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Nationality  
Turkish

Languages  
Turkish (Native), English,  
French, Greek

Educational Background  
Heriot Watt University,  
School of Energy,  
Geoscience,  
Infrastructure & Society,  
Construction Management  
and  
Surveying (MSC expected in  
2020)

Queen Mary,  
University of London Post  
Graduate Diploma on  
International  
Commercial Arbitration

Galatasaray University  
(LLB degree equivalent to  
DALF)

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## Yasemin Çetinel

FOUNDING PARTNER

### Selective Work Experience on Construction and Dispute Resolution

#### Recent Personal Appointments

1. Acting as sole arbitrator appointed by ISTAC (Istanbul Arbitration Center) in a dispute arising out of a construction contract between multiple Turkish parties (ISTAC Case no: 2022/IA-140), (Ongoing)
2. Acting as sole arbitrator appointed by ITOTAM (Istanbul Chamber of Commerce Arbitration Center) in a dispute arising out of a construction contract between multiple Turkish parties (ITOTAM Case no: 2022/4), (Ongoing)
3. Dispute Board Member appointed by the Contractor in the Shire Valley Transformation Program-1(SVTP-1)- Construction of Main Canal 1(MC1) and Main Canal 2 (MC2) Project (MW-MOAIWD-150188-CW-RFB) whereby the contract is based on FIDIC MDB Version (DB appointment process ongoing),
4. Appointed by the Dispute Board in Marmaray CR3 Project in Istanbul, Turkey (whereby the contract is based on FIDIC Silverbook) as the Board's Turkish law expert in various referrals (Ongoing)
5. Dispute Board member appointed by the Employer in the Reconstruction Works of Kartal Training and Research Hospital (AF-EIB-WB1-YAPIM-03), whereby the contract is based on FIDIC Redbook, (Final Completion Certificate Awaited)
6. Acting as co-arbitrator appointed by ICC Court of Arbitration in a dispute arising out of a subcontract for a construction project in Qatar, between a Turkish contractor and a Lebanese subcontractor (ICC Case 24740/AYZ) (Finalized)
7. Acting as the sole arbitrator appointed by ICC Court of Arbitration in a dispute arising out of a FIDIC MDB Edition contract, between a Romanian state institution and an Austrian contractor (ICC Case No: 22911), (Finalized)

#### Current Mandates

1. Counsel of a Turkish contractor in its dispute against the Main Contractor in Çanakkale 1915 Bridge Project before ICC (ICC Case no: 26546/AYZ)
2. Co-counsel of the Claimant (Turkish company) against Libya for an investment dispute arising out several construction projects in Libya, (Ad-Hoc Arbitration under OIC Rules, Case started),

3. Co-counsel for a German EPC Contractor in its dispute against an Austrian&Tunisian Oil&Gas Plant Owner in Tunisia (ICC Case no: 25919/FS)
4. Co-counsel for a Turkish/Italian/Korean JV EPC Contractor in its dispute against the EPC Subcontractor in relation with a PPP based Hospital Project in Gaziantep, Turkey (ICC Case no: 25722/AYZ)
5. Advising Mauritius Roads Authorities in relation with a dispute arising out of two separate contracts, one construction contract with a roads contractor and once design contract with a designer company,
6. Advising an Italian contractor with regards to the DB process on the Project for construction of diversion tunnels in Lesotho (FIDIC Redbook – MDB Version)
7. Advising a Turkish contractor with regards to its road construction contract with Ethiopian Road Authority, relation with its DAB Procedure, contract based on FIDIC Redbook – MDB Version,
8. Counsel of a Dutch design company with regards to the amicable settlement process against the Istanbul Water Directorate in relation with the Istanbul Masterplan Project,
9. Advising a French&Turkish specialized contractor in relation with the incremental launch method based approach viaducts for Canakkale Bridge,
10. Counsel of a Turkish construction company for its construction claims against Roads Authority in Libya, contract management and tender reviews for its contracts in Azerbaijan, Turkic states and Russia.

