

Foreword

I first met the author of this uniquely impressive tome in the fall of 2015 when sitting as the Claimant-appointed arbitrator in an investor/State arbitration in which the author then was the No. 2 counsel on the team defending Pakistan. Remarkably, the Claimant was admitting that the bilateral investment treaty on which it had relied had never entered into force, and agreeing to pay all of Pakistan's costs, even though the Tribunal earlier had upheld jurisdiction. Later I learned, quite independently of the author, that it had been her diligent research that convinced the Claimant to surrender.

Chatting with the author at that session, I learned that soon she would be leaving her firm, Samdani & Qureshi, to pursue the degree of S.J.D. (Doctor of Juridical Science) in Washington, D.C. As I had just been appointed Distinguished Research Professor of Law at George Washington University Law School, I reflexively burst out with "If you come to 'GW Law' I'll be glad to advise you on your dissertation!" In the end, she did land at "GW Law" and for a bit more than four years I and others on the faculty advised her as she developed her dissertation, which eventually won her the S.J.D. degree and then became this book.

Having worked with the author over those years I can only describe her as truly a "Wonder Woman" of international law. Beginning with a characteristically ambitious scope of her dissertation, her prodigious research soon convinced her that she would have to narrow its range, finally down to "most-

favoured-nation clauses.” She then read every single publicly available arbitral award and decision on the subject, as well as many academic articles and other writings dealing with the subject. Her unremitting research produced so much in notes and knowledge that even for doctoral dissertation purposes many items had to be curtailed in expression without losing their substance. Along the way, of course, I and her other advisors contributed guidance about organization and editing of the text. Always, however, the substance was hers and hers alone.

The end result of the author’s labors is an extraordinary book for several reasons. First, it is one of encyclopedic knowledge and analysis of most-favored-nation clauses in investment promotion and protection treaties to which practitioners, arbitrators, academicians and their students may repair for assistance. Second, it is the only such comprehensive reference work in the field. Third, it determinedly takes the view, seen by some States as “politically incorrect,” that on the whole States, as respondents in investor/State arbitrations, far from being disadvantaged vis-à-vis Claimant investors, much more often win where they should have lost such contests.

With this book the author, the only Pakistani woman ever to earn the S.J.D. degree, demonstrates both her keen academic interest and the promise of her future career in the field of peaceful settlement of disputes. Less than a year after earning that degree she has become a partner in the law firm she had left to earn her doctoral degree, which firm just has become a part of the Andersen Global group whose 259 offices around the world are the third-largest legal services presence in the world. In addition, she has been appointed to

the Pakistan Prime Minister's eight-member Working Group on International Law, twelve member Working Group on the Investment Arbitration Regime, and also is in the process of organizing an International Centre for Appropriate Dispute Resolution and Prevention.

I recommend to all this unique treasure of a book, written by a thoroughly extraordinary author!

Charles N. Brower