



Dewey & LeBoeuf

International Arbitration

International Arbitration

Dewey & LeBoeuf has one of the world's preeminent international arbitration practices. The group comprises leading international arbitration, public international law and other dispute resolution practitioners. The firm's well-known industry experience in energy, telecommunications, insurance, construction and other sectors, combined with the group's experience in all the major arbitration centres and via the major arbitration institutions, provides a unique offering to our clients.

The International Arbitration and Cross-Border Dispute Resolution Practice Group is headed by James H. Carter (New York) and Deborah Ruff (London), and Derek C. Smith (DC/Madrid) heads the public international law group. The practice group is composed of more than 50 lawyers in the United States, Europe, Africa and Asia.

Our arbitration lawyers have extensive experience arbitrating under all of the principal international arbitration rules and have experience in both civil and common law. Our experience in commercial solutions enables us to propose creative business solutions and vigorously defend our clients' interests when no amicable solution appears possible.

The firm's International Arbitration practice encompasses more than the representation of clients in the arbitration process itself. We recognize that obtaining success often takes more than engaging in arbitration proceedings. We bring to our clients expansive knowledge and wide-ranging experience of ancillary proceedings such as mediation, as well as injunctions and enforcement proceedings worldwide. Recognising that success in the arbitration area does not depend purely on the conduct of the arbitration practice itself, we have developed particular expertise in obtaining (or resisting) early injunctive relief in the courts and in conducting successful ancillary and parallel proceedings.

Important Positions and Appointments

Members of our group have served in high-ranking international positions such as Chairman of the Board of Directors of the American Arbitration Association, member of the UK Working Committee of the ICC, members of the ICC Commission and the ICC Latin American Group, President of the American Society of International Law, member of the Japan Commercial Arbitration Association Panel of Arbitrators, member of the Panel of Arbitrators of the International Commercial Arbitration Court of the Russian Foundation Chamber of Commerce and Industry and member of the Court of Arbitration for Sport.

About Dewey & LeBoeuf

Dewey & LeBoeuf is a leading global law firm providing our diverse client base with national and cross-border solutions to all of their legal requirements. We have also earned a reputation for our deep firm-wide experience in numerous sectors, including energy, financial services, insurance and technology.

With more than 1,100 lawyers in 26 offices spanning major financial markets around the world, we are one of the largest law firms in New York City and one of the largest US firms located in London.

As a firm that frequently advises our clients on assignments that span multiple practice areas and jurisdictions, we have well-established strengths in the emerging markets. Over a third of our lawyers are based outside of the US in exciting areas of growth, including China, Russia, Kazakhstan, the United Arab Emirates, Qatar, Saudi Arabia and South Africa. This is complemented by our well-established network of offices across Asia, Europe and the United States.

For more information, please visit dl.com.

International Arbitration (cont'd)

Global Experience

Clients can call upon our services wherever required. Our Arbitration Group has handled significant disputes in the Americas, Europe, Russia/CIS, Asia, Africa and the Middle East.

We have arbitration specialists located in New York, London, Washington, DC, Brussels, Moscow, Milan, Houston, Warsaw and Dubai.

Our lawyers advise on all types of international arbitration matters covering joint venture and other commercial disputes. We have a substantial practice in bilateral investment treaty, arbitrations and public law work such as maritime and boundary disputes, among others.

Investor-State and ICSID Disputes

- Representing the Overseas Private Investment Corporation with respect to ICSID and ICC arbitration proceedings after the expropriation of three natural gas project companies by the Government of Venezuela.
- Representing the Government of Georgia in the annulment of a \$100 million award before an ICSID *ad hoc* committee.
- Representing the Government of a South-East Asian country against the Singapore subsidiary of an international cement company in an ICSID arbitration of a dispute arising under a multilateral treaty and an agreement relating to the privatization of a cement plant.
- Representing an FSU government in a dispute with an investor in a major mining concern arising from a bilateral investment treaty.
- Representing an African government in a dispute with South Asian investors under UNCITRAL rules.
- Representing a Canadian real estate investor against the United States of America in an ICSID Additional Facility arbitration of a dispute arising under the North American Free Trade Agreement.
- Representing a Czech bank against an Eastern European country in an ICSID arbitration of a dispute arising out of a contract relating to the bank's restructuring.
- Representing a South American country in an ICSID arbitration of a dispute arising under a bilateral investment treaty relating to the confiscation of a newspaper company.
- Representing a European telecommunications company in an ICC arbitration against a former Soviet Republic relating to the business of the former fixed lines telecommunications operator in that country.