## **Recent Mandates**

11. Counsel of a Turkish construction company against an employer from Cameroon, in its ICC dispute arising out of a construction project in Cameroon (ICC Case no: 25250/GR),
12. Counsel of a Claimant (Turkish construction company) in its claims against a Turkish Owner in the EMAAR Square Project in Istanbul, a local arbitration case, (TOBB Case no: 2018/7)
13. Counsel of an Italian construction company in its tenders in or outside Turkey on rehabilitation/renovation/restitution works, 1987 FIDIC based tenders in Algeria,
14. Counsel of an Italian-Turkish joint venture contractor with regards to a hydropower plant project owned by a Norwegian state entity in Turkey, contract primarily based on FIDIC Red Book 1999 edition, mediation with the owner is settled with success; the claim procedure with the main Subcontractor ongoing.
15. Advising a Turkish-French joint venture in its infrastructure projects in Turkey in public and private tenders and their contract management (ad-hoc type contracts) for projects in Turkey (third Bosphorus bridge connection roads and viaducts),
16. Advising a Turkish-Indian joint venture in its subcontract with a Turkish employer in an oil refinery project in Izmir, Turkey,

17. Advising Turkish Contractors' Association with regards to dispute board processes, member contractors' claims and/or disputes in Libya, review of contracts of various Libyan procurement type,
18. Advising a Turkish construction company in its house development project in Senegal (ad-hoc type contract in negotiation with a governmental entity),
19. Advising a Turkish infrastructure contractor in its power plant construction project carried out in Algeria (FIDIC EPC based contract in French).

## **Recent Contract Reviews, Negotiation and Management**

### **1. Tender reviews and risk analysis on diverse type of contracts:**

**Australia:** Australian procurement basis, PPP type of contracts whereby the Contractor undertakes D&C works, Public Transport Authority tenders for railway projects (procurement contracts, EPC basis).

**United States:** Procurement basis contracts, Railways, Underground tunnels and light metro lines (Hawaii, Honolulu, Dallas, Texas)

**Canada:** Canadian procurement basis type of EPC Contract for hydropower plant projects,

**Qatar:** Ashgal Public Works Authority contracts (primarily based on 1995 FIDIC suite of contracts with substantial particular conditions), Aspire Zone Foundation procurement type contracts,

**Saudi Arabia:** Makkah Mass Rail Transit Company tenders (based on 1999 FIDIC Yellow Book contracts with substantial particular conditions), Saudi Arabian Ministry of Defense tenders (completely ad-hoc structure, EPC type contract for various complex superstructure projects), Metro project in Riyadh

**Peru:** Private tenders for hydropower plant projects, EPC type contracts.

### **2. Contract Negotiation & Management**

Ongoing termination negotiations in three separate oil&gas plant construction project in Russia, due to ongoing sanctions and war against Ukraine,

Ongoing consultancy on Turkish Petroleum Refineries in separate tenders in Turkey

A hydropower plant project in Georgia, Nenskra, based on an EPC contract between the EPC contractor and the owner and the connected ICE based hydromechanical works with the specialized subcontractor,

A hydropower plant project in Southeast Turkey, based on FIDIC Redbook contract with substantial particulars, connected FIDIC Redbook based (hydromechanical works) and Greenbook based (asphalt core works) nominated subcontract structures,

A railway project (high speed train) in Turkey, FIDIC Redbook based main contract and CECA based subcontracts on electrification and signalisation works,

A hydropower plant project in Peru, EPC based main contract and CECA based hydromechanical works subcontract structure.

## Previous Selective Mandates as Founding Partner

1. Local counsel of a Turkish construction company in its investment claim before ICSID against the Republic of Turkmenistan, (ICSID Case No. ARB/10/1),
2. Counsel of the Claimant, in the ICC Case no.20131/AGF between a Turkish mobile phone distributor against a Finnish mobile phone producer company arising out of a distribution agreement,
3. Counsel for the Respondent, in the ICC Case no: 21454/GR between an Italian company and a Turkish company arising out of a manufacturing agreement in paper tissue production plant industry,
4. Co- Counsel for the Claimant in the ICC Case no: 20788 between the Turkish Construction company and a Spanish construction company arising out of an infrastructure construction project in Turkey,
5. Co-Counsel for the Claimant in the ICC Case no: 20713/ZF between a Turkish joint venture composed of two Turkish construction companies against a Saudi construction company and a Saudi real person, arising out of an oil and gas construction project in Saudi Arabia,
6. Co-Counsel for the Claimant in the ICC Case no: 20441/MCP between an Omani construction company against the Sultanate of Oman, arising out of a construction contract related to Oman airport project
7. Counsel in an arbitration case under Swiss Arbitration Rules (Case no. 300260-2013) of a German steel production company for its claim against an Estonian company,
8. Co-Counsel of an Italian construction company in its dispute against the Azeri Highways Authority before ICC with the case no. 18788/ MHM (case settled).
9. Team member of the representing counsel of a French construction company against a Russian company before ICC, ICC Case Ref. No: 16240/GZ, representing counsel of the company in setting aside proceedings related to an arbitral award rendered in Turkey,
10. Counsel of a Greek construction company with regards to the execution of the two construction contracts (infrastructure projects) related to an energy investment in Turkey (EPC Turnkey based Main Contract and related ad-hoc sub-contracts) – DNP period,
11. Counsel of a Iranian construction company generally with regards to its multiple construction projects in Turkey, United Arab Emirates and Venezuela (FIDIC Red Book Main Contract and related CECA based sub-contracts), claim and dispute preparations ongoing.

