

Stephen Fietta Q.C.

Principal



CONTACT INFORMATION

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PROFESSIONAL BACKGROUND

- Fietta LLP, 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 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 solicitor (1995 to 1997)

AREA OF EXPERTISE

Stephen Fietta is the firm's founder and principal. He is ranked by *Chambers Global Directory* as one of the world's leading public international law and investment disputes practitioners. He appears in the *Legal 500's* public international law "Hall of Fame", which identifies "*individuals who have received constant praise by their clients for continued excellence*". Stephen is an English-qualified solicitor and Solicitor-Advocate (Higher Courts Civil Proceedings) and was appointed Queen's Counsel in 2019.

Stephen has practiced at the forefront of public international law, whether within government or private practice, for more than 20 years. He has advised on cases before, among others, the International Court of Justice, European Court of Justice, European Court of Human Rights and multiple domestic courts. He has one of the world's most prolific and longstanding practices in investment disputes, having appeared in more than 40 pending and decided investment treaty arbitrations under the World Bank (ICSID), UNCITRAL and other rules. He has secured many investment arbitration "wins" for clients over the past decade (both claimants and respondents), including some of the largest ever treaty damages awards.

Stephen advises sovereign States and private clients on all aspects of public international law and related dispute resolution issues, including: treaty drafting and interpretation; State sovereignty over natural resources; land and maritime boundary issues; the UN Convention on the Law of the Sea (UNCLOS); 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; the law of armed conflict; the protection of international investments under bilateral and multilateral investment treaties, free trade agreements and concession contracts; the Energy Charter Treaty; 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 (ECtHR) and a multitude of ad hoc and institutional arbitral fora (including under UNCLOS, ICSID, Permanent Court of Arbitration (PCA) and UNCITRAL Rules).

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

DIRECTORY RECOGNITION

Chambers Global Directory ranks Stephen as one of the world's top public international law and investment dispute practitioners. Chambers Global Directory 2020 describes him as "hugely knowledgeable and tactically very astute". Chambers UK Directory 2020 describes him as an "intellectual powerhouse". Its 2019 edition commented that Stephen held in high esteem by peers and clients alike for his substantial experience of investment treaty proceedings and his deep understanding of maritime boundary delimitation disputes. Chambers UK Directory 2018 quoted sources as identifying Stephen as "a world-leading PIL practitioner and an unflappable advocate" who is "meticulous, thorough and thoughtful".

The Legal 500 has consistently ranked Stephen as a "leading individual" in public international law. He is one of only four lawyers included in its "Hall of Fame" which "highlights individuals who have received consistent praise by their clients for continued excellence". Legal 500 Directory 2020 identifies Stephen as "one of the best experts on public international law", with an "outstanding reputation". Previous editions have commented that he is "calm, measured and unflappable", a "simply fantastic practitioner" and that "his professionalism and work ethic are remarkable".

In June 2020, Best Lawyers named Stephen "Lawyer of the Year 2021" in its public international law practice category. The award is given to a single lawyer in each practice category based upon extensive peer reviews.

Who's Who Legal again recognised Stephen as among the world's leading arbitration experts in its 2020 edition, classifying him as both a "Global Leader" and a "Thought Leader". The recognition follows independent research with clients and peers.

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").

REPRESENTATIVE MATTERS

Highlights of Stephen's contentious practice have included:

- Representing Colombia in its case against Ecuador before the ICJ concerning Aerial Herbicide Spraying (settled in September 2013)
- Representing the Government of Barbados in its UNCLOS maritime boundary arbitration against the Republic of Trinidad and Tobago, under the aegis of the PCA
- Advising an Asian State in connection with a case brought by compromis with one of its neighbours before the ICJ
- Advising Malaysia in the Railway Land Arbitration (Malaysia/Singapore) under the auspices of the PCA
- 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
- Advising a State in respect of an anticipated application to the ITLOS for provisional measures under UNCLOS
- Representing Croatia in two UNCITRAL Rules arbitrations brought under separate bilateral investment treaties
- Advising Croatia in connection with a foreign investor's unsuccessful attempts to set aside an UNCITRAL Rules Award before the Dutch Courts

