



ANGELINE WELSH

MAIN AREAS OF PRACTICE:

Arbitration
International Law
Mediation
Public Law
Telecommunications

Solicitor 2003
Solicitor Advocate (All Higher
Courts) 2008
Called to the Bar (England &
Wales) 2015
Called to the Bar (Belize) 2015

CONTACT:

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Paul Venables, Senior Practice
Manager
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Angeline has a broad ranging practice. While primarily known for her international arbitration practice (as counsel and arbitrator), she also has substantial experience in handling commercial disputes and cases involving issues of public law, constitutional law, human rights law and increasingly European Union law.

Angeline is widely regarded as one of the leading practitioners in her generation of arbitration lawyers. In 2018, Angeline was listed as the fifth most highly regarded arbitration practitioner at the UK bar by Who's Who Legal UK Bar's guide. In 2017, she was named as a 'Star at the Bar' by Legal Week, recognised for her "excellent judgement and leadership qualities" and not being frightened to tackle novel and difficult areas of law, or "to deal head-on with the more complicated aspects of a case".

Prior to joining Matrix, Angeline was Counsel and Solicitor Advocate in the International Arbitration Group at Allen and Overy LLP, spending time in the London and Hong Kong offices and on secondment to the LCIA. She has worked with counsel in a wide range of jurisdictions including India, Myanmar, Indonesia, Belize, Hong Kong, Turks & Caicos Islands, Singapore, United States, Kazakhstan, Rwanda and various European states.

Angeline has five core areas to her practice:

Commercial litigation and arbitration: Angeline has acted as counsel in a range of complex arbitrations under a range of arbitral rules and has been instructed (unled) in commercial court cases. Her practice includes commercial arbitration across a range of sectors (including construction, energy, financial and telecoms disputes). She has particular expertise in emerging market jurisdictions and in handling commercial disputes against states.

International law: Angeline acts as counsel in investment treaty claims and advises on the structuring of investments in order to gain investment treaty

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DIRECTORIES' RECOMMENDATIONS

Chambers UK 2019 (Arbitration)

"She is doing excellent work and is a great member of the arbitration community" and "very dedicated".

Who's Who UK Bar 2018 (Arbitration)
"a bright and efficient advocate" regarded as "a very strong up-and-coming name" in the international arbitration field.

Legal Week 2017

"She is...not frightened to tackle novel and difficult areas of law, or "to deal head-on with the more complicated aspects of a case," with "excellent judgement and leadership qualities"."

Who's Who Future Leaders 2017 (Arbitration)

Angeline Welsh is "extremely knowledgeable and engaging", and her "wealth of experience on complex cases allows her to gain client confidence easily".

Chambers UK 2017

(International Arbitration: General Commercial & Insurance)

Possesses a wide international arbitration practice, covering a range of commercial claims, including those concerning investment treaties and the energy, telecommunications and construction sectors. She is especially sought after for her expertise in handling disputes arising in emerging markets and in court proceedings related to arbitrations, such as enforcement of arbitral awards and anti-suit injunctions."

Chambers UK 2016

(International Arbitration)

"Angeline Welsh is "immensely helpful," according to clients, due to her "ability to put herself in the client's situation when problem solving."

Chambers UK 2015 (Administrative & Public Law)

"Angeline Welsh is an associate with growing expertise in the overlap between international arbitration and domestic public law. She has advised on judicial reviews in the Supreme Court and the Privy Council. Sources laud her as "a bit of a star. She's a very good litigator with inexhaustible energy."

protection. She is currently acting for Montenegro in defending a claim brought by a bank in connection with legislation enacted to address the impact on loanholders of the surge in value of the Swiss Franc. She previously led the team advising on three investment treaty claims against the Government of Belize arising out of the nationalisation of Belize Telemedia Limited. Angeline also advises on international law issues before the domestic courts.

Public law and constitutional claims: Angeline advises on a wide range of public law issues. She has acted on judicial review and constitutional challenges before the English courts as well as courts elsewhere in the Commonwealth, including the UK Supreme Court, the Privy Council and the Caribbean Court of Justice.

Court applications related to arbitration: Angeline has particular expertise in this area. She has advised on a range of court applications related to arbitration, including anti-suit injunctions, interim relief in support of arbitration and enforcement of arbitral awards. She acted on two of the leading arbitration cases in recent years; AES Ust- Kamenogorsk v UST- Kamenogorsk JSC [2013] UKSC 35 (a leading case on anti-suit injunctions in support of an arbitration) and Jivraj v Hashwani [2011] UKSC 40 (concerning whether an arbitration agreement which specified that arbitrators must be of a particular religious faith was contrary to discrimination legislation and therefore unlawful, a case which had broader implications for the validity of arbitration clauses which commonly include nationality requirements).

