

VIAC – Questionnaire for Mediators

1. **Name:** Mr. JAYEMS DHINGRA

2. **Nationality:** SINGAPOREAN

3. **Contact information**

Address: 20, AYER RAJAH CRESCENT, #09-03, SINGAPORE 139964

Telephone: + (65) 6464 0480

Fax: + (65) 6896 4350

E-Mail: Jayems.d@tiberiasmc.com

Website: <http://www.tiberiasmc.com>

LinkedIn:

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

Please see the CV attached herewith!

- Certificate of Attendance in “International & Comparative Oil & Gas Law”, a Course conducted by National University of Singapore, in Year 2012
- Admitted to the Panel of Accredited Adjudicators and completed KLRCAs Adjudication Conversion Course held in July 2012 at Kuala Lumpur, Malaysia.
- Graduate Certificate in International Arbitration, awarded by National University of Singapore (NUS), Singapore.
- M. Sc. (Maritime Studies), Nanyang Technological University, Singapore (NTU)
- M. Tech (Knowledge Engineering) National University of Singapore (NUS)
- M. B. A. (General Management), University of Hull, UK
- Chief Marine Engineer’s “First Class Certificate of Competency”, South Shields, Newcastle University, (DOT, UK)
- B. E. (Electrical), PEC University, Chandigarh, India.

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

- Management Consultancies to organizations from Offshore & Marine and Oil & Gas industries, and contractors for Engineering, Procurements, Construction related projects.
- Arbitration, adjudication and mediation services for dispute resolutions

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

- Completed course and assessment for Accredited Mediator by Singapore Institute of Surveyors and Valuers (SISV) and Admitted to the Panel of Mediators, SISV, Singapore
- Completed course, training and assessments and Appointed Mediator, with Community Mediation Centre, Ministry of Law, Singapore
- Admitted to the Panel of Accredited Adjudicators and completed KLRCAs Adjudication Conversion Course held in July 2012 at Kuala Lumpur, Malaysia.
- Chartered Arbitrator and Fellow, Chartered Institute of Arbitrators, UK

- Completed Pathways to obtain the Professional Certificate in International Arbitration, CIArb, London, UK
- Graduate Certificate in International Arbitration, awarded by National University of Singapore (NUS), Singapore

7. Practical experience in mediation

- How many (international) mediations have you participated in
 - As single/co-mediator/in a team?
 - **Single Mediator (5) and Co-Mediator in Community Disputes (15+)**
 - Administered by an institution; under which Rules?
 - **SISV – CEA Rules for Commercial Disputes and CMC (Community Mediation Centre, Ministry of Law, Singapore) Rules for Community Disputes**
 - In which areas/fields?
 - **Real Estate Agency, Property Transactions and Tenancy matters**
 - **Community disputes**
 - **Engineering and Construction Disputes**
 - How complex (*please provide examples, participation of lawyers/experts*)?
 - **For commercial disputes mostly in-house counsels and lawyers are also involved;**
 - **For engineering and construction disputes, multiple parties, lawyers, advisors, counsels and key management personnel involved.**
 - **For community matters no lawyers or counsels allowed.**
- How often have you acted in a different function (e.g. consultant, expert)?
 - **On numerous occasions as advisor, consultant and expert over the last 20 years**
- What other ADR-experience do you have?
 - **As Arbitrator, ADR consultant, Claims Consultant, Expert witness and advisor**

8. Languages (including levels)

Mother tongue: **Hindi (Good in both written and spoken)**

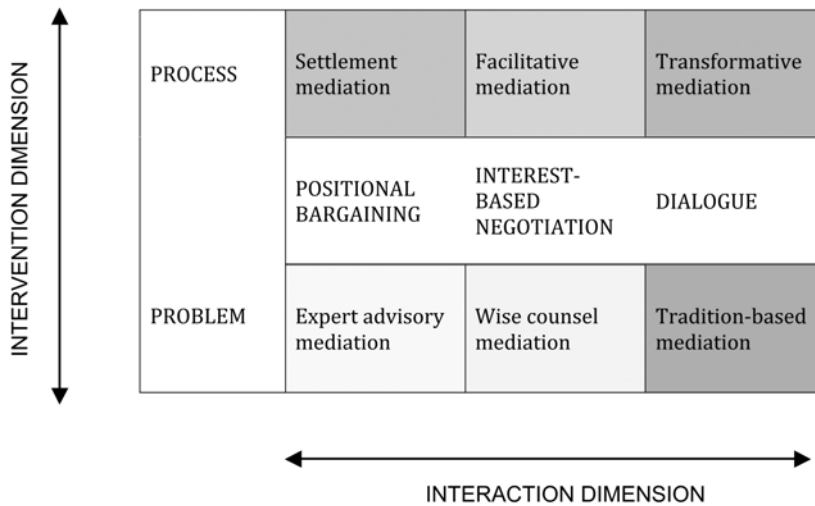
Working languages (i.e. languages in which you have both a spoken and written command so that you may conduct mediation proceedings in this language): **English (Excellent level)**

Basic knowledge: **Russian (Rudimentary)**

9. Style of mediation

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

I can place myself in the range starting from “Facilitative” to “Transformative” style of mediation.



