

# Arbitrators

AT 24 LINCOLN'S INN FIELDS



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## Angeline Welsh KC

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Angeline Welsh is a well-known and highly regarded arbitration expert, having around 20 years of experience as counsel in commercial and investment treaty arbitrations, and court applications relating to arbitration.

Angeline has sat as arbitrator (co-arbitrator, sole and presiding) in over 30 arbitrations, selected by arbitral institutions, parties and co-arbitrators. She has experience of arbitrating in the following seats: London, Paris, Geneva, Hong Kong, Stockholm, Belmopan, Belize and Road Town, the British Virgin Islands. And under the following rules: UNCITRAL, ICSID, ICC, LCIA, SCC, HKIAC, SIAC and the BVI IAC.

Angeline has long been recognised as one of the leading practitioners in this area, including: (i) identified in 2023 as one of GAR's 45 leading arbitration practitioners globally under the age of 45; (ii) shortlisted for International Arbitration counsel Silk of the year 2023 by Legal 500 in her first year in silk; (iii) named as International Arbitration Junior of the Year by Chambers and Partners in 2021.

Acknowledged as a leader in her field by the directories, she has been described variously as *"An exceptional barrister – she is clever, easy to work with and her attention to detail is second to none. She excels in difficult cross-examinations"*; as *"intelligent"* and *"commercial"* with *"incredible knowledge"* and *"deep experience in international arbitration"*; and as *"exceptionally user-friendly"* and *"an excellent team player"*.

Prior to moving to the English Bar at the end of 2015, Angeline was Counsel and Solicitor Advocate in the International Arbitration Group of a major international law firm, spending more than a decade in their London office, some of which was spent on secondment to the Hong Kong office and the LCIA Secretariat. 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 and on arbitrations (both commercial and investment treaty) under a broad range of institutional rules and on an ad hoc basis. She is also admitted to the bars of Belize and the British Virgin Islands.

## Arbitrator Experience

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Representative cases include:

- Presiding arbitrator in an UNCITRAL arbitration administered by the PCA relating to an alleged breach for supply of coal in Africa.
- Co-arbitrator in seven linked demurrage arbitrations. Ad hoc, London seated. English law governing.
- Presiding arbitrator in Paris seated LCIA arbitration. English law governing. Central issue relates to whether the force majeure clause is engaged by relevant sanction regimes.
- Co-arbitrator in London seated LCIA arbitration. English law governing. Claim for non-payment of gasoil delivered to an African state.
- Presiding arbitrator in a London seated ICC arbitration. English law governing. Construction dispute relating to the provision of certain mechanical, electrical and instrumentation and piping fabrication of works for terminal facilities and tank storage of a refinery based in the Middle East.
- Presiding arbitrator in a London seated ICC dispute. English governing law. Dispute related to breach of obligations for service and security under a hotel management agreement.
- Sole arbitrator in an LCIA dispute arising out of a post-completion obligation to make payment to a third party under a Sale and Purchase Agreement. Indian law governed. Geneva seat. Interplay with proceedings before the National Company Law Tribunal in India.
- Co-arbitrator in a Stockholm seated SCC arbitrator. English governing law. Dispute relating to a call option to acquire equity shares. Complicated arbitration; issues including the valuation of called shares, construction of expert valuation clause, alleged breach of good faith obligation and whether there had been a manifest error in the valuation of the shares.
- Presiding arbitrator in London seated ICC arbitration purchase order dispute relating to a construction project in Oman. English law governing.
- Presiding arbitrator in multi-layer London seated LCIA arbitration where the claimant brought claims for outstanding liability to the respondent under four cargo contracts for the delivery of Mosgas. English law governing.

