

Viren Mascarenhas

Partner

*Trial and Global Disputes / International
Arbitration and Litigation*

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Viren Mascarenhas is a partner in King & Spalding's London and New York offices, and is a member of the International Arbitration Practice Group. He specializes in international arbitration (both commercial and investment arbitration), public international law, and business and human rights. He has over 15 years of experience acting as counsel in domestic and international arbitration proceedings under the major institutional arbitral rules as well as ad hoc arbitral rules in a broad range of industries. He has particular expertise in disputes involving natural resources (energy and mining).

Viren has been ranked in the leading legal directories and industry publications:

- Chambers USA and Chambers Global in international arbitration (2020-2021) ("Sources regard him as 'a real rising star, a very thoughtful practitioner and a future leader;' "[he] is an excellent, really sharp lawyer;" "he's an impressive lawyer and someone to be reckoned with")
- Legal500: International Arbitration (2018 to 2021) ("[he] stands out for his additional specialization in public international law and human rights")
- Who's Who Legal: Arbitration (2017 to 2021)
- Lawdragon Global Litigation 500 (inaugural list) (2021)
- National South Asian Bar Association (Rising Star among lawyers of South Asian descent in the United States practicing under the age of 40) (2019)
- Euromoney Legal Media Awards (Rising Star in commercial arbitration) (2019)
- Latinvex (Disputes in Latin America) (2019)
- Crain's New York Business ("40 Under 40" list of professionals in New York) (2019)
- American Bar Association (Finalist for National Most Outstanding Young Lawyer) (2016)
- Law360 (Rising Star in Energy) (2015)
- New York Super Lawyers (International Law and Alternate Dispute Resolution) (2015-2021)
- New York Law Journal (Rising Star among attorneys practicing in New York under the age of 40) (2014)

Viren is a Fellow of the Chartered Institute of Arbitrators. He sits as arbitrator. He is also a

Lecturer-in-Law at Columbia Law School, where he teaches arbitration.

Prior to joining King & Spalding, Viren served as a law clerk to H.E. President Rosalyn Higgins at the International Court of Justice, and as a Legal Officer at the Special Court for Sierra Leone, a hybrid war crimes tribunal based in Freetown, Sierra Leone.

Viren is very active in the international law community. He currently is a:

- Director of Independent International Legal Advocates (IILA) (a non-profit working with small and developing countries to enhance their international law capabilities)
- Director of The Global Justice Center (a non-profit advocating for gender equality under international law)
- Director of Action Against Prohibited Conduct (a for-profit company that litigates claims of sexual harassment, retaliation and other forms of discrimination for employees working in international organizations, including the United Nations)
- Founding member of the New York Chapter of the Justice Circle of Human Rights Watch
- Member of the Steering Committee of the Cyrus R. Vance Center for International Justice, which promotes global justice
- Co-Chair of the Working Group on Business and Human Rights of the New York City Bar Association.
- Member of the Policy Committee and Vice-Chair of the Arbitration Committee of CPR.

Previously, he held leadership roles with CPR (Steering Committee of the Y-ADR Group), the International Centre for Dispute Resolution (Global Advisory Board and Executive Board Member of the Young & International Group), and the American Bar Association Section of International Law.

Viren received his J.D. from Columbia Law School, where he was a Kent Scholar, and his LL.M. from the University of London with Distinction.

