

# THREE CROWNS



## Reza Mohtashami KC

Partner, London

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Reza is a partner in the London office. He has represented clients as counsel and advocate in more than 90 arbitrations conducted under a variety of arbitration rules in many different jurisdictions. Reza has particular expertise in disputes arising in emerging markets with a focus on the telecoms, energy, and infrastructure sectors.

Reza is a trustee of the Bahrain Chamber of Dispute Resolution, a member of the LCIA Court, and an editorial board member of *Global Arbitration Review*. He is a former Vice-Chair of the IBA Arbitration Committee, a past president of the LCIA Arab Users' Council, a trustee of the DIFC-LCIA Arbitration Centre, and editorial board member of the *ICC Dispute Resolution Bulletin*.

Reza is a qualified English solicitor-advocate and was appointed Queen's Counsel in recognition of his advocacy skills in 2018. He is recognised as a Global Elite Thought Leader in Arbitration by *Who Who's Legal*, noting that he is "extremely highly regarded", and *Chambers* describes him as giving "clear and authoritative advice on matters of strategy and case development", with a source praising him as "a fantastic lawyer" and "a market leader". Reza is also ranked in *The Legal 500*. He speaks English, French, and Farsi.

### Selected Experience

- Appointed as party-nominated arbitrator, Chair or Sole Arbitrator in more than 15 arbitrations conducted under the ICC, LCIA, ICDR-AAA, SIAC, DIAC, DIFC-LCIA Rules.
- Representing a consortium of energy companies in an LCIA arbitration and related English court proceedings against the Kurdistan Regional Government of Iraq in relation to a dispute arising out of an agreement for the development and production of two gas fields in Iraq.
- Representing a consortium of oil majors in an ICC arbitration against the government of a Middle East country in relation to environmental, handover and cost recovery claims following the expiration of a long-term petroleum agreement.
- Representing an oil major in an ICC arbitration against the government of a Middle East country in relation to cost recovery claims following the early termination of a long-term petroleum agreement.
- Representing an Asian national oil company in a Singapore-seated UNCITRAL arbitration against its joint-venture partner in relation to disputes arising out of the development and production of gas fields in the East China Sea.
- Advising a consortium of oil majors in connection with a dispute against the government of a Middle East country arising under an LNG operating agreement in relation to the calculation of royalties and auditing of operating costs.
- Representing MTN Dubai Limited and MTN Yemen in an ICSID arbitration commenced against the Republic of Yemen under the UAE-Yemen BIT in a dispute arising from the government's unfair taxation and discriminatory measures.
- Representing Sabafon in an UNCITRAL arbitration commenced against the Republic of Yemen under the Yemen investment law in a dispute involving discriminatory measures taken by the government.

- Representing France Telecom in an UNCITRAL arbitration against the Lebanese Republic under the France-Lebanon BIT over the nationalisation of the Cellis GSM network.
- Representing Emirates International Telecoms LLC in connection with a dispute against Tunisia under a shareholders agreement and the UAE-Tunisia BIT in connection with the operation and management of Tunisie Telecom.
- Advising Etisalat in connection with its rights and remedies arising under the Mauritius-India BIT arising out of the Indian Supreme Court's judgment to cancel the 2G licence of Etisalat's Indian subsidiary.
- Advising a mobile telecoms operator in Sudan in relation to a dispute against a fixed-line operator arising out of an interconnection agreement.
- Representing Beijing Urban Construction Group in an ICSID arbitration against the Yemen Republic commenced under the China-Yemen BIT in relation to the construction of an airport in Yemen.
- Representing an international contractor in a DIAC arbitration against a state-owned real estate developer in relation to the construction of a major infrastructure project in the UAE.
- Representing a UAE real estate developer in an ad hoc arbitration in Saudi Arabia against a Saudi conglomerate in relation to the termination of a joint venture agreement.
- Representing a consortium of Asian EPC contractors in an ICC arbitration against the Employer in relation to the construction and operation of a power plant in Africa.
- Representing the power and water authority of a Middle East country in expert determination and ICC arbitration against the owner/operator of an independent power plant in relation to the construction, operation and tariffs of the power plant.
- Representing the water authority of an African country in two ICC arbitrations against European contractors in relation to the design and construction of a dam and sewerage treatment plant.

#### **Admissions**

- England & Wales
- Registered advocate before the Courts of the Dubai International Financial Centre

#### **Languages**

- English
- French
- Farsi

#### **Education**

- Diploma in Law, College of Law (1997)
- Masters (International and European Union Law), University of Cambridge (1996)
- JD, University College London (1995)

## Professional Affiliations

- Trustee, DIFC-LCIA Arbitration Centre
- Trustee, Bahrain Chamber of Dispute Resolution (BCDR-AAA)
- Vice-Chair, IBA Arbitration Committee
- Member, LCIA Court
- Member, Editorial Board of Global Arbitration Review
- Member, ICC Commission on Arbitration and ADR
- Member, Drafting Committee of the ICDR-AAA Arbitration Rules
- Chair, Steering Committee of Delos Dispute Resolution's Remote Oral Advocacy Programme (ROAP)

