

Dentons International Arbitration team – Investment structuring advice and beyond

Protecting your international interests, so you can get back to business

The mining industry is highly globalized. Minerals reside across jurisdictions around the world. As new opportunities for resource development emerge, and local or regional circumstances around existing interests change, operational and legal challenges may arise. Navigating the intricate landscape of the highly globalized mining industry requires a trusted partner. Dentons' mining disputes team stands out as your global partner, specializing in addressing the complexities of the industry. The International Arbitration team at Dentons is here to support your business and help you navigate this evolving landscape before, during and after these challenges develop.

- Turn to us for advice on investment structuring, a powerful tool in the face of increasing threats of resource nationalism around the globe especially when manifesting as targeting one particular company or industry. We can advise you on how to structure your investment to take advantage of the protections of an investor-state treaty, and on the differences in the protections offered between treaties. Having an investor-state treaty – or more than one applicable treaty – to rely upon can be instrumental in ensuring the project and your investment is treated fairly. If your investment has already been made, we can advise on potential restructuring to continue protections for your interests.
- Let us assist you in navigating the increasingly complex, and ever-changing, investor-state system from changes to treaty treatment of tax matters and exclusion of fair and equitable treatment protections in newer treaties, to other substantive changes that can impact mining company rights. While these changes elevate the importance of contractual rights and clauses – on which we also routinely advise – they underscore the importance of investment structuring. We are here help you before disputes arises.
- We are also well-equipped to advise on how and when to get involved as investor-state treaties critical to your business, and the minerals you want to develop, are being negotiated or re-negotiated. Our knowledge of the investor-state regime and trends in new investment treaties, combined with our government relations team and global strategic advisory group Dentons Global Advisors can help you understand the process, including where and how to speak for your company's interests.
- Our team is at the forefront of developments around the world as regulations and laws develop around human rights and social licence issues. Should a dispute or investigation arise our team will get you the information and insights you need to strategically navigate the situation. We possess extensive experience in advocating for clients before all major international arbitration institutions, offering a practical approach to dispute resolution, allowing you to swiftly return to business.

Why Dentons:

Whether you're immersed in arbitration involving States, contractors, service providers, royalties, participation rights, or in other mining-related disputes, we are committed to safeguarding your investments, assets, and operations. Our seasoned team has a proven track record in diverse disputes, covering issues such as mine ownership, permitting, expropriation, joint ventures, supply agreements, royalties, Indigenous rights, environmental regulations, and more.

Our International Arbitration group is recognized as one of the world's top 15 international arbitration firms by the *Global Arbitration Review*. Comprising over 40 partners and 120 lawyers, our team is widely acknowledged for our work as trusted arbitration counsel. As the world's largest global law firm, we skillfully navigate the cultural and structural challenges inherent in the regions where your operations are based. Our goal is to assist you in risk mitigation, enabling you to focus on your business priorities.

Select representations in investor state disputes:

- **Aris Mining Corporation (formerly known as GCM Mining Corp. and Gran Colombia Gold Corp.):** Counsel to Aris Mining Corp., a Canadian gold mining company, in an investment dispute against the Republic of Colombia involving damages of upwards of US\$300 million.
- **Confidential Client:** Counsel in a \$1.32 billion ICSID arbitration brought by British and Australian investors concerning the expropriation of an investment in a coal mining project.
- **Confidential Client:** Counsel in a US\$630 million BIT arbitration conducted under the UNCITRAL Arbitration Rules and administered by the LCIA, arising out of the alleged expropriation of a gold mining license in Kyrgyzstan.
- **Canadian based exploration and development mining company:** Advising in relation to an arbitration proceeding deriving from their business activities in Peru.
- **Major mining company:** Representing a major mining company in an ICDR arbitration in New York relating to an alleged joint venture agreement to develop and mine certain property in Armenia. The arbitrator issued an Award in favor of our client, denying our opponent's claims and determining that the property should revert back to our client's wholly-owned subsidiary.
- **State Mining Corporation of Tanzania:** Advising on an ICC arbitration commenced by Gulf Arab interests regarding licenses on the principal goldmines in Tanzania.
- **South Asian State:** Acting in defending a US\$275 million claim under the UNCITRAL Rules pursuant to a BIT brought by a Middle-Eastern entity concerning a bauxite mining and alumina refining project.

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