

Robert Volterra

Contact Information

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Employment

Latham & Watkins
London, UK
Head of the Public International Law Group



*Partner,
Litigation Department,
London and Paris*

Academic Activities

University of London, UCL (2000 onward)
London, UK

- Faculty of Law (*The International Law of Foreign Investment and The International Law of Natural Resources*)

University of London, SOAS and Kings College (1998 onward)
London, UK

- Geopolitics and Boundaries Research Centre (*International Boundary Law*)

Université de Paris X (1996 – 1999)
Paris, France

- Faculty of Law (*The Law of International Organisations*)

University of Cambridge (1994 – 1996)
Cambridge, UK

- Faculty of Law (*International Law Tripes*)
- Research Fellow at the Research Centre for International Law

Osgoode Hall Law School, York University (1992 – 1994)
Toronto, Canada

- Faculty of Law (LRW and Public International Law)

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Education

Organisation of American States (August 1995)
Rio de Janeiro, Brazil

- Curso de Derecho Internacional; OAS Fellowship

University of Cambridge, Trinity Hall
1991 – 1992
Cambridge, UK

- LL.M.i; Cambridge Commonwealth Scholarship

Osgoode Hall Law School, York University
1986 - 1989
Toronto, Canada

- LL.B.; Dean's List

University of Western Ontario
1983 – 1987
London, Canada

- B.A. (international relations); Lt-Governor of Ontario Scholarship

Professional Qualifications

Barrister and Solicitor (Ontario, Canada)

Solicitor and Solicitor Advocate (Civil Rights of Higher Audience)
of the Supreme Court of England and Wales

Canadian national

Fluent in English, French, Spanish, and Italian

International Arbitrator Panel Lists

Arab Chamber of Commerce & Industry arbitrator list

Argentina Chamber of Commerce Commercial Arbitration and Mediation Centre (CEMARC)
arbitrator list

Hong Kong Islamic Arbitration Centre arbitrator list

Tehran Regional Arbitration Centre arbitrator list

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Areas of Expertise

Robert Volterra is Head of the firm's Public International Law Group. He advises and represents governments, international organisations and private clients on a wide range of contentious and non-contentious public international law and international dispute resolution issues, including: international investment agreements and BITs; ICSID; NAFTA; the Energy Charter Treaty; international arbitration and litigation; boundaries and territorial integrity; UNCLOS; State responsibility; international organisations; treaty interpretation and drafting; the laws of war; human rights; diplomatic and consular law; trans-boundary resources and pipelines; joint-development zones and straddling resource regimes; attribution; privileges and immunities; resource concessions; Statehood; and sanctions. He has acted as counsel and advocate before the International Court of Justice and *ad hoc* international arbitration tribunals, including under the Permanent Court of Arbitration, ICSID, ICC, SCC, LCIA, UNCITRAL, WTO and UNCLOS rules. He regularly sits as an arbitrator on international arbitral tribunals, including ICSID, UNCITRAL, ICC and LCIA arbitrations.

Robert is a Visiting Professor of International Law at University College, University of London (UCL). He is on the Public International Law Advisory Board of the British Institute of International and Comparative Law. He is a member of the ICC Latin American Arbitration Committee. He is on the Management Board of the Forum on International Investment Law. He is on the Expert Panel for States of UNCTAD's Programme on Dispute Settlement in International Trade, Investment and Intellectual Property. He is a Legal Expert on the Energy Charter Secretariat's Legal Advisory Task Force.

The **Financial Times** ranked Latham's Public International Law Group in first place in the Legal Expertise category of its 2007 Innovative Lawyer Awards.

The **American Lawyer** 2009 Global Arbitration Report ranked Robert and his practice as one of the top investment treaty arbitration practices in the world.

The various **Legal 500** directories have ranked Robert's practice in the top tier for the past 15 years, noting "Latham & Watkins' practice has great breadth and depth, with strength in international arbitration, border, treaty, and investor/state disputes." They rank Robert personally as a "Leading Individual" in both the international arbitration and public international law categories. They describe him as "a pre-eminent PIL specialist", "widely acknowledged as a leader in public international law arbitrations", "highly recommended", "a star player" and "a key figure" with "a leading reputation", noting that clients highlight his "grasp of legal, political, economic and financial matters". Clients note his "brilliant and open approach" and "excellent ability to communicate legal proceedings to foreign clients".

The various **Chambers & Partners** directories have ranked Robert's practice in the top tier for the past 14 years. They describe Robert as "a well-known and celebrated practitioner" with "expertise in investment arbitrations as well as traditional PIL matters". They refer to Robert as "a venerated figure" in international arbitration and public international law and rank him personally as a "Leading Individual" in both the international arbitration and public international law categories. They record: "His strong reputation is largely due to his adroit handling of border disputes." They describe him as "formidable", a "market leader" and a "top-class practitioner", with "all the right ticks in all the right boxes". They note that clients "greatly valued his ability to handle *'the most sensitive of cases with the utmost skill'*" and view him as "a global player". And they record his peers as rating him "a brilliant PIL lawyer - strong and astute." They conclude: "he is more dynamic and more energetic than most lawyers in this field; and enjoys an outstanding reputation both in terms of his legal expertise and as a rainmaker."

