



### Ben Sanderson

#### Of Counsel

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Ben Sanderson is Of Counsel and the Practice Manager responsible for the global International Arbitration practice at DLA Piper. Ben also sits as an arbitrator and is a Fellow of the Chartered Institute of Arbitrators.

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.

In 2020, Ben was ranked by as a Future Leader in Who's Who Legal for Arbitration. 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"*. *"Ben Sanderson is professional and sensible."*

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

## LANGUAGES SPOKEN

- English
- French
- Spanish

- Litigation, Arbitration and Investigations
- International Arbitration

- Energy and Natural Resources
- Technology

English French Spanish

- Representing Hungary in annulment proceedings relating to an ICSID award (*Sodexo Pass International SAS v. Hungary ICSID Case No. ARB/14/20*).
- Representing Lithuania in the defence of a USD 300 million claim brought by a Russian fund in connection with the renationalization

of Bank Snoras AS (*Fund for the Protection of Investors' Rights in Foreign States v Lithuania*, UNCITRAL, PCA Case No. 2019-48)

- 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).
- 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 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 (*JCS Inspection and Control Services Limited (United Kingdom) v. Republic of Argentina*, UNCITRAL, PCA Case No. 2010-9).
- Representing an African government in the defence of a bilateral investment treaty claim (UNCITRAL) brought by investors in the mining sector
- 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 investors in ICSID arbitration proceedings against the Republic of Georgia under the Energy Charter Treaty (ECT) and two bilateral investment treaties (*Ioannis Kardassopoulos v. Georgia*, ICSID Case No. ARB/05/18)

## CREDENTIALS

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### Professional Qualifications

- Solicitor of the Senior Courts of England and Wales, 2004

### 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

- Fellow of the Chartered Institute of Arbitrators (FCIArb)
- 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

#### Spain Investment Treaty Arbitration

16 December 2021

DLA Piper is delighted to have collaborated with Lexology Getting The Deal Through to produce the chapters on Spain and France in its Investment Treaty Arbitration 2022 publication.

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## **GAR guide to challenging and enforcing arbitration awards – Second edition**

15 June 2021

The Global Arbitration Review's Guide to Challenging and Enforcing Arbitration Awards addresses the applicable standards for challenging and enforcing awards globally. We have authored a chapter outlining the challenges that may arise when trying to secure the awards.

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## **Investment Arbitration in Africa**

15 June 2021

Working with the Global Arbitration Review, we have published a new chapter on Investment Arbitration in Africa. Providing an overview of recent trends and developments in investment arbitration, the rise of investment disputes and the various initiatives to reform the ISDS system.

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## **Revised IBA Rules on the Taking of Evidence in International Arbitration**

17 March 2021

The International Bar Association has released its revised Rules on the Taking of Evidence in International Arbitration (**2020 IBA Rules**). The 2020 IBA Rules were formally adopted on 17 December 2020 and mark the first update to the rules since the 2010 edition (**2010 IBA Rules**). The revisions to the rules reflect developments in global arbitration practice, including the emergence of remote hearings and the growing need for data protection and confidentiality.

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

28 September 2020

Virtual hearings

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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## **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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## 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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## 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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- "*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

## 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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