International Arbitration (cont'd)

- Representing an Italian investor against a former Soviet Republic in an UNCITRAL arbitration of a dispute arising under a bilateral investment treaty relating to a frustrated tender.
- Representing the French subsidiary of a US investor against an Egyptian state entity in an arbitration in Cairo under the Rules of the Cairo Regional Centre in a dispute relating to an oil industry project in Egypt.
- Representing the Republic of Ghana in an arbitration commenced in December 2009 by Balkan Energy before the Permanent Court of Arbitration in The Hague. The parties disputed the adequacy of performance under a power purchase agreement between Balkan and the Republic. The amount in question is upwards of \$200 million.
- Representing an international mining company in multiple arbitrations with the Government of Kyrgyzstan under administration of both the American Arbitration Association in New York and the Permanent Court of Arbitration in Stockholm arising under joint venture development agreements and Kyrgyz statutes.
- Representing a US power company in an UNCITRAL Rules case in Stockholm, in which ICSID served as appointing authority, against the Republic of Indonesia arising from an electric power purchase agreement.
- Representing investors in arbitration in The Hague under Permanent Court of Arbitration Environmental Rules against an Eastern European government agency arising from Kyoto Protocol projects to reduce greenhouse gas emissions.
- Representing the Republic of El Salvador in an ICSID arbitration involving an indirect expropriation claim under the Bilateral Investment Treaty (BIT) between El Salvador and Spain.
- Advising Israeli individuals on a claim under bilateral investment treaties in relation to expropriation of a construction project in Eastern Europe.
- Advising a transport client in connection with a successful *ad hoc* investment treaty arbitration against France and the United Kingdom arising out of the Channel Tunnel project.
- Acting for an investor in an ICSID arbitration brought under a bilateral investment treaty against Bolivia, relating to the expropriation of a water concession.
- Representing a client on a bilateral investment treaty claim in relation to claims under a gas supply agreement relating to the CIS/Eastern Europe.
- Advising an oil major in relation to bilateral investment treaty claims against a Central Asian state entity in a gas related dispute.

International Arbitration (cont'd)

Industry Experience

We have been responsible for cases covering a wide range of industries, including: energy and natural resources, construction, engineering and infrastructure projects; insurance, reinsurance and financial services; telecommunications, electronics, manufacturing, aviation and aerospace, among others.

Energy and Natural Resources

- Representing a major utilities company in an arbitration against a consortium of Canadian public utility companies relating to a multibillion dollar power contract.
- Acting for a European oil major against an African state oil company in a contract renegotiation dispute arising from the imposition of a windfall profits tax.
- Acting as counsel for a foreign oil exploration company in an arbitration against the Government of India arising from a production sharing contract.
- Acting as counsel for a Chinese oil company in an ICC arbitration in London.
- Representing a major European oil refinery based in Poland in arbitration proceedings in London under UNCITRAL arbitration rules against a Russian petroleum company and its indirect subsidiary incorporated in Switzerland.
- Acting for a West African government in an arbitration against a major contractor concerning various failures in a new power plant.
- Advising an African national power company in disputes with US main contractors arising out of the construction, start-up and operation of a combined-cycle thermal power plant.
- Acting for a West African power utility in arbitration against a US contractor arising out of a thermal power project.
- Representing a Russian-owned entity in two LCIA arbitrations over share ownership, where the underlying asset was a stake in an oilfield. The matter was settled in a manner highly beneficial to our clients after we obtained and maintained a mandatory injunction.
- Representing an Asian contractor in a dispute with a Scandinavian entity over a series of its high value offshore semi-submersible drill rigs in English court proceedings.
- Acting for a multinational oil company in an ICC arbitration against an Iranian engineering and construction company relating to the construction of offshore gas platforms in Iran.