Legal Business' "Legal Experts" has ranked Robert as "highly recommended" and one of the "leading lights" in the field of international arbitration and litigation for the past 10 years. *Legal Business Arbitration Report 2006* lists Robert as one of the five "stars of international investment treaty arbitration".

Representative Matters

Robert Volterra's practice focuses exclusively on public international law. Highlights of his non-confidential public international law dispute resolution experience include:

- **AY Bank Limited (In Liquidation) and Bosnia and Herzegovina, the Republic of Croatia, the Republic of Macedonia, the Republic of Slovenia, the Federal Republic of Yugoslavia (now the Federal Republic of Serbia and the Federal Republic of Montenegro), Embassy of Serbia and Montenegro** Counsel of the Republic of Croatia in its English High Court Chancery Division dispute (before the Chancellor) involving the dissolution and partition of the assets of the former Yugoslavia;
- **Adria Beteiligungs v The Republic of Croatia** Counsel of the Republic of Croatia in an UNCITRAL arbitration under the aegis of the Permanent Court of Arbitration involving issues of expropriation and bilateral investment treaties related to a gaming concession agreement;
- **Qatar v Bahrain** Counsel of the State of Bahrain in its territorial and maritime boundary dispute with the State of Qatar before the International Court of Justice;
- **Eritrea/Yemen** Counsel of the State of Eritrea in its island and maritime boundary dispute with the Republic of Yemen (Phase 2 - the maritime delimitation phase of the arbitration), under the aegis of the Permanent Court of Arbitration;
- **Barbados v The Republic of Trinidad and Tobago** Co-Agent of the State of Barbados in the first UNCLOS Annex VII maritime boundary delimitation arbitration against the Republic of Trinidad and Tobago, under the aegis of the Permanent Court of Arbitration;
- **The Republic of Chile v The Republic of Argentina** (the *Laguna del Desierto* arbitration) Legal Team of the Republic of Chile in its territorial boundary dispute with the Republic of Argentina;
- **The State of Eritrea v the Republic of Ethiopia** Adviser to the State of Eritrea in its boundary dispute with the Federal Democratic Republic of Ethiopia;
- **The State of Eritrea v the Republic of Ethiopia** Legal Team of the State of Eritrea in its diplomatic and consular law dispute with the Federal Democratic Republic of Ethiopia at the International Court of Justice;
- **New Zealand v France** (the *Nuclear Tests Case*) Legal Team of New Zealand in the case before the International Court of Justice against the French Republic;
- **The Kingdom of Spain v. Canada** (the *Fisheries Jurisdiction* case) Legal Team of Canada re its maritime dispute with Spain before the International Court of Justice;
- **The Attorney General of an Asian State** Advising the government in relation to maritime delimitation claims and offshore oil revenue claims of constituent internal provinces;
- **The Secretary General of the Organisation of American States** appointed as a member of the Verification Commission for the Good Offices Mission to Colombia and Ecuador (re the boundary incident of 2008);
- **E v F** Legal Team of a European State in preparation for bilateral negotiations and the eventual launching a maritime boundary and land territory case before the International Court of Justice or other international law tribunal (cannot currently be identified for reasons of client confidentiality);
- Counsel of St Kitts and Nevis in its maritime delimitation negotiations with its neighbours;
- Counsel to Grenada in its maritime delimitation negotiations with its neighbours;
- Counsel to Malaysia in its maritime delimitation negotiations with its neighbours;