© 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?

Till date I have achieved 100% success rate in all of my mediated sessions. The clients often complement me on the following attributes of my personality:

- Neutrality, Independence, Impartiality and Professionalism
- Diligence
- Empathy – I can feel and relate to the dilemmas being faced by the parties
- Knowledge and expertise to understand the issues at dispute
- Patience and tolerance under pressure
- Willingness to help with achieving a settlement agreement

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

Latest Research Papers and Articles Published

- Dhingra, Jayems. "Growing Potential for Procedural Misconduct in Unadministered Maritime Arbitrations." *International Congress of Maritime Arbitrators XIX*, Hong Kong (May 2015).
- Dhingra, Jayems. "It's Time to Unseal Sealed Offers in International Arbitration – as a Negotiation Strategy or Pressure Tactics?" *Arbitration International* 28, Issue 3 (2012): 505 - 526.
- Dhingra, Jayems. "Force Majeure Event Clauses - A Risk Sharing Strategy in Charter Party for Offshore E & P Rigs and Shipbuilding Contracts." *International Congress of Maritime Arbitrators XVIII* (May 2012): 392 – 405.
- Dhingra, Jayems. *The Economic Outlook and Prospects for EPCIC Contracts in Singapore – An Independent review*. Singapore: Tiberias MC, 2011.

- Dhingra, Jayems. "Demand for New Offshore Rigs is more than US\$20.6 Billion in the Short Term." *Analysts Report, Deutsche Bank Research Hong Kong*, 2006.
- Dhingra, Jayems. "Tourists to Singapore Can Shop with Added Confidence – Thanks to the Lemon Law!" *The Consumer*, Issue 1, 2013.
- Dhingra, Jayems. "Consumer Protection: Role of Certification and Testing Organisations vs. Role of Consumers." *The Consumer*, Issue 2, 2013.

Development of Training Courses and Workshops

The following is a short list of Training Courses & Workshops, developed and delivered by Jayems Dhingra as the Course Director, for senior management personnel and corporate counsels from Oil & Gas industry segments.

- 1) Managing and Resolving Disputes Through Alternative Dispute Resolution (ADR) Channels - "Complaints Management, Mediation and Arbitration Processes" – for Real Estate Agents. (Half Day, CEA Approved CPD Course)
- 2) Mediator Training Course & Workshop Sessions - Towards SISV Accreditation Program of Mediators from Construction Industry and Real Estate Agency Segments. (Five Days, CEA Approved CPD Course)
- 3) Chartering of Tankers and Post-fixture Disputes Management – With Elements of International Arbitration and Litigation Systems. (3 days)
- 4) EPCIC Contracts Management and Essential Elements of International Contracts Laws. (3 days)
- 5) OSV Chartering and Charter Party Management - with Essential Elements of International Maritime Laws. (5 days)
- 6) Interpreting and Managing Charter Party for Supply Vessels – in context of International Maritime Legislations. (3 days)
- 7) Management of International Arbitration Proceedings - for Disputes in Oil & Gas and EPCIC Contracts, in a Cost Effective and Efficient Manner. (2 days)

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

- Member, Board of Management, Chartered Institute of Arbitrators, London, UK;
- Member, Association of International Petroleum Negotiators, USA (AIPN);
- Empaneled Mediator of KLRCA, Malaysia and
- Admitted to the Panel of International Mediators of KLRCA, Malaysia;
- Accredited Mediator by Singapore Institute of Surveyors and Valuers (SISV) and Admitted to the Panel of Mediators, SISV, Singapore
- Appointed Mediator, with Community Mediation Centre, Ministry of Law, Singapore

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

- Charter Party Agreements, Shipping, Shipyards, Rig Builders and Maritime Industry Matters;
- EPCIC and Construction Contracts for Oil & Gas Industries
- International Sales, Purchase and Supply Chain Management Related Contracts

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

- I am widely travelled and can easily interact with people from diverse cultural backgrounds, knowledge, language and religious beliefs;
- My practical experiences range across a diverse group of industrial segments which make me easily adaptable to different needs;
- I have worked through ranks and can easily understand the positional barriers and lack or existence of bargaining positions; and
- As a member of the Association of International Petroleum Negotiators (AIPN), I take it upon myself to discover avenues of negotiations in every bottlenecks and deadlocked situation.

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

- Through undertaking continuous professional development courses;
- Accepting peer reviews and advisory sessions; and
- Continuously learning through research, studies and training workshops.

