

# Stephen Fietta

## CONTACT INFORMATION

Tel: +44 (0)7557 398 278

E-mail: [stephen.fietta@fiettalaw.com](mailto:stephen.fietta@fiettalaw.com)



## CAREER HISTORY

- Fietta LLP, founder and principal (2015 onward)
- Volterra Fietta, co-founder and principal (2011 to 2015)
- Latham & Watkins, partner (2009 to 2011), senior associate (2005 to 2008)
- Herbert Smith, associate (2002 to 2005)
- United Kingdom Government (Home Office), lawyer (1997 to 2002), (with 18-month secondment as UK National Expert to the European Court of Human Rights in Strasbourg, France (2001 to 2002))
- Herbert Smith, associate (1997), trainee (1995 to 1997)

## DIRECTORY RECOGNITION

Chambers Global Directory ranks Stephen as one of the world's top public international law and investment dispute practitioners. Chambers Global Directory 2016 observes that he "enjoys a strong reputation among his peers in PIL circles and is commended for his reliability and analytical skills". Chambers Global Directory 2015 comments that he is "held in high regard by both peers and clients, who describe him as an "outstanding" and "well-rounded" PIL lawyer". It adds that "clients praise his arbitration experience and appreciate his "calm and very smart" approach".

Chambers UK Directory 2017 ranks Stephen as among the UK's leading public international law and investor-state arbitration practitioners. It quotes commentators describing him as "a really thorough advocate, a thoroughly nice person and a true expert" who is also "great with clients." It says that clients identify him as "an outstanding lawyer capable of simplifying matters without losing sight of the details." Chambers UK Directory 2016 observes that Stephen "has a wealth of experience representing States and investors before ICSID and UNCITRAL arbitrations". It comments that "peers and clients praise his analytical approach and considerable intellect".

The Legal 500 ranks Stephen as a "leading individual" in public international law. It describes him as "calm, measured and unflappable" and a "simply fantastic practitioner".

Stephen was featured in the global Who's Who in Public International Law (published in 2007). In March 2013, Stephen was named among the top 100 lawyers in London by the inaugural UK edition of Super Lawyers. The Global Arbitration Review 2011 named Stephen as one of the world's leading international arbitration practitioners under the age of 45 (the "45 under 45"). Who's Who Legal has again recognised Stephen Fietta as among the world's leading arbitration experts in its 2017 edition. The recognition follows independent research with clients and peers. Stephen was named as a "Thought Leader" in the Who's Who Legal 2018 guide for arbitration.

## EDUCATION AND ACADEMIC ACTIVITIES

B.A. (1993) and M.A. (1994) in Law, University of Cambridge, *Winner, Cambridge University Prize for Commercial Law*

The College of Law, Guildford, *Legal Practice Course (Distinction)*

Stephen is a Visiting Senior Lecturer at Kings College London, where he teaches the MA course "Geopolitics, Territory and Security"

Stephen has also lectured on various public international law issues on LLM and MSc courses at University College London (UCL), the London School of Economics (LSE) and University of Southampton

## PUBLICATIONS AND SPEAKING ENGAGEMENTS

Stephen has published widely on various public international law topics. Most recently, he co-authored (with Dr Robin Cleverly) *A Practitioner's Guide to Maritime Boundary Delimitation* (OUP, published March 2016).

His articles and commentaries have been published in leading international journals including the *American Journal of International Law*, *International Legal Materials*, the *Journal of World Investment and Trade*, the *Journal of International Arbitration* and the *International Arbitration Law Review*.

In 2015, Stephen was awarded the Smit-Lowenfeld Prize for best article in the field of international arbitration. The prize was awarded for his article, co-authored by Dr James Upcher, "Public International Law, Investment Treaties and Commercial Arbitration: an emerging system of complementarity?", published in *Arbitration International*.

Stephen is a regular speaker at conferences around the world on topics of public international law, investment arbitration and international dispute resolution. For details of recent speaking engagements, see [www.fietailaw.com](http://www.fietailaw.com)

## AREAS OF EXPERTISE

Stephen is an English-qualified solicitor and Solicitor-Advocate (Higher Courts Civil Proceedings). Stephen advises 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, free trade agreements and concession contracts; treaty drafting and interpretation; State sovereignty over natural resources; land and maritime boundary issues; the UN Convention on the Law of the Sea (UNCLOS); transboundary pipeline projects and the Energy Charter Treaty; sovereign and diplomatic immunity; State succession over the property of dissolved States; State responsibility for the acts and omissions of public authorities and domestic courts; UN, EU and domestic trade sanctions regimes; international environmental law; and human rights.