International Arbitration (cont'd)

- Acting for an Indian company in an *ad hoc* arbitration under the UNCITRAL Rules regarding the construction of a power plant.
- Representing an oil company in an LCIA arbitration with another oil company.
- Representing a construction company in a \$9 million energy related arbitration.
- Representing an electricity company before *ad hoc* arbitration panel in an arbitration, concerning the use of electric power grid as fiber optic cable network.
- Acting for a leading energy company in two developing interrelated disputes in which a European energy company and a North American energy company have asserted claims, covered by arbitration agreements calling for resolution under LCIA and AAA rules over liabilities arising from the sale of an energy company which owns a concession to explore and exploit oil in Africa.
- Representing a MENA region entity in a \$200 million ICC arbitration relating to a petrochemical plant. The dispute included numerous highly technical issues relating to the performance and output of the plant.
- Representing a Gulf entity in a \$150 million *ad hoc* arbitration in relation to breach of contract due to a refinery's inability to meet its targets and specifications.
- Acting for a Middle Eastern entity in extensive high value litigation in the English courts over a carried interest in a Middle Eastern oilfield, involving several interlocutory hearings on freezing order applications and other relief and a Court of Appeal hearing.
- Representing a French entity in *ad hoc* arbitration proceedings in a dispute over a new generation nuclear plant. Our clients were successful on all counts in a case involving over €700 million.
- Defending a major US construction and engineering company in an arbitration over the construction of an oil terminal in one of the Baltic countries. Our clients were successful on all counts and were awarded indemnity costs.
- Representing a major Japanese company in a series of disputes, successfully resolved through the London Court of International Arbitration (LCIA) and mediation, involving the destruction, rebuilding and insurance of a power plant in Latin America following a natural disaster.
- Representing a client in a joint venture dispute over breach of an agreement granting an oil exploration permit in a MENA region country.

International Arbitration (cont'd)

- Representing a client in a dispute with an offshore rig operator over the invocation of *force majeure* provisions. The matter was settled in a manner highly favourable to our client after we commenced arbitration.
- Representing an oil company in an ICC arbitration in a dispute over a failed joint venture with Indian oil companies.
- Representing a MENA region contractor in adjudication proceedings in relation to a dispute over the costs of a bunkering facility for a MENA region port.
- Representing an African government in an *ad hoc* arbitration in a long-term pricing dispute with an offtaker of electrical power.
- Advising European energy companies on their potential exposure to Yukos related arbitrations, litigation and freezing orders.
- Representing a state owned oil company in a series of disputes with its joint venture partners over production sharing and pipeline tariff agreements.
- Representing an Asian entity in a dispute over the purchase, dismantling and relocation of a European refinery to Asia. There were substantial environmental issues at stake as well as delay and disruption and other contractual claims.
- Representing an Asian client in a joint venture/share sale dispute where the underlying asset was a \$700 million stake in a major Caspian area oilfield. The dispute was subject to LCIA proceedings.
- Representing a Russian-owned independent energy investor in a dispute over the repayment of a loan to a Caspian region energy group and subsequent disputes over the exercise of options. We were successful in an LCIA arbitration.
- Representing a client in a dispute over Brent futures trading. The dispute was subject to LCIA arbitration rules.
- Advising a shipping line on a dispute with its agent over liability for breach of US pollution control and other legislation.

Insurance and Reinsurance

- Handling several reinsurance arbitrations arising from manufactured gas plant pollution.
- Conducting one of the largest international insurance/reinsurance arbitrations to date, with \$1 billion at issue.
- Conducting an arbitration arising from sale of a division of a well-known insurer to a *Fortune* 50 company, in which the amount at issue was in excess of \$1 billion.



International Arbitration (cont'd)

- Conducting an arbitration involving quota share and excess of loss reinsurance agreements over a six-year period covering excess and special risk, professional liability, and (D&O) liability risks and issues including fraud, misrepresentation, D&O claims and aggregate reinstatement provisions.
- Conducting multiple arbitrations between various issuers of variable annuities and their reinsurers over alleged changes to the underlying investments.
- Conducting an arbitration alleging fraud and misrepresentation in the placement of reinsurance in the London market.
- Advising a major Russian insurance company on an insurance claim by a Russian owner.
- Representing a Lloyd's syndicate in an arbitration with the English subsidiary of an BYSE global leader in manufacture, marketing and distribution of spices, herbs and flavorings.

