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<b><u>Nationality/ Date of Birth</u></b>	Pakistan, 9 January, 1954

### **Educational/Professional Memberships**

University of Karachi - M.A, LL.B.

Cambridge University (Corpus Christi) - LL.B.

London School of Economics - LL.M.

Inns of Court School of Law & Lincoln's Inn

- Barrister,
- Hardwicke Scholar
- Bennet Prize (Topped, Public Law)
- Chamber of Commerce Prize (Topped, Law of International Trade).

Advocate, 1976-

Advocate, Supreme Court of Pakistan, 1989 - 2001

Senior Advocate, Supreme Court of Pakistan, 2001 –

### **Associations**

- Member, Pakistan Supreme Court Bar Association.
- Member, Sindh High Court Bar Association.
- Member, International Bar Association.
- Member, London Court of International Arbitration
- Fellow, International Academy of Trial Lawyers.

### **Committees**

- Member, South Asian Task Force on the Judiciary, International Centre for Law and Development, New York.
- Member, Advisory Committee on Comparative Federalism, International Centre for Ethnic Studies, Colombo.
- Member, Observers Team(s) General Elections held in Bangladesh and Nepal.

### **Board Panel**

- Member, University of Karachi, Syndicate, 1994-95.
- Member, Board of Governors, Institute of European Studies, 1995-96.
- Member, Rule Making Committee of the High Court, 1996 –.
- Member, Academic Council, Hamdard Law University, 1998 –.

- Member, Academic Council, Baqai Medical University, 1997 –.
- Member, Pakistan Law Commission, 2001-2007.
- Member, Board of Governors, Federal Judicial Academy 2001-2007.
- Chairman, Pakistan Bar Council 2001-2007.
- Member, Forum for International Conciliation and Arbitration (FICACIC) 2008 –.
- Member of the Court, London Court of International Arbitration, Court 2008–13.
- Member, Board of Directors, American Arbitration Association, 2009 –.
- Member, Panel of Arbitrators, Singapore International Arbitration Centre 2011 –.
- Member, Panel of Arbitrators, International Centre for Settlement of Investment Disputes (ICSID), designated by the Chairman of the ICSID Administrative Council, 2011–.
- Member, Board of Trustees, Dubai International Arbitration Centre (DIAC), 2012–2014.
- Member, Panel of Arbitrators, Kuala Lumpur Regional Centre of Arbitration 2013 –.
- Member, Board of Governors, ICCA, 2014 –.
- Vice Chair of the Arbitration Committee of the International Arbitration Association to serve from 01 January 2015 –.
- Member, Panel of Arbitrators, Shanghai International Economic and Trade Arbitration Commission (Shanghai International Arbitration Centre) (SHIAC), 2015 –
- Member of the Court, Mauritius Chamber of Commerce and Industry (MCCI) Arbitration and Mediation Center (MARC) 2017 –.

### **Current Position**

Senior Advocate, Supreme Court of Pakistan

### **Professional Experience**

Enrolled as advocate of civil courts in 1976 and advocate of High Courts, in Pakistan, in 1977. In private practice as an advocate of the High Courts since 1980, advocate of Supreme Court since 1989 and senior advocate of Supreme Court since 2001; specialising in arbitration, commercial, constitutional, judicial review and public international law work.

Attorney General for Pakistan 2001–2007.

Appeared in a number of major administrative, arbitration, commercial, constitutional public international law and tax cases before arbitral tribunals, the High Courts and the Supreme Court of Pakistan, as counsel.

Appeared as Attorney General for Pakistan in all major administrative, arbitration, commercial, constitutional, judicial review, public international law and tax cases for the Government of Pakistan before arbitral tribunals, the High Courts and the Supreme Court of Pakistan from 2001 till July 2007.