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- Counsel of an African State in its maritime boundary negotiations with its neighbours (cannot currently be identified because of client confidentiality);
- Counsel of a different African State in its land boundary disputes with one of its neighbours (cannot currently be identified because of client confidentiality);
- Counsel of an East Asian State in its maritime boundary disputes with its neighbours (cannot currently be identified because of client confidentiality);
- ***Tatar and Tatar v Republic of Romania*** Legal Team of the Claimant in a case before the European Court of Human Rights involving issues of international human rights law;
- ***Eritrea - Ethiopia Claims Commission*** Counsel of the State of Eritrea in the Permanent Court of Arbitration proceedings against the Federal Democratic Republic of Ethiopia, under the aegis of the UN Security Council;
- ***Antigua and Barbuda v The United States of America*** Counsel of Antigua and Barbuda in its WTO Disputes Panel proceedings against the United States of America;
- ***GEA Aktiengesellschaft v The State of Ukraine*** Counsel of the Respondent in an ICSID arbitration involving issues of expropriation and bilateral investment treaties related to an energy and petrochemical manufacturing agreement;
- ***Barmek v the Republic of Azerbaijan*** Counsel of the Respondent in an ICSID arbitration involving issues of expropriation and bilateral investment treaties related to a concession agreement for electrical distribution;
- ***MHS Berhad v Malaysia (annulment phase)*** Counsel of the Respondent in an ICSID annulment involving issues of expropriation and bilateral investment treaties related to a diving and salvage concession;
- ***EVN AG v The Republic of Macedonia*** Counsel of the Respondent in an ICSID arbitration involving issues of expropriation and bilateral investment treaties related to a concession agreement for electricity generation;
- ***P. Gruslin v Malaysia*** Counsel of the Respondent in an ICSID arbitration involving issues of expropriation and bilateral investment treaties related to a foreign investment in securities;
- ***MCI Power Group L.C. and New Turbine, Inc. v The Republic of Ecuador*** Counsel of the Respondent in an ICSID arbitration involving issues of expropriation and bilateral investment treaties related to a concession agreement for electricity generation;
- ***Duke Energy Electroquil Partners and Electroquil S.A. v The Republic of Ecuador*** Counsel of the Respondent in an ICSID arbitration involving issues of expropriation and bilateral investment treaties related to a concession agreement for electricity generation;
- ***MCI Power Group L.C. and New Turbine, Inc. v The Republic of Ecuador (annulment phase)*** Counsel of the Respondent in an ICSID annulment involving issues of expropriation and bilateral investment treaties related to a concession agreement for electricity generation;
- ***EMELEC Inc. v The Republic of Ecuador*** Counsel of the Respondent in an ICSID arbitration involving issues of expropriation and bilateral investment treaties related to a concession agreement for electricity generation;
- ***Wena Hotels v The Arab Republic of Egypt*** Counsel of the Respondent in an ICSID arbitration involving issues of expropriation and bilateral investment treaties related to a concession agreement for hotels and resorts;
- ***Laskaridis v The State of Ukraine*** Counsel of the Respondent in an UNCITRAL arbitration under the aegis of the Permanent Court of Arbitration involving issues of expropriation and bilateral investment treaties related to shipyard and boatbuilding contracts;

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- ***Secretariat of the European Energy Community v The Republic of Macedonia*** Counsel of the Respondent in the first ever contentious proceeding brought by the Secretariat of the European Energy Community involving issues of energy market regulation;
- ***Aguas del Tunari S.A. v The Republic of Bolivia*** (the *Cochabamba* case) Counsel of the Claimant in an ICSID arbitration involving issues of expropriation and bilateral investment treaties related to a concession agreement for water and sewerage services;
- ***Empresas Lucchetti S.A. v The Republic of Peru*** (the *Peru Pasta* case) Counsel of the Claimant in an ICSID arbitration involving issues of expropriation and bilateral investment treaties related to a pasta factory;
- ***ATA Construction v the Hashemite Kingdom of Jordan*** Counsel of the Claimant in an ICSID arbitration involving issues of expropriation and bilateral investment treaties related to a water services concession agreement;
- ***Karmer Marble Tourism Construction Industry and Commerce Limited Liability Company v Georgia*** Counsel of the Claimant in an ICSID arbitration involving issues of expropriation and bilateral investment treaties related to a highway construction and casino hotel services concession agreement;
- ***MTC-Vodafone Bahrain v BATELCO*** Counsel of the Claimant in an investment arbitration against the national carrier of the Kingdom of Bahrain, including involving issues of expropriation and other public international law investment protection issues pursuant to treaties and contracts;
- ***Telekom Malaysia Berhad v The Government of the Republic of Ghana*** (the *TMB* case) Counsel of the Claimant in an UNCITRAL arbitration under the aegis of the Permanent Court of Arbitration involving issues of expropriation and bilateral investment treaties related to a concession agreement and other arrangements relation to fixed and mobile telephony services;
- ***Alapli Elektrik BV v The Republic of Turkey*** Counsel of the Claimant in an ICSID arbitration involving issues of expropriation and bilateral investment treaties related to electricity generation concession agreements;
- ***Swisslion v The Republic of Macedonia*** Counsel of the Respondent in an ICSID arbitration involving issues of expropriation and bilateral investment treaties related to a factory in Macedonia;
- ***An ad hoc UNCITRAL arbitration between an energy sector company and an Eastern European State*** Counsel of the Claimant in an arbitration involving issues of expropriation and bilateral investment treaties related to a gas distribution concession agreement (cannot currently be identified because of client confidentiality);
- ***Vattenfall AB et al. v The Federal Republic of Germany*** Counsel of the Intervenor - the State of Hamburg - in an ICSID arbitration involving issues of expropriation and the Energy Charter Treaty related to a concession agreement for an electricity generation plant;
- ***Eurotunnel v The French Republic and the United Kingdom*** Agent and counsel of Eurotunnel in a Permanent Court of Arbitration case simultaneously against France and the UK under a *sui generis* treaty regime, including involving issues of expropriation and other public international law investment protection treaty issues, in relation to a concession agreement for the provision of railway services;
- ***The European Energy Community v Republic of Macedonia*** Counsel to the Republic of Macedonia in the first ever case brought by the European Energy Community Secretariat, related to the regulation of the Macedonian electricity sector;
- ***Enersis S.A. v the Republic of Argentina*** arbitrator in an ICSID arbitration involving issues of expropriation and bilateral investment treaties related to a natural gas distribution concession;

