

INTERNATIONAL ARBITRATION

Arnold & Porter LLP has one of the largest and most experienced international arbitration groups worldwide. We represent clients in arbitration proceedings and before different arbitral fora throughout the world. We also assist clients with informal and institutional dispute settlement proceedings, and advise them on drafting arbitral clauses in the context of contract negotiations.

Arnold & Porter attorneys regularly serve as advocates, advisors, and arbitrators in disputes between sovereign governments and private investors, including disputes arising out of concession agreements and other state contracts or under the terms of bilateral investment treaties and other international agreements. They also participate actively in commercial arbitrations derived from international transactions. These arbitrations involve a range of industries and economic sectors. Arnold & Porter has substantial experience in arbitrating disputes involving the energy, telecommunications and government concessions areas, among others. In addition, Arnold & Porter assists clients in the enforcement of arbitral awards and in execution proceedings for clients in the United States and abroad.

The firm is internationally renowned for its experience in representing sovereign states and state bodies and institutions, particularly in Latin America. The practice has been repeatedly singled out for praise. Most recently, *Chambers USA 2009*, a leading independent publisher of law firm rankings, ranked Arnold & Porter as a leading law firm nationally for international arbitration and said, "Arnold & Porter is well reputed for its investor-state work, particularly for matters relating to Latin America." Similarly, in its 2009 edition, *The Legal 500 US* recognizes the practice's "thoroughness, deep knowledge about Latin America, excellent services and timely responses" and the group is described as a "very good, highly committed and very motivated team of lawyers." The *Global Arbitration Review's* "GAR 30" 2009 survey states that "Arnold & Porter is a firm where many attorneys have experience in government and multilateral organizations, so it is no surprise that its arbitration work reflects that milieu."

In recent years our lawyers have represented the governments of Chile, Argentina, Venezuela, Ecuador, Guatemala, the Dominican Republic, Panamá, and El Salvador, as well as the government of Hungary. We have also represented claimant companies in ICSID arbitrations, such as, most recently, cases involving French and Chilean investors.

In addition, the firm's attorneys have served as Chair or members of Bar Committees on international arbitration; as organizers, moderators or speakers at international arbitration conferences and seminars; as authors of articles and publications on various arbitration subjects; and as members of Task Forces organized to consider reforms in the arbitral rules or procedures of leading institutions. Our attorneys have also taught courses on international arbitration at leading US law schools.

Representative Matters

In the field of investor-state arbitration, Arnold & Porter attorneys have extensive experience in matters arbitrated before the World Bank's International Centre for Settlement of Investment Disputes (ICSID) and before *ad hoc* panels proceeding under the UNCITRAL Rules. Such matters involve complex issues of arbitral jurisdiction, state responsibility and the interaction of national and international law.

Arnold & Porter attorneys have represented the following clients in investor-State disputes:

- the Republic of Chile in an ICSID arbitration initiated by a Spanish fishing company, under the Chile-Spain Bilateral Investment Treaty, where a total victory in favor of the client was recently achieved (August 2007) on the basis of lack of jurisdiction *ratione temporis*;
- the Republic of Hungary in an ICSID dispute involving telecommunications regulations during Hungary's transition to EU membership. In this case, at the end of 2006 an award was granted to the client, whereby complete dismissal of all claims was achieved as well as the decision to grant the client the totality of legal fees and costs (which is unusual in ICSID proceedings);
- the Republic of El Salvador in an ICSID arbitration initiated by a Spanish claimant pursuant to a bilateral investment treaty derived from a State contract for motor vehicle inspection services. In this case we also recently obtained a favorable award for our client;
- an Italian investor in pending ICSID annulment proceedings arising out of a port redevelopment project in the United Arab Emirates, in a case involving determination of investor nationality under international law;
- a Chilean investor in pending ICSID annulment proceedings involving application of a bilateral investment treaty to the revocation of a factory operating license in Peru and consequent claims for indirect expropriation and other treaty violations;
- the Republic of Chile in an ICSID arbitration involving a Malaysian claimant and related to a real-estate investment; we also represented the Republic of Chile in the annulment phase of the same case;
- the Republic of Chile in a pending ICSID arbitration arising from a bilateral investment treaty between Chile and Spain, which involved a US\$515 million claim related to an alleged investment in the media sector;
- the Republic of Argentina in an ICSID dispute involving a water and sewer concession agreement between Vivendi and Tucuman Province. In this case we obtained a dismissal of the case for the client;
- the Republic of Venezuela in an ICSID arbitration arising out of a concession contract for the construction and operation of a major new road system in Venezuela;
- the Republic of Venezuela in a pending ICSID arbitration initiated by a Canadian mining company under the Venezuela-Canada bilateral investment treaty, regarding a controversy related to the exploitation of gold deposits where compensation for over US\$1 billion was being claimed;

- the Republic of Venezuela in a pending ICSID arbitration initiated by a Dutch company regarding a controversy related to bearer notes issued by a Venezuelan state bank;
- private investors in an ICSID dispute relating to the expropriation of an extensive parcel of property by the Government of Costa Rica and the determination of appropriate measures of compensation;
- a French company in a pending ICSID dispute involving a claim of over US\$1 billion against the Republic of Argentina related to an investment in the electric distribution sector in the city of Buenos Aires;
- a Chilean company in a pending ICSID dispute against the Republic of Argentina, also related to investment in the electric distribution sector in several Argentine provinces;
- several French companies in a pending ICSID claim against the Republic of Argentina related to an investment in the electric distribution sector in the province of Mendoza;
- the Republic of Panama in a pending arbitration involving the impact of new economic legislation on a pre-existing contract for oil refinery services, as well as environmental contamination caused by refinery activities;
- the Republic of Hungary in two recently filed ICSID proceedings arising under the Energy Charter Treaty, involving long-term power purchase agreements with two different European electricity generators;
- the Republic of Panama in a pending ICSID proceeding involving taxation issues in connection with an electricity project.