Advised the Government of Pakistan on ICSID arbitration issues, organised its legal defence before ICSID Tribunals and worked with a team of local and international lawyers to defend the cases filed, before ICSID Tribunals, by SGS, Impregilo and Bayindir against Pakistan:

(i) Advised the Government of Pakistan on ICSID arbitration issues, organised its legal defence before an ICSID Tribunal and successfully represented Pakistan with a team of international lawyers in SGS

After the decision of the Tribunal on jurisdiction individually negotiated a settlement of the dispute with SGS.

(ii) Advised the Government of Pakistan, organised its legal defence before an ICSID Tribunal and successfully represented Pakistan with a team of international lawyers in Impregilo v Islamic Republic of Pakistan (ICSID Case No. ARB/03/3)

After the decision of the Tribunal on jurisdiction, led a team comprising the Secretary, Water and Power, Government of Pakistan, Chairman, Water & Power Development Authority and designated officials which negotiated a settlement of the dispute with Impregilo S.p.A.

(iii) Advised the Government of Pakistan, organised its legal defence before an ICSID Tribunal and successfully represented Pakistan with a team of international lawyers in Bayindir v Islamic Republic of Pakistan (Case No. ARB/03/29).

Held several meetings with the Turkish Minister of Justice who visited Pakistan to negotiate the Bayindir-Pakistan dispute.

Advised the Government of Pakistan and the Pakistan National Shipping Corporation ("PNSC") on public international law and international arbitration issues arising out of the major oil spill at Karachi, Pakistan, caused by the ship Tasman Spirit; worked with international lawyers and successfully represented PNSC in its international arbitration with ship owners. (2004)

Worked with international lawyers to advise the Government of Pakistan on the prospects of success in filing a claim before the International Tribunal for the Law of the Sea arising out of environmental issues created by oil tankers owned by flag of convenience states. (2004)

Advised the Government of Pakistan, on public international law issues, in its dispute under the Indus Waters Treaty on account of the construction of Baglihar Dam by India, and worked with a team of domestic and international lawyers and engineers which represented Pakistan before the Neutral Expert appointed by the World Bank. (2005); ICSID provided institutional support.

Advised the Government of Pakistan, on the arbitral process and public international law issues involved, under the Indus Waters Treaty due to the diversion of the waters of the river Jhelum (Kishenganga) and worked in 2005-2007 with a team of public international lawyers.

Advised the Government of Pakistan on its international commercial arbitration cases including AAA, ICC and ICSID arbitrations from 2001 till July 2007.

Advised the Board of Investment, Government of Pakistan and its negotiating team(s) on all Bilateral Investment Treaty (BIT) issues and negotiations between September 2001 and 2007.

Advisor/Team Leader, Government of Pakistan, in negotiations in international commercial disputes between 2001 and July 2007.

Authored expert reports on issues of Pakistan law for use in foreign courts.

Advised, successfully, a team of Pakistan and UK lawyers in opposing the enforcement of an ICC award in London by Dallah Corporation of the Kingdom of Saudi Arabia against the Government of Pakistan. (2008-2010). Appeals by Dallah to the Court of Appeal and to the Supreme Court failed.

Appointed amicus curiae in a number of commercial, constitutional and tax cases by the Supreme Court of Pakistan and the High Courts 2007-.

Successfully represented judges of the High Courts in their disputes with the Government of Pakistan and a Parliamentary Committee, 2011 & 2012.

Successfully represented the fertiliser industry in its disputes with the Government of Pakistan on the

allocation, supply and distribution of natural gas before the High Court of Sindh, 2011.

Representing the private producers of powers in their tax and commercial disputes with the Government of Pakistan, 2012-.

Representing several foreign investors with regard to competition issues before the High Courts and the Supreme Court of Pakistan, 2013-.

Successfully represented the foreign sponsors of Hub Power Company Limited and the Company in their tax dispute with the Government of Pakistan before the Supreme Court of Pakistan, 2014.

Successfully represented the investors and industrialists in challenging the imposition of a tax for Gas Infrastructure before the Supreme Court of Pakistan, 2014.

Representing several foreign investors in arbitration related issues before the courts in Pakistan, 2011-.

Advised foreign investors in arbitrations against the Government of Pakistan before ICC and ICSID Tribunals, 2015.

