

Robert Hunter – Barrister (UK) & Rechtsanwalt (DE)

Frankfurt, Germany | +49 173 670 8453 | rh@rh-arbitration.com | <http://www.rh-arbitration.com/>



‘Leading international arbitration lawyer’¹ and a ‘Leading Name in Arbitration’ with “*outstanding expertise in this specialist segment [of investment-related arbitration] and reliable contacts to state institutions*”.² Exceptional cross-cultural expertise with dual-qualification in England and Germany. 29 years’ continuous experience of complex international dispute resolution, with substantial periods in London, New York and Frankfurt.

Core Competences:

- Management of complex international disputes relating to:
 - capital projects (EPC contracts, process plant and machinery, project finance)
 - M&A, joint ventures, securities lending, distribution and franchising
 - Government projects and investment treaties
- Dispute resolution agreements
- Advocacy before international tribunals (incl. investment treaty arbitration and international commercial arbitration)
- Law and policy of foreign direct investment, including stabilisation
- Mediation
- Arbitration Tribunal as chair, co- or sole arbitrator (ICC, LCIA, DIS, etc.)
- Recognition and enforcement of arbitral awards

Track Record

- Counsel in numerous international commercial arbitrations under ICC, LCIA, DIS, UNCITRAL, Vienna, Cairo and other rules, in four continents and under diverse legal systems
- Counsel in investment treaty claims arising out of government contracts, privatisations, sovereign debt restructurings, economic sanctions, armed conflict
- Sole, co- and presiding arbitrator (ICC, DIS, LCIA)
- Challenge, recognition and enforcement of arbitral awards (including investment treaty) in many jurisdictions
- Drafting and negotiating intergovernmental and host government agreements for a major gas transit route and related advice (total value chain ca. US\$45 billion)
- Senior Consultant to the World Bank on international trade and investment policy (MENA region)

¹ Global Arbitration Review’s *The International Who’s Who of Commercial Arbitration* 2016

² JUVE

- Former partner and head of investment arbitration practice of Lovells³
- Member of the ICC Commission on Arbitration, the Legal Advisory Task Force of the Energy Charter Treaty, an expert group of the International Law Association in Germany on investment law, the International Investment Agreement expert group of UNCTAD, the Panels of Arbitrators of the Beijing Arbitration Commission and of CIETAC, and the Frankfurt Arbitration Circle.

Nationality

United Kingdom

Languages

English and German

Education and Qualifications

- Rechtsanwalt (Germany), November 2012
- Barrister (England & Wales), March 2012
- Solicitor-Advocate (England & Wales), 2005
- CEDR-accredited Mediator, 1999
- Fellowship Chartered Institute of Arbitrators, 1996
- Solicitor (England & Wales), 1986
- M.A., University of Cambridge, 1986
- Law Finals, The College of Law, Guildford, 1984
- Common Professional Examination, College of Law, Guildford, 1983
- B.A., University of Cambridge, 1982
- Winchester College, 1974 - 1978

Selected Experience

- Successfully defending a US\$225 million claim and pursuing a related claim for delay and disruption in two parallel ICC proceedings (London) on behalf of a leading U.S. project management/engineering company arising out of alleged technical defects, tendering practices and increased costs in the construction of an oil terminal in Eastern Europe (with US co-counsel). 30 days of substantive oral hearings in London plus many interlocutory hearings
- Successfully pursuing claims on behalf of a leading US engineering and project management company in relation to a project for the construction of the topsides for a Floating Production Storage and Offloading installation, including the renegotiation of the prime contract to include the cost of claimed variations and a revised tax lease structure (English law, project value US\$150 million, settled by negotiation)
- Successfully conducting the defence of a claim on behalf of a leading EPC contractor in relation to a process manufacturing plant (English law)
- Representing a German construction company in a claim for damages against a US engineering company for defects, additional costs and loss of profit arising out of the delivery and

³ Now Hogan Lovells International LLP

commissioning of defective environmental clean-up plant (English law, ICC arbitration, settled by mediation)