Stephen regularly leads teams of lawyers representing clients before the world's leading public international law courts and tribunals. He has advised in connection with disputes at the International Court of Justice (ICJ), the International Tribunal for the Law of the Sea (ITLOS), the European Court of Human Rights (ECHR) and a multitude of ad hoc and institutional arbitral fora (including under UNCLOS, ICSID, PCA, ICC, LCIA and UNCITRAL Rules). He has been particularly active over recent years as counsel for both claimants and respondents in investment arbitration proceedings pursuant to the ICSID, UNCITRAL, SCC and ad hoc arbitral rules, and has won some of the largest investment arbitration awards of recent history.

Before moving back into private practice in 2002, Stephen was a lawyer at the ECHR 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.

Stephen 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 Stephen's contentious practice have included:

- Representing Big Sky Energy Corporation, a US oil company, in a pending ICSID arbitration brought under a bilateral investment treaty against the Republic of Kazakhstan
- Representing a Finnish national in a pending UNCITRAL arbitration brought under a bilateral investment treaty against Egypt in relation to an iron ore and steel producing concession
- Advising Colombia in its case against Ecuador before the International Court of Justice concerning Aerial Herbicide Spraying (settled in September 2013)
- Advising the Government of Barbados in its 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 compromise with one of its neighbours before the ICJ (cannot be named for reasons of client confidentiality)

- Advising a State in respect of an anticipated application to the ITLOS for provisional measures under UNCLOS (cannot be named for reasons of client confidentiality)
- Advising an Asian State in connection with an ad hoc arbitration proceeding against one of its neighbours in connection with certain land territory matters (cannot 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 (cannot be named for reasons of client confidentiality)
- Advising an 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 the Government of Croatia in an UNCITRAL Rules arbitration brought under a bilateral investment treaty
- 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 Croatia in connection with proceedings to set aside a UNCITRAL Rules Award before the Dutch Courts
- Advising the Government of Malaysia in an ICSID annulment proceeding
- 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 Government of the UAE in connection with a claim brought under a bilateral investment treaty
- Advising the City of Hamburg in an ICSID arbitration brought against Germany under the Energy Charter Treaty
- Advising the Government of Antigua and Barbuda in connection with proceedings against the United States before the WTO's Dispute Settlement Body
- 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 the United Kingdom in connection with a series of cases before the ECHR and European Court of Justice
- 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 (cannot be named for reasons of client confidentiality)
- Advising the national oil company of an Asian State in connection with a constitutional dispute about exploitation of territorial sea and continental shelf resources
- Advising Eurotunnel (France/UK) in connection with an ad hoc investment treaty arbitration against France and the United Kingdom arising out of the Channel Tunnel project
- Advising a Luxembourg entity in an investment treaty arbitration proceeding against an Eastern European State
- Advising City-State N.V. (Netherlands) in a pending ICSID arbitration brought under a bilateral investment treaty against Ukraine
- Advising OI European Group B.V. (Netherlands) in a pending ICSID arbitration brought under a bilateral investment treaty against Venezuela

- Advising on set-aside proceedings of an ICSID Facility award before the Paris Court of Appeal
- Advising Vigotop Limited (Cyprus) in an ICSID arbitration brought under a bilateral investment treaty against Hungary
- Advising more than 600 individuals in a pending ICSID arbitration brought under a bilateral investment treaty against Cyprus
- Advising Alapli Elekrik (Netherlands) in an ICSID arbitration brought under the Energy Charter Treaty and a bilateral investment treaty against Turkey
- Advising Karmar Marble Tourism Construction Industry and Commerce LLC (Turkey) in an ICSID arbitration brought under a bilateral investment treaty against Georgia
- Advising a major US petrochemical company in a pending ICSID arbitration brought under a bilateral investment treaty against Venezuela
- Advising a United Kingdom national in a pending arbitration brought under a bilateral investment treaty against Pakistan arising out of a major energy infrastructure project
- Advising Fabrica de Vidrios Los Andes, C.A. and Owens-Illinois de Venezuela, C.A. in a pending ICSID arbitration brought under a bilateral investment treaty against Venezuela
- Advising ATA Construction, Industrial and Trading Company (Turkey) in an ICSID/bilateral investment treaty arbitration against Jordan
- Advising ATA Construction, Industrial and Trading Company (Turkey) in defending post-Award ICSID interpretation and annulment challenges by Jordan
- Advising a leading US private equity investor in relation to the potential challenge of an ICSID (Additional Facility) Award in the French Courts
- Advising Aguas del Tunari in an ICSID arbitration brought under a bilateral investment treaty against Bolivia
- Advising Libananco Holdings Company Limited (Cyprus) in a post-Award ICSID annulment application.
- Advising a Mauritian liquefied petroleum gas importer in a pending arbitration brought under a bilateral investment treaty against Pakistan
- Advising the national oil company of a Balkan State in an UNCITRAL Rules arbitration against an Italian energy company
- Advising a European oil company in an ICC Rules arbitration against a Turkish energy company
- Advising a group of bondholders in connection with a pending ICSID arbitration brought under a bilateral investment treaty against Venezuela
- Advising a US law firm in connection with a potential ICSID arbitration involving an EU State
- Advising a Russian company in a dispute with the Republic of Kyrgyzstan involving issues of expropriation related to a foreign investment under a bilateral investment treaty and foreign investment law
- Advising an Austrian energy company in connection with the expropriation of assets by a north African State
- Advising Kuwaiti and other investors in a Pakistani LPG joint-venture of their respective bilateral investment treaty rights following State interference with the joint-venture
- Advising a Russian company in an international commercial arbitration under the London Court of Arbitration (LCIA) Rules (cannot be named for reasons of client confidentiality)
- Advising a leading US museum in a dispute with a European State involving issues of international law related to the provenance of fine art (cannot be named for reasons of client confidentiality)

