

# International Litigation and Arbitration Practice

## *Representative Engagements*



- Litigation and Arbitration between Sovereign States
- Arbitration between Sovereign States and Investors
- International Commercial Arbitration
- Litigation before the United States Courts

## Litigation and Arbitration between Sovereign States

### Litigation before the International Court of Justice in The Hague

- **Argentina v. Uruguay (Case Concerning Pulp Mills on the Uruguay River).** Our attorneys are representing Uruguay in this proceeding, defending its right to sustainable development through the construction of a pulp plant that satisfies the highest environmental standards. Argentina has asked the Court to prohibit the construction of the plant on the basis of possible harm to the river shared by the two States.
- **Democratic Republic of Congo v. Uganda (Case Concerning Armed Activities in the Territory of Congo).** Our attorneys represented Uganda, which was accused of armed intervention in the Congolese civil war and the unlawful occupation of Congolese territory.
- **Nicaragua v. the United States of America (Case Concerning Military and Paramilitary Activities In and Against Nicaragua).** We represented Nicaragua in this historic proceeding, which resulted in a decision condemning the United States for its military, logistical and financial aid to counterrevolutionary forces attempting to overthrow the Government of Nicaragua, and for the mining of Nicaraguan harbors by U.S. intelligence forces.
- **Nicaragua v. Honduras (Case Concerning Border and Cross-Border Armed Actions).** We represented Nicaragua in this proceeding, to require the Honduran Government to put an end to the use of its territory by Nicaraguan counterrevolutionary forces that were launching attacks into Nicaraguan territory from its bases in Honduras.

### Arbitration and Mediation of Territorial and Maritime Disputes

- **Guyana v. Suriname.** We represented Guyana in this proceeding under the Convention on the Law of the Sea (Annex VIII) to delimit the maritime boundary between the two neighboring countries. The arbitration resulted in a victory for Guyana, which was awarded the vast majority of the maritime area in dispute, including all of the area where significant oil deposits are believed to exist.
- **Guatemala and Belize.** One of our partners served as Mediator, named by the Secretary General of the Organization of American States, to facilitate a definitive resolution of the territorial dispute between Guatemala and Belize. The mediation resulted in an Accord signed by the Ministers of Foreign Relations of the two countries.

## Arbitration between Sovereign States and Investors

### Arbitration before the International Centre for the Settlement of Investment Disputes (ICSID)

- **Occidental Petroleum Corporation and Occidental Exploration and Production Company v. the Republic of Ecuador.** We represented Ecuador in the provisional measures phase of this arbitration, resulting from the Ecuadorian Government's termination of a contract for the exploitation of an oil field, and the claimants' allegation that their investment was "expropriated." The tribunal ruled unanimously in Ecuador's favor, and refused to order the measures requested by the claimants. The proceedings were conducted in Spanish and English.
- **I&I Beheer B.V. v. the Bolivarian Republic of Venezuela.** Our lawyers represented Venezuela in an arbitral proceeding based upon a dispute over promissory notes, brought by a Netherlands investor under the bilateral investment treaty between Holland and Venezuela. The proceeding was conducted in Spanish and English.
- **Vannessa Ventures Ltd. v. the Bolivarian Republic of Venezuela.** Our lawyers represented Venezuela in this arbitral proceeding under the ICSID Additional Facility, based on a claim of more than \$1 billion brought by a Canadian mining company under the bilateral investment treaty between Canada and Venezuela. The proceeding was conducted in Spanish and English.
- **Química e Industrial del Bórax Ltda. v. the Republic of Bolivia.** We are representing Bolivia in this proceeding, initiated under the bilateral investment treaty between Bolivia and Chile, concerning the Bolivian Government's termination of a mineral concession. The arbitration is being conducted in Spanish.
- **Shell Brands International AG and Shell Nicaragua S.A. v. Republic of Nicaragua** We represented Nicaragua in this arbitration, initiated under the bilateral investment treaty between Nicaragua and Holland, concerning a seizure of the trademarks of the two investors ordered by the Nicaraguan courts.
- **Victor Pey Casado and Fundación Presidente Allende v. Republic of Chile** Our lawyers represented Chile in its defense of a \$515 million claim in an arbitration under the bilateral investment treaty between the Kingdom of Spain and Chile. The proceedings are being conducted in Spanish and French.