- Representing 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
- Representing the Respondent State in an *ad hoc* arbitration brought by a Canadian investor under a bilateral investment treaty involving issues of state succession with respect to real estate interests
- Representing Malaysia in an ICSID annulment proceeding
- Representing Azerbaijan in an ICSID arbitration brought under a bilateral investment treaty and a contract
- Representing the Federal Republic of Macedonia in an ICSID arbitration brought under a bilateral investment treaty
- Advising the City of Hamburg in an ICSID arbitration brought against Germany under the Energy Charter Treaty
- Advising Antigua and Barbuda in connection with proceedings against the United States before the WTO's Dispute Settlement Body
- Advising Ukraine in connection with sovereign immunity and the protection of assets against enforcement of an international arbitration award in the United Kingdom
- Advising the United Kingdom in connection with a series of cases before the ECtHR 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
- Advising the national oil company of an Asian State in connection with a constitutional dispute about exploitation of territorial sea and continental shelf resources
- Representing two individuals in a landmark case at the European Court of Human Rights in connection with a major environmental accident and resulting transboundary pollution in the River Danube (Tatar and Tatar v Romania)
- 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 an individual investor in an UNCITRAL arbitration against a Gulf State under the investment treaty of the Organisation of the Islamic Conference (now the Organisation of Islamic Cooperation), one of the very few such arbitrations brought under that treaty
- Representing Arab Telemedia, a Jordan-based media company, in a treaty arbitration against Qatar under the Jordan-Qatar BIT
- Representing three Cypriot companies in an SCC arbitration under the Energy Charter Treaty against Ukraine, involving allegations of, inter alia, bribery and corruption
- Representing Mr Bahgat, a Finnish national, in his UNCITRAL arbitration brought against Egypt under two successive Finland-Egypt BITs in relation to an iron ore and steel producing concession
- Advising Mr Bahgat in defending an application brought by Egypt in the Netherlands (the seat of arbitration) to set-aside his arbitral award
- Advising Mr Bahgat in connection with enforcement proceedings relating to his arbitral award against Egypt worth over US\$ 115 million, working with local counsel in multiple jurisdictions around the world
- Representing Eurotunnel (France/UK) in an *ad hoc* investment treaty arbitration against France and the United Kingdom arising out of the Channel Tunnel project

- Representing PL Holdings S.à r.l., a Luxembourg company, in its SCC arbitration against the Republic of Poland brought pursuant to an intra-EU BIT and an ad hoc arbitration agreement under Swedish law
- Advising PL Holdings S.à r.l., a Luxembourg company, in set-aside proceedings in Sweden (the seat of the arbitration) relating to two awards against Poland worth in excess of €150 million, and in the preliminary reference procedure before the CJEU in Case C-109/20, *PL Holdings*
- Representing City-State N.V. (Netherlands) and its subsidiaries in an ICSID arbitration brought under a bilateral investment treaty against Ukraine
- Representing Owens-Illinois European Group B.V. (Netherlands) in an ICSID arbitration brought under a bilateral investment treaty against Venezuela
- Representing Vigotop Limited (Cyprus) in an ICSID arbitration brought under a bilateral investment treaty against Hungary
- Representing more than 900 investors in a pending ICSID arbitration brought under two bilateral investment treaties against Cyprus
- Representing Alapli Elektrik (Netherlands) in an ICSID arbitration brought under the Energy Charter Treaty and a bilateral investment treaty against Turkey
- Representing Alapli Elektrik (Netherlands) in a subsequent ICSID annulment proceeding
- Representing Karmer Marble Tourism Construction Industry and Commerce LLC (Turkey) in an ICSID arbitration brought under a bilateral investment treaty against Georgia
- Representing Karmer Marble Tourism Construction Industry and Commerce LLC (Turkey) in subsequent ICSID annulment and revision proceedings
- Representing Koch Minerals Sàrl and Koch Nitrogen International Sàrl in an ICSID arbitration brought under a bilateral investment treaty against Venezuela
- Representing a United Kingdom national in an arbitration brought under a bilateral investment treaty against Pakistan arising out of a major energy infrastructure project
- Representing Fabrica de Vidrios Los Andes, C.A. and Owens-Illinois de Venezuela, C.A. in a ICSID arbitration brought under a bilateral investment treaty against Venezuela
- Representing ATA Construction, Industrial and Trading Company (Turkey) in an ICSID/bilateral investment treaty arbitration against Jordan
- Representing 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 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
- Representing Libananco Holdings Company Limited (Cyprus) in a post-Award ICSID annulment application
- Representing a Mauritian liquefied petroleum gas importer in an arbitration brought under a bilateral investment treaty against Pakistan
- Representing the national oil company of a Balkan State in an UNCITRAL Rules arbitration against an Italian energy company
- Representing a European oil company in an ICC Rules arbitration against a Turkish energy company