Construction, Engineering and Infrastructure

- Acting as counsel for one of the largest US engineering and project management companies in a series of arbitrations against a UK government entity arising from a major telecommunications project in the UK worth more than £1 billion.
- Representing a French power company in *ad hoc* arbitration proceedings in a dispute with the owners over payments for, and delays to, the construction of a major nuclear power plant. The decision was favourable to our clients on all counts in a case worth in excess of €700 million.
- Representing a major US construction company in a high-value arbitration concerning the construction of a Lithuanian oil terminal. Our clients succeeded on all counts and were awarded indemnity costs.
- Representing a major Japanese contractor in a multiparty dispute with the owner and insurers of a power station damaged in a natural disaster. We successfully mediated a settlement highly advantageous to our clients with the other parties after a favourable first hearing in the LCIA arbitration on causation and also succeeded in negotiating improvements to the original contract.
- Representing contractors in a dispute over the construction of a bunkering facility in a major MENA region port.
- Acting as counsel in an ICC arbitration involving construction contract performance by a US company in multiple Russian cases under World Bank financing and Russian government guarantee.
- Acting for reinsurers against Italian insurers in a dispute concerning flood damage to a road project in central Africa.

International Arbitration (cont'd)

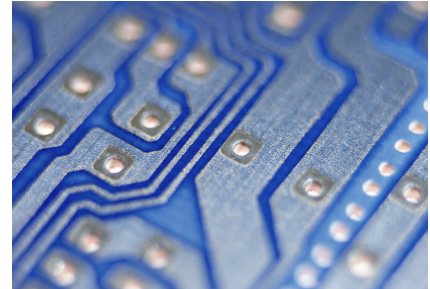
- Representing a manufacturing company in a \$12 million construction and energy related arbitration with a contracting company.
- Representing a major construction company in a \$100 million ICC arbitration.
- Representing a GCC-based state owned port in a major Paris-based ICC arbitration with a concession holder.

Telecommunications

- Representing a major European telecommunications company in an AAA arbitration in New York involving claims and counterclaims totaling more than \$7 billion relating to an undersea fiber optic cable.
- Representing a major European telephone company and its local subsidiary in two separate ICC Arbitration proceedings in London in connection with a dispute arising out of a \$200 million investment in the telecommunications sector of an Eastern European country. The proceedings were successfully settled.
- Representing a major telecommunications company and Eastern European subsidiary in an ICC arbitration against an Eastern European former state entity.
- Representing an African government in a Hague arbitration against an Asian telecommunications company which alleged expropriation.
- Representing a telecommunications company in arbitration proceedings held in Vienna regarding a dispute with another technology company, resulting from the contract for construction of a telecommunication transmission system, concerning the interpretation of the contract and the scope of the revenue sharing provision.

M&A, JV and shareholder disputes

- Representing a high net worth client in a DIAC arbitration in relation to a major shareholder dispute and counterclaims of misappropriation of funds and mismanagement in a dispute worth \$2 billion.
- Conducting an arbitration before the International Commercial Arbitration Court (ICAC) in Moscow on a number of claims in connection with international sales of goods and joint venture projects.
- Representing a US company in an AAA international arbitration and mediation in the US involving contract disputes arising from the sale of a Russian company and related real estate, applying US and Russian law.
- Representing a group of note holders in an LCIA arbitration relating to default and alleged fraud by the issuer. The case was worth several hundred million dollars.



International Arbitration (cont'd)

- Representing an Asian entity in a dispute over the payment of the final consideration under a share sale agreement and a counterclaim for various alleged breaches of warranty. The dispute was subject to LCIA arbitration.
- Representing a major European television and entertainment group in a dispute over an earn out clause.
- Representing former shareholders in an LCIA arbitration over the exercise of put options and a counterclaim for alleged fraudulent misrepresentation. Our clients succeeded on all points and were awarded indemnity costs.
- Representing an Internet company in an AAA arbitration seeking indemnification for breach of warranties in a merger agreement.
- Representing one of the world's largest brewers with a presence in over 40 countries across five continents as claimant in two arbitrations (one an ICC arbitration in Miami, the other under the AAA Rules in New York) relating to misrepresentations and breaches of warranties in connection with the acquisition of certain Central American subsidiaries of the respondents.
- Representing an energy company before *ad hoc* arbitration panel in an arbitration arising from a failed acquisition contract.
- Representing a leading fund in an LCIA arbitration in relation to a shareholders' agreement whereby the respondent attempted to squeeze out the minority shareholders.
- Representing an Eastern European bank in a long running arbitration against a European company concerning a securities transaction.
- Representing a leading fund in an ICC arbitration brought against two US-based individuals who persuaded our client to invest.