## Publications and Speaking Engagements

### Publications

- Confidentiality and Privilege in the MENA region – A Survey of Regional Rules and Recent Trends, *MENA Leading Arbitrators Guide* (forthcoming 2022)
- Standards of Protection: The State's Sovereign Right to Regulate and its Limits, *The Guide to Telecoms Arbitrations* (Global Arbitration Review) (2022)
- Non-Compensatory Damages in Civil and Common Law Jurisdictions – Requirements and Underlying Principles, in J Tenor (ed.), *The Guide to Damages in International Arbitration* (Global Arbitration Review) (2020)
- Protecting the Legitimacy of the Arbitral Process: Jurisdictional and Procedural Challenges in Public-Private Disputes in Evolution and Adaptation: The Future of International Arbitration, ICCA Congress Series No. 20 (2020)
- Some Observations on the Civil-Common Law Dichotomy: The Approach to Factual and Legal Issues, ICC Dispute Resolution Bulletin 115 (2018)
- Towards Procedural Predictability in International Arbitration: Confronting Guerrilla Tactics, in C Klaussegger (ed.), *Austrian Yearbook on International Arbitration* (MANZ) (2017)
- State-Owned Enterprises as Claimants before ICSID: Is the Broches Test on the Ebb?, 3 BCDR Int. Arb. Rev. 371 (2016)
- Banishing the Ghost of Lord Asquith's Award: A Resurgence of Arbitration in the Middle East, 1 BCDR Int. Arb. Rev. 121 (2014)
- The (Non-) Application of the New York Convention by the Qatari Courts: ITIIC v. Dyncorp, 29 J. Int. Arb. 429 (2012)
- Appealing Awards in Arabia: Another Perspective on section 69 of the English Arbitration Act, [2012] Int. A.L.R. 126
- *A Guide to the LCIA Arbitration Rules*, Oxford University Press (2009)
- The Requirement of Equal Treatment with Respect to the Conduct of Hearings in International Arbitration, 3 Dispute Resolution International 124 (2009)
- The Dubai International Arbitration Centre: A Common Law Jurisdiction in the Middle

East, 25 Arb. Int. 173 (2009)

- Recent Arbitration Related Developments in the UAE, 25 J. Int. Arb. 631 (2008)
- Observations on the Decision of the ICSID ad hoc Committee in Mitchell v Congo, Stockholm Arb Rep 2006:3 (2007)
- In Defense of Injunctions Issued by the Courts at the Place of Arbitration, 20 Mealey's Int. Arb. Rep. Vol. 20 (2005)
- *ICSID - Procedural Issues, UNCTAD's Course on Dispute Settlement in International Trade and Investment* (2004)

### Speaking engagements

- Co-Chair, GAR Live: Istanbul 2022, Global Arbitration Review (June 2022)
- “Application of the BCDR Arbitration Rules in practice from a practitioner’s perspective”, BCDR Breakfast Meeting (May 2022)
- “Calibrating the compass: The arbitrator’s authority to revise the contract”, 10th ICC MENA Conference (May 2022)
- “Orders, Awards and Enforcement” (Co-Chair), LCIA European Users’ Council Symposium (May 2022)
- “Advocacy Insights from Different Perspectives: Investors, States, Tribunals, and Institutions”, ICSID-ADGM Joint Conference (March 2022)
- “Investment Arbitration: What’s the future of ISDS for the region?”, GAR Connect: Eastern Mediterranean, (Co-Chair and Moderator) (June 2021)
- “IBA Guidelines on Conflict of Interest in International Arbitration,” webinar, African Arbitration Academy and IBA Arbitration Committee (December 2020)
- “Examining the shifting borders of Middle-Eastern commerce,” webinar, GAR Live / Dubai Arbitration Week 2020 (November 2020)
- “Evaluating and learning from disputes in a VUCA world,” webinar, 2020 CPR European Conference on Business Management, Conflict Prevention and Resolution (CPR) (September 2020)
- “Post-COVID: The Future of International Arbitration,” webinar, Singapore International Arbitration Centre (SIAC) (June 2020)
- “Coup d’état and Failed States: Investment in Crisis,” webinar, Fangda Partners (June 2020)
- “Hot Topics in International Dispute Resolution,” ICDR-AAA California Summit, San Francisco, CA (December 2019)
- “Making arbitration work – choices and expectations”, GAR Live Dubai (November 2019)
- “Enforcement of arbitral awards: the DIFC, UAE and Middle East perspective”, DIFC-LCIA Symposium (November 2019)
- “Synergy between the UAE Arbitration Law and the DIAC Rules: Practical Considerations and Potential Divergence”, DIAC Annual Conference (November 2019)
- Moderator, Hot Topics in Investment Arbitration, IBA Annual Conference (September 2019)

- Co-Chair, GAR Live Istanbul (June 2019)
- “Transparency & Reform in Investment Treaty Arbitration and a Discussion of UNCITRAL’s Working Group III,” NYIAC and the IBA Arbitration Subcommittee on Investment Treaty Arbitration (April 2019)
- “Counsel’s Role in Defining the Right Framework for Expert Evidence”, 9th Milan Chamber of Arbitration Annual Conference (December 2018)
- “Recently adopted UAE Federal Arbitration Law and its impact,” Dubai Arbitration Week (November 2018)
- Moderator, Hot Topics in Investment Arbitration, IBA Annual Conference (October 2018)