
Commercial Arbitration

LK has significant experience in domestic and international arbitration, with a team of specialists drawn from some of the world's leading international arbitration practices around the world.

Our team has resolved disputes across a range of industries by way of ad hoc arbitrations under the UNCITRAL rules and bespoke procedural rules, and institutional arbitrations under the rules of ICSID, ICC, LCIA and ACICA.

Our team's experience before and since joining Lipman Karas is set out below.

Projects, Infrastructure, Mining & Energy

Royal Adelaide Hospital Construction Dispute

Representing the South Australian State Government in arbitration and other proceedings concerning defaults, delays and defects arising out of the AU\$2.5 billion PPP arrangements for the design, construction and operation of the State's major health facility (ACICA arbitration; Adelaide seat).

Oil Refinery Upgrade

Represented a state-owned oil company in a dispute arising from the delay in the upgrade of an oil refinery project (ICC).

Petrochemical Pricing Dispute

Represented a major oil company in a dispute with a Middle Eastern state regarding a PSA (ICC; Paris seat).

Mining Construction Dispute

Represented a contractor in a multi-million dollar dispute in relation to the design and refurbishment of a gold mine processing plant (ad hoc arbitration under UNCITRAL Rules).

Agriculture & Commodities

Agricultural Machinery Joint Venture Dispute

Represented the manufacturer of agricultural machinery in a claim for lost profits of c. US\$200 million arising out of a joint venture dispute involving allegations of fraud and political corruption (ICC arbitration; Swiss seat).

Saul Partners Ltd v Glencore International AG, EN+ Group Ltd, United Company RUSAL plc & Oleg Digipaks

Represented EN+ Group, the largest shareholder in RUSAL, in a dispute over its management and the potential cancellation of a US\$47 billion aluminium trading deal between RUSAL and Glencore (LCIA arbitration; London seat).

Trade & Investment

Atrium European Real Estate Ltd v Mein Bank AG & Others

Represented the claimant property investment firm in a dispute involving various entities concerning the release of security over a large commercial property portfolio across Eastern Europe and the CIS (LCIA arbitration; London seat).

Sale of Goods Dispute

Represented the respondent in a dispute over a sale of goods contract between a European distributor and Chinese manufacturer, involving a claim of US\$20 million and counterclaim of US\$80 million, including an application to the Hong Kong courts to challenge the jurisdiction of the arbitral tribunal (HKIAC arbitration; Hong Kong seat).

Share Sale Dispute

Represented a BVI company in a claim for the return of US\$20 million due to it from a Turkish company following the non-supply of shares in a Swiss company which owned an oil terminal on the Caspian Sea (LCIA Rules).

Investor-State Arbitration

Mobil Investments v Canada

Counsel for Canada in an investment treaty arbitration with ExxonMobil regarding regulation of the oil industry (ICSID).

Chevron v Ecuador

Represented Chevron in an investment treaty arbitration arising from a court judgment (ICSID).

Republic of Indonesia

Representing the Republic of Indonesia on public international law issues relevant to investor state arbitration proceedings brought under the Organisation of Islamic Conference Agreement on the Promotion, Protection and Guarantee of Investments (ad hoc arbitration under UNCITRAL rules; Singapore seat).

ICS Inspection and Control Services v Republic of Argentina

Represented the claimant in an investor-state arbitration against the Republic of Argentina for losses arising from Argentina's conversion of its debts into pesos during its 2001 economic crisis which allegedly had a negative impact on the value of a services contract between the parties (ad hoc arbitration under the UNCITRAL rules; Netherlands seat).

Mercer v Canada

Counsel for Canada in an investment treaty arbitration regarding electricity regulation (ICSID).

Japan and EU v Canada

Counsel for Canada in WTO disputes with Japan and the EU regarding renewable energy.

Clayton v Canada

Represented a US company in an investment treaty arbitration arising from the rejection of a mining permit (UNCITRAL; Toronto seat).