- Advising a German corporation in relation to its claims against a Far Eastern Government both under contract (FIDIC Red Book) and under a bilateral investment treaty in connection with the construction of a hydroelectric dam
- Advising a leading international US-based EPC company upon risk allocation and reviewing boilerplate contract clauses (under English and German law)
- Drafting and negotiating a four-party, multi-tier dispute resolution agreement for a major project (capital value ca. US\$6 billion)
- Advising a project company in relation to claims arising out of a US\$130 million non-recourse project finance project for the building of a process plant (involving issues of German, French and English law, ICC arbitration)
- Advising a specialist sub-contractor regarding cross-claims for delay and disruption and early termination concerning a contract for the erection of boilers for a power plant
- Representing an EPC contractor in an arbitration arising out of delays and additional costs in the construction of a cement plant in Saudi Arabia
- Successful pursuit of an investment treaty arbitration as lead counsel for BOO concessionaire against a Far Eastern state concerning unlawful interference with an elevated toll road, and related challenge and recognition proceedings in three states
- Lead counsel for a German client in two related arbitrations in Egypt arising out of the termination of a joint venture agreement to develop tourist activities throughout the Middle East (Egyptian law, Cairo Regional Centre for International Commercial Arbitration)
- Lead Counsel for a Central European company in an arbitration and CEDR mediation concerning post-acquisition issues following the purchase of a state-owned oil company (English law with elements of Czech and Polish corporate law, LCIA London). Settled by mediation.
- Managing Counsel in a number of simultaneous setting aside, recognition and enforcement proceedings of an international arbitration award (Germany, New York, Singapore and Switzerland)
- Successful defence of an investment treaty claim as lead counsel for a Central European state arising out of the tender for sale of a state-owned company in the steel sector (US\$ 2 billion)
- Advising a joint venture of International Oil Companies in relation to the stabilisation of the legal regimes for natural gas transit routes across a number of states for the exploitation of a major gas field, including engaging in negotiations for intergovernmental and host government agreements
- Lead counsel for a German private equity company in a post-M&A claim arising out of the sale of an electronics company to a Chinese technology group (ICC arbitration, New York law, New York and Washington)
- Lead counsel in an ICC Arbitration arising out of a share sale and purchase agreement relating to an interest in a government concession contract (Swiss law, Singapore seat)
- Lead counsel in two arbitration proceedings brought against a Croatian client arising out of the termination of a licence agreement relating to the packaging and distribution of foodstuffs in the Polish market (Vienna Rules, Swiss and Polish law)
- Lead counsel for a Philippine corporation in an *ad hoc* arbitration in London against two banks concerning the sale of collateral shares under an Overseas Securities Lender's Agreement

- Lead counsel in proceedings before the European Court of Human Rights and before the United Nations Human Rights Committee concerning alleged discrimination and lack of due process in a claim for restitution of property expropriated in the Soviet era
- Presiding arbitrator in an ICC arbitration between a Middle Eastern claimant and a European Respondent concerning a services contract in relation to a steel plant in Asia (Swiss law, Zürich)
- Sole arbitrator in a DIS (German Arbitration Institution) arbitration in Germany concerning a claim arising out of an agreement for the purchase of rights to recorded music
- LCIA-appointed arbitrator in an arbitration under German law between a South East Asian manufacturer and a German company concerning a manufacturing plant
- Arbitrator in an ICC arbitration between a German chemical company and an English inventor concerning the scope of an industrial know-how licence under English law
- ICC-appointed sole arbitrator in an arbitration in Germany between a European online media agency and a US distributor of virtual games.

What my Clients say about me:

“I have worked closely with Robert Hunter continuously for nearly a decade. During this time he has conducted three substantial international arbitrations for us as lead attorney and advocate and I have observed him on his feet in numerous hearings lasting many days all over the world. His performance has invariably been highly professional and effective and he has always gone the extra mile to understand the ‘end-game’ and devise a strategy to achieve it. I value highly his integrity, fairness and commercial understanding as well as his extremely useful ability to bridge the Anglo-Saxon and Germanic legal cultures.”

Instructing counsel for insolvency administrator of German International Engineering Firm

“Robert was our counsel in a claim we took to international arbitration to recover substantial losses that my company had suffered as a result of an irregular foreclosure on a security. Robert led the team that prepared the case and he was our sole representative and advocate at the hearing. I was both CFO and witness. I was very satisfied with the work Robert did for us. He was a pleasure to work with and a reassuring presence in the hearing. He prepared thoroughly and he succeeded completely in persuading the tribunal of our case. It was a very pleasant and fruitful experience.”

CFO of Asian Property Development Group

“Robert couples his extensive experience in the area of international investment law and arbitration with a good deal of pragmatism. For his clients this means fit for purpose and workable solutions. I worked with Robert in the context of EU BIT roundtables he organised to bring industry and legislator together with an aim to create a better understanding of the respective concerns and objectives. Robert managed the discussions in such a way that indeed this objective was achieved. His vast (investment) arbitration experience coupled with an impressive international network truly enables him to add value for his clients. I would most certainly recommend Robert to others.”

Chief Legal Officer, International Oil and Gas Exploration and Production Company

“Robert Hunter led the defence of my company in an international arbitration brought against us by a former packager and distributor in one of our largest regions. Robert was a pleasure to work with and the expertise and efficiency he brought to our legal team in preparing and arguing a critical preliminary hearing won us a positive decision from which we were able to negotiate a satisfactory settlement of a very aggressive claim.”

