

# Ashique Rahman

Counsel



## CONTACT INFORMATION

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## PROFESSIONAL BACKGROUND

- Fietta LLP, counsel (2018 onward), senior associate (2016-2018)
- Volterra Fietta, associate (2011-2016)
- Ernst & Young, consultant in the Energy and Utilities Group (2007-2008)

## AREAS OF EXPERTISE

Ashique is an Australian lawyer and counsel at Fietta LLP. Ashique represents States and foreign investors in their public international law disputes, including disputes under international investment agreements. The Legal 500 has recognised Ashique as a “Rising Star” in public international law. He was included in the inaugural Lawdragon Global Litigation 500 for his expertise in public international law and was named a “Future Leader” in the Who’s Who Legal guide for international arbitration. Clients praise Ashique for understanding “key issues” in “complex investment treaty claims” and for his ability to “turn around high quality work product very swiftly”.

Ashique has managed teams of lawyers, witnesses and experts in complex, high-value arbitrations under the ICSID, ICC, LCIA, SCC and UNCITRAL Rules, including some of the most high-profile investor-State arbitrations of the past decade (e.g., *Libananco v. Turkey*, *Koch v. Venezuela*). He also counsels on post-award remedies, including recognition and enforcement of foreign arbitral awards. Ashique is presently representing a European State in a treaty dispute with a foreign investor, a US oil company in a treaty dispute with Kazakhstan, and hundreds of foreign investors in an ICSID, multi-party arbitration against Cyprus.

Ashique also advises States, international organisations and multinational companies on a broad range of public international law topics, including the law of the sea, the law of treaties, jurisdictional immunities and the protection of foreign investments. He writes regularly on these topics and recently co-authored a peer-reviewed chapter on juridical persons and the requirements of the ICSID Convention. He has taught at University College London and has delivered practical training in public international law and international arbitration to Ministry officials of States in the Middle East and Asia.

Prior to joining Fietta LLP, Ashique was a senior lawyer at a public international law firm in London, where he worked with Stephen Fietta and other members of the Fietta team over a number of years. He is also a founding board member of the Young Public International Law Group, a network of public international law practitioners from law firms, the bar, international organisations, governments and academic institutions around the world. Ashique is presently serving as the Asian International Arbitration Centre’s Young Practitioners’ Group’s representative for Europe.

## REPRESENTATIVE MATTERS

Highlights of Ashique’s advisory and contentious practice have included:

- Representing the Respondent State in an *ad hoc* arbitration brought by a Canadian investor under a bilateral investment treaty involving issues of state succession with respect to real estate interests
- Representing Big Sky Energy Corporation, a US oil company, in a pending arbitration brought under a bilateral investment treaty against the Republic of Kazakhstan

- Representing PL Holdings S.à r.l., a Luxembourg company, in its SCC arbitration against the Republic of Poland brought pursuant to an intra-EU BIT and an *ad hoc* arbitration agreement under Swedish law
- Advising PL Holdings S.à.r.l., a Luxembourg company, in set-aside proceedings in Sweden (the seat of the arbitration) relating to two awards against Poland worth in excess of €150 million
- Representing Koch Minerals Sàrl and Koch Nitrogen International Sàrl in an ICSID arbitration brought under a bilateral investment treaty against Venezuela
- Representing City-State N.V. (Netherlands) and its subsidiaries in an ICSID arbitration brought under a bilateral investment treaty against Ukraine
- Representing more than 900 Greek and Luxembourgian investors in a pending ICSID arbitration brought under two bilateral investment treaties against Cyprus
- Representing Libananco Holdings Company Limited (Cyprus) in a post-Award ICSID annulment application
- Representing Vigotop Limited (Cyprus) in an ICSID arbitration brought under a bilateral investment treaty against Hungary
- Advising a multinational corporation in an investment treaty dispute with the Kyrgyz Republic
- Advising a UK and Israeli national, in respect of a potential treaty arbitration against Ukraine
- Representing the national oil company of a Balkan State in an UNCITRAL Rules arbitration against an Italian energy company
- Advising a third-party funder in connection with separate treaty arbitrations against Ukraine, Kazakhstan and Uzbekistan
- Advising a third-party funder in connection with a potential treaty arbitration against a Middle Eastern State
- Advising a third-party funder in connection with potential treaty claims, including “mass claims” at ICSID
- Representing the Respondent in a LCIA arbitration concerning a dispute in relation to two petroleum coke supply contracts
- Advising an Asian State with respect to an UNCLOS arbitral award
- Advising Malaysia in the Railway Land Arbitration (Malaysia/Singapore) under the auspices of the PCA
- Advising a European oil company in an ICC Rules arbitration against a Turkish energy company
- Advising a State on strategies for pursuing its maritime delimitation with a neighbour, including in relation to its submission to the Commission on the Limits of the Continental Shelf
- Advising a global engineering and construction firm on the protections available under international investment treaties with respect to an investment in a Gulf State
- Advising an Asian State on various public international law issues
- Advising an Asian State on the obligations of self-restraint and cooperation under Articles 74(3) and 83(3) of the United Nations Convention on the Law of the Sea
- Advising a regional customs union on issues of treaty interpretation
- Advising a State on the international law implications of the ongoing conflicts in Syria and Israel/Palestine
- Advising an NGO on a range of international law issues arising during the negotiation of the Arms Trade Treaty