- **MTD Equity Sdn. Bhd. and MTD Chile S.A. v. Republic of Chile.** Our attorneys represented Chile in an annulment proceeding under the ICSID Convention, based upon an arbitral award issued under the bilateral investment treaty between Malaysia and Chile. The proceeding concerned a construction project. The official languages of the arbitration were Spanish and English.
- **Sociedad Anónima Eduardo Vieira v. Republic of Chile.** One of our partners advised Chile in an arbitration brought against it by a Spanish fishing company under the bilateral investment treaty between Chile and the Kingdom of Spain. The official language of the proceedings was Spanish.
- **Noble Ventures v. Romania.** One of our partners represented the Government of Romania in an international arbitration concerning a \$550 million claim against it under the bilateral investment treaty between the United States and Romania.
- **EDF Internacional S.A. and Electricidad Argentina S.A. v. Republic of Argentina.** Our lawyers represented a French electricity company and its Argentine affiliate in a US\$ 1.2 billion claim in arbitration against the Argentine Republic under the bilateral investment treaty between France and Argentina. The arbitration was conducted in Spanish and English.
- **EDF Internacional S.A., SAUR Internacional S.A. and León Participaciones Argentinas S.A. v. Republic of Argentina.** Our lawyers represented various European energy sector claimants in a US\$258 million arbitration claim under the bilateral investment treaties between France and Argentina and between Luxembourg and Argentina. The arbitration proceedings were in Spanish and English.
- **Compañía General de Electricidad S.A. v. Republic of Argentina.** One of our partners represented a Chilean energy sector investor in its claim against Argentina under the bilateral investment treaty between Argentina and Chile. The arbitration was conducted in Spanish.
- **Azurix Corp. v. Republic of Argentina.** We represent Azurix Corporation in its claim against Argentina under a concession contract for water and sewerage services in the Province of Mendoza.
- **Azurix Corp. v. Republic of Argentina.** We represent Azurix Corporation in opposing a request by Argentina to annul an arbitral award in favor of Azurix in the amount of US\$265 million in relation to a concession contract for water and sewerage services in the Province of Buenos Aires.
- **Manufacturers Hanover Trust Company v. Egypt.** One of our partners represented Manufacturers Hanover Trust Company in a claim brought against it by the Arab Republic of Egypt and its General Authority for Investments and the Free Trade Zone Area, based on tax matters and indirect expropriation.

- **Southern Pacific Properties (Middle East) Limited v. Egypt.** One of our partners represented the claimant in an arbitration alleging expropriation in relation to the construction of a residential complex in the Plateau of the Pyramids.

### Arbitration before the International Chamber of Commerce (ICC)

- **Republic of the Philippines v. Westinghouse Electric Corporation.** We represented the Philippines in an arbitration in Lausanne, Switzerland, for hundreds of millions of dollars, over defects in the design and construction of a nuclear power plant.
- **Green Mining Company v. Republic of Guyana.** We represented the Republic of Guyana in an arbitration based in London against an Australian-American company, over claims that the Guyana Government expropriated the company's contract rights.
- **Consortium Impreglio v. Lesotho Highlands Development Authority.** One of our partners defended a state-owned company of the Kingdom of Lesotho in an arbitration in London initiated by a European construction consortium over the construction of a reservoir.

### Arbitration before Other International Forums

- **Republic of Guyana v. Texas Ohio Corp.** We represented the Republic of Guyana in an arbitration before the International Dispute Resolution Center of the American Arbitration Association, to obtain compensation for the respondent's violation of a contract to rehabilitate and operate a power plant in Guyana.
- **Republic of Nicaragua v. Standard Fruit Company.** We represented Nicaragua in an arbitration under the UNCITRAL Arbitration Rules, to obtain compensation for the cancellation of an investment contract for banana plantations by an American company.
- **Neptune Mining Company v. Republic of Nicaragua.** We represented Nicaragua in an arbitration based in Caracas, Venezuela, to determine the value of gold mines nationalized by the Nicaraguan Government and the amount owed to the Government by the mining company for failure to pay taxes.
- **ENABAS (Republic of Nicaragua) v. Cargill.** We represented a Nicaraguan state-owned company in an arbitration before the Rice Millers Association (U.S.) against a North American company that distributes rice and other commodities over the shipment of adulterated rice.
- **Devres v. Government of Guyana.** We represented the Government of Guyana in an arbitration in Georgetown, Guyana, under the Guyana Arbitration Act, against a U.S.-based health care consulting firm over contract performance and termination.