Arbitrator: Angeline sits as an arbitrator, having been appointed as sole arbitrator in LCIA, ICC, BVI IAC and ad hoc arbitrations and as presiding arbitrator in an LCIA case. She is appointed to the HKIAC list of arbitrators and the BVI IAC panel of arbitrators.

AWARDS

- Between 2016 and 2017 Angeline co-chaired the IBA Arb40, a subcommittee of the IBA Arbitration Committee, which produced The Toolkit for Award Writing and the Compendium of Arbitration Practice nominated for the GAR Best Innovation Award in 2017 and 2018 respectively;
- Advised on the 2016 Myanmar Arbitration Act that led to Myanmar being awarded the 2016 GAR Award for jurisdiction that has made great progress;
- AES Ust-Kamenogorsk v UST-Kamenogorsk JSC, which established the right of an English court to grant an antisuit injunction before arbitration proceedings had been commenced named in the FT Innovative Lawyers Report 2014 as a "stand-out" entry;
- Work on the Jivraj v Hashwani Supreme Court intervention named in the FT Innovative Lawyers Report 2012 as highly commended;
- Work on protecting clients from Belize's anti-arbitration legislation named in the FT Innovative Lawyers Report 2011 as a "stand-out" entry;
- Named as 'runner up' in the Assistant Solicitor of the Year category by The Lawyer 2011;
- Inaugural annual IBA Pro Bono and Access to Justice Award 2010.

ARBITRATOR EXPERIENCE

- presiding arbitrator in LCIA arbitration for a claim under guarantee in connection with a third entity's default under a loan agreement
- sole arbitrator in an ICC arbitration in connection with a claim for non-payment under a consultancy agreement

- sole arbitrator in ICC construction dispute arising out of a FIDIC Client/Consultant Model Services Agreement General Conditions (2006) in relation to the engineering services provided for the construction of a geothermal power plant;
- sole arbitrator in ad hoc arbitration concerning the non-payment of fees for the provision of orchestral services;
- sole arbitrator LCIA arbitration concerning the alleged breach of sale and purchase agreement for the sale and shipping of clinker and raising issues concerning the rate of demurrage and commencement of laytime;
- presiding arbitrator in LCIA arbitration concerning five related loan agreements raising money laundering issues;
- co-arbitrator in LCIA arbitration concerning claim for payment under a guarantee and indemnity, issues arising in connection with related insolvency proceedings and court obtained freezing injunctions;
- sole arbitrator in first BVI IAC administered arbitration concerning a dispute arising out of an agreement for the supply of imported coal and fuel;
- sole arbitrator in LCIA arbitration concerning alleged breach of a licensing agreement for technology used in the construction of a steel plant;
- instructed as tribunal appointed expert on issues of English law on privilege in an arbitration conducted under the Swiss Rules of International Arbitration.

ARBITRATION COUNSEL EXPERIENCE

- acting for major high street bank in respect of the termination of its contracts for the management of assets worth in excess of £550 million in connection with its insurance and wealth businesses;
- acting as lead counsel for an individual in a successful claim to set aside financial arrangements on the basis of undue influence and duress;
- acting for Montenegro in Addiko Bank AG v. Montenegro (ICSID Case No. ARB/17/35);
- acting for company specialising in pipeline and construction in ICC arbitration against employer for wrongful termination, exercise of performance bond, unpaid invoices and defending counterclaims for breach of contract;
- advising on shareholder dispute arising out of aggressive competitive practices of a shareholder in a start up company;
- acting in the Belize courts on injunction and constitutional proceedings relating to the State's attempts to prevent execution steps being taken in respect of arbitral awards enforced in the United States;
- acting for British Caribbean Bank Limited on its successful claim against the Government of Belize under the UK Belize Bilateral Investment Treaty (PCA Case No 2010-18), including acting on related constitutional court proceedings and injunction proceedings;
- acting for Dunkeld International Investment Limited in relation to a claim against the Government of Belize under the UK-Belize Bilateral Investment Treaty (PCA Case Nos 2010-13 and 2010-21) including acting on related injunction proceedings;
- acting for Dunkeld International Investment Limited in relation to a claim against the Government of Belize for expropriate of the right to arbitrate following the enactment of legislation criminalizing the pursuit of arbitration proceedings;