- Co-arbitrator in a Geneva seated ICC arbitration in relation to a post-acquisition dispute under a quota transfer agreement between the Claimant, as purchaser and the Respondents, as sellers regarding the acquisition of Hungarian Pharmaceutical company. English governing law.
- Co-arbitrator in an LCIA breach of obligation dispute arising out of a distribution agreement for marine propulsion systems. London seat. English law governed.
- Sole arbitrator in an 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 an ad hoc arbitration concerning the non-payment of fees for the provision of orchestral services.
- Sole arbitrator in an LCIA arbitration concerning the alleged breach of sale and purchase agreement for the sale and shipping of clinker which raised issues concerning the rate of demurrage and commencement of laytime.
- Presiding arbitrator in an LCIA arbitration concerning five related loan agreements raising money laundering issues.
- Co-arbitrator in an 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. Seat was Road Town, BVI.
- Sole arbitrator in an LCIA arbitration concerning alleged breach of licensing agreement for technology used in the construction of a steel plant.
- Presiding arbitrator in an LCIA arbitration concerning claim under a deed of guarantee.
- Co-arbitrator in an LCIA arbitration relating to the alleged misuse of confidential information obtained in the course of employment.
- Sole arbitrator in an ICC dispute relating to a dispute arising out of a manufacturing agreement and related loan agreement under the laws of the State of California.
- Co-arbitrator in an LCIA arbitration relating to debt claim under a facility agreement.

- Co-arbitrator in an LCIA arbitration concerning a dispute arising out of a consultancy agreement concerning a project in the Middle East.
- Sole arbitrator in an ICC arbitration concerning a claim under a consultant agreement for unpaid commission payments and a defence based on alleged regulatory compliance concerns.
- Co-arbitrator in an LCIA arbitration in a debt claim under a loan agreement.
- Sole arbitrator in an LCIA arbitration concerning claims under consultancy agreements related to joint venture arrangements and counterclaims for breach of contract and in the tort of lawful and unlawful conspiracy.
- Sole arbitrator in an ICC arbitration concerning contracts for the provision of construction services and the supply of equipment related to a solar power project in the Middle East.
- Tribunal appointed expert on issues of English law on privilege in an arbitration conducted under the Swiss Rules of International Arbitration.

## Arbitration and related Court Applications

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### *Commercial and Investment Treaty Arbitration*

- Acting for an Indian manufacturing company in a dispute against a foreign investor arising in relation to the alleged illegal and wrongful termination of a Joint Venture Agreement, Shareholders Agreement and/or License Agreements. Kolkata seat, SIAC Rules. Indian law governed.
- Acting for major African state owned electricity company in dispute relating to the failed privatization of electricity distribution services. UNCITRAL Rules, London seated. Contracts Ghanian law governed.
- Acting for Asian restaurant company on a dispute relating to the exercise of a call option in a shareholders agreement and the application of an expert determination valuation clause. LCIA, Singapore seated arbitration.
- 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. London seated. Contracts Indian law governed;
- 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. Contract Indian law governed;

- Acting for British Caribbean Bank Limited & Prize Holdings International Limited v The Government of Belize PCA 2023-38: Case concerned the failure of the Government to give environmental clearance to a project for the construction and development of a Cruise Ship Terminal and Cargo and Bulk handling terminal in Belize City, notwithstanding certain assurances given by the Government to the Waterloo group.
- Acting for The Republic of Slovenia in ICSID arbitration brought by Addiko Bank AG under the Austria-Slovenia BIT for alleged breaches of the treaty (FET, protection and security of investments and unreasonable, arbitrary and /or discriminatory measures) in relation to law adopted by the Slovenian National Assembly on the Limitation and Distribution of Currency risk between Lenders and Borrowers of Loans in Swiss Francs which imposed a FX cap on all CHF consumer loans.
- Acting for major oil company in LCIA Arbitration concerning breach of a representation and warranty under a Share Purchase Agreement relating to the acquisition of an oil and gas business. Raised complex concepts related to the trading and value of oil and gas. Danish law and English governing laws.
- 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;
- 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 Lloyds Banking Group in an LCIA arbitration against Standard Life Aberdeen over the management of £100 billion in assets;
- 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 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;
- Acting on AES Corporation and Tau Power B.V. v Kazakhstan (ICSID Case No. ARB/10/16); 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 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 an insurance related dispute under the Swiss Rules of International Arbitration advising on dispute relating to closing accounts under the Swiss Rules of International Arbitration;
- Acting for claimant in an LCIA arbitration, successfully setting aside loan and pledge agreements on the basis of extortion;
- Acting for a major investment bank in an LCIA arbitration in relation to a dispute arising out of joint bookrunner engagement terms;
- Acting for respondent to an ICC arbitration concerning a construction dispute arising out of an agreement for mechanical works relating to the construction of a polyethylene plant in Eastern Europe.

