

# VIAC – Questionnaire for Arbitrators

**1. Name: Mr Likando Kalaluka SC**

**2. Citizenship: Zambian**

**3. Contact information: Arbitra**

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**4. Current position:**

Arbitrator

**5. Education:**

LLM (Master of Laws) in International and Comparative Disability Law and Policy, from the National University of Ireland, Galway. (2011)

Zambia Institute of Advance Legal education (ZIALE). Admitted to practice as an Advocate for the High Court for Zambia. (January, 2004).

LLb (Bachelor of Laws), from the University of Zambia, Lusaka in Zambia. (2002)

**6. Practiced experience in arbitration**

- How many arbitrations have you participated in (domestic/international); under which Rules?
- How often have you acted as Chairman?
- How often have you acted as Sole Arbitrator?
- How often have you acted as Co-Arbitrator?
- How often have you acted as Counsel?
- How often have you acted in a different function (e.g. Administrative Secretary)?

**7. Publications and other activities in arbitration (e.g. training sessions, seminars, conferences, articles and others):**

**Articles**

Contributed a Chapter in the inaugural African Yearbook for Disability Rights, cited as (2013) 1 ADRY, published by Pretoria University Law Press (2013).

Co-authored a Country Report on Zambia in the African Disability Rights Yearbook, cited as (2014) 2 ADRY, published by the Pretoria University Law Press (2014).

### **Speaking Engagements**

Presented a paper at a Webinar on “Investment Treaty Disputes and Commercial Arbitrations Key Issues for African States and Entities” organized by McNair Chambers LLC (March 2021)

Presented a paper to the Zambia Medical Association Public Discussion on the “Law on the Health of the Republican President” held at Pamodzi Hotel, Lusaka (December 2014).

### **8. Membership in arbitral institutions / functions in arbitral institutions/organizations:**

Likando is a fellow of the Chartered Institute of Arbitrators (CI Arb).

He is also a member of the Zambian Law Society (Law Association of Zambia) and a member of the African Arbitration Association (AAA).

Likando is listed as a member of the Beijing Arbitration Commission/Beijing International Arbitration Center (BAC/BIAC) and is admitted to the panel of Arbitrators for International Investment Arbitration.

### **9. Languages**

Mother tongue: English, Lozi & Nyanja

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

**10. In which legal systems have you trained?**

- Civil Law
- Common Law
- Austrian Law
- Hungarian Law
- Swiss Law
- Czech Law
- Polish Law
- Ukrainian Law
- German Law
- Slovakian Law
- European Law

Other \_\_\_\_\_

**11. What is your main jurisdiction of practice?**

Zambia

**12. In which jurisdictions are you admitted to the bar?**

Zambia

**13. Special expertise or specializations (please list a maximum of five):**

- Antitrust/Unfair competition
- Damages
- Insolvency
- Natural resources
- Aviation
- Distribution
- Insurance
- Power plants
- Banking & Finance
- Domain name disputes
- Intellect. property (IP)
- Private Intern. Law
- Capital markets
- Employment
- Investment arbitration
- Public Intern. Law
- CISG
- Energy
- ISDS/Foreign inves.
- Real estate
- Civil fraud disputes
- Engineering
- Joint ventures
- Shipping
- Commercial disp. / transactions
- Entertainment
- Licensing
- Sports
- Commodity market
- Healthcare & Pharmac.
- Life sciences
- State/Public contracts
- Company/Corporate/M&A
- Hotel/Gastro./Tour.
- Maritime arbitration
- Technology
- Construction
- Inform. technology (IT)
- Media
- Telecommunication
- Contract law
- Infrastructure
- Mining
- Transport
- Other \_\_\_\_\_

**14. Date of birth: 26/04/2022**

VIAC offers arbitration 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 an arbitrator of their choice and so is the VIAC Board when appointing an arbitrator. These presentations do not constitute recommendations but may assist the parties in choosing an arbitrator willing to conduct proceedings according to the Vienna Rules. The fact that an arbitration practitioner appears on this list, does not authorize this person to use the title "VIAC-arbitrator".

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 arbitrators 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](mailto: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 <http://www.viac.eu>.

Date: 06/05/2022



## Likando Kalaluka SC

**Nationality:** **Zambian**

**Languages:** **English, Lozi & Nyanja**

Likando Kalaluka SC is an independent Arbitrator with Arbitra International and has over 18 years industry experience in dispute resolution having previously served as the Attorney General for the Republic of Zambia.

Whilst in his position as Attorney General, Likando was the chief legal advisor to the Government and ex officio member of Cabinet. He was responsible for the approval of all contracts and agreements the Government (and all quasi-government bodies) intended to enter into, all of which had arbitration clauses.

He also overseen and supervised the following departments: Legislative Drafting and Law Revision, Civil Litigation and Debt Collection, and International Law and Agreements which have given him a wealth of experience in drafting government Bills and statutory instruments and approving and advising on domestic and international commercial and investment agreements, treaties or conventions.

Likando has represented the Republic of Zambia in civil, commercial and constitutional proceedings in the superior courts in Zambia and in domestic and international arbitrations and has first-hand experience in high-value, complex arbitrations under ICSID, ICC, UNCITRAL and PCA rules relating to energy, mining, infrastructure development, health, human rights, public procurement and intellectual property.

Likando is the managing partner of the Zambian law firm Messrs. Likando Kalaluka & Co, and is a member of the Zambian Law Society (Law Association of Zambia). He is also a fellow of the Chartered Institute of Arbitrators (CIArb).

