



### Ben Sanderson

Of Counsel

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Ben is Of Counsel and the Practice Manager responsible for the global International Arbitration practice at DLA Piper.

He has extensive experience advising clients in international arbitration disputes across a range of sectors including energy, mining and technology. He has represented both States and commercial parties in investment treaty claims. He recently co-led a team which obtained a decisive victory for the Republic of Kenya for which his team was nominated "International Arbitration Team of the Year" by Legal Business and the decision was shortlisted by Global Arbitration Review for the "Award of the Year" award.

Legal 500 includes the following client recommendations "'first-rate' of counsel Ben Sanderson is the global practice manager for the firm's international arbitration group" and "of counsel Ben Sanderson [is] excellent at running international arbitrations that involve large teams of lawyers based in different countries" (UK International Arbitration, 2019 and 2020).

Ben is a visiting lecturer on international arbitration and public international law for the Masters programme at Universidad Carlos III, Madrid.

### LANGUAGES SPOKEN

- English
- French
- Spanish

### EXPERIENCE

- Representing Hungary in annulment proceedings relating to an ICSID award (*Sodexo Pass International SAS v. Hungary ICSID Case No. ARB/14/20*).
- Representing INTERPOL in PCA arbitration proceedings relating to a public international law claim brought following the arrest in China of INTERPOL's former President ( *Ge Gao, Hongwei Meng, Zihong Meng and Ziheng Meng (China) v INTERPOL, PCA Case No. 2019-19*).

### RELATED SERVICES

- Litigation, Arbitration and Investigations
- International Arbitration

### RELATED SECTORS

- Energy and Natural Resources
- Technology

### LANGUAGES SPOKEN

English French  
Spanish

- Representing the Government of Kenya in the successful defence of a bilateral investment treaty claim brought under the auspices of ICSID by investors in the mining sector (*Cortec v. Republic of Kenya*, ICSID Case No. ARB 15/29).
- Representing the Government of Zambia in UNCITRAL arbitration proceedings relating to a multi-million dollar contract for the construction of housing.
- Representing Lithuania in UNCITRAL arbitration proceedings relating to a bilateral investment treaty claim brought by a Russian investor in the banking sector.
- Representing the Government of Timor-Leste in the defence of a bilateral investment treaty claim brought under the auspices of ICSID by investors in the energy sector (*Lighthouse Corporation v. Democratic Republic of Timor-Leste*, ICSID Case No. ARB 15/2).
- Representing a UK services company in a bilateral investment treaty claim against the Republic of Argentina, involving complex assignment issues (*ICS Inspection and Control Services Limited (United Kingdom) v. Republic of Argentina*, UNCITRAL, PCA Case No. 2010-9).
- Representing a global steel company in respect of a multi-billion mining dispute in Africa and advising on potential investment treaty claims to be brought under the auspices of ICSID.
- Representing a European affiliate of a US energy company in relation to an ad hoc arbitration concerning various disputes arising under a turn-key contract for the construction of a 1200 MW gas-fired power station in Spain.
- Representing a US supplier of gas turbine generators in relation to an ICC arbitration concerning various disputes arising under a supply agreement with a Kuwaiti company.

## CREDENTIALS

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### Professional Qualifications

- Solicitor of the Senior Courts of England and Wales, 2002

### Education

- St. Catherine's College, Oxford, UK, B.A., English and Modern Languages (French) (1999) Hons. First Class
- Université de Paris III - Sorbonne Nouvelle, Paris, France; Masters

### Memberships

- London Court of International Arbitration and Young International Arbitration Group
- International Bar Association
- ICC (UK) and Young Arbitrators Forum
- British Institute of International and Comparative Law

## INSIGHTS

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### Publications

#### Litigation funding in Africa: Maximizing opportunities

4 November 2020  
Africa Connected

The measures implemented by governments in response to COVID-19, coupled with the rapid economic downturn and ongoing uncertainty arising from the pandemic, have created the perfect storm. The outlook may seem bleak, but third-party funding offers a ray of hope for beleaguered boardrooms looking to maximize cashflow in this unpredictable period.

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## **Africa Arbitration Review**

15 October 2020

Africa continues to make its mark in the world of international arbitration and has been the home of some innovative developments in recent months. In this new series, we will highlight some of the major developments for international arbitration across Africa and give you an insight into what to expect in coming months.

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## **Online Arbitration Hearings: A review of key developments in response to COVID-19**

28 September 2020

In this second report, we focus on arbitration and look at how arbitral institutions have adapted in response to COVID-19. We draw out some of the key legal as well as practical challenges faced, and we offer some observations on what the future may look like.

