





**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 usually brought on the basis of bilateral investment treaties (BITs) 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. Dr. Wagner has been recommended in the Best Lawyers in Germany directory since 2014 (Best Lawyers' 2016 Berlin Arbitration and Mediation "Lawyer of the Year") and in various Who's Who Legal listings since 2017. Two other members of the firm have been recognized as "Future Leaders" in the 2020 Arbitration section of Who's Who Legal. Furthermore, the firm has received positive attention and accolades in the JUVE Handbook German Commercial Law Firms since 2013.

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, German, Finnish, Portuguese and Albanian.

## 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 ICSID, UNCITRAL, SCC, ICC, LCIA), with a special focus on emerging markets, advice to 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, including to potential funders;
- Succinct expert opinions on various legal issues in relation to foreign investment protection mechanisms;
- A cost-efficient and client-centric alternative to larger firms; and
- A multi-qualified, multilingual and multicultural team.

## REPRESENTATIVE EXPERIENCE IN INVESTMENT ARBITRATION

Florian Dupuy and Laura Halonen are the leading specialists for international investment law at WAGNER ARBITRATION. Both of them have gathered considerable practical experience in investment treaty arbitration under all major arbitration rules (including ICSID, UNCITRAL and SCC proceedings) in the context of their practice at several internationally renowned law firms. Examples of their current and recent work include:

- Currently representing a German investor in an ICSID proceeding brought against the People's Republic of China in the food manufacturing industry;
- Currently defending an Eastern European State against an ICSID claim brought by a Swiss investor in the tourism sector;
- Successfully representing a Southern European State in a multi-billion dollar SCC investment arbitration arising under the Energy Charter Treaty (ECT) and the subsequent setting aside proceedings before the Svea Court of Appeal;
- Successfully representing an Eastern European State against an over 200 million ICSID claim in the food and beverages industry;
- Successfully representing an investor in setting aside proceedings of an UNCITRAL investment award before the Swiss Federal Supreme Court.

## PUBLICATIONS AND OTHER RELEVANT ENGAGEMENTS

- Florian Dupuy, *Legitimate Expectations of the Parties in International Investment Law and Comparative Contract Law*, Doctoral Thesis (2007)
- Florian Dupuy, *What to expect from Legitimate Expectations? A Critical Appraisal and Look into the Future of the "Legitimate Expectations" Doctrine in International Investment Law*, in: M. Abdel Raouf, Philippe Leboulanger, Nassib G. Ziadé (eds.), *Festschrift Ahmed Sadek El-Kosheri*, Kluwer Law International, 2015 (together with Pierre-Marie Dupuy)
- Laura Halonen, *Commentary on Articles 52(2)-(4) of the ICSID Convention*, in: Julien Fouret, Rémy Gerbay, Gloria M. Alvarez with Denis Parchajev (eds.), *The ICSID Convention, Regulations and Rules – A Practical Commentary*, Elgar Commentaries, 2019 (together with Joachim Knoll)
- Laura Halonen, *Post-Award Remedies*, in: Chiara Giorgetti (ed.), *Litigating International Investment Disputes: A Practitioner's Guide*, Brill/Nijhoff, 2014 (together with Veijo Heiskanen)
- Laura Halonen, *On the Availability of Counterclaims in Investment Treaty Arbitration*, in: *Czech Yearbook of International Law 2011* (together with Pierre Lalive)
- Laura Halonen, *Containing the scope of the umbrella clause*, in: Todd Weiler (ed.), *Investment Treaty Arbitration and International Law*, JurisNet, 2008
- Laura Halonen has been appointed to the ICSID list of conciliators for 2020-2025 and is the current Chair of the Advisory Board of the European Federation of Investment Law and Arbitration (EFILA).

# CONTACT

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More information available at:  
[www.wagner-arbitration.com](http://www.wagner-arbitration.com)

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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.