## Sector Expertise

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- Investment Treaty Disputes
- Energy, Oil, Gas & Mining
- Construction, Engineering & Infrastructure

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- Human Rights
- Intellectual Property

## Investment Treaty Disputes

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Likando has appeared before the International Court of Justice (The Hague) and made oral submissions on behalf of the Republic of Mauritius, in the matter between the Republic of Mauritius vs the United Kingdom concerning the decolonization of the Chagos Archipelago islands.

He also represented the Zambian government in an investment arbitration under ICSID rules involving the suit of a foreign national/company, arising alleged breach of Development Agreement (together with stabilization clauses therein). In contention in that arbitration, was the interpretation of taxation laws such as mineral royalty and value added tax, together with the Mines and Mineral Development Act of Zambia.

## Energy, Oil, Gas & Mining

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Likando has appeared before the Permanent Court of Arbitration (in London) and represented a client in an arbitration regarding the supply of 1,440,000 metric tonnes of commingled petroleum feedstock. The arbitration was conducted under the Permanent Court of Arbitration Rules 2012 and the UNCITRAL Rules (as revised in 2010). In issue in the said arbitration were complex issues of public procurement, sale of goods, breach and termination of contract.

## Construction, Engineering & Infrastructure

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Likando was a former member of the Multi Stakeholders' Group (MSG) which administered the pilot phase of the Construction Sector Transparency Initiative (CoST) in Zambia. He has considerable knowledge in the construction industry and in disclosure requirements required to enhance transparency.

As Attorney General of Zambia, Likando handled various litigation and domestic arbitrations involving construction, engineering and infrastructure disputes. He has also played a critical role of dispute avoidance and resolution, which has saved government millions of dollars in damages and legal cost, but for the dispute avoidance and resolution.

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## Human Rights

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Likando has a passion for human rights and has had handled a variety of matters, including strategic and precedent setting litigation, concerning the promotion and protection of human rights.

He worked with *Interights* in London, an international Non-Governmental Organisation and was the former legal advisor for *Disability Rights Watch*, a human and disability rights civil society organisation dealing with the promotion of the rights of persons with disabilities.

Likando was the former convener of the Legal Aid Committee of the Law Association of Zambia, and was the key collaborator for the Governance and Justice Group for the Legal Aid Survey: Zambia. He was also the former chairperson of the Reference Group involved in the Access to Justice Situation Analysis.

## Intellectual Property

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Prior to becoming the Attorney General, Likando was a partner at Messrs. Ellis & Co., where among others, he was the partner responsible to oversee the intellectual department, where he routinely appeared before the Registrar of the Patents and Company Registration Agency (PACRA), and before the High and Supreme Court of Zambia to argue matters relating to the registration, infringement and other disputes relating to intellectual property rights.

## Experience

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Likando has been involved in a number of international and domestic arbitration proceedings and has experience of various arbitration governing rules as follows:

- Represented a client in the pending arbitration before the International Court of Arbitration of the International Chamber of Commerce (ICC) involving over \$400,000,000.00 claim. The arbitration is under the ICC Rules of Arbitration 2012 and involves an investor-state dispute in energy.
- Represented a client in the pending ICSID arbitration proceedings involving over \$2,000,000,000.00, involving a dispute with respect to mining licence, mineral royalty and taxation. The arbitration is being held under the ICSID Convention Arbitration Rules.
- Represented a client before the Permanent Court of Arbitration in a dispute involving over \$50,000,000.00 relating to the supply of commingled petroleum feedstock. The arbitration was conducted under the Permanent Court of Arbitration Rules 2012 and the UNCITRAL Rules (as revised in 2010). The seat of the arbitration was London, United Kingdom.

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- Represented a client in domestic arbitration involving a dispute of over \$12,000,000.00 relating to the supply and delivery of ambulances. The governing rules of the arbitration were UNCITRAL Rules and the seat for the arbitration was Lusaka, Zambia.

## Academic & Professional Qualifications

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### Academic

- LLM (Master of Laws) in International and Comparative Disability Law and Policy, from the National University of Ireland, Galway. (2011)
- Zambia Institute of Advance Legal education (ZIALE). Admitted to practice as an Advocate for the High Court for Zambia. (January, 2004).
- LLb (Bachelor of Laws), from the University of Zambia, Lusaka in Zambia. (2002)

## Professional Associations & Recognitions

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### Professional Recognitions

Likando is a fellow of the Chartered Institute of Arbitrators (CIArb).

He is also a member of the Zambian Law Society (Law Association of Zambia) and a member of the African Arbitration Association (AAA).

Likando is listed as a member of the Beijing Arbitration Commission/Beijing International Arbitration Center (BAC/BIAC) and is admitted to the panel of Arbitrators for International Investment Arbitration.

### Other Associations

2006 to 2013: Founder and Chairperson of Alive and Kicking Zambia Limited, a charitable company limited by guarantee concerned with the fight against HIV/AIDS, malaria and other vices through the manufacturing of hand-made leather football, netball and rugby balls.

2008 -2010: Board member (Trustee), Zambia Institute of Marketing Board of Trustees.

2015 – 2021: Board member of the Road Development Agency

2014 – to date: Church Administrator, Grace Ministries Mission International, Achievers Church Mission Centre.

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## Publications, Articles & Thought Leadership

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### Articles

Contributed a Chapter in the inaugural African Yearbook for Disability Rights, cited as (2013) 1 ADRY, published by Pretoria University Law Press (2013).

Co-authored a Country Report on Zambia in the African Disability Rights Yearbook, cited as (2014) 2 ADRY, published by the Pretoria University Law Press (2014).

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