Publications

- Co-author, "National Contact Points in OECD Countries Promote Business & Human Rights in the Extractives Sector," Energy Newsletter (2021)
- Co-author, "Parent Cos. Can Expect More Suits Over Foreign Subsidiaries," Law360 (2021)
- Co-author, "Top 10 Global Developments in Business and Human Rights in 2020," The New York Law Journal (2021)
- Co-author, "Update on Bangladesh Accord - And Its Global Apparel Impact" Women's Wear Daily (2019)
- Co-author, "Climate Change & Human Rights Risks to the Energy Industry: National Contact Points & Project Financing," Energy Newsletter (2019)
- Co-author, "Ivory Coast War Crime Acquittals Fuel Skepticism Of ICC," Law360 (2019)
- Co-author, "International Law In 2018: Key Developments," Law360 (2019)
- Co-author, "Top 10 Developments in Business and Human Rights in 2018," New York Law Journal (2019)
- Co-author, "How Palestine US Embassy Case Could Affect Int'l Law," Law360 (2018)
- Co-author, "Energy Cos. Engage With A New Forum For Human Rights," Law360 (2018)
- Co-author, "An Important New Resource On Human Rights Compliance," Law360 (2018)
- Co-author, "SCOTUS Narrows Alien Tort Statute: Foreign Corporations Can't Be Sued in U.S. Court for Alleged Human Rights Violations Under ATS," Bloomberg Law (2018)
- Co-Author, "Stress Test", India Business Law Journal (2018)

- Co-author, “Disclosure and Confidentiality,” Handbook on Third Party Funding in International Arbitration (2018)
- Co-Author, "Think Tank: Recent Arbitrations and the Future of the Bangladesh Accord. Labor unions settle two "socially conscious" arbitrations — but what does it mean?," Women’s Wear Daily (2018)
- Co-author, “Landmark UK Case: Companies May Be Liable for Subsidiaries’ Human Rights Abuses,” Corporate Counsel (2018)
- Co-author, “Human Rights Benchmarks: A Primer for In-House Counsel,” Law360 (2018)
- Co-author, “Addressing Human Rights Issues in the Extractor Sector,” Law360 (2017)
- Co-author, “Litigation Trend Links Climate Change and Human Rights,” Law360 (2017)
- Co-author, “Think Tank: Legal Considerations for Fashion Brands in a Socially Conscious’ World,” Women’s Wear Daily (2017)
- Co-author, “Law firm argues miners face unique challenges when it comes to human rights,” International Mining (2017)
- Co-author, “Human Rights Compliance: Best Practices for Energy Companies,” Law360 (2017)
- Co-author, “U.S. courts adopt different approaches regarding recognition of ICSID awards,” Arbitration Committee, International Bar Association (2015)
- Co-author, “Anticipating Investor-State Disputes: Bilateral investment treaties are crucial to institutional investors in emerging markets,” Metropolitan Corporate Counsel (2015)
- “The Argentine Sovereign Debt Restructuring Saga: Understanding What Comes Next in 2015,” INTERNATIONAL LAW NEWS 44(2) (2015)
- “The relationship between foreign set-aside proceedings and US enforcement of an arbitral award,” Arbitration Committee, International Bar Association (2015)
- “Using ‘Baseball Arbitration’ to Resolve FRAND Disputes,” Corporate Counsel (2015)
- “The Lure of India: Foreign Investment and Investment Treaty Arbitration,” The Metropolitan Corporate Counsel (2014)
- “US Arbitration of Patent Validity and Infringement Disputes,” Arbitration Committee, International Bar Association (2014)
- “Class Action Arbitration for Antitrust Disputes: Recent Developments,” INTERNATIONAL LAW NEWS 43(1) (2014)
- “Investment treaty protection for IP rights,” North American Regional Forum News Vol. 4(2) (2013)
- “What is the future of class action arbitration?,” IBA Arbitration Committee (2013)
- Co-author, “Use Investment Treaties to Protect Your IP Rights,” Managing IP Magazine (2013)
- Co-author, “Emerging Trends in International Arbitration,” published by Law360 (2013)
- Note to *Case Concerning Ahmadou Sadio Diallo* (Merits), 50 Int'l Legal Materials 31 (2011)
- Co-author, “Provisional measures in investment disputes – are damages sufficient?,” 15 ARB NEWS 53 (2010)
- “Challenges of Transnational Legal Practice: Advocacy and Ethics,” ASIL ANNUAL PROCEEDINGS OF THE 103RD ANNUAL MEETING (2009)
- Co-author, “*Comverse, Inc.*: Methodological Issues in Anti-Suit Injunctions,” 22-2 MEALEY’S INT’L ARB. REP. 15 (2007)
- Co-author, “*Sinochem*: The U.S. Supreme Court Distinguishes *Gulf Oil* and Rules on the Convenience of Addressing Forum Non Conveniens First,” 22-6 MEALEY’S INT’L ARB. REP. 1 (2007)
- Contributor, International Legal Developments in Review, 2006 – Public International Law,

