

# Mahnaz Malik

CALL: 2002 (NEW YORK); 2012 (ENGLAND AND WALES)

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Languages: Urdu (fluent); Punjabi (fluent); Hindi (oral conversational)



## Overview

Mahnaz is a barrister and arbitrator at Twenty Essex who specialises in representing governments and corporations in commercial and investment arbitration.

She has extensive expertise in advising governments, corporations and international organisations on international disputes. Mahnaz has acted as counsel on behalf of both investors and states in several investment and commercial disputes including ICC, ICSID, LCIA and PCA administered arbitrations.

Mahnaz's appointment as an arbitrator in *EuroGas Inc and Belmont Resources Inc v Republic of Slovakia* makes her one of the youngest ever appointed to an ICSID Annulment Committee since records began, and the youngest woman. She serves on the ICSID Panel of Arbitrators and was on the editorial board of the ICSID Review.

She is routinely sought for her expertise in a range of common law systems across Asia and Africa. Mahnaz is particular adept in dealing with states and state entities as parties to international arbitration proceedings.

Mahnaz also has extensive expertise in advising governments and international law organisations on international investment law issues, developing model treaties and negotiating positions, sovereign guarantees, foreign investment laws and the training of government officials. She also assists individuals and corporations in relation to obtaining investment treaty protection and sovereign guarantees. She has analysed some 1000 treaties and advised over 20 governments and three regional groupings on international law. She has designed and delivered training for over 600 government

## Publications

Below are examples and a full list is available upon request:

- [International Law Protections for Foreign Investment in Pakistan](#) [Overseas Investors Chamber of Commerce and Industry 2019].
- *Expropriation Regime under the Energy Charter Treaty* [Energy Charter Secretariat 2012] (co-author).
- 'IISD Model International Agreement on Investment for Sustainable Development: Background and Progress' in *Sustainable Development in International Investment Law* [Kluwer 2010].
- *International Law Protections for Foreign Investment in Pakistan* [Overseas Investors Chamber of Commerce and Industry].
- 'SAARC & ASEAN Bilateral Investment Treaties' presented at the conference on 'Multilateralism and Regionalism in Global Economic Governance' held by the Asian International Economic Law Network (AIELN) at the University of Tokyo (3 August 2009).
- UNDP Issues Paper, 'IIAs signed by

officials.

She publishes, teaches and speaks extensively. Her writings are frequently cited in academic journals, academic theses and appear on syllabi. Her professional awards include the prestigious Financial Times Legal Innovator of the Year Award 2007 and the Law Society of England's national award for the Trainee Solicitor of the Year 2001. Mahnaz has also served as a member of the ICC Commissions on Arbitration and Anti-Corruption.

After graduating with a MA in Law from Cambridge University, she qualified as an Attorney at Law (New York), Solicitor (England & Wales), advocate of the high court in Pakistan and an English Barrister (Lincoln's Inn). She recently taught investment law at the LLM programme of the University of Zurich and has been elected as a Governing Body Fellow of [Hughes Hall](#) College Cambridge University from 01 September 2021.

Her name is also spelt as Mehnaz Malik.

She is registered on her practising licence as Mehnaz A. Malik.

## Recent talks and lectures

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- Speaker at the International Seminar on China-EU Comprehensive Investment Treaty (CAI): What Can the CAI Bring to Us? (March 2021)
- Delegate at UNCITRAL Working Group III's meetings on Investor-State Dispute Settlement Reform (February 2021).
- Speaker on the *CIArb PolicyCast* series '[The Geopolitics of ISDS - Global Challenges, International Cooperation, and the Breakdown of Multilateralism](#)' (August 2020)
- Speaker on the podcast *The Tea on International Arbitration* discussing '[The Future of Investment Treaty Arbitration in the EU](#)' (June 2020)
- Speaker at the [BIICL Corporate Restructuring: Managing Investment Risks through Treaty Protections](#) (March 2020)
- Keynote speaker at the Washington University of Law symposium (21 February 2020)
- Speaker at CIICA event 'International Arbitration in Pakistan: Present and Future Challenges' (November 2019)
- Speaker on the relationship between contract and treaty claims at the Twenty Essex State of Play seminar (September 2019)
- Speaker at CIArb event 'Evolution, Not Revolution: ISDS Reform at UNCITRAL Working Group III' (3 September 2019)
- Teaching International Investment Law at the Blatnavik School of Government at the University of Oxford (15 February 2018).
- Teaching International Investment Arbitration for the LLM Programme at the University of Zurich (February 2018).
- Speaker on the *Hesham Al Warraq v Indonesia* case in the UNIGE-IISD Lunch Series on 'Investment Disputes: Investment Arbitration and Criminal Conduct', Geneva (21 September 2017).
- Speaker on Panel on 'Brexit, EU and Foreign Investment' at the University of Leicester (14 June 2017).
- Speaker on 'Law, Risk and Finance: Time to Rethink in the Energy Sector?': Centre for Commercial Studies, Queen Mary, University of London (QMUL) (26 January 2017).