Representing the private power sector in its disputes with the Water and Power Development Authority Pakistan and National Electricity and Power Regulatory Authority.

Representing the private sector in its disputes with the Oil and Gas Regulatory Authority.

Appearing as counsel in several international commercial arbitrations.

NOTE: The above is a brief reference to a few of the cases which are in the public domain.

### **Lecturer**

Lecturer in laws (constitutional law, commercial law and public international law), University of Keele, England, (1979-1980).

Professor in laws (public international law), Faculty of Law, University of Karachi (1980-88)

Visiting professor, public international law, Department of International Relations, University of Karachi (1985-1987).

Delivered ten (10) lectures annually on public international law at the Pakistan Navy Staff College (1987-1994).

Delivered a series of annual lectures on constitutional issues, at the National Defence College, Islamabad, 1999-2000.

### **Legislation**

Advised the President of Pakistan on the constitutionality of the laws relating to bank interest ("Riba") and successfully led the arguments before the Supreme Court of Pakistan to persuade it to review its earlier judgment that declared bank interest un-Islamic and unconstitutional, 2002.

Negotiated and participated in the drafting of the Constitution (Seventeenth Amendment) Bill, 2003.

Co-authored the Recognition and Enforcement (Arbitration Agreements and Foreign Arbitral Awards) Ordinance, 2005. It incorporates the New York Convention in the laws of Pakistan and repeals the Arbitration (Protocol & Convention) Act, 1937.

Co-drafted the instrument of ratification of the New York Convention, 2005.

Authored the Women Protection Bill, 2006 and negotiated with a number of political parties and groups of ulema (Islamic scholars) to amend a number of discriminatory laws enacted in the name of Islam against women.

Authored the Arbitration (International Investment Disputes) Ordinance, 2007 to implement the International Convention on the Settlement of Investment Disputes between States and Nationals of other States.

Head of a sub-committee on adapting the UNCITRAL Model Law for Pakistan by providing adequate safeguards against interventionist judicial attitudes, 2006-7.

Post 2007 nominated as delegate by the Pakistan Business Council (an association of the leading business houses national and multinational in Pakistan) to attend the UNCITRAL Arbitration Working Group Sessions in Vienna and New York. (2008-)

Worked with the Government of Pakistan and the International Finance Corporation on enhancing the legislative framework on ADR and the setting up of a pilot project to institutionalize court referred ADR, 2005/06.

Worked with private practitioners of law to set up an arbitration center in Karachi, Pakistan, 2008.

Successfully twice challenged in the Supreme Court of Pakistan the attempt of the NWFP Government to enact a Hisba law (a law setting up a moral police) in the North West Frontier Province, 2005.

Advised the President on legislation for the repeal of laws discriminating against women and minorities, 2002.

With PEPAC, a UNCHS project at the Karachi Development Authority for the Karachi Master Plan, regarding the adequacy of and proposed changes in the laws relating to urban planning.

With EMMAY ASSOCIATES, a World Bank project at the Karachi Transport Corporation, regarding the scope and effectiveness of the laws relating to the internal structure and external operations of the Corporation.

With PADCO, an IBRD project on Shelter for the poor and problems of housing finance in Pakistan.

With T.P. O'Sullivan and Partners and PADCO Inc., for IBRD on the issues relating to land tenure in the province of Punjab, Pakistan.

With IBRD as part of Sindh Urban Development Programme on the Land Recording Systems in Karachi.

With United Nations Commission on Housing and Settlement (Habitat) on Urban Planning in Karachi.

### **Arbitration Experience**

By a Cabinet decision of 2002, all state owned corporations or companies in which the Government of Pakistan has a majority share and all departments of the Government of Pakistan were directed to withdraw all litigation against one another. All such matters were referred to the Attorney General for Pakistan as arbitrator. Sat as a sole arbitrator in a number of such cases.

Presently sitting as an arbitrator and as Chairman in ad hoc and institutional domestic and international commercial and investment arbitrations including DIAC, ICSID, ICC, LCIA and UNCITRAL arbitrations.