Recent Speaking Engagements (2015 to present)

- Ten Years On: What the UNGPs Mean for the Legal Profession, Online Webinar, June 2021
- Strategies to Align Human Rights and the Environment, New York City Bar Association, Online Webinar, June 2021
- Crippling Compensation in ISDS: Current Practices and New Approaches, Columbia Center on Sustainable Investment, Online Webinar, April 2021
- Unfogging the Future of U.S. Arbitration Law, International Arbitration & Dispute Resolution Symposium, Washington University School of Law, Online Webinar, February 2021
- COVID-19 and Potential Investor-State Claims, South Asian Bar Association of North America, Online Webinar, June 2020
- Virtual Hearings and Investment Arbitration During the COVID-19 Pandemic, Online Webinar, May 2020
- The Fragmentation of International Law: Resolving the Conflict Between EU Law and International Investment Law, International Law Weekend, Fordham Law School, October 2019
- Strategic Considerations Regarding Arbitration Procedure and Procedural Order No. 1 in Investor-State Arbitration, University of Chicago Law School, April 2019
- Business Unusual: Rules, Tools & Strategies to Disrupt Disputes, CPR International Institute for Conflict Prevention & Resolution, Washington, D.C., February 2019
- 7th Annual GAR Live New York Conference, Global Arbitration Review, New York, NY, September 2018
- 15th Annual South Asian Bar Association of North America Conference, South Asian Bar Association, New York, NY, June 2018
- Hot Topics in International Dispute Resolution Seminar, Defense Research Institute (DRI), London, UK, June 2018
- Party- and Tribunal-appointed experts: Pros, cons, and...tips, New York International Arbitration Center (NYIAC), New York, NY, May 2018
- Important Trends in International Dispute Resolution, International Centre for Dispute Resolution's (ICDR) Young & International Group, Chicago, IL, April 2018
- The Use of International Dispute Settlement to Solve 21st Century Problems, King & Spalding, New York, NY, April 2018
- The Art of Advocacy in International Arbitration, International Centre for Dispute Resolution, ICDR Young & International, Washington, DC, April 2018
- International Chamber of Commerce: When ICC Met Atlanta: A Training on International Arbitration and ICC Arbitration Procedures, Atlanta, GA, March 2018
- Women in arbitration and gender issues, Harvard International Arbitration Law Students Association (HIALSA), Harvard Law School, Cambridge, MA, February 2018
- Business And Human Rights—What Do They Mean For Lawyers?, Cyrus R. Vance Center for International Justice's CLE Program, New York, NY, February 2018
- CPR Corporate Counsel Manual for Cross-Border Dispute Resolution Book Launch Event, New York, NY, November 2017
- Investment Dispute Settlement in the Americas, ABA Section of International Law, Fall Conference, Miami, FL, October 2017
- Challenges & Legitimacy of the System of Investment Treaty Arbitration, Harvard Law School, Cambridge, MA, March 2017
- Arbitration in India: Does the new law advance the case?, IBA 5th Asia Pacific Regional

