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V&E is recognised as one of the world's top energy legal advisors with a strong reputation in International Dispute Resolution.

- **“World’s Leading Energy Law Firm”** – *Euromoney* 2005-11
- **“Adept at both investor-state and international commercial arbitration”** – *Chambers UK* 2011
- **Ranked as one of the top firms in International Arbitration** – *Chambers Global* 2009 and *Chambers USA* 2009
- **Named as one of the most accomplished arbitral counselors in the world** – *Global Arbitration Review's* 2009, *GAR 100* and *GAR 30* 2008
- **“Awesome opponents”** – *Law360* 2010
- **“Thoroughness and focus on delivering strategies that prioritize clients’ needs”** – *Chambers USA: America’s Leading Lawyers for Business* 2008
- **“Recognized in International Dispute Resolution”** – *The Best Lawyers in America* © 2008
- **“Particularly proficient when it comes to cases involving state contracts and investment agreements”** – *Chambers Latin America* 2010

## International Dispute Resolution: Investor State Overview

The International Dispute Resolution (IDR) experts at Vinson & Elkins, the “World’s Leading Energy Law Firm,” have immense experience of investor state disputes, having advised clients who have been in the vanguard of foreign investment for decades. Their extensive knowledge of the field of foreign investment is particularly focused on the energy industry and on other affiliated areas such as construction, regulation, tariffs, finance, taxation and IP.

Our IDR team advises investors and host countries on their rights under commercial contracts, domestic and international law, investment legislation and bilateral and multilateral investment treaties. With expertise encompassing the entire range of investor-state issues, they can assist by: counseling investors on investment protection laws and treaties; structuring investments to obtain coverage under investment treaties; designing stabilisation and other contractual investment protection arrangements; developing dispute resolution agreements and advising investors on international and domestic law rights and remedies (including under treaties and investment promotion legislation). They can also use mediation and/or arbitration, if needed, in order to help investors resolve their disputes with states and state enterprises.

Our lawyers also appreciate the political and strategic realities that make arbitrations with states and state entities different from commercial arbitrations on a practical as well as legal level, and they spend time with clients developing strategies to resolve investor-state disputes favourably, quickly and effectively. At V&E, the focus is on results, not merely the process.

Vinson & Elkins’ International Dispute Resolution lawyers draw on:

- Vast experience in advising clients on all issues raised in investor-state cases, including: standing and jurisdiction, state responsibility in international law, application of changed circumstance, hardship and *force majeure*
- Considerable experience as advocates trying arbitrations globally in virtually every common arbitral venue and under all major international rules systems
- Wide-ranging knowledge of public international law in a private or quasi-private commercial context
- Significant experience on the issue of damages under international law
- Extensive experience in acting in, and coordinating, cross-border and satellite litigation in a broad range of domestic court jurisdictions ►

# International Dispute Resolution: Investor State Overview

## Representative Experience:

- Acting on behalf of the members of a contractor group engaged in the development of an oil and gas field in multiple arbitrations and cross-border litigations against an Asian state; these proceedings concern detailed issues of contractual interpretation and are valued in excess of US\$500 million
- Representing the owner/operator of a South American gas transportation facility in multiple ICC arbitration claims against state entities for stabilisation/change in law indemnities arising from changes in the tax laws
- Defending U.S. oil companies in garnishment proceedings filed by a judgment creditor of an African state seeking garnishment of royalty and tax obligations owed to the state under a concession agreement
- Counsel to an American energy company against a South American state oil company in a US\$1 billion dispute over the state's claims of hardship and changed circumstances with respect to a contract for the operation of a gas-fired power plant
- Conducting ICC arbitral proceedings against an agency of the Libyan Government involving claims of over US\$100 million for breach of a joint venture agreement between the government and an investor, which provided exclusive rights to exploit a restricted market
- Representing the holders of a state concession in Peru in ICSID claims against the government over breach of legal stability agreements and expropriation
- Acting for a U.S. investor in bringing both investment contract and bilateral investment claims against a Central Asian state; these claims related to the state's expropriation of a significant manufacturing asset
- Acting for the winning bidder of a withdrawn oil and gas concession in an ICSID arbitration with a Caribbean government brought under the relevant bilateral investment treaty
- Advising a U.S. investor in relation to a breach of bilateral investment treaty concerning the treatment of two power barges in a Latin American state
- Advising an investor in relation to a NAFTA treaty violation in the Mexican telecommunications sector

*Prior results do not guarantee a similar outcome.*

## For more information, please contact:



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