Appointed to the ICSID Tribunal in Deutsche Bank AG v. Democratic Socialist Republic of Sri Lanka (ICSID Case No. ARB/09/02).

Appointed, on the resignation of Judge Brower, on 11 March 2010, to the ICSID Tribunal in Tanzania Electric Supply Company, Ltd., v. Independent Power Tanzania Ltd (ICSID Case No. ARB/98/8 – Interpretation Proceedings).

Appointed President to the ICSID Tribunal in Vincent J. Ryan, Schooner Capital LLC and Atlantic Investment Partners LLC v. The Republic of Poland (ICSID Case No. ARB(AF)/11/3).

Appointed member of the Annulment Committee in Alapli Elektrik B.V. v. Republic of Turkey (ICSID Case No. ARB/08/13).

Appointed member of the Annulment Committee in Daimler Financial Services AG v. Argentine Republic (ICSID Case No. ARB/05/1).

Appointed to the ICSID Tribunal in Michael Dagher v. Republic of the Sudan (ICSID Case No. ARB/14/2).

Appointed member of the Annulment Committee in Adem Dogan v. Turkmenistan (ICSID Case No. ARB/09/9).

Appointed President to the ICSID Tribunal in Oded Besserglik v. Republic of Mozambique (ICSID Case No. ARB(AF)/14/2).

Appointed President to the ICSID Tribunal in Champion Holding Company and others v. Arab Republic of Egypt (ICSID Case No. ARB/16/2) - Procedural Order Nos. 1 & 2.

Appointed member of the Annulment Committee in Blusun S.A., Jean-Pierre Lecorcier and Michael Stein v. Italian Republic (ICSID No. ARB/14/3).

NOTE: The above is a brief reference to cases in the public domain.

### **Expert Witness**

Appeared as expert on Pakistan Law in number of international cases.

### **Publications**

Contributed a large number of articles to national newspapers and periodicals including, Dawn, Herald, Newline and Viewpoint on constitutional and legal issues.

A book on the Constitution of Pakistan (Pakistan Publishing House, Karachi, 1986).

A tract with Shahid Kardar (former Governor, State Bank of Pakistan) on the economic and constitutional impediments to provincial autonomy in Pakistan.

Article: with Richard T. de Belder, "Legal Aspects of Doing Business in Pakistan", International Lawyer, Spring 1986, Volume 20, Number 2.

Article: "The Juridical Concept of the Continental Shelf" Pakistan Horizon (A quarterly journal of the Pakistan Institute of International Affairs), 1986.

Article: "Inclusionary Injustice: Admissibility of Evidence Obtained by Entrapment", The Karachi Law Journal, 1987, volume IX.

Chapter on the law relating to the "Arrest of Vessels" in Pakistan, Maritime Law Handbook, (Kluwer, Deventer, 1987).

Article: "Constitutional Impediments to Provincial Autonomy" (Group 83 Series, Lahore, 29 November, 1987).

Article: "Political Tensions That Weaken the Rule of Law in the Third World", Sind High Court Bar Review, 1986-87.

Article: "Changing Constitutional Law, A Contemporary Survey", Sind High Court Bar Review, 1986-87.

Article: "1973 Constitution: Founding of the Federation", a paper read on 3 April, 1989 at an international seminar held in Karachi.

Report on the law of contempt and proceedings arising out of the removal of the Lord President of the Malaysian Supreme Court, 1991, prepared for the International Commission of Jurists, Geneva.

Report on the Legal and Political Situation in Burma, "The Burmese Way to Where", 1992, prepared for the International Commission of Jurists, Geneva.

Case Note: "Pakistan: Legality of a Hisba Bill to introduce an Islamic Ombudsman in the North-West-Frontier Province" 11 Yearbook of Islamic and Middle Eastern Law 413-462.

Authored, Pakistan Chapter, ICCA Handbook on Commercial Arbitration, 2013.

**Languages**

English