Forum Biennial Conference, Mumbai, India, February 2017

- Investor-State Dispute Settlement in TPP: Shortcomings, Benefits and Risks, NYU Law School – JILP Symposium, November 2016
- Settlement in International Arbitration, ICC YAF, New York, NY, October 2016
- What does IP have to do with Investor-State Arbitration?, ABA Section of International Law Spring Conference, New York, NY, April 2016
- The Disorganization of International Intellectual Property Law, 110th American Society of International Law (ASIL) Annual Meeting, Washington, DC, April 2016
- Getting what you asked for: Managing a fast and efficient arbitration, ABA Section of Dispute Resolution Spring Conference, New York, NY, April 2016
- Arbitrating with States and State-Owned Enterprises, co-sponsored by ICDR Y&I, NYU International Arbitration Association and New York International Arbitration Center, New York, NY, April 2016
- Latest Developments in International Arbitration, King & Spalding, New York, NY, April 2016
- Resolving Disputes Between Investors and States: Understanding the Experience of the Americas, ABA Section of International Law 2016 Americas Forum, Miami, FL, February 2016
- Arbitration to Resolve Cross-Border Disputes, ABA Section of International Law Delhi Forum, February 2016
- Multijurisdictional Practice: The Ethics of Practicing Here, There and Anywhere, ABA Midyear Meeting, San Diego, CA, February 2016
- Third-Party Funding in International Arbitration, ICDR Y&I, New York, NY, November 2015
- Procedure in International Arbitration, NYU International Arbitration Association, NYU Law School, New York, NY, November 2015
- Optional Elements to Include in an Arbitration Agreement, CPR Arbitration Committee, New York, NY, November 2015
- Doing the Math: Understanding How to Calculate Damages in Investment Treaty Arbitration, American Bar Association International Law Section Fall Meeting, Montreal, Canada, October 2015
- Investor-State arbitration and the Protection of IP Rights, Intellectual Property Committee, American Bar Association, June 2015
- Seating an Arbitration in a Jurisdiction Within the United States: What to Expect?, New York State Bar Association Global Law Week, New York, NY, May 2015
- What is the Future of Investment Treaty Arbitration?, American Bar Association International Law Section Spring Meeting, Washington, DC, April 2015
- The new LCIA India Arbitration Rules (LCIA India), New Delhi, India, April 2015
- Corruption and International Arbitration (Young ICCA and Penn Law International Arbitration Association), Philadelphia, PA, April 2015
- Show Me The Money: A Frank Conversation About Damages (ICDR Y&I and Compass Lexecon Event), New York, NY, March 2015
- Growth of India as an Arbitration Destination, India Conference at Harvard, Harvard Law School, Cambridge, MA, March 2015
- Efficiency in International Arbitration: Procedural Hearing No. 1, Columbia Law School (ICDR Y&I and CIAA Event), New York, NY, February 2015

Matters

Representing the Republic of Turkey in two separate investment arbitrations against claimants in the media sector

Representing the Republic of Turkey in a dispute over an investment in the uranium sector in Turkey under the U.S.-Turkey bilateral investment treaty

Representing a consortium of six energy majors in a price review dispute over LNG supplied to an Asia-based purchaser

Representing energy and mining companies in multi-billion dollar investment treaty arbitration claims brought against Argentina, Bolivia, Ecuador, Italy, Nigeria, Peru, the Russian Federation, Uruguay, and Venezuela.

Representing a state-owned oil company in an SCC arbitration against an American oil-and-gas company regarding a joint venture dispute governed by Swedish law

Representing a state-owned refinery in a multi-billion dollar ICC arbitration against a contractor

Representing an Indian energy major in an *ad hoc* UNCITRAL arbitration against a sovereign state relating to cost recovery under a PSC

Representing a UK energy major in an ICSID arbitration brought under the Energy Charter Treaty regarding an offshore investment

Defended the Republic of Turkey in a multi-billion dollar ICSID arbitration brought under the Energy Charter Treaty regarding power generation projects

Represented a major U.S. oil company in its UNCITRAL arbitration against an East Asian State regarding a tax dispute

Conducting due diligence for third-party funders assessing the merits of potential claims for funding