In addition, Arnold & Porter attorneys have served as arbitrators in:

- an ICSID dispute concerning the interpretation and application of a turnkey construction contract in Cameroon, Africa;
- a dispute arising under a bilateral investment treaty between a European utility and a sovereign state; and
- arbitrations under UNCITRAL Rules between US and Latin American parties.

In addition, Arnold & Porter attorneys have served as arbitrators in arbitrations under UNCITRAL Rules between US and Latin American parties.

Arnold & Porter has also advised sovereign governments on revisions to their national legislation to facilitate the enforcement of arbitration agreements and awards, and with respect to the negotiation of bilateral investment treaties and the investment chapters of free trade agreements.

In addition to arbitrations arising out of foreign direct investment, Arnold & Porter attorneys have represented private parties in a wide range of commercial arbitrations arising out of transactions in the United States, Latin America, Europe and the Middle East. The Firm's attorneys have appeared before arbitral tribunals administered by the *International Chamber of Commerce* (ICC), the *American Arbitration Association* (AAA) and its *International Centre for Dispute Resolution* (ICDR), the *London Court of International Arbitration* (LCIA), the *Geneva Chamber of Commerce and Industry*, and various

industry-specific organizations. The firm has also engaged in *ad hoc* arbitrations under the UNCITRAL and *Inter-American Commercial Arbitration Commission* (IACAC) rules, and in arbitral award enforcement and execution proceedings for clients in the United States and abroad.

For example, the firm's attorneys have:

- obtained multi-million dollar awards for a Saudi Arabian glass manufacturer in two ICC arbitrations in London under English law, arising out of contracts with a Swiss engineering company for the delivery of turnkey manufacturing facilities to Saudi Arabia and the United Arab Emirates;
- represented a major international telecommunications company in an ICC arbitration in London, under Russian law, arising out of a failed contract to supply customized software and equipment to a Russian company;
- represented a French pharmaceutical company in an arbitration against a major US pharmaceutical company regarding their respective rights to a blockbuster new product under prior licensing agreements;
- represented a Canadian-owned telecommunications company in an ICDR arbitration, arising out of a stock purchase agreement related to various subsidiary companies;
- represented a Dutch company in an ICDR arbitration brought by a Venezuelan company, concerning a share purchase agreement for a start-up telecommunications company;
- represented a US pharmaceutical company in a AAA arbitration related to a joint product development and marketing agreement entered into with an Indian pharmaceutical company and its US subsidiary;
- represented an American manufacturer of sophisticated scientific research equipment in an ICC arbitration with a former European distributor;
- obtained a multi-million dollar award enforcing a bank guarantee issued by a Russian bank to a Turkish construction company, following arbitration under Swiss law before the *Geneva Chamber of Commerce and Industry*;
- represented an Israeli manufacturer of medical laser equipment in a dispute, under the AAA International Rules, related to a supply agreement and alleged trade secrets;
- represented a US oil company in an ICC dispute with Libya's National Oil Corporation relating to the effect of US sanctions against Libya on the oil company's ability to carry out a petroleum exploration and production sharing agreement;
- represented a Venezuelan cement company in an ICC arbitration regarding the interpretation of shareholder and other contractual agreements between French and Venezuelan cement companies in light of the acquisition of the Venezuelan company by a Mexican cement manufacturer;
- represented a Venezuelan hotel company in an AAA arbitration relating to a management agreement with a multinational hotel chain;

- represented a state-owned electric company in an arbitration under the UNCITRAL rules, relating to claims of breach of an agreement with a private electricity provider for reimbursement of costs and taxes associated with the transmission of electricity;
- represented a German nuclear utility in an ICC case concerning a challenge to a long-term uranium purchase agreement;
- represented the Korean Ministry of Defense in an arbitration relating to contract and royalty claims involving weapons manufacture;
- represented a private company in an arbitration regarding intellectual property license rights for biotechnology, before the *West Sweden Chamber of Commerce* Arbitration Council;
- represented respondent Governments and claimant multinational corporations in several different breach of contract cases involving sugar deliveries, including one *ad hoc* arbitration under the rules of the *New York Coffee, Sugar & Cocoa Exchange* and two arbitrations before the *Sugar Association of London* and the *Refined Sugar Association of London*.

In addition, the firm's attorneys have served as Chair or members of Bar Committees on international arbitration; as organizers, moderators or speakers at international arbitration conferences and seminars; as authors of articles and publications on various arbitration subjects; and as members of Task Forces organized to consider reforms in the arbitral rules or procedures of leading institutions. Our attorneys have also taught courses on international arbitration at leading US law schools.