16. Date of birth:

5 December, 1955

I have completed this questionnaire to the above 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.



28 June, 2016

Date and signature

Overview



Jayems Dhingra,

Chartered Arbitrator

FCI Arb, FSI Arb, FHKIoD, M.S.I.D, Member, AIPN

MBA, M. Tech (Knowledge Engineering)

M. Sc. (Maritime Studies) B. E. (Elect), First Class CoC (DOT, UK)

Practicing as Arbitrator, Mediator, Claims Consultant, Expert Determination, Management Consultant and Disputes Resolution Practitioner

Jayems Dhingra undertakes appointments as Arbitrator, Mediator and independent ADR consultant. He is also the Principal Consultant with Tiberias Management Consultants (HK) Limited, Hong Kong and Singapore specialising in the fields of corporate management consultancy, international contracts reviews and alternative dispute resolutions services. Over the 40 year period, Jayems has worked and consulted in the industry verticals encompassing, Marine, Offshore, Oil & Gas majors; EPCIC Contractors; Pipelines, Process and Power Plant Construction Projects, Logistics & Warehousing, and Shipyards, in Asia and Europe. Jayems has also worked as a consultant to the Ship Owners of Tankers, Dry Bulk Ships, Container Carriers, LPG/LNG ships, Rigs, Drill Ships, OSV fleets and the FPSO's.

His consulting experience includes Dispute Resolutions, Business Process Re-engineering, Diversifications, Corporate Development, Marketing, Project Management, Feasibility Studies and Market Research. He has been frequently engaged for strategic planning, including assignments like, due diligence, resolving various operational issues, contracts reviews, cost controls, project management matters and enhancement of procurement and Supply Chain Management systems.

Jayems has successfully assisted offshore E & P clients in managing contractual disputes arising from international contracts for upgrading & conversion projects. He continues to be actively engaged in claims reviews, contracts reviews, mediation, arbitration, litigation etcetera. His roles for dispute resolutions include expert witness related assignments, arising from construction contracts and Charter Party Agreements.

Jayems graduated with a Bachelor's degree in Electrical Engineering, MBA in General Management, Master of Technology in Knowledge Engineering and Master of Science in Maritime Studies. He holds professional qualifications in marine, including the Chief Engineer's First Class Certificate of Competency (DOT, UK).

Jayems is further qualified as Chartered Arbitrator and is admitted to the panel of arbitrators with CI Arb (UK), ACICA, Australia, KLRCA, Malaysia, DIAC, Dubai, (UAE), Singapore Institute of Surveyors and Valuers (SISV) and registered with HKIAC, Hong Kong, SCC, Stockholm, LCIA, London and SIAC, Singapore. He is registered as 'Fellow', Chartered Institute of Arbitrators, ('FCI Arb'), Member, HKCCA, Fellow, Singapore Institute of Arbitrators ('FSI Arb'), Fellow, Hong Kong Institute of Directors (FHKIoD), Member, Singapore Institute of Directors (M.S.I.D.), and Member, Association of International Petroleum Negotiators (AIPN) USA.

I. Personal Data

Name	: JAYEMS, <u>DHINGRA</u> JAG MOHAN		
Nationality	: Singaporean	T: (65) 6464 0480	M: (65) 9785 9896
Language	: English	Contacts:	F: (65) 6896 4350
Date of Birth	: 5 th Dec 1955	Address:	Email: Jayems.d@tiberiasmc.com
			20, Ayer Rajah Crescent, #09-03, Singapore 139964

II. Admitted to the Panels of Arbitration and Mediation Institutions

- 1) Admitted to the Panel of Arbitrators of ACICA, Australia
- 2) Admitted to the Panel of Arbitrators of CI Arb, UK
- 3) Admitted to the Panel of International Arbitrators of DIAC, UAE
- 4) Admitted to the Panel of International Arbitrators of KLRCA, Malaysia
- 5) Admitted to the Panel of International Mediators of KLRCA, Malaysia
- 6) Admitted to the Panel of DNDR Arbitrators of KLRCA, Malaysia
- 7) Admitted to the Panel of Arbitrators, SISV, Singapore
- 8) Empaneled Adjudicator of KLRCA, Malaysia
- 9) Accredited Expert Witness by Singapore Institute of Surveyors and Valuers (SISV) and Admitted to the Panel of Expert Witnesses of SISV, Singapore
- 10) Empaneled Mediator of KLRCA, Malaysia
- 11) Registered as Arbitrator with HKIAC, Hong Kong
- 12) Registered as Arbitrator with LCIA, London
- 13) Registered as Arbitrator with SCC, Stockholm
- 14) Registered as Arbitrator with SIAC, Singapore
- 15) Accredited Mediator by Singapore Institute of Surveyors and Valuers (SISV) and Admitted to the Panel of Mediators, SISV, Singapore
- 16) Appointed Mediator, with Community Mediation Centre, Ministry of Law, Singapore

