



**WHEN WILL MANKIND BE
CONVINCED AND AGREE
TO SETTLE THEIR DIFFICULTIES
BY ARBITRATION?**

Benjamin Franklin

INVESTMENT ARBITRATION

Not too long ago, conflicts between private investors and States were often resolved through the costly means of naval warfare. Today, arbitration – as a peaceful means of dispute resolution – has largely replaced such so-called “gunboat diplomacy”. This shift has occurred for a reason:

Investor-State arbitration is an efficient and fair international legal procedure available to investors to directly bring a claim against a foreign State on the territory of which they have invested.

Claims may arise from any kind of active or passive adverse State interference and are brought on the basis of bilateral investment treaties (BITs) agreed to between States to provide foreign investors with substantive legal protection.

International investment claims are heard by neutral tribunals composed of competent, highly specialized arbitrators that are freely chosen by the parties and that have the power to issue legally binding awards.

THE FIRM

WAGNER ARBITRATION offers services to both investors and States in disputes arising out of such investment treaties. Philipp K. Wagner founded the firm in 2013 and it has been consistently recognized for its expertise in international legal matters and international arbitration since its inception. Ideally situated in the government district of central Berlin, WAGNER ARBITRATION not only offers exposure to a truly global network of governmental and non-governmental institutions, but it also provides access to build upon its well-established legal, business and governmental relationships.

The lawyers of WAGNER ARBITRATION have an expansive international legal background and extensive experience in cross-border dispute resolution, both as arbitrators and as counsel. Mr. Wagner has been recommended in the Best Lawyers in Germany directory in two consecutive years and has recently been named the Best Lawyers' 2016 Berlin Arbitration and Mediation „Lawyer of the Year“. Furthermore, the firm has received positive attention and accolades in the JUVE Handbook German Commercial Law Firms since 2014.

As a small group of dedicated attorneys, the firm maintains the highest level of confidential and client-focused counseling, while its worldwide and interdisciplinary network allows it to provide comprehensive legal services to a large variety of clients. Attorneys at the firm work in English, French and German.

EXPERTISE

WAGNER ARBITRATION offers a wide range of services in the context of international investment disputes including:

- Counsel & Co-Counsel services in investment treaty arbitration proceedings before all major forums (including GMAA, ICSID, ICC, LCIA, SCC, UNICTRAL), with a special focus on emerging markets, advice to both States and investors with respect to negotiation, and counsel in connection with investment treaty and ancillary investment contracts;
- Expert advice on evaluation of investment treaty arbitration outcomes prior to the commencement of proceedings;
- Succinct expert opinions on various legal issues in relation to foreign investment protection mechanisms;
- A cost-efficient and client-centric alternative to larger and more costly firms; and
- A multi-qualified, multilingual and multicultural team

In cases requiring the co-operation of a larger team, WAGNER ARBITRATION frequently works in cooperation with WEGNERPARTNER, a full service commercial law firm with an international focus in Berlin, and with other global partners with local counsel in various jurisdictions.

REPRESENTATIVE EXPERIENCE IN INVESTMENT ARBITRATION

Florian Dupuy is the investment law specialist at WAGNER ARBITRATION. He has gathered considerable practical experience in investment treaty arbitration, in both ICSID and UNCITRAL proceedings, in particular in the context of his practice within the internationally renowned Swiss-based law firm LALIVE. Examples of his work include:

- Advising an Eastern European Government in a USD 100 million investment dispute brought by United States investors under the ICSID Arbitration Rules concerning the privatization of state assets in the media and tourism sectors.
- Advising a Fortune 500 company against a South American government in an ICSID arbitration concerning regulatory measures.
- Advising a West Asian government in annulment proceedings in a large ICSID dispute concerning alleged breaches of international law, including expropriation.
- Involvement in the preparation of a comprehensive Handbook on investment law for a Central European government, including a thorough analysis of the investment treaty program of the State.
- Assisting a renowned international arbitrator in several high-profile investment arbitration cases involving Venezuela, Hungary, Algeria and the Slovak Republic.

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*The sole purpose of this brochure is to provide an overview of the firm's service profile and does not substitute or contain individual legal advice and/or counseling.

WAGNER

ARBITRATION · DISPUTE RESOLUTION
INTERNATIONAL CONTRACTS

WAGNER ARBITRATION

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