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- acting for AES in AES Corporation and Tau Power B.V. v Kazakhstan (ICSID Case No. ARB/10/16);
- acting for an oil and gas company on a large, complex dispute relating to a construction project in the Caspian Sea conducted on an expedited basis under the LCIA Rules;
- acting for BG Group and Reliance Industries in an UNCITRAL arbitration claim against the Union of India in relation to oil fields in the Mumbai basin;
- acting for an investment bank in a successful UNCITRAL arbitration claim against a real estate development company in India, and assisting with enforcement proceedings in the US and England and Wales;
- acting for an investment bank defending a tax warranty claim under the HKIAC arbitration rules;
- acting for an oil and gas company in arbitration under the UNCITRAL Rules in a dispute against a provider of seismic survey work for breach of contract claim in Algeria;
- acting for a satellite construction company in a successful LCIA arbitration in a dispute concerning an alleged anomaly in the satellite worth around U.S. \$17 million;
- representing a large corporate in an ICC arbitration concerning a dispute arising out of termination of an exclusive contract with a logistics provider for the European Region;
- acting for a bank in an LCIA arbitration concerning allegations relating to the validity of a loan note, specifically the capacity of the borrower to enter into the loan note;
- acting for a telecommunications company in an LCIA arbitration against a state relating to a concession agreement raising issues related the legality of the taxation and regulatory regime;
- acting for a bank and its holding company in an LCIA arbitration relating to a settlement agreement with a state entity, in particular concerning the legality of certain tax treatment;
- advising on the dispute resolution options for foreign investors in Myanmar;
- advising on insurance related dispute under the Swiss Rules of International Arbitration;
- advising on dispute relating to closing accounts under the Swiss Rules of International Arbitration;
- advising Asian clients on potential investment treaty claims, including under the ASEAN Comprehensive Investment Agreement, involving countries such as Indonesia and Myanmar.

ARBITRATION RELATED COURT EXPERIENCE

- acting as counsel for AES Ust-Kamenogorsk Hydropower Plant LLP against Ust-Kamenogorsk Hydropower Plant JSC in securing and defending an anti-arbitration injunction from the English Court obtained against a Kazakhstan state entity ([2013] UKSC 35);
- advising on the first appeal before The Caribbean Court of Justice to consider the objections of arbitrability and public policy to the enforcement of an arbitral award (CCJ Appeal No. CV7 of 2012);
- acting for the ICC in its intervention in the high profile UK Supreme Court in *Jivraj v Hashwani* ([2011] UKSC 40);
- advising on a challenge to an arbitral award in the Delhi High Court (*Union of India v Reliance Industries Ltd & Anor* OMP 46 of 2012);

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- regularly advising on applying for and defending anti-suit injunctions, anti-arbitration injunctions, and applications for recognition and enforcement.

PUBLIC LAW EXPERIENCE

- acting for Cypriot company in their application to the European Court of Human Rights challenging the imposition of double taxation by the Cypriot tax authorities;
- acting for Hungarian NGOs in their application to the European Court of Human Rights challenging the Hungarian Law on Foreign Funded NGOs;
- advising (with Jessica Simor QC) Open Society Foundation on the question of whether the Hungarian NGO Funding Law is in breach of EU Fundamental Freedoms and Charter Rights;
- acting for Ahmet and Mehmet Altan in their applications to the European Court of Human Rights relating to their detention in Turkey;
- acting for Human Rights Watch as intervener in Big Brother Watch & Others v United Kingdom (ECtHR Application No: 58170/13);
- acting as junior counsel for FortisTCI Limited on its successful appeal to the Privy Council relating to license requirements for ISM devices (FortisTCI Limited v Islandcom Telecommunications Limited [2014] UKPC 33);
- acting for British Caribbean Bank in a series of constitutional challenges in the Belize courts to legislation, including constitutional amendments, expropriating the bank's loan and security interests in connection with the nationalisation of the main telecoms company in Belize – Belize Telemedia Limited;
- acting for individuals in successful constitutional challenge before the Caribbean Court of Justice to legislation imposing severe penalties (imprisonment and large fine) for acting in breach of court orders injunctiong arbitration proceedings (CV 8 of 2012);
- acting for Bail for Immigration Detainees as intervener in Shepherd Masimba Kambadzi (previously referred to as SK (Zimbabwe)) (FC) v Secretary of State for the Home Department [2011] UKSC 23;
- acting for Bail for Immigration Detainees as Intervener in R. (on the application of K) v Secretary of State for the Home Department [2009] EWCA Civ 219;
- R. (on the application of Countryside Alliance) v Attorney General [2005] EWHC 1677 (Admin);
- R. (on the application of Jackson) v Attorney General [2005] UKHL 56.