Financial Services

- Prosecuting an arbitration under the Singapore Centre's Rules on behalf of a Belgian bank against an Indonesian state-owned company for breach of contract on defaulted notes. Our lawyers obtained a favourable award and enjoined an attempt by issuer and guarantor to prevent an improperly authorized exchange offer.
- Conducting *ad hoc* UNCITRAL arbitration on behalf of a Luxembourg bank against a Russian bank for breach of non-deliverable forward foreign exchange swaps designed to hedge investment in a Russian infrastructure company. Our lawyers obtained a \$16 million award and conducted successful enforcement proceedings in Switzerland, Belgium and the Netherlands.

International Arbitration (cont'd)

Other Commercial Disputes

- Representing a Russian fertilizer producing company in a contract dispute with a US-based international corporation in an LCIA arbitration involving a multimillion dollar outstanding debt collection and product quality issues.
- Representing a Belgian investor at ICC arbitration proceedings in London in respect of a dispute arising out of a concession agreement with a Southern African state. The concession agreement entitled the investor to set up and operate a national lottery.
- Acting as counsel in an LCIA arbitration in London for a Turkish company in respect of the supply and purchase of copper cathodes.
- Advising a Swiss company in an LCIA arbitration against a Georgian company regarding the sale and purchase of silico-manganese.
- Acting for a South East Asian company in respect of enforcement and freezing Mareva proceedings brought pursuant to an ICC Swiss arbitration award in the High Court in England.

Electronics and Manufacturing

- Successfully representing a major electronics and manufacturing company in a mediated suit about conversion and misappropriation of patents and trade secrets, breach of contract, and breach of fiduciary duty in connection with the purchase of a hard disk drive business.
- Counsel to a major computer game product company in an AAA arbitration in New York with a computer graphics chip development firm.
- Advising a Japanese company in an arbitration in New York involving manufacturing of mining truck tires in the Ukraine.

Aerospace and Aviation

- Acting as counsel to a Cyprus company in an LCIA case in London concerning construction and delivery of a telecommunications satellite.
- Representing a US aircraft parts manufacturer in a dispute with an international airline, arbitrated in New York, concerning manufacture of commercial aircraft jet engine parts.
- Acting as chairman of an arbitral panel in a dispute arising from construction of telecommunications satellites in Europe.

Sports

- Representing a major athlete before the Court of Arbitration for Sport, which ruled that his prosthetic limbs did not give him an unfair advantage and permitted him to compete against able-bodied athletes in IAAF-sanctioned track events.



International Arbitration (cont'd)

- Representing a premier Eastern European soccer club as defendants against the national football association in a series of proceedings, including at the Arbitrations Tribunal of that country's Olympics Committee.
- Acting as chair of an arbitral panel in a contract dispute between a world champion professional boxer and a boxing promoter.
- Acting as arbitrator in the Court of Arbitration for Sport cases in doping and rule interpretation disputes involving track and field and swimming athletes.

Public International Law

- Representing the International Fund for Agricultural Development in an advisory proceeding before the International Court of Justice.
- Representing Honduras in a maritime boundary matter before the International Court of Justice (ICJ).
- Representing Suriname in an *ad hoc* arbitration of the delimitation of a maritime boundary under the 1982 Law of the Sea Convention.
- Representing the Government of Yemen with respect to the international arbitration of a maritime delimitation dispute between Yemen and Eritrea over the Hanish-Zuqar Islands, one of the more complex cases in recent history.
- Advising the Government of Yemen regarding resolution of land and maritime boundary claims between Yemen and Oman.
- Representing the Government of Equatorial Guinea in its intervention before the ICJ to protect its maritime interests in the case between Cameroon and Nigeria.
- Working with various private oil companies and other investors potentially affected by conflicting boundary claims, including maritime claims in the Caspian Sea, and various land boundaries in the Caspian.

Dewey & LeBoeuf LLP

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