

Viren Mascarenhas

Partner

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Viren Mascarenhas is a partner in Milbank's New York office and a member of the firm's Litigation & Arbitration Group.

Primary Focus & Experience

Mr. Mascarenhas specializes in international arbitration (commercial, construction, and investment arbitration), public international law, and business and human rights.

He has nearly two decades 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, including chemicals, energy (LNG, oil, nuclear, electricity, power, renewables), mining and metals, hospitality, life sciences, and luxury goods. He also has experience in private equity and M&A disputes arising under share purchase, joint venture, shareholder, and partnership agreements.

Mr. Mascarenhas' investment arbitration and commercial arbitration experience includes advising or representing energy and mining companies in investment treaty and commercial claims against Argentina, Azerbaijan, Bosnia-Herzegovina, Bolivia, Ecuador, India, Italy, Mexico, Nigeria, Peru, the Philippines, the Russian Federation, Timor-Leste, Uruguay, and Venezuela. He has represented Turkey in five investment arbitration matters and has advised governments about measures to take to avoid or settle potential investment arbitration disputes. Additionally, he has represented owners and contractors in construction arbitration disputes, especially concerning energy infrastructure projects. And he has substantial experience in US litigation relating to arbitration, including discovery, set-aside/annulment applications, and enforcement of awards, including for and against foreign sovereigns.

Mr. Mascarenhas' public international law experience includes advising governments on a range of international law issues, such as maritime and territorial boundary disputes, international environmental law and transboundary harm, and human rights. His experience in business and human rights includes conducting human rights due diligence for companies; advising clients on their reporting and compliance obligations under various human rights laws; and conducting ESG/BHR due diligence as part of M&A and private equity transactions.

Recognition & Accomplishments

Mr. Mascarenhas has been ranked in the leading legal directories and industry publications:

- *Chambers USA* and *Chambers Global: International Arbitration*, 2020-2023. ("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")
- *Legal 500: International Arbitration*, 2018 to 2023. ("[he] stands out for his additional specialization in public international law and human rights")
- 2024 Lexology Client Choice Awards, Arbitration & ADR, United States: New York.
- *Who's Who Legal: Arbitration*, 2017 to 2024.
- *Lawdragon 500 Leading Global Litigators*, 2021 (inaugural list), 2023.
- 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* (Rising star for 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 Law Journal* (Rising Star among attorneys practicing in New York under the age of 40), 2014.

Mr. Mascarenhas is a Fellow of the Chartered Institute of Arbitrators. Sitting as an arbitrator, he has been appointed to the arbitral panels of the International Centre for Dispute Resolution (ICDR), the American Arbitration Association (AAA) and CPR. He is also a Lecturer-in-Law at Columbia Law School, where he teaches arbitration.

Prior to joining Milbank, he 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.

Mr. Mascarenhas has held several leadership roles in the international law and arbitration communities, including working with the Global Justice Center, Independent International Legal Advocates, the Cyrus R. Center for International Justice, the Justice Circle of Human Rights Watch, the International Centre for Dispute Resolution, and CPR International Institute. He also served as the co-chair of the Business & Human Rights Working Group of the New York City Bar Association (2019 to 2022).

Publications:

- Author, "Assessment of Stakeholder Options to Participate in Disputes Over Seabed Mining," *American Journal of International Law* (2024)
- Co-author, "International Arbitration Experts Discuss the Withdrawal of COVID-19 Restrictions," *Mealey's International Arbitration Report* (2023)
- "Professor Bermann: A Gateway to International Arbitration," in *Reflections on International Arbitration: Essays in Honour of Professor George Bermann*, *Juris* (2022)
- Co-author, "Top Ten Developments in Business and Human Rights in 2021," *The New York Law Journal* (2022)

- Co-author, "The EU Corporate Sustainability Due Diligence Directive," *Client Alert* (2022)
- 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)

Recent Speaking Engagements:

- ISDS Reform: Financing of a Standing Mechanism and an Advisory Center, Side Event of the 48th Session of UNCITRAL Working Group III, New York, April 2024
- Procedural Toolkit for Efficient and Cost-Effective Arbitration, Columbia Arbitration Day, New York, March 2024
- Non-Monetary Remedies in Energy Disputes, Energy Conference, American Bar Association, Houston, March 2024
- Fifth Annual Mining Investment North America Conference, November 2023
- ABILA-ASIL Roundtable on Cooperation & Compliance Through International Law & Institutions, International Law Weekend, October 2023
- It's Not Easy Being Green: The Cost of Doing ESG Business" Panel, October 2023
- Disputes Arising from Cross-Border Insolvencies and Restructurings, FIRE, Disputes & Investigations: Central Asia Conference, October 2023
- Energy Sector Construction Disputes in the Era of the New Global Energy Economy, Istanbul Arbitration Week, October 2023

- Supporting and Encouraging Investments in Critical Minerals as the Key to Clean Energy Future and Nations' National Security, Critical Minerals & Energy Investment North America Forum, September 2023
- Tell it to the Arbitrators and Arbitration Providers, NYSBA Arbitration Committee Meeting, New York, June 2023
- Current Issues and Trends in Arbitration for the Financial Services Industry, CPR Arbitration Committee, New York, May 2023
- Regulating States' Sovereign Rights under Today's Global Challenges, American Society of International Law Annual Meeting, Washington DC, April 2023
- Third-Party Funding in ISDS: TPFs Answer Your Questions, Side Event during UNCITRAL Working Group III Session, New York, March 2023
- Next Frontiers in Energy, Institute for Conflict Prevention & Resolution Annual Meeting, New Orleans, March 2023
- Recent Developments in International Investment Arbitration, Turkey Arbitration Week, Online Webinar, November 2021
- 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 US 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, DC, 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

ADDITIONAL DETAILS

EDUCATION

Columbia University, J.D.

University of London, LL.M.

ADMISSIONS

New York

EXPERIENCE



FEATURED NEWS

Milbank Partner Viren Mascarenhas Represents UN Special Rapporteurs Regarding Advisory Opinion on Climate Change at 166th Session of Inter-American Court of Human Rights

Milbank International Arbitration Partner Viren Mascarenhas Publishes Article in *American Journal of International Law*

Milbank International Arbitration Partner Viren Mascarenhas to Speak at California International Arbitration Week 2024

Milbank Partner Viren Mascarenhas Speaks at Columbia Arbitration Day 2024

Milbank Partner Viren Mascarenhas Speaks at ABA's Houston Energy Conference