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- ***Eastern Sugar BV v the Czech Republic*** arbitrator in an *ad hoc* UNCITRAL arbitration involving issues of expropriation and bilateral investment treaties related to a foreign investment in the food production sector;
- Counsel to OMV in its oil concession dispute with the Libyan Arab Jamahiriya (matter settled);
- Counsel of a US entity in a NAFTA dispute with the United Mexican States (cannot currently be identified because of client confidentiality);
- Counsel of a US company with a NAFTA dispute with the United Mexican States (matter settled);
- Counsel of a Canadian entity in a NAFTA dispute with the United Mexican States (matter settled);
- Counsel of the State of Azerbaijan on aspects of its transboundary oil pipeline dispute with the Republic of Georgia, under the Energy Charter Treaty and general public international law;
- Counsel of a US museum in a dispute with a European State involving issues of international law related to the provenance of fine art and wartime Nazi activities (cannot currently be identified because of client confidentiality);
- Counsel of an Italian company in a dispute with a South American government involving issues of expropriation and bilateral investment treaties related to a concession agreement for fixed and mobile telephony services (matter settled);
- Counsel of a Dutch company in a dispute with a South American government involving issues of expropriation and bilateral investment treaties related to a concession agreement in the technology sector (notice under the treaty given; will be brought before ICSID; cannot currently be identified because of client confidentiality);
- Counsel of a U.S. energy company in a dispute with Venezuela involving issues of expropriation and bilateral investment treaties related to a foreign investment (about to be brought before ICSID; cannot currently be identified because of client confidentiality);
- Counsel of a U.S. company in a dispute with a South American government involving issues of expropriation and bilateral investment treaties related to a foreign investment (notice under the treaty about to be given; will be brought before ICSID; cannot currently be identified because of client confidentiality);
- Counsel of a Russian company in a dispute with the Republic of Kyrgyzstan involving issues of expropriation and bilateral investment treaties related to a foreign investment in the communications sector (cannot currently be identified because of client confidentiality);
- Counsel of a South American company in a dispute involving issues of expropriation and bilateral investment treaties related to a foreign investment (cannot currently be identified because of client confidentiality);
- Counsel of an international beverage company on a dispute under the investment and trade provisions of ASEAN (cannot currently be identified because of client confidentiality);
- Counsel of a Former Soviet Union gas company in a multi-jurisdictional (including ECT) dispute with another Former Soviet Union gas company (cannot currently be identified because of client confidentiality);
- Advising an international investor based in the Middle East in relation to the nature and scope of investment treaties and equivalent instruments throughout the Middle East region;

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- Counsel of an Asian telecommunications company in relation to public international law remedies and investment treaty arbitration in its foreign investment dispute with two foreign governments;
- Counsel of a number of investors from the Far East in successfully negotiated settlements with foreign governments in relation to disputes under investment treaties re their investments in the Middle East, Africa and Europe (cannot be identified because of client confidentiality).

Highlights of his non-contentious experience include advising:

- the Government of the Kingdom of Saudi Arabia on various public international law issues;
- the State of Barbados in its negotiations for and drafting of a maritime Joint Development Zone treaty with the Republic of Guyana;
- Malaysia on its maritime boundary negotiations and delimitations with its neighbours;
- the State of Barbados in formulating and submitting its UNCLOS claim to Outer Continental Shelf to the UN Commission on the Limits of the Continental Shelf;
- Malaysia in formulating and submitting its UNCLOS claim to Outer Continental Shelf to the UN Commission on the Limits of the Continental Shelf;
- a State in Africa in its negotiations for and drafting of a maritime Joint Development Zone treaty with a neighbouring State;
- the Government of Canada on non-proliferation, arms control and disarmament (NACD) issues in relation to Weapons of Mass Destruction (WMDs);
- the UN's Food and Agriculture Organisation (FAO) on a variety of public international law issues, including drafting a multilateral treaty, advising on international human rights and the Law of the Sea issues;
- the Government of Dubai on structuring, treaty negotiation and drafting, other public international law and international dispute resolution issues related to the Dubai International Financial Centre (DIFC);
- the Korean Peninsula Energy Development Organisation (KEDO) on a variety of public international law issues, including negotiating and drafting a non-sovereignty zone treaty for a territorial zone within the Democratic People's Republic of Korea, State responsibility, transboundary resources, international environmental law and sovereign and diplomatic immunities;
- the International Maritime Satellite Organisation (INMARSAT) on various public international law issues related to its restructuring initiatives, including drafting a number of multilateral treaties;
- a European investment bank on WTO regulations;
- the consortium (TotalFinaElf/Petronas/NIOC) in relation to a gas off-take project from a boundary-straddling reservoir in Iran;
- PSG Pipelines Ltd. on boundary delimitation, the Law of the Sea Convention, negotiating and drafting inter-State treaties and other public international law issues in relation to a transboundary gas pipeline in the Persian Gulf;
- an oil company on boundary-straddling hydrocarbon resource management in the Caspian Sea (cannot be identified because of client confidentiality);
- Wintershall on Law of the Sea and transit issues in relation to its operations in the Russian/Norwegian Arctic;
- Member States of SOPAC (the Pacific Islands Forum) on maritime boundary and resources issues;