## PUBLICATIONS AND SPEAKING ENGAGEMENTS

- Moderator, “How States Organise their Defence of International Claims”, part of the Public International Law Webinar Series, co-organised by Essex Court Chambers, Essex Court Chambers Duxton, Fietta LLP, Rajah & Tann Singapore LLP and The Sydney Centre for International Law (4 November 2020)
- “A defining moment for arbitration within Europe”, *Global Arbitration Review* (13 May 2020)
- “Corruption and standards of proof in investment arbitration”, *Global Arbitration Review* (8 January 2020)
- Rahman A, “Recent highlights and what's next for investment treaty arbitration”, *LexisPSL*, (17 April 2019)
- Rahman A, “The *Achmea* crisis engulfing investor-State arbitration” presented at the 7th Sydney Centre for International Law Year in Review Conference (22 February 2019)
- Training course on maritime boundary delimitation and the law of the sea delivered to ministry officials of a South-East Asian State (September 2017)
- Presentation delivered to the national oil company of a South-East Asian State on “Oil and Gas Operations and the Law of the Sea” (September 2017)
- Rahman A, “Mid-year review 2017: developments in investment treaty arbitration”, *LexisPSL*, (24 July 2017)
- “Juridical Persons and the Requirements of the ICSID Convention”, in Crina Baltag (ed), *The ICSID Convention After 50 Years: Unsettled Issues* (Kluwer, 2017) (co-authored with Professor Chester Brown)
- Delivered a seminar on investment treaty arbitration at BIICL as part of a two-day programme focused on current developments and strategies in cross-border dispute resolution (14 October 2016)
- Rahman A, “Challenges to Arbitrators under the ICSID Convention: Everyday Practice or an Abuse of Rights?” presented at the 24th Annual Conference of the Australia New Zealand Society of International Law (30 June 2016)
- Rahman A, “ICSID—developments in annulment proceedings in 2016”, *Lexis PSL*, (10 June 2016)
- Rahman A, “Advising International Oil and Gas Companies on Maritime Sovereignty Issues”, presented to ITLOS Fellows, (20 February 2015)
- Rahman A and Brown C, “Regional Economic Integration in Southeast Asia” (2013) 4 *European Yearbook of International Economic Law* 353
- Fietta S and Rahman A, “Investment Liberalisation and Protection – Dispute Settlement Mechanisms”, presented to senior diplomats of a Southeast Asian State, Institute of Advanced Legal Studies (1 September 2011)
- Rahman A, “An Insight into the Application of Arbitral Theory: Arising Judicial Practice” 7(2) *Asian International Arbitration Journal* 97
- Prepared and delivered multiple training modules on public international law and international investment law to officials of a Gulf State (2012 to 2015)

## PROFESSIONAL AND ACADEMIC QUALIFICATIONS

LLM in Public International Law (2010), University of Sydney

Admitted as a Lawyer of the Supreme Court of New South Wales, Australia (2009)

LLB (2006), University of Sydney

BSC (2003), University of New South Wales

## **LANGUAGE PROFICIENCY**

English (native), Bengali (conversational)