SPEAKING ENGAGEMENTS

- Fordham 13th Annual International Arbitration and Mediation Conference, speaking on the Public Policy Defence under the New York Convention, November 2018, New York;
- GAR Live Stockholm: Witness in the GAR Live Inquisition – is there a use for legal experts in international arbitration?, May 2018, Stockholm;
- Arbitration Forum, Law and Economics Foundation, April 2018, St Gallen;
- Oxford University Institute of European and Comparative Law: Celebrating 60 Years of the New York Convention, speaking on the implication of Achmea for commercial arbitration, March 2018, Oxford;
- Juris Conference: Enforcement of Arbitral Awards, September 2017, New York;

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- ICC YAF: Examination of Fact Witnesses in International Arbitration, June 2017, Bratislava;
- BVI International Arbitration Conference, June 2017, BVI;
- CIArb Masterclass, speaking on "The dangers of neglect: Governing law of arbitration agreements", November 2016, London;
- A4ID's Climate Change Knowledge Group, speaking on the use of international arbitration to resolve climate change disputes, Kings College, November 2016, London;
- Caribbean Academy for Law and Court Administration, plenary session speaking on "Is Court Litigation for Commercial Disputes an Endangered Species?", and "Litigating Investment Treaties", October 2016, St Maarten;
- IBA Annual Conference, moderating session on "Costs, interests and other necessary stuff that causes problems in international arbitration", September 2016 Washington DC;
- ASA Below 40 seminar on "Damages in International Arbitration" acting as moderator, June 2016, Geneva;
- Younger Arbitration Practitioners Event on the Findings of the 2015 International Arbitration Survey: Improvements and Innovations in International Arbitration (supported by IBA Arb40, LCIA YIAG, ICC YAF, RAA40 and CIArb YMG), May 2016, London;
- Member of FIAA Faculty for MIDS programme, Graduate Institute of Geneva, April 2016, Geneva;
- IBA Young Practitioners' Symposium, March 2016, Shanghai;
- HKIAC Tribunal Secretary Accreditation Programme, March 2016, London;
- GAR Live Dubai - Speaking on the motion "This house believes that the proliferation of guidelines is slowly killing IA.", November 2015, Dubai;
- United Nations Forum on Business and Human Rights – Unpacking the Guiding Principles in investment disputes: is there a place for human rights in investment treaty arbitration? November 2015, Geneva;
- HKIAC Roadshow 2014 – New Rules and Recent Practice, May 2014, London;
- Training the Attorney General's ministry in Myanmar on implementation of the New York Convention domestically, Naypyidaw, January 2014;
- MIAC 2012 on "The Court's Duty to Stay Court Proceedings in favour of Arbitration - A Practical Application", December 2012, Mauritius;
- FIAA (Faculty of International Arbitration Advocacy) Workshop "Questioning of Fact Witnesses in International Arbitration", May 2012, Geneva;
- Y-ADR roundtable discussion with panelists from Standard Chartered, Nestle and Airbus looking at "The future of international dispute resolution - what do we want and how do we get there?", October 2010, London;
- 5th Annual Dallas Roundtable for Young International Arbitrators (an ITA, ICC YAF, ICDR Young & International & LCIA YIAG event) panelist on discussion on written submissions in international arbitration, June 2010, Dallas;
- ASA below 40 seminar on "The legal source: which law governs the award of interest?", June 2010, Geneva;
- Training members of the Rwandan bar, judiciary and Ministry of Justice on basic principles of arbitration and investment treaty protection, May 2010, Kigali.

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PUBLICATIONS

- Contributing author: The ICSID Convention, Rules and Regulations: A Practical Commentary (Elgar Publishing, expected 2019);
- Co-editor of The Law of Nations Blog;
- IBA Arb40, Editor for "Compendium of Arbitration Practice", October 2017;
- The Review of the Americas 2017, Global Arbitration Review: Enforcement of Foreign Arbitral Awards in Central America and the Caribbean, co-author with Luis Gonzalez Garcia;
- Contributor to the 24th edition of Russell on Arbitration, 2015;
- IBA Arb 40, Editor for Report on "The Current State and Future of International Arbitration: Regional Perspectives", August 2015;
- Kluwer blog: "The relationship between arbitrators and parties: is the pure status theory dead and buried?" 17 June 2011 (co-author with Matt Gearing);
- The World Arbitration and Mediation Review, ITA: "The law applicable to the award of interest: A roadmap through the maze" 2011, Volume 5, No. 1;
- Kluwer blog: "The Public Policy Exception – Is the Unruly Horse Being Tamed in the Most Unlikely of Places?", 17 March 2011 (co-author with Matt Gearing);
- Global Arbitration Review, (Vol. 5 Iss. 5): "UK: Jivraj v Hashwani - the interplay between arbitration and antidiscrimination legislation", 27 October 2010 (co-author with Mark Mansell).

MEMBERSHIPS

HKIAC List of Arbitrators
IBA Arbitration Committee (website officer)
LCIA European Users' Council
LCIA Young International Arbitration Group
ICC Young Arbitrators Forum
ICDR Young & International

ACADEMIC QUALIFICATIONS

BA (Hons), Modern History, Queen's College, Oxford University, 1999
Graduate Diploma in Law, University of Law, 2000
Postgraduate Diploma in Legal Practice, University of Law, 2001

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