*Arbitration related court experience*

- *Soleymani v Nifty Gateway* [2022] EWCA Civ 1297; [2022] 10 WLUK 14: acting for successful Appellant. Described by The Lawyer as a “landmark NFT lawsuit”, in this appeal the Court of Appeal considered, for the first time post-Brexit, the interplay between the legal frameworks for consumer protection and for international arbitration, and in particular, the extent to which a party who wishes to exercise his or her English law consumer rights to invalidate an arbitration agreement is able to have those rights determined by the English court.

- *Consilient Health Ltd v Gedeon Richter Plc* [2022] EWHC 1744 (Ch); [2022] EWHC 1956 (Ch). First time the English court has grappled with whether there should be an adjournment/stay of enforcement of an arbitral award in circumstances where that award is not for the payment of sums, raising the question as to whether an adjournment/stay can be mitigated through a payment of security on account. In addition, this is the first time that the court has determined that the costs of the stay application should be resolved only once the outcome of the challenge proceedings are known.
- *Tethyan Copper Company Pty Limited v Islamic Republic of Pakistan*: case is understood to be the first in the BVI dealing with recognition and enforcement of ICSID Awards, the procedural requirements for service on a foreign State under the Eastern Caribbean CPR following the English Court of appeal decision in *General Dynamics v Libya* and the circumstances in which State-owned corporations can be assimilated to the State in order to meet its obligations under an arbitration award. It is also established that interim relief would not be available against a State where a waiver of sovereign immunity had not been established.
- *A and B v C, D and E* [2020] EWCA Civ 409: acting for Third Respondent in case concerning whether the court had jurisdiction under s.44(2)(a) of the Arbitration Act 1996 to make an order against an individual compelling him to give evidence in support of a New York seated arbitration, notwithstanding he was not a party to the arbitration agreement;
- *A v B* [2017] EWHC 503 (Comm): concerning circumstances in which a claim for enforcement of an arbitral award may be served by alternative service rather than under the Hague Convention;
- *AES Ust-Kamenogorsk Hydropower Plant LLP against Ust-Kamenogorsk Hydropower Plant JSC* [2013] UKSC 35: acting as counsel for AES Ust-Kamenogorsk Hydropower Plant LLP against Ust-Kamenogorsk Hydropower Plant JSC in securing and defending an antiarbitration injunction from the English Court obtained against a Kazakhstan state entity ([2013] UKSC 35);
- *BCB Holdings Limited v AG of Belize* (CCJ Appeal No 7 of 2013): acting 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 English Supreme Court in *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.);

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

## Career

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- Essex Court Chambers, Barrister, 2020 to date
- Matrix Chambers, Barrister, 2015 to 2019
- Allen & Overy LLP, Trainee, Associate, Senior Associate, Counsel 2003 to 2015

## Academic Qualifications

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- 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
- Solicitor Advocate – Higher Rights of Audience, 2008
- Called to the English Bar, 2015
- Called to the Belize Bar, 2015
- Called to the British Virgin Islands, 2020

## Awards

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- Named as one of Global Arbitration Review's '45 under 45' in 2023
- Shortlisted for International Arbitration counsel Silk of the year 2023 by Legal 500 in her first year in silk
- International Arbitration Junior of the Year, Chambers and Partners, 2021
- Legal Week, "Star at the Bar", 2017
- 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.

## Publications

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- “Claims commissions and investment obligations” in Research Handbook on International Claims Commissions, Ed: Giorgetti, Pearsall and Ruiz-Fabri, (Elgar Publishing, December 2023)
- Report on use of ESG contractual obligations and related disputes, ESG Subcommittee of the IBA Arbitration Committee, October 2023
- "An English Freezing Injunction – A Nuclear Weapon That Requires Careful Handling, The Journal of Enforcement of Arbitration Awards", Vol. 2, 2019, No 1;
- "The “Public Policy” Exception under the New York Convention: The English Law Approach to Allegations of Illegality and Lessons to be Drawn for Conflicts with International Law Obligations", American Review of International Arbitration, Vol. 30, 2019, No. 2;
- Contributing author: The ICSID Convention, Rules and Regulations: A Practical Commentary (Elgar Publishing, 2019);
- 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).