Represented a U.S. chemicals company in a AAA arbitration seated in New York against another chemicals company regarding breach of a supply agreement

Represented a major U.S. oil company in its ICC arbitration against a Latin American State-owned oil entity regarding a joint venture dispute governed by New York law

Represented a major U.S. luxury goods company in a multi-billion dollar dispute against a European company regarding a joint venture dispute governed by Swiss law

Representing a number of parties in proceedings to recognize and enforce arbitration awards (both investment arbitration and commercial arbitration awards) in U.S. courts

Credentials

EDUCATION

J.D., Columbia University, Harlan Fiske Stone Scholar, James Kent Scholar

ADMISSIONS

New York

ASSOCIATIONS

New York City Bar Association

American Bar Association (Section of International Law)

Recognition

Appointed to the CPR Panel of Distinguished Neutrals for Arbitrator Appointments

CPR, 2021

Invited to join the Panel of Arbitrators of the International Centre for Dispute Resolution

INTERNATIONAL CENTRE FOR DISPUTE RESOLUTION, 2021

Appointed as a Fellow of the Chartered Institute of Arbitrators

CHARTERED INSTITUTE OF ARBITRATORS, 2021

Listed in the Inaugural 2021 Lawdragon 500 Global Litigation Lawyers Guide

LAWDRAGON 500 GLOBAL LITIGATION LAWYERS GUIDE, 2021

Recognized as one of Crain's New York Business 40 Under 40

CRAIN COMMUNICATION, 2020

Rising Star in Commercial Arbitration

EUROMONEY AWARDS, 2019

South Asian Bar Association North America Rising Star Award

SOUTH ASIAN BAR ASSOCIATION, 2019

Best LGBTQ+ Lawyers Under 40

LGBT BAR, 2019

Latin America's Rising Legal Stars: Partners to Watch

LATINVEX, 2018

Identified as a "Next generation" lawyer for International Arbitration.

LEGAL US 500, 2018

Ranked as one of the most highly regarded future leaders of arbitration in the Americas

WHO'S WHO LEGAL, 2018

Who's Who Legal Arbitration: Future Leader

2017, 2018, 2019, 2020

Finalist, American Bar Association's National Outstanding Young Lawyer

AMERICAN BAR ASSOCIATION, 2016

Rising Star in Energy

LAW360, 2015

Rising Star by the New York Law Journal

2014

Insights

ARTICLE

July 14, 2021 • Source: Law360

What G-7 Xinjiang Focus Means For UK And US Companies

June 1, 2021 • Source: The Investment Treaty Arbitration Review

Treaty Interpretation In Investment Treaty Arbitrations

CLIENT ALERT

August 4, 2021

G7 Leaders Sharpen Focus on Labor Issues in Xinjiang: What Does This Mean for Multinational Businesses with Supply Chains in the Region?

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Events

SPEAKING ENGAGEMENT

June 25, 2021

Viren Mascarenhas to Speak at NYC Bar Association Event About Business and Human Rights Practice for Lawyers

June 17, 2021

Viren Mascarenhas to Speak at NYC Bar Association Event About Strategies to Align Human Rights and the Environment

May 12, 2021

Viren Mascarenhas to Speak on Singapore International Arbitration Center Webinar

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News

IN THE NEWS

September 22, 2021 • Source: Global Arbitration Review

Tom Sprange QC, Sajid Ahmed, Viren Mascarenhas, Ben Williams, Charity Kirby, Kabir Bhalla, Erin Collins, Julian Ranetunge and Lisa Wong represent Turkey before an ICSID tribunal, which dismissed a €126M claim against the country

RECOGNITION

October 19, 2021

Latin Lawyer 250 Again Recognizes King & Spalding Among the Region's Leading International Law Firms

June 10, 2021

Legal 500 United States 2021 Ranks King & Spalding Practices Among the Top in the Nation

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