## Positions

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- ICC Alternative Dispute Resolution Center, Standing Committee Member
- Dispute Resolution Board Foundation (DRBF): Region 2 Board President-Elect, Liaison Committee Head
- Society of Construction Law Turkey, Chairperson
- Chartered Institute of Arbitrators: Fellow
- Kuala Lumpur Regional Centre for Arbitration: Panel of Arbitrators Member
- Milan Chamber of Commerce Arbitration Centre: Dispute Board Panel Member
- EODID Athens Mediation & Arbitration Organization: Arbitrator
- Istanbul Arbitration Centre (ISTAC): Construction Committee Member
- Turkish Contractors' Association: OECD-MENA Working Group on the Investment Protection in Mediterranean (Arbitration in Mediterranean sub-group) Representative

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## Memberships

Society of Construction Law Turkey, International Bar Association (IBA), Dispute Resolution Board Foundation (DRBF), Chartered Institute of Arbitrators, Arbitral Women, International Chamber of Commerce Young Arbitrators Forum (ICC YAF), Turkish Public-Private Partnerships Association.

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## Publications

- “Bridging International Arbitration and Construction Law”, Book Review for ICC Dispute Resolution Bulletin, 2022, Issue 1
- Turkey Chapter for International Compendium for Construction Contracts, published on 10 May 2021(<https://www.degruyter.com/view/title/588922>).
- Author of the Section on Enforceability Issues of Dispute Boards: Considerations for an Efficient Practice in Turkey, “Construction Arbitration in Central and Eastern Europe: Contemporary Issues”, Kluwer Law International, May 2019.
- Author of the Section on Turkey, in International Construction Contract Law, Lukas Klee, Wiley-Blackwell, 2<sup>nd</sup> Edition published in June 2018.
- Milan and Santiago Arbitral Institutions adopt Dispute Boards, Kluwer Arbitration Blog contribution on 3 January 2017, co-authored with Elina Mereminskaya and Roberta Regazzoni
- Dispute Board Rules Currently in Force: A Selective Overview, Comparison and Practical Considerations, Summer Issue of The New

York Dispute Resolution Lawyer by New York State Bar Association,  
Co-Authored with Paul Taggart, published in 2016

- Nature of Dispute Board Decisions with Special Emphasis to Turkish Law Approach, published in The Turkish Commercial Law Review, June 2016 (2016) 2 Tur. Com. L. Rev. 103
- Legal framework for Dispute Boards in Turkey, paper presented in Dispute Resolution Board Foundation Annual Conference in Genoa, 2015
- Losing Entitlement to Claim and to Resort to Dispute Resolution in Construction: Time Bar Provisions and the Turkish Approach, Kluwer Arbitration Blog
- Dispute Board Mechanism in Construction Contracts, presented in Turkish Contractors' Association event on 20 February 2014, (in Turkish)
- The New Istanbul Arbitration Center, London Court of International Arbitration YIAG Newsletter Winter 2013.
- The Legal Nature of DAB Decisions under Turkish Law, presented in DRBF Regional Conference on 5-7 November 2012, Doha, Qatar
- Legal Framework and Main Institutions of Arbitration in Turkey, 2012, Young Arbitration Review, Edition 4.
- Contributor to London Court of International Arbitration YIAG Newsletter, "Arbitration in Turkey", 2009