

INVESTMENT ARBITRATION AND TREATY PROTECTION

PROTECTING INVESTMENTS THROUGHOUT THEIR LIFE CYCLE

Even investments into relatively stable jurisdictions may be affected by changes in the political and financial landscape. No investor can completely insulate their investment from such changes, but an investor can factor in investment protection across the life cycle of an investment.

We have long held a pre-eminent reputation for ICSID and other investor-state arbitration representations, having advised both investors and governments in a number of high-profile, complex and sensitive investment treaty arbitrations.

We advise our investor clients on how to obtain - and enforce - the best possible protections under investment treaties, investment codes and investment contracts.

Our state clients call on our leading treaty arbitration expertise which includes considerable state representation in investor-state disputes. We have experience of drafting their investment treaties and investment laws, as well as assisting to regulate and manage relationships with investors against the backdrop of their international law obligations.

We help our clients across a variety of industries including energy, mining, telecoms, infrastructure and financial services. Clients value our in-depth knowledge of the political landscape in many regions including Central Asia, Latin America, Africa and the Far East, and our ability to conduct arbitrations in all three of ICSID's official languages (English, French and Spanish).

Our pre-eminent investment treaty arbitration practice is part of our wider public international law offering, and sits alongside our successful international commercial arbitration practice.

[INSIDE ARBITRATION](#)

This publication, Inside Arbitration, is intended to give our clients that personal insight by sharing with you the perspectives of our international arbitration partners from across the globe. Our articles look at the global landscape for disputes and dispute resolution, commenting on regional trends in particular markets or sectors or identifying future trends. We also focus on particular points of interest arising from our cases with wider relevance and how, practically, we addressed those issues, often by combining the skills of our practitioners across our global network. There are interview pieces aimed at drawing out some of the truly unique skills and backgrounds of our partners. Finally, we aim to take advantage of our contacts across the global arbitration market to bring our clients the inside track from regional and international institutions.

RECENT EXPERIENCE

THE KINGDOM OF SPAIN

Representing in a landmark international investment arbitration concerning reforms to the Spanish renewables tariff legislation under the Energy Charter Treaty, achieving a first win for Spain in 30+ cases it faced

THE REPUBLIC OF COSTA RICA

Successfully representing the Republic of Costa Rica in a CAFTA-DR claim commenced under the UNCITRAL rules regarding the suspension of works at a real estate development due to environmental concerns. The tribunal rejected all of the claims against Costa Rica and awarded it the arbitration costs

JKX OIL & GAS PLC AND POLTAVA GAS BV

Advising on treaty claims under various instruments including the UK-Ukraine BIT as a result of changes in laws on oil and gas rental fees and capital movement restrictions imposed by Ukraine

AXIATA BERHAD

Representing Axiata Berhad in an ICSID arbitration against Nepal in relation to a claim under the Malaysia-Nepal BIT arising from the imposition of certain taxes by Nepal

A GLOBAL POWER COMPANY

Advising a global power company on the structuring of its US\$18 billion investment in a western European state

THE REPUBLIC OF KAZAKHSTAN

Acting in relation to a dispute under the Energy Charter Treaty and associated proceedings, which involved claims of direct and indirect expropriations

ACCOLADES



THE TEAM DEMONSTRATED GREAT LEADERSHIP SKILLS, PERFECT KNOWLEDGE ON THE TOPICS OF ARBITRATION AND INTERNATIONAL LAW, A COMPLETE UNDERSTANDING OF THE DOMESTIC ADMINISTRATIVE SYSTEM AND ITS COMPLEXITIES"

CHAMBERS GLOBAL 2019: PUBLIC INTERNATIONAL LAW



"HERBERT SMITH FREEHILLS' PUBLIC INTERNATIONAL LAW PRACTICE IS EXPERIENCED IN ACTING FOR BOTH INVESTORS AND STATES, GIVING THEM AN ADVANTAGE, HAVING SEEN THE DISPUTE PLAY OUT FROM BOTH SIDES."

CHAMBERS UK 2020: PUBLIC INTERNATIONAL LAW



"TOP-TIER LAWYERS, EXCELLENT EXPERIENCE."
CHAMBERS UK 2020: PUBLIC INTERNATIONAL LAW



'SOUGHT-AFTER GROUP WITH DEEP EXPERTISE ACROSS THE PIL FIELD'
CHAMBERS GLOBAL 2018: PUBLIC INTERNATIONAL LAW



LEGAL 500 UK 2020



GLOBAL ARBITRATION REVIEW TOP 30 2020

OUR PEOPLE



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