvain, Belgium*
LL.M in international and European law (*Diplôme d'études spécialisées en droit international et européen*)
Major subjects: International dispute resolution, international trade law, international contract law, European competition law, European financial and tax law and international private law.
- 1996 - 2001 *Universidad Católica Andrés Bello UCAB, Venezuela*
Abogado.

RECOGNITION OF FOREIGN QUALIFICATIONS

- 2014 Ordre des Barreaux francophones et germanophone de Belgique
Recognition of the Spanish qualifications at Law as equivalent to Belgian University Diploma
- 2011 Spanish Ministry of Education
Recognition of the Venezuelan qualifications at Law as equivalent to Spanish University Diploma

AREAS OF PRACTICE

International commercial arbitration, investor-state arbitration, litigation and mediation.

PROFESSIONAL AFFILIATIONS AND ACCREDITATIONS

- Secretary of the Belgian Chapter of the CEA since 2015.
- Panelist of the VIAC list of Practitioners in international arbitration since 2015.
- YSIAC since 2015.
- CEA -40 since 2015.
- ASA Below40 since 2015.
- Young ICCA since 2015.
- DIS 40 since 2014.
- Panelist of the Belgian Center of Arbitration (CEPANI) since 2014.
- Young International Arbitration Group of the London Court of International Arbitration (LCIA) since 2013.
- Young Arbitrators Forum of the Belgian Center of Arbitration (Cepani40) since 2012.
- Young & International Associate of the International Centre for Dispute Resolution (ICDR) since 2012.
- International Chamber of Commerce (ICC) Young Arbitrators Forum since 2012.

INTERESTS

Advocacy skills, philosophy, psychology, Go, geopolitics and sailing.

DATE OF BIRTH, NATIONALITIES AND LANGUAGES

22 April 1977.

Belgian and Venezuelan.

Spanish (native), English (fluent), French (fluent) and Czech (working knowledge).