- **Delaney v. Société Nationale des Hydrocarbures.** One of our partners defended a state-owned company from the Republic of Cameroon in an arbitration in Paris under the UNCITRAL Arbitration Rules against a French oil company over the sale of oil.

## International Commercial Arbitration

- Represented a European/Latin American construction consortium in a Spanish language arbitration in Bolivia related to the construction of a water transfer tunnel.
- Represented a Latin American media company in an arbitration, in Spanish, against a Spanish company.
- Defended a Japanese trading company in an arbitration brought by a Turkish construction company related to the construction of a hydroelectric facility in Turkey.
- Represented the owner of a large entertainment facility in an arbitration in Paris related to construction at the facility.
- Represented a Malaysian oil company in arbitrations under the Rules of the American Arbitration Association and the Rules of the Maritime Arbitrators Association in Houston (Texas) over claims related to the rehabilitation of a drilling rig.
- Represented an American instrumentation company before the International Dispute Resolution Center of the American Arbitration Association against its distributor in Colombia.
- Represented a British instrumentation company before the International Dispute Resolution Center of the American Arbitration Association against its distributor in Asia.
- Represented a U.S. insurance company in an arbitration under New York law brought by a U.S. company for alleged loss suffered by its French subsidiary.
- Represented a European company against a North African country in an UNCITRAL arbitration in that country, related to the construction of sub-sea equipment for the development of a gas field.
- Represented a French construction company in an arbitration against an African state-owned entity in an ad hoc proceeding in another African country regarding the construction of a dam access road.

- Represented a French construction company in pre-arbitration conciliation proceedings in Singapore against an Asian government under European Development Fund Rules.
- Advised a U.S. bank on a pre-arbitration claim to OPIC regarding the expropriation of a power plant in Latin America.
- Represented clients in arbitral award enforcement actions in England, Belgium, the United States and other jurisdictions.

## Litigation before the U.S. Courts

- Defending the **Bolivarian Republic of Venezuela** in a lawsuit brought by two Venezuelan mining companies in the U.S. District Court for the Southern District of New York over the termination of diamond and gold mine concessions.
- Defended the **Kingdom of Thailand** in a proceeding before the U.S. District Court for the Southern District of New York brought by the families of victims of the 2004 tsunami and accusing the Thai Government of negligence with respect to the failure to provide warning of the tsunami and adequate relief to the victims.
- Represented the **Republic of Liberia** in various lawsuits before the U.S. Federal Courts in New York, New Jersey and the District of Columbia and the State Courts of New York, over alleged contract breaches and expropriation claims, and in proceedings to attach sovereign funds deposited in various banks within the United States.
- Defended the **Republic of Nicaragua** in numerous proceedings before the U.S. Federal and State Courts in New York, Florida, Illinois, California, Texas and Louisiana over issues such as alleged breaches of commercial contracts, violations of investment contracts, expropriations, and debt collection.
- Represented the **Republic of Liberia**, the **Republic of Nicaragua**, and the **Republic of the Philippines** in various U.S. Federal and State courts to recuperate State funds and assets stolen by former dictators of those three countries: Samuel Doe, Anastasio Somoza Debayle, and Ferdinand Marcos.
- Defended the **Republic of the Philippines** before a U.S. federal court in California in a lawsuit against the Philippine Government and its armed forces brought by a medical institution.
- Defended the **Republic of Guyana** in the U.S. District Court for the District of Columbia against an American investor who claimed that its contract rights had been expropriated and requested an order from the Court freezing all economic assistance from the U.S. Government and all loans from the Inter-American Development Bank to Guyana.

- Defended the **Republic of Tanzania** and its **President** and **Minister of Finance** before the U.S. District Court for the District of Columbia against several European companies claiming breaches of promissory notes allegedly issued by the Government and guaranteed by its highest ranking officials.
- Represented the **Republic of Tanzania** before various U.S. federal courts in proceedings to obtain judicial orders to transfer properties from the Embassy of Tanzania in Washington.
- Represented the **Republic of Honduras** before the U.S. federal court in Florida in a trial over alleged breaches of commercial contracts.
- Represented the **Republic of Nigeria** before the U.S. federal court in New York against an American company, regarding alleged breaches of contract.
- Represented the **Republic of Zambia** before the U.S. District Court for the District of Columbia against a British company over the execution of an arbitral award.