For a full list of nearly a hundred talks and lectures, please contact us.

CEMAC and ECOWAS Countries: An Exploration of critical linkages with investment provisions in EPAs' (2008).

- 'The innovations introduced by the COMESA Common Investment Area (CCIA) with respect to investor protection in IIAs, including the investor-state arbitration process' in *Arbitration and Mediation in the ACP-EU Relations*, containing papers from a conference held by the Association for International Arbitration (AIA) in Brussels, May 2008.
- 'Time for a Change - Germany's Bilateral Investment Treaty Programme and Development Policy', Occasional Paper No 27, FES Geneva, November 2006.
- Report on Bilateral Investment Treaties between EU member states and Pacific countries for the Commonwealth Secretariat, 2006.
- Report on Bilateral Investment Treaties between EU member states and Caribbean countries for the Commonwealth Secretariat, 2006

## Awards

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- [Awarded 'The Financial Times Legal Innovator of the Year 2007'](#)
- 'Wig & Pen Pro Bono Award' at the Law Society's Young Solicitor Group Pro Bono Law Awards (2005)
- Award for 'The National Trainee Solicitor of the Year' presented by The Law Society of England and Wales' Trainee Solicitor Group (2001)
- Award for 'The National Trainee Solicitor Most Likely to Succeed On The International Stage' presented by The Law Society of England and Wales' Trainee Solicitor Group (2001)

## Professional memberships

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- Asia-Pacific Law Committee of the American Bar Association's International Law and Practice Section: Vice Chair (2005)
- Asian International Arbitration Centre (the "AIAC")'s Panel of Arbitrators (2021-2024)
- Energy Disputes Arbitration Centre (EDAC)ICSID Panel of Arbitrators (2012-)
- ICSID Panel of Arbitrators (2012 -)
- ICSID Review Editorial Board (2012)
- ICDR Global Advisory Board (2007-2008)
- ICC Commissions on Arbitration and Anti-Corruption (2004-2009)
- The Evian Group Brains Trust (2006)
- University of Cambridge-Prince of Wales Business and Environment Programme for Senior executives (elected to

## Education

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- Georgetown University, USA: Georgetown Leadership Programme, School of Foreign Policy (2010)
- University of Cambridge: BA and MA in Law (1998)

represent this highly influential group of business leaders from Europe as a speaker before the Prince of Wales at Highgrove in 2006)

- University of Cambridge, Hughes Hall College: [Governing Body Fellow](#) (from 01 September 2021)

## Example cases

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- Successfully represented the government of Albania in UNCITRAL arbitration brought by Sky Petroleum Inc by obtaining the dismissal of a claim worth US\$1 billion arising from an oil exploration contract with full costs awarded in her client's favour.
- Successfully represented the governments of Pakistan and Balochistan in ICSID and ICC proceedings in relation to interim relief applications over gold and copper deposits (*Tethyan Copper Company Pty Limited v Islamic Republic of Pakistan, ICSID and Tethyan Copper Company Pty Limited v Government of Balochistan, ICC*).
- Successfully represented the government of Indonesia in obtaining dismissal of a US\$75 million claim arising out of the bail out of a major bank pursuant to the UK-Indonesia bilateral investment treaty (*Rafat Ali Rizvi v Indonesia, ICSID*).
- Successfully represented the Government of Indonesia in the landmark investment treaty dispute brought by a Saudi investor pursuant to the Organisation of Islamic Cooperation Agreement (UNCITRAL) arising from the bail out of a major bank (*Hesham al Warraq v Republic of Indonesia*).
- Successfully represented a State in obtaining dismissal of a default judgment against it on grounds of sovereign immunity (inter alia) in the English courts: *Mid-East Sales Ltd v United Engineering & The Islamic Republic of Pakistan*[2014] EWHC 1457 (Comm).
- Advised over 15 governments on review of their investment treaty programmes and training of high and mid-level government officials: countries include Turkey, South Africa, Azerbaijan, Pakistan, Sri Lanka, Lao, Vietnam, Namibia, Cambodia, Kenya, Indonesia, Zambia, Ethiopia, Botswana, Mauritius, Ecuador, Bolivia, Iraq and the Seychelles.
- Consultant on international investment treaties to the following international organisations: Energy Charter Treaty Secretariat (51 member countries including Turkey), International Institute for Sustainable Development, COMESA Secretariat (regional organisation of 19 African countries), SADC (regional organisation of 14 African countries), United Nations Development Programme, The World Bank and The Commonwealth Secretariat.