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## **English High Court allows rare appeal of arbitral award on point of law**

21 August 2020

The recent decision of *Tricon Energy Ltd v MTM Trading LLC* [2020] EWHC provides a rare example of the English High Court allowing an appeal against the decision of an arbitral tribunal on a point of law.

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## **Virtual hearings report**

14 May 2020

This document presents the first global, empirical study on the use of virtual hearings during the COVID-19 confinement. This is just one in a series of paradigm shifts that will affect the disputes market.

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## **State defences to investment claims arising from COVID-19**

29 April 2020

In response to the COVID-19 pandemic, States have been taking emergency measures to limit the impact of the virus. In our first article, we considered whether these emergency measures could give rise to claims by foreign investors for breaches of international law.

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## **COVID-19: ¿Una base legítima para reclamos de inversión?**

21 April 2020

Si las medidas tomadas por diferentes estados en respuesta a COVID-19 podrían representar una base legítima para potenciales reclamos en virtud de los tratados bilaterales de inversión.

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## **COVID-19 – a legitimate basis for investment claims?**

16 April 2020

This article considers whether measures taken by States in response to the COVID-19 pandemic could provide a legitimate basis for claims under bilateral investment treaties (BITs) or other investment protection instruments, and identifies some of the defences that may be available to States.

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### **English courts release latest statistics on arbitration related applications**

7 April 2020

On 27 February 2020, the English Commercial Court (the Court) published its annual report for 2018-2019 (the Report). The Report confirms that despite the relatively high number of arbitration related applications handled by the Court, the Court rarely allows challenges to arbitral awards. The statistics reinforce the view that England remains an arbitration friendly jurisdiction and that the Court is reluctant to interfere in the arbitral process.

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### **Ethiopia Ratifies the New York Convention**

24 March 2020

On February 13, 2020 the Ethiopian Government approved the ratification of the 1958 Convention on the Recognition and Enforcement of Foreign Arbitral Awards, commonly known as the New York Convention. In doing so, Ethiopia becomes the 33rd African and the 162nd international State to sign the New York Convention.

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### **Update: The Hague Rules on Business and Human Rights Arbitration**

18 February 2020

The recently released Hague Rules on Business and Human Rights Arbitration may assist and encourage the widening of the ambit of arbitration beyond commercial disputes to those concerning the effect of commercial activities on human rights.

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### **Arbitrating climate change disputes**

20 January 2020

Climate change is a high priority on the global political and business agendas. As States and private parties become subject to increasing regulation to limit carbon emissions, existing commercial relationships in a range of sectors will be affected, giving rise to the potential for disputes.

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### **Modernisation of Sweden's Arbitration Act**

26 MAR 2019

As of 1 March 2019, a number of changes have been made to the Swedish Arbitration Act (the Act) in an effort to modernise the Act. One significant change is that Swedish courts hearing challenge proceedings may allow oral evidence to be given in the English language, without translation to Swedish.

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### **Russia's Supreme Court demonstrates a pro-arbitration approach**

15 FEB 2019

On 26 December 2018, the Russian Supreme Court issued a review of Russian court practice relating to international and domestic arbitration, and the enforcement and recognition of awards (Review).

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## The Prague Rules: "Civil" War On The Evidence In International Arbitration

24 JAN 2019

Efficiency has been a buzzword in international arbitration for a number of years. In response to concerns expressed by users about perceived spiralling cost and delays, practitioners and institutions have been keen to take steps to ensure that international arbitration remains fit for purpose.

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## ICC update - Conduct of Arbitration

22 JAN 2019

On 1 January 2019, new updates to the Note to the Parties and Arbitral Tribunals on the Conduct of the Arbitration under the ICC Rules of Arbitration (the Note) became effective.

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- "COVID-19 et protectionnisme : Quelles protections pour les investisseurs étrangers"
- "Defensas de los Estados Frente a Reclamos de Inversión Derivados del COVID-19"
- "Ecuador reforma su derecho de las inversiones"
- "La tormenta de Achmea se dirige directa hacia España"
- "El Acuerdo UE-México, instrumento de promoción de inversiones extranjeras"
- "Awards: Challenges", published in The Guide to Challenging and Enforcing Arbitral Awards, ed. J William Rowey QC, GAR, 2019
- "Recent Trends in Investment Arbitration in Africa", published in GAR's Middle Eastern and African Arbitration Review 2019
- "Developments in African Arbitration", published in GAR's Middle Eastern and African Arbitration Review 2018

## Events

## Previous

### Investment Arbitration Planning

13 MAY 2019  
Tel Aviv-Yafo

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## NEWS

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### DLA Piper arbitration practice recognized as world leading by Global Arbitration Review

14 July 2020

DLA Piper has been recognized once again as having one of the world's leading international arbitration practices.

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