Corporate General Counsel, East European Food and Pharma Company

Teaching, Lecturing and Panels

- Lectures on international arbitration and investment protection at Berlin-Humboldt, Frankfurt, Heidelberg and Mainz universities and at the College of Europe in Bruges as well as to Court of Appeal Judges for the Ministry of Justice in Hessen
- Organised jointly with the German Government, and speaking/moderating at, a seminal conference on current policy issues affecting global investment protection ('50years of BITs'), in consultation with ICSID, OECD and UNCTAD (December 2009)
- Speaking on foreign direct investment at an EU-China Investment Forum at MofCOM in Beijing (March 2010), where I was part of the official EU delegation
- Speaking about aspects of foreign direct investment policy at UNCTAD and MofCOM events during the 2nd World Investment Forum in Xiamen (September 2011)
- Organising and speaking at a seminar in Washington D.C. with the Emergency Committee for American Trade on Foreign Direct Investment policy with USTR, US State Department and DG Trade, Washington DC – '*Downward spiral or virtuous circle? The interplay of U.S. and EU foreign investment policy: the ins and outs for business*' in March 2011
- Speaking to the Energy Charter Treaty Industry Advisory Panel on the role of multilateral trade and investment agreements in the negotiation of energy transit agreements, Baku, September 2011
- Speaking on aspects of EU FDI policy at the BIICL 17th Investment Treaty Forum, '*International Law and its Intersections*'
- Panelist in '*European Investment Agreements in the Post-Lisbon Era: A Roundtable Discussion*' organized by the World Trade Institute in collaboration with the Law Faculty of the College of Europe and UNU-CRIS in Bruges in March 2012
- Speaking on '*Germans as Parties – a view from across the Channel*' at a Queen Mary College, University of London and German Institution of Arbitration seminar, London, September 2013
- Faculty at World Bank's 'Investment Policy and Promotion Week', Vienna, October 2015
- Panelist at Czech Ministry of Finance | PWC '5th Investment Treaty Arbitration Conference', Prague, October 2015
- Speaking to the Energy Charter Treaty Industry Advisory Panel on 'Lessons Learnt from Investor-State Dispute Settlement ('ISDS') under the ECT' and the future of ISDS under TTIP, Brussels, October 2015.

Selected Writings

- English-language Commentary on the LCIA Rules in *Institutional Arbitration*, ed. Schütze, Beck / Hart / Nomos 2013, with Sabine Konrad, (ISBN 978-3-406-63311-9 / 978-1-84946-366-9 / 978-3-8329-7262-2)
- Russian-language commentary on the ICSID Rules in *Commentaries to the rules of the leading arbitration institutions* (ed. Dr. Richard Chlup), Infotropic Media, St. Petersburg, Moscow, Berlin 2012 (ISBN 978-5-903692-03-3 / 978-5-9998-0133-3)

- ‘The Panel of Recognised International Market Experts in Finance’, in *Corporate Finance Magazine*, August 2011 ([Heft 05](#), pp. 257 – 262)
- ‘Schiedsgerichtsbarkeit im Ausland – was Mittelständler beachten sollten’, in *VR International*, Issue 8, August 2011
- German-language Commentary on the LCIA Rules in *Institutionelle Scheidungsgerichtsbarkeit*, ed. Schütze, 1st & 2nd eds., Carl Heymanns Verlag, 2006 and 2011, with Sabine Konrad, (ISBN 978–3–452–27284–3)
- ‘[The Determination of the Nationality of Investors under Investment Protection Treaties](#)’, editor and contributing author of an ILA German Branch Investment Law Committee Working Group, published in *Beiträge zum Transnationalen Wirtschaftsrecht*, Halle University, March 2011
- ‘Strategic Suggestions on Using China’s Bilateral Investment Treaties to Protect Outbound Investment’ (in [Chinese](#) and in [English](#)), Cover Article, *Corporate Legal Affairs Magazine*, Association of Corporate Counsel, Beijing, November 2010
- ‘When is an “investment” an “Investment”? – Formalities of Approval and Limitations on their Application’, in *Liber amicorum Bernardo Cremades* / ed. M.Á. Fernández-Ballesteros, David Arias, La Ley (Wolters Kluwer) 2010 (ISBN 978–84–8126–590–3 / 978–84–8126–591–0)
- Substantial role in organising Vol. 24, No. 2 of *ICSID Review*, an issue dedicated to the proceedings of the ‘50 Years of BITs’ conference, including authoring the Preface, the Introduction and the Moderation of the Panel on ‘Will the Concepts of “Investment” and “Investor” Be Redefined?’
- ‘Investitionsschutz und Streitbeilegung bei BOT–Projekten im Ausland’ (‘Investment Protection and Resolution of Disputes concerning Foreign BOT Projects’) in ‘Betreibermodelle – BOT/PPP-Vorhaben im In- und Ausland’, Heidelberger Kolloquium Technologie und Recht 2006, ed. Fritz Nicklisch, Beck
- ‘Arbitration in Germany – A Common Law Perspective’, in *SchiedsVZ* (German Arbitration Journal) 4/2003
- ‘Anticipating Trends in Dispute Resolution’ in ‘*International Commercial Arbitration – Developing Rules for the New Millennium*’, ed. Odams de Zylva and Harrison, Jordans, 2000 (ISBN 0–85308–621–4)
- ‘The Law and Rules Applicable to Evidence in International Commercial Arbitrations and Some Issues Relating to