- Advising a group of bondholders in connection with an ICSID arbitration brought under a bilateral investment treaty against Venezuela
- Advising a UK and Israeli national, in respect of a potential treaty arbitration against Ukraine
- Advising a US law firm in connection with a potential ICSID arbitration involving an EU State
- Advising a multinational corporation in an investment treaty dispute with the Kyrgyz Republic
- 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
- Advising a leading US museum in a dispute with a European State involving issues of international law related to the provenance of fine art
- Advising a leading international NGO in connection with ongoing proceedings before the ECHR
- Advising a United Kingdom NGO in connection with an anticipated third party intervention in proceedings before the International Criminal Court

Highlights of Stephen's advisory practice have included:

- Advising an Asian State with respect to an UNCLOS arbitral award and related island sovereignty and law of the sea issues
- Advising an Asian State in relation to the ongoing negotiation of maritime boundary and related land sovereignty issues with two neighbouring States
- Advising an Asian State in relation to the negotiation of a land and river boundary with a neighbouring State
- Advising Barbados in its various maritime boundary and fisheries negotiations with neighbouring States
- Advising an Asian State on issues of maritime delimitation, navigation and international environmental law in connection with a dispute related to a major international port and land reclamation activities
- Advising an Asian State on international jurisprudence and State practice with respect to the classification of islands, rocks and low-tide elevations under UNCLOS
- Advising an Asian State with respect to the drawing of straight baselines around groups of offshore features
- Advising 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 outer continental shelf entitlement and assisting in the preparation of its CLCS submission
- Advising an Asian State in relation to options for joint development of oil and gas resources over a disputed maritime area
- Advising the Government of Dubai on the public international law aspects of the creation of the Dubai International Financial Centre
- Advising an energy investor on the possible outcomes, and implications for its investment, of an ITLOS maritime boundary delimitation proceeding

- 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
- 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 BP on public international law issues (including under the Energy Charter Treaty) in connection with the BTC pipeline
- 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
- Advising a North American oil company on continental shelf boundary issues in Africa
- 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 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 US company on the public international law rules relating to sovereignty and satellites
- 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 bespoke treaty to promote and protect the investment
- 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 an international consortium of export credit agency lenders on the protection of its investment in a Papua New Guinea gas project
- 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
- Advising a Russian company in the drafting and negotiation of investment protection agreements with the Governments of Tajikistan and Uzbekistan
- Advising an Indian company on investment protection and sovereign immunity issues in connection with an investment in China
- Advising a US aircraft manufacturing company on the structuring of a proposed investment in China and associated investment protection issues
- 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
- Advising a number of corporate entities and private individuals on the scope and application of UN, EU and domestic trade sanctions regimes
- 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
- Advising private individuals on a potential application before the European Court of Human Rights
- Advising a third-party funder in connection with a potential treaty arbitration against a Middle Eastern State

- Advising a third-party funder in connection with separate treaty arbitrations against Ukraine, Kazakhstan and Uzbekistan
- Advising a major global hedge fund in relation to an ongoing investment treaty arbitration
- Advising a major global hedge fund in relation to a potential investment treaty arbitration in relation to one of its investments
- Advising a third-party funder in connection with potential treaty claims, including “mass claims” at ICSID
- Advising US financial entities in relation to sovereign immunity and potential attachment proceedings against a sovereign State
- Advising an international investor on State immunity issues in the context of the enforcement of an arbitral award under a BIT against a European State

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, 2016). This work has been cited in maritime delimitation cases before both the ICJ and ITLOS.

His articles and commentaries have been published in leading international journals. 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

PROFESSIONAL AND ACADEMIC QUALIFICATIONS

Queen’s Counsel (appointed January 2019)

Solicitor-Advocate (Higher Courts Civil Proceedings) (2016)

Admitted to practise in England & Wales (1997)

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

Legal Practice Course (Distinction), University of Law, Guildford

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 topics on LLM and MSc courses at University College London (UCL), the London School of Economics (LSE) and University of Southampton

LANGUAGE PROFICIENCY

English (native), French and Italian (reading and conversational)