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- the EBRD on public international law matters in Eastern Europe, including in relation to a boundary dispute between neighbouring States;
- the consortium (Bechtel/Shell) building the transboundary Trans-Caspian Gas Pipeline on the status and use of the Caspian Sea, boundary delimitation, straddling hydrocarbon resource issues, the Energy Charter Treaty, the Law of the Sea Convention, international human rights, international environmental law and other public international law issues, including negotiating and drafting inter-State treaties;
- the consortium (Chevron/Shell) building the transboundary West African Gas Pipeline on boundary delimitation, straddling hydrocarbon resource issues, the Law of the Sea Convention, international environmental law and other public international law issues, including negotiating and drafting inter-State treaties.

Recent Publications and Presentations

Mr. Volterra's recent publications and presentations include:

"Boundary Disputes in Africa," AIPN, Houston 2010

"Mechanics of Transboundary Disputes, International Boundary Disputes in Oil and Gas," IQPC, London

"Recent Developments in Maritime Boundary Delimitations: reflections on certain aspects of recent UNCLOS cases," Collected Papers, UN Advisory Board on the Law of the Sea

"The Impact and Some Observations on the Two Court Delimitation Cases since UNCLOS Came into Force", Monaco 2001

"A practitioner's guide to handling maritime boundary delimitation disputes," training session requested by AALCO Secretariat, Kuala Lumpur 2009

"The UNCITRAL Arbitration Rules and Cross-Claims," 2006 UNCITRAL - KLRCA Conference on the Occasion of 30 Years of the UNCITRAL Arbitration Rules, Kuala Lumpur

"Maritime Boundaries and Limits: Some Basic Legal Principles", presentation and published paper in proceedings of ABLOS Conference 2001

"Le point de vue des états tiers", Le droit européen et l'investissement, Editions Panthéon Assas, C. Kessedjian eand C, Leben eds. 2010

"The ABCs of Boundary Disputes for the Asia Region," Singapore

"Public policy and the interpretation of substantive standards and protections: is there a place for margins of appreciation and standards of review in applying international investment standards?", 2009 Juris Annual Treaty Arbitration Conference, Washington DC

"Les compétences de la Communauté et demain de l'Union: le question des traités bilatéraux d'investissement", 2009 Conference on European Law and International Investment Law, University of Paris II

"Provisional Measures (Interim Measures) and Investment Treaty Arbitration under ICSID and UNCITRAL: developments and trends", Investment Treaty Law: Current Issues III, British Institute of International and Comparative Law

"Performance as a Remedy: State Contracts and Investment Disputes," 2008 Association Suisse Arbitrage Annual Conference, Basel

"The Energy Charter Treaty", Gas Power Journal

"Bolivia's Exit from ICSID: Legal and Practical Consequences of Denouncing the ICSID Convention," 2007 BIICL ITF conference, London

"BIT Arbitration in Latin America", Arbitration and ADR, IBA

"Arbitration in the Energy and Natural Resources Industries," 2007 IBA Annual Conference, Singapore

"Nationality and Investment Treaty Claims," 2006 BIICL ITF Conference, London

"Bilateral Investment Treaties and Investment Protection: the legal issues in Asia", Royal Institute of International Affairs, London

"Investment Treaty Arbitration and Environmental Regulation in Latin America," 2006 ABA

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Section of International Law conference, Miami

"A Brief Practitioner's View of Foreign Investment and International Environmental Standards: the Developing Custom of Non-State Practice" International Investments and Protection of the Environment: the role of dispute resolution mechanisms, The International Bureau of the Permanent Court of Arbitration

"Bilateral Investment Treaty Arbitration and Overseas Investment," 2006 IBA Annual Conference, Chicago