III. Professional Qualifications, Accreditations and Memberships

- 1) Chartered Arbitrator and Fellow, Chartered Institute of Arbitrators, UK
- 2) Fellow, Singapore Institute of Arbitrators
- 3) Professional Certificate in International Arbitration, CI Arb
- 4) Graduate Certificate in International Arbitration, NUS, Singapore
- 5) Member, Maritime Law Association of Singapore
- 6) Member, Association of International Petroleum Negotiators, USA (AIPN)

- 7) Fellow, Hong Kong Institute of Directors (FHKIoD)
- 8) Member, Singapore Institute of Directors (M.S.I.D.)
- 9) Member, Hong Kong Corporate Counsels Association (HKCCA)

IV. Positions Held on the Boards and Committees of Professional Institutions

- 1) Member, Board of Management, Chartered Institute of Arbitrators, London, UK;
- 2) Member, Corporate Governance, Risk and Compliances (GRC) Committee, Singapore Institute of Directors;
- 3) Chairman, CaseTrust Advisory Council of Consumers Association of Singapore;
- 4) Member, Central Governance Committee and Member, Editorial Committee of Consumers Association of Singapore;
- 5) Member, Legal Committee (till 31 Dec 2015), Hong Kong General Chamber of Commerce (HKGCC);
- 6) Member, Shipping & Transport Committee, Hong Kong General Chamber of Commerce (HKGCC);
- 7) Member, Drafting Committee, International Dispute Resolution Agreement for Oil & Gas Contracts, by AIPN (USA);
- 8) Registered Professional Development Faculty member (Tutor) of the Chartered Institute of Arbitrators;
- 9) Committee Member of the CIArb East Asia Branch (Hong Kong) Committee from 2006 to 2010; and
- 10) Committee Member of the CIArb (Singapore) Chapter & Branch from incorporation till June 2010.

V. Academic Accomplishments

- 1) Associate Faculty, SIM University, Singapore
- 2) Certificate of Attendance in "International & Comparative Oil & Gas Law", a Course conducted by National University of Singapore, in Year 2012
- 3) Admitted to the Panel of Accredited Adjudicators and completed KLRCA Adjudication Conversion Course held in July 2012 at Kuala Lumpur, Malaysia.
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(Note: Two new Papers pending approval for publication are not included above.)

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- 7) Mediator Training Course & Workshop Sessions - Towards SISV Accreditation Program of Mediators from Construction Industry and Real Estate Agency Segments. (Five Days, CEA Approved CPD Course)

VIII. Expertise Accumulated through Practical Experiences

The Recent Past

In the recent past Jayems has been associated with the development of a “Heavy Engineering Yard” from within a traditional shipyard. He played a lead role in the development of the Contracts & Project Management Systems, Marketing Plans, Supply Chain Management, Subcontractor Administration, Employee Development and new products development related initiatives. This resulted in the expansion of the Yard, to become a recognized FPS conversion yard and the specialist yard for repairs of LNG Tankers.

The Memorable Past

Jayems has served as General Manager and Consultant with major Shipyards and held positions of Managing Director, General Manager and Senior Manager, with the companies from construction industry (M & E segment), heavy engineering fabrications, and manufacturing and marine & offshore services sectors. He was responsible for the projects related to the works on Offshore Vessels refurbishment, FPSO Conversions, Gas Tanker Repairs, Process Modules engineering, Lateral Gas and Oil Pipelines’ and other (EPCIC) construction related works. He has been involved in projects like construction of high rise commercial buildings, airport runways, container & dry cargo ports, power plants, sewage plants, etcetera. He has also served on various types of merchant ships in different capacities as Engineer Officer, for about 12 years.

As a result of the wide exposure to complex and multiple mega projects, Jayems has developed special programs in managing complex, multiple, geographically dispersed, international projects.

Expertise Summary

40 Years of practical experiences comprising:

- ✚ 16 years as “Independent ADR Practitioner & Management Consultant”
- ✚ 5 years as “Managing Director”
- ✚ 5 years as “General Manager”
- ✚ 14 years in Projects, Operations and Plant Management

IX. Business Verticals with Significant Exposure

- i) Marine Transportation and Shipping Management
- ii) Offshore Exploration & Production Industries
- iii) Oil & Gas Pipelines, Storage Terminals, Tank Farms and Petrochemical Industries
- iv) Civil Construction and M & E Segments for Commercial Buildings
- v) Shipbuilding and Ship repair industries.
- vi) Process Automation & Electrical manufacturing industries
- vii) Industrial Trading and Distributorship & Agency Networks
- viii) Information & Communication Technology Systems