## Relevant ICSID and investment treaty arbitration experience

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- Annulment Committee member in *Almasryia for Operating & Maintaining Touristic Construction Co. L.L.C. v State of Kuwait* (ICSID Case No. ARB/18/2).
- Annulment Committee member in *EuroGas Inc. and Belmont Resources Inc. v Slovak Republic* (ICSID Case No. ARB/14/14).
- Counsel to the Governments of Pakistan and Balochistan in two claims brought in relation to a gold and copper mining licence by an international mining company under a bilateral investment treaty at ICSID and a contract at the ICC (*Tethyan Copper Company v Pakistan*, ICSID).
- Counsel to a large German enterprise against an Eastern European country in a bilateral investment treaty arbitration (ad hoc) arising out of the construction of a major shopping mall project.
- Successfully represented the Government of Indonesia in obtaining dismissal of a US\$ 75 million claim arising out of the bail out of a major bank pursuant to the UK-Indonesia BIT (*Rafat Ali Rizvi v Indonesia, ICSID*)(instructed by KarimSyah in Jakarta).
- Counsel to the Republic of Indonesia on an ICSID arbitration brought by a British investor under the UK-Indonesia bilateral investment treaty in relation to the bail-out of a bank (*Rafat Ali Rizvi v Republic of Indonesia, ICSID*) (instructed by KarimSyah in Jakarta).
- Lead Counsel to a Turkish investor in a BIT claim at ICSID against a Central Asian State in relation to the construction of a major project.
- Advising a South Korean multinational in relation to a potential ICSID claim under a bilateral investment treaty over a

tariff dispute with the Government of an Asian state.

- Advising a major Dutch company on ICSID arbitration proceedings against the Government of Egypt for breach of the Netherlands-Egypt bilateral investment treaty.
- Advising a British sports personality in relation to claims for intellectual property rights' infringement against a large Asian state arising out of a UK bilateral investment treaty.

## **Commercial arbitration and litigation**

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- Counsel to the Government of Albania against a US investor in relation to a claim worth US\$1 billion arising from the termination of an oil exploration contract (ad hoc arbitration) (*Sky Petroleum Inc v Albania*, UNCITRAL, oil exploration contract).
- Counsel to an Asian government for the setting aside a default judgment before the English Commercial Court.
- Counsel to an Indian entertainment company in relation to the settlement of a distribution and licensing dispute with a European company over a fashion satellite television channel.
- Counsel to a Japanese trading company on an ICC English law arbitration in relation to its dispute with a Turkish firm
- Counsel to a Central Asian airline in relation to an ICC arbitration against a US aircraft leasing company.
- Counsel to an Australian energy company on a LCIA Indian law arbitration in relation to a dispute over a gas exploration joint venture in India. 16. Counsel to a British telecommunications company on a LCIA English law arbitration in relation to a dispute over a technology investment in Nigeria.
- Counsel to a UAE based shipping construction company on an ad hoc arbitration under the English Arbitration Act 1996 in relation to an insurance claim against a Japanese firm arising out of a collision between a barge and an off shore oil rig in the Indian ocean.
- Advising the Cowasjee Foundation, the Karachi Port Trust and the Government of Pakistan in relation to claims arising from the Tasman Spirit oil spill (38,000 tonnes of oil).
- Counsel to an American purchaser of Indian metal in relation to multi-party disputes, with its shipper and its state-run Indian supplier, including Indian Supreme Court proceedings and an ad hoc English law arbitration in London.

## **Advisory work with governments and international organisations**

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- Assisting a South African country with drafting a model investment treaty, advice on negotiations with Gulf countries and model investment contracts.
- Assisting two East African countries with drafting their model bilateral investment treaties.
- Advising a South African country on a model investment treaty.
- Advising on investment treaty negotiations between a South East Asian country and a North American country.
- Assisting the SADC Investment Sub-Committee (a regional grouping of 15 countries) on its investment programme and revising the SAD regional investment code.
- Assisting COMESA (a regional grouping of 19 Eastern and Southern African states) in drafting its regional investment promotion and protection treaty (CCIA).
- Advising the Government of a Central Asian state on its model investment treaty.
- Advising the Government of Pakistan on investment treaty negotiations with the United States of America.
- Advising a West African country on mining disputes and ICSID arbitration proceedings pursuant to its foreign investment law.
- Advising the Government of Qatar on the arbitration/dispute resolution regime for the International Qatar Finance Centre.

Advising over 15 governments on review of their investment treaty programmes and training of high level and mid-level government officials. Countries include: Turkey, South Africa, Azerbaijan, Pakistan, Sri Lanka, Lao, Vietnam, Namibia, Cambodia, Kenya, Indonesia, Zambia, Ethiopia, Botswana, Mauritius, Ecuador, Bolivia, Iraq, and the Seychelles.

Consultant on international investment treaties to the following international organisations:

- Energy Charter Treaty Secretariat (51 member countries including Turkey)
- International Institute for Sustainable Development

- COMESA Secretariat (regional organisation of 19 African countries)
- SADC (regional organisation of 14 African countries) 5. United Nations Development Programme
- The World Bank
- The Commonwealth Secretariat

## Recommendations

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'Startlingly precocious'... 'really innovative'... 'the breadth and boldness of Ms Malik's activities are striking. Her experience shows what can be achieved with energy and determination'. [The Financial Times UK, Innovative Lawyers](#)

...amazingly effective... [The Times UK](#)

Leadership Maker [Asian Legal Business's Top 100 Lawyers in Asia](#)