

Mining Arbitrations

Grow | Protect | Operate | Finance

Overview

The mining industry is highly globalized and so is your Dentons mining disputes team. Whether you are embroiled in arbitration with a host state, contractor or service provider, or over a royalty, participation right, or other mining or resources-related dispute, Dentons is here to help you protect your investments, assets and operations. Our team has represented clients in disputes regarding mine ownership, control, permitting, expropriation, exploration, development and operations, joint venture partners, supply and offtake agreements, shareholders and customers, Indigenous rights, environmental and regulatory matters, mining construction issues and take-over bids. Our lawyers are also experienced in dispute resolution clause drafting, investor-state treaty structuring and can help companies mitigate risk before a dispute arises. Clients take advantage of our core strength in providing strategic advice to companies, their boards, management and special committees and their professional advisors

We also work closely with our securities and corporate mining lawyers to negotiate deals, execute plans of arrangement or assist in connection with hostile tender offers or takeover bids. If it becomes necessary to protect your rights before regulatory tribunals, trial or appellate courts, we are second to none. Our clients are engaged in the exploration and development of surface and underground deposits of various resources around the world, including: gold, silver, copper, uranium, diamonds and other metals and minerals. As the world's largest law firm, we are able to navigate the cultural and structural challenges that you may face in the regions you have operations.

Select representations

- **African based mining company:** Advising a mining company on claims available to it under its development agreement and relevant international treaties against the Government for imposing various fiscal measures upon it.
- **State Mining Corporation of Tanzania:** Advising on an ICC arbitration commenced by Gulf Arab interests regarding licenses on the principal goldmines in Tanzania.
- **Confidential client:** Advising in disputes arising from the irregular transmission of shareholdings, carried out in conflict with the applicable mining legislation and without complying with the requirements established by Articles of Associations of the companies, to the detriment of the other shareholders.
- **Confidential diamond mining company:** Successfully assisting in the review and appeal (full bench) of a decision taken by the Department of Mineral Resources to convert an old order prospecting right into a new order right. The case involved the proper interpretation and application of the Transitional Arrangements in the Mineral and Petroleum Resources Development Act.
- **Vuna Mining Enterprises (Pty) Ltd:** Successfully assisting a mining company in the Water Tribunal concerning the powers and jurisdiction of the Tribunal to entertain appeals brought by certain classes of people. The matter

also concerned the standing of appellants under the Water Act. (*Gideon Anderson t/a Zonneblom Boerdery v Department of Water & Environmental Affairs* [2010] ZAWT 4).

- **Multinational oil and gas company:** Advising on the impact of multi-party arbitration proceedings under the ICC Rules on the proposed multi-billion dollar farm-out of its interest in an oil mining lease offshore in West Africa.
- **Glencore International:** Representing in its multimillion dollars claim against Tanzania International Container Terminal Services regarding copper lost while in transit from the miner to the ultimate purchaser.
- **Investors:** Representing in a US\$19,750,000 in arbitration proceedings involving shareholders of Longclaw Resource Holdings Limited.
- **Konkola Copper Mines:** Representing in a dispute relating to the Bulk Power Purchase Agreement with ZESCO Limited, the country's major power utility supplier.
- **Gran Colombia Gold Mining Co.:** Counsel to Gran Colombia Gold Mining Co., a Canadian gold mining company, in an investment dispute against the Republic of Colombia involving damages of upwards of US\$100 million.
- **UK Company:** Counsel to a UK company against the State of Poland under the UK-Poland Bilateral Investment Treaty for the expropriation of a potash mining project.
- **Republic of Indonesia:** Counsel to the Republic of Indonesia in a \$1.32 billion ICSID arbitration brought by British and Australian investors concerning the expropriation of an investment in a coal mining project.
- **Republic of Uzbekistan:** Counsel to the Republic of Uzbekistan and two state enterprises in SCC and ICSID arbitrations brought by Newmont Mining Corporation, a US company, under a BIT and a joint venture agreement.
- **Kyrgyz Republic:** Counsel to the Kyrgyz Republic against Oxus Gold plc 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.
- **Syndicated lenders:** Multiple CIA arbitrations for the recovery of debts against borrowers and guarantors from a Russian mining and metals group.
- **Confidential client:** Acting for the claimant in a dispute with a borrower that defaulted on a pre-export finance facility. Arbitration proceedings were held under the LCIA Rules and concerned contracts between the bank and two Thai gold mining and exploration companies.
- **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.
- **Confidential client:** Advising in an ICC Arbitration on a \$50 million claim involving mining industry agreements.
- **Canadian based exploration and development mining company:** Advising in relation to an arbitration proceeding deriving from their business activities in Peru.

Key Contacts



Dan Bodle

Partner, London

D +44 20 7246 7540

dan.bodle@dentons.com

[Link to bio](#)



John Hay

Partner, New York

D +1 212 398 5233

john.hay@dentons.com

[Link to bio](#)



Rachel Howie

Partner, Calgary

D +1 403 268 6353

rachel.howie@dentons.com

[Link to bio](#)



James Langley

Partner, London

D +44 20 7246 7440

james.langley@dentons.com

[Link to bio](#)



Diora Ziyaeva

Counsel, New York

D +1 212 768 6883

diora.ziyaeva@dentons.com

[Link to bio](#)