Stephen Fietta



Contact Information

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Education

B.A/M.A. Law, University of Cambridge,
Winner, Cambridge University Prize for Commercial Law, 1993

The College of Law, Guilford, 1993-1994
Legal Practice Course (Distinction)

*Partner,
Litigation Department,
London*

Areas of Expertise

Mr Fietta is a partner in Latham & Watkins' International Dispute Resolution and Public International Law Practice Groups. His practice focuses exclusively on public international law, representing both sovereign States and corporate clients. In particular, he advises States and energy companies in connection with land and maritime boundary issues, sovereignty over natural resources and the provisions of the UN Convention on the Law of the Sea (UNCLOS) relating to boundary delimitation, the environment and the outer continental shelf. He regularly advises on associated dispute resolution procedures before the International Court of Justice (ICJ), International Tribunal for the Law of the Sea (ITLOS) and international arbitral tribunals. Mr Fietta appeared as Counsel for the Government of Barbados in the first maritime boundary arbitration under UNCLOS. He has also advised in connection with numerous transboundary pipeline projects and the application of the Energy Charter Treaty. Mr Fietta also advises widely on international investment law and international concession agreements and has worked on numerous related investment arbitrations before ad hoc and institutional tribunals.

Mr. Fietta has been identified by *Chambers' UK Directory* for 2008 and 2009 as the "up and coming" public international law practitioner in the United Kingdom. *Chambers' Global Directory* for 2008 also names him as one of the world's "up and coming" public international law practitioners. *Chambers' Global 2010* observes that Mr. Fietta "exhibits a high degree of professionalism and produces work of extremely high quality." The *Global Arbitration Review 2010* describes Mr. Fietta as "a lynchpin of the work in investment law and PIL work". Mr. Fietta is also featured in the global *Who's Who in Public International Law* (published in 2007).

Mr Fietta worked as a senior associate in the public international law practice of Herbert Smith, London, between September 2002 and April 2005.

Previously, Mr Fietta was a lawyer at the European Court of Human Rights in Strasbourg, France, where he worked on cases brought against States concerning, *inter alia*, confiscation of assets by State authorities, fairness of civil and criminal proceedings before domestic courts and tribunals, environmental matters and acts of State authorities during wartime.

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Mr Fietta also worked for three years as a legal adviser to the UK Government, where his responsibilities included advising in connection with proceedings before various national and international courts and tribunals.

Representative Matters

Highlights of Mr Fietta's practice have included:

- Advising Barbados in its successful UNCLOS maritime boundary arbitration against the Republic of Trinidad and Tobago, under the aegis of the Permanent Court of Arbitration
- Advising an Asian State in connection with a case being brought by *compromis* with one of its neighbours before the ICJ (cannot currently be named for reasons of client confidentiality)
- Advising a south-east Asian State in relation to an ongoing dispute with two neighbouring States concerning land sovereignty over a small maritime feature of strategic importance and related overlapping maritime claims (cannot currently be named for reasons of client confidentiality)
- Advising an Eastern European State on the terms of an arbitration *acquis* in relation to a land and maritime boundary dispute with a neighbouring State
- Advising a State client in respect of an anticipated application to the ITLOS for provisional measures under UNCLOS (cannot currently be named for reasons of client confidentiality)
- Advising a south-east Asian State in relation to the ongoing negotiation of maritime boundary and related land sovereignty issues with a neighbouring State (cannot currently be named for reasons of client confidentiality)
- Advising the Government of Croatia in proceedings in the English courts relating to State succession and other issues arising out of competing State claims to the property of the former Yugoslavia
- Advising the Government of Ukraine in connection with sovereign immunity and the protection of assets against enforcement of an international arbitration award in the United Kingdom
- Advising the Government of Dubai on the public international law aspects of the creation of the Dubai International Financial Centre
- Advising the Government of the United Kingdom in connection with a series of cases before the European Court of Human Rights and European Court of Justice
- Advising the Government of Antigua and Barbuda in connection with proceedings against the United States before the WTO's Dispute Settlement Body
- Advising a number of sovereign wealth funds in the Middle East in relation to the protection of their international investments under bilateral investment treaties
- Advising the Government of Barbados in connection with its outer continental shelf entitlement and assisting its preparation of a submission to the Commission on the Limits of the Continental Shelf (CLCS)