- Advising a number of private individuals in connection with ongoing proceedings before the ECHR (including appearing as Counsel and Advocate before the Court)
- Advising a leading international NGO in connection with ongoing proceedings before the ECHR (cannot be named for reasons of client confidentiality)
- Advising a United Kingdom NGO in connection with an anticipated third party intervention in proceedings before the International Criminal Court (cannot be named for reasons of client confidentiality)

#### Highlights of Stephen's advisory practice have included:

- 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 be named for reasons of client confidentiality)
- Advising a south-east Asian State in relation to the ongoing negotiation of a land and river boundary with a neighbouring State (cannot be named for reasons of client confidentiality)
- Advising the Government of Barbados in its various maritime boundary and fisheries negotiations with other neighbouring States
- 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)
- Advising an Asian State in connection with its potential outer continental shelf entitlement and assisting in the preparation of its CLCS submission (cannot be named for reasons of client confidentiality)
- Advising an Asian State in relation to options for joint development of oil and gas resources over a disputed maritime area (cannot be named for reasons of client confidentiality)
- Advising an international investor based in the Middle East in relation to the nature and scope of bilateral investment treaties and equivalent instruments throughout the Middle East region
- Advising a major international energy sector investor in connection with a pending maritime delimitation dispute in West Africa
- Advising the Government of Dubai on the public international law aspects of the creation of the Dubai International Financial Centre
- Advising a sovereign wealth fund on the public international law aspects of a proposed multi-billion dollar investment in south-east Asia, including the drafting and implementation of a discrete treaty to promote and protect the investment
- Advising a Middle Eastern State-owned oil company on the structuring of various investments in Latin America so as to engage effective bilateral investment treaty protection
- 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 (cannot be named for reasons of client confidentiality)
- Advising an Australian oil company about maritime delimitation issues in connection with an oil concession located in a disputed maritime area in the Bay of Bengal
- Advising a US energy company on the restructuring of its global investments on five continents in order to maximise the protection of those investments under applicable investment treaties
- 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 BP on public international law issues (including under the Energy Charter Treaty) in connection with the BTC pipeline
- Advising Eurotunnel on various aspects of public international law and domestic public law in the context of its concession agreement with the UK and French Governments
- Advising an international consortium of export credit agency lenders on the protection of its investment in a Papua New Guinea gas project
- Advising a Swiss bank in connection with State and diplomatic immunity issues arising out of a loan guarantee entered into by Middle Eastern sovereign representatives
- Advising a US energy company in connection with public international law issues, including under the Energy Charter Treaty, raised by the auction of Yukos assets by the Russian Federation (cannot be named for reasons of client confidentiality)
- Advising a North American oil company on continental shelf boundary issues in Africa (cannot be named for reasons of client confidentiality)
- Advising a Russian company on the structuring of separate investments in Armenia, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan and on the scope of investor rights under applicable investment treaties and foreign investment laws in each of those jurisdictions (cannot be named for reasons of client confidentiality)
- Advising a Russian company in the drafting and negotiation of investment protection agreements with the Governments of Tajikistan and Uzbekistan (cannot be named for reasons of client confidentiality)
- Advising an Indian company on investment protection and sovereign immunity issues in connection with an investment in China (cannot be named for reasons of client confidentiality)
- Advising a US company on the public international law rules relating to sovereignty and satellites
- Advising a US aircraft manufacturing company on the structuring of a proposed investment in China and associated investment protection issues (cannot be named for reasons of client confidentiality)
- Advising a US company on optimization of its rights under an applicable Free Trade Agreement in connection with a proposed US\$ 1 billion investment in South-East Asia (cannot be named for reasons of client confidentiality)
- Advising a FTSE-100 company on the structuring of its investments in various parts of Eastern Europe so as to secure protection under bilateral investment treaties (cannot be named for reasons of client confidentiality)
- Advising a number of corporate entities and private individuals on the scope and application of UN, EU and domestic trade sanctions regimes (cannot be named for reasons of client confidentiality)
- Advising a leading multinational oil company in the context of a dispute between the World Bank and an African State under international loan arrangements in connection with a transboundary pipeline project (cannot be named for reasons of client confidentiality).

## LANGUAGE PROFICIENCY

Stephen speaks French and Italian