

Practice Group

Investment Protection & Investor-State Dispute Resolution



Schellenberg
Wittmer

Practice Group

Our practice group advises investors and states on issues relating to the protection of foreign investment. We assist in effectively (re)structuring cross-border investments to maximize protection under existing bilateral or multilateral investment treaties. We also represent investors and states in investor-state disputes, from pre-arbitral steps to arbitral proceedings under various rules and applicable treaties, and in proceedings in relation to arbitral awards rendered in investment disputes before the Swiss Supreme Court.

Expertise

Schellenberg Wittmer takes care of its client's high-stake cross-border investment matters from the (re)structuring of cross border investments to the representation in investor-state arbitration as well as in setting-aside and revision proceedings against arbitral awards rendered in investment disputes before the Swiss Supreme Court. The following is a list of representative work.

- Advised foreign investors and states in designing negotiation and dispute settlement strategies;
- Advised foreign investors in setting up asset structures to maximize protection under existing bilateral or multilateral investment protection treaties;
- Advised foreign investors in restructuring assets to maximize protection under existing bilateral or multilateral investment protection treaties;
- Advised foreign investors in obtaining third-party funding in support of potential investor-state arbitration under ICSID and UNCITRAL rules;
- Advised foreign investors in preparing for investor-state arbitration, including by preparing case assessments and drafting notices of dispute;
- Represented foreign investors and states in numerous high-value international investment arbitrations;

- Represented foreign investor and states in numerous setting aside proceedings before the Swiss Supreme Court;
- Represented foreign investor and states in several (rare) revision proceedings before the Swiss Supreme Court.

Deals and Cases

- Representing a state in four multi-billion investor-state arbitrations under the UNCITRAL Rules and administered by the Permanent Court of Arbitration in the Hague, Netherlands;
- Advising an Eastern Mediterranean investor in relation to pre-arbitral steps, including drafting a formal notice of dispute pursuant to a Bilateral Investment Treaty in preparation of ICSID investor-state arbitration against a Middle Eastern country;
- Advising a Swiss investor in relation to pre-arbitral steps, including drafting a formal notice of dispute pursuant to a Bilateral Investment Treaty in preparation of ICSID investor-state arbitration against a Baltic state;
- Advising a Middle Eastern investor in relation to a potential ICSID investor-state arbitration against a Middle Eastern country, including advice on and assistance in obtaining third-party funding;
- Advising an investor from an CIS country in preparation of investor-state arbitration under UNCITRAL Rules against a CIS country, including advice on obtaining third-party funding;
- Representing a state in two interconnected Swiss setting-aside proceedings of an award rendered by an arbitral tribunal constituted under UNCITRAL Rules and administered by the Permanent Court of Arbitration in the Hague, Netherlands;
- Representing a group of solar energy investors against a Central European state in relation to Swiss setting aside proceedings against an award rendered by an arbitral tribunal under the Energy Charter Treaty and UNCITRAL Rules;
- Representing a state in Swiss setting-aside proceedings against an award rendered by an arbitral tribunal

constituted under the Energy Charter Treaty;

- Representing an Eastern Mediterranean investor in Swiss setting-aside proceedings against an award rendered by an arbitral tribunal constituted under the UNCITRAL Rules and administered by the Permanent Court of Arbitration in the Hague, Netherlands;
- Representing a South Asian country in Swiss revision proceedings against an interim decision and the final decision rendered by an arbitral tribunal constituted under the UNCITRAL Rules and administered by the Permanent Court of Arbitration in the Hague, Netherlands;
- Advising a Swiss company in connection with potential claims arising under a first-generation Bilateral Investment Treaty with a South American state and assisting the client in preparing a file for potential arbitration;
- Advising Latin American clients on wealth structuring and protection under Bilateral Investment Treaties, including Swiss tax and regulatory advice;
- Advising a Mexican Group on wealth restructuring and protection under Bilateral Investment Treaties, including setting up a Swiss trust.

Recognitions

The group and leading practitioners are highly ranked and recognised among leading law firms in global directories and publications:

- Chambers Global and Europe
- Legal 500
- Lexology Index Switzerland

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**Schellenberg Wittmer
has strong industry
knowledge that means
it provides a level of
expertise that other
firms cannot match.**
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Schellenberg Wittmer Ltd is your leading Swiss business law firm with more than 150 lawyers in Zurich and Geneva, and an office in Singapore. We take care of all your legal needs – transactions, advisory, disputes.



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