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- Advising an Asian State in connection with its potential outer continental shelf entitlement and assisting in the preparation of its CLCS submission
- Advising the national gas company of an east European State in connection with the public international law consequences (including under the Energy Charter Treaty) of a major gas supply and transit dispute with a neighbouring State
- Advising Eurotunnel in connection with a successful *ad hoc* investment treaty arbitration against France and the United Kingdom arising out of the Channel Tunnel project
- Advising the Government of Croatia in an UNCITRAL Rules arbitration brought under a bilateral investment treaty
- Advising the Government of Azerbaijan in an ICSID arbitration brought under a bilateral investment treaty and a contract
- Advising the Government of the Federal Republic of Macedonia in an ICSID arbitration brought under a bilateral investment treaty
- Advising the City of Hamburg in an ICSID arbitration brought against Germany under the Energy Charter Treaty
- Advising Aguas del Tunari in an ICSID/bilateral investment treaty arbitration against Bolivia
- Advising ATA Construction, Industrial and Trading Company (Turkey) in a pending ICSID/bilateral investment treaty arbitration against Jordan
- Advising Alapli Elekrik (Netherlands) in a pending ICSID claim against Turkey under the Energy Charter Treaty and a bilateral investment treaty
- Advising Karmer Marble Tourism Construction Industry and Commerce LLC (Turkey) in a pending ICSID/bilateral investment treaty claim against Georgia
- Advising two individual applicants in connection with a pending claim against Romania before the European Court of Human Rights arising out of a major environmental incident
- Advising a US energy company in connection with maritime delimitation, outer continental shelf and deep sea mining issues, both off east Africa and in the Pacific region
- Advising a leading multinational energy company on public international law issues (including under the Energy Charter Treaty) in connection with the BTC pipeline
- Advising a US energy company on public international law issues (including under the Energy Charter Treaty) in connection with the auction of Yukos assets by the Russian Federation

Academic Activities

Kings College London
2003-present, Lecturer in MA course "Geopolitics, Territory and Security"

University College London

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2005-present, External examiner on LLM course, "International Law of Foreign Investment"
2003-2004, Co-lecturer in LLM course "International Law of Natural Resources"

Mr Fietta has published a number of papers on topics of public international law in leading international journals including the Journal of International Arbitration, the International Arbitration Law Review and the Journal of World Investment and Trade

Mr Fietta is a regular speaker at conferences on topics of public international law and international dispute resolution. He has spoken at a wide variety of commercial, diplomatic and academic *fora*

Professional Associations

Mr Fietta is a member of the Energy Charter Secretariat's Legal Advisory Task Force

Mr Fietta is an Alternate Member (to Judge D H Anderson) of the International Law Association's Committee on the Outer Continental Shelf

Language Proficiency

Mr Fietta is proficient in French and Italian

Charles Claypoole

Contact Information

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Education

B.A/M.A. Law and Social Anthropology, University of Cambridge
Bar Vocational Course, Inns of Court School of Law, London
LL.M., University of Heidelberg

Bar Qualifications

England and Wales

Areas of Expertise

Charles Claypoole is an associate in the London office of Latham & Watkins. He is a member of Latham & Watkins' International Dispute Resolution and Public International Law Practice Groups. His practice focuses on public international law and international commercial arbitration.

Mr. Claypoole advises both sovereign States and private clients on a wide range of contentious and non-contentious public international law and related dispute resolution issues, including: the protection of international investments under bilateral and multilateral investment treaties; State sovereignty over natural resources; land and maritime boundary issues; the UN Convention on the Law of the Sea (UNCLOS); UN, EU and domestic trade sanctions regimes; international humanitarian and human rights law.

Mr. Claypoole also advises and represents clients in all aspects of international commercial arbitration and related judicial proceedings.

Mr. Claypoole has extensive experience in representing clients in proceedings before a variety of international judicial and arbitral bodies including the International Court of Justice, the Iran-United States Claims Tribunal, ICSID, ICC, LCIA and *ad hoc* arbitral tribunals. Mr. Claypoole is an experienced advocate.

Prior to joining Latham & Watkins Mr. Claypoole practiced in Paris in the public international law / international arbitration group of Frere Cholmeley – Eversheds. Mr. Claypoole has also worked as a lawyer at the registry of the European Court of Human Rights (ECHR) in Strasbourg, France.



*Associate,
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LATHAM & WATKINS

Representative Matters

Highlights of Mr. Claypoole's contentious practice, prior to joining the firm, have included:

Public international law / investment arbitration

- Advising the Government of Ukraine in an ICSID arbitration brought under a bilateral investment treaty in relation to a petrochemicals project (GEA v Ukraine)
- Advising the Government of Ukraine in an UNCITRAL arbitration brought under a bilateral investment treaty in relation to a ship-building contract
- Advising the Government of Azerbaijan in an ICSID arbitration brought under a bilateral investment treaty in relation to the management of an electricity network (Barmek v Azerbaijan)
- Advising a Dutch investor in an ICSID arbitration brought against Turkey under a bilateral investment treaty and the Energy Charter Treaty relating to a BOT contract for a gas-fired power plant (Alapli v Turkey)
- Advising a U.S. investor in respect of a potential claim under a bilateral investment treaty relating to a petrochemicals project in a Latin American State
- Advising a U.S. investor in respect of a potential claim under a bilateral investment treaty relating to failings of a stock market regulator in an Asian State
- Advising the Government of Barbados in respect to its claim to Outer Continental Shelf submitted to the UN Commission on the Limits of the Continental Shelf
- Advising the Government of Ukraine in the case concerning maritime delimitation in the Black Sea (Romania v Ukraine) before the International Court of Justice
- Advising the Government of Yemen in an ICSID arbitration brought under a bilateral investment treaty in relation to a construction project (DLP v Yemen)
- Advising the Government of Iran in several cases before the Iran-United States Claims Tribunal
- Advising the Government of Pakistan in the jurisdictional phase of an ICSID arbitration brought under a bilateral investment treaty in relation to a construction project (Bayindir v Pakistan)
- Advising the Government of Indonesia in the case concerning sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia / Malaysia) before the International Court of Justice
- Advising the Government of Ethiopia in the arbitration before the Eritrea-Ethiopia Boundary Commission administered by the Permanent Court of Arbitration
- Advising the Government of Yemen in the arbitration with Eritrea concerning territorial sovereignty and maritime delimitation administered by the Permanent Court of Arbitration
- Advising on several cases brought before the European Court of Human Rights

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International commercial arbitration

- Advising a European energy company in respect of a potential ICC arbitration against a State oil company.
- Advising a UK biofuels company in an LCIA arbitration with seat in London
- Advising a Turkish construction company in a major pipeline dispute (ICC arbitration with seat in Paris)
- Advising a French company in a telecommunications dispute involving international roaming rights (ICC arbitration with seat in Paris)
- Providing expert advice regarding denial of justice and the application of OHADA uniform laws in an ICC arbitration with seat in Paris
- Advising an Iranian construction company in a dispute under a joint venture agreement in respect of a major construction project (ICC arbitration with seat in Vienna)
- Advising a Government in respect of the termination of a major defence contract with a State-owned company (ICC arbitration with seat in The Hague)
- Advising an Italian aviation company in an ICC arbitration with seat in Paris
- Advising a group of companies in a dispute involving trademark licensing in China (ICC arbitration with seat in Paris)

Other highlights of Mr. Claypoole's practice have included:

- Acting as legal secretary in an investment arbitration brought under the Swiss Rules of International Arbitration
- Advising various companies on U.N., E.U., and U.S. sanctions (Libya, Iran, Sudan, Former Republic of Yugoslavia and Iraq)
- Advising international energy companies on issues of international humanitarian law in the context of the occupation of Iraq
- Advising Governments and international energy companies on various issues of the Law of the Sea (Gulf of Guinea, West Africa, Israel / Palestine, Western Sahara, the Persian Gulf and the Timor Sea)
- Advising Governments and international energy companies in respect of joint development agreements and associated obligations under international law
- Advising in respect of the Lockerbie criminal trial

Speaking Engagements and Publications

Mr. Claypoole regularly speaks at industry and academic events and has published a number of papers on various issues of international law.

Recent engagements and publications include:

- Kings College London, 2003-present, lecturer in MA course "International Boundary Studies"
- Paper ("Maritime Boundaries Offshore West Africa") at conference on Dispute Resolution in the International Oil & Gas Business. Houston, Texas, 21 April 2010
- Papers ("Legal Principles of Maritime Delimitation" and "Options for resolving maritime boundary disputes") at IBRU Training Workshop, Maritime Boundary Delimitation, Durham, 20-21 July 2009
- "Investment in Mongolia: Some aspects of Public International Law", Seminar on the Future of Mongolia, Mongolian British Chamber of Commerce, 1 July 2009
- National Oceanography Centre, Southampton, 2009 – present, lecturer on Law of the Sea and dispute resolution
- Queen Mary College London, 2008, guest lecturer on the public international law course
- "Drilling in disputed waters – what risks for energy companies?", published on www.menasborders.com, 27 November 2008
- "The Investment Provisions of the EU-ACP Economic Partnership Agreements and their Relationship with Bilateral Investment Treaties", Arbitration and Mediation in the ACP-EU Relations, Association for International Arbitration (ed.) (article and paper presented on 21 May 2008)
- "Access to International Justice: A Review of Trust Funds Available for Law of the Sea-Related Disputes", International Journal for Marine and Coastal Law 23 (2008) 77-94
- Paper ("The Energy Industry's Perspective") at conference on "Options for Unlocking Maritime Boundary Disputes" organised by IBRU, Paris, 28 June 2006
- Workshop and paper ("Managing the problem of a maritime boundary dispute: what steps can be taken?") at conference on "Advanced International Boundary Disputes in Oil and Gas" organised by IQPC, London, 20-21 June 2006
- Paper at the 2006 Spring Conference of the British Branch of the ILA: "A Comparative Review of the Approaches taken by International Courts with Respect to Interferences with Property Rights"

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Language Proficiency

Mr. Claypoole is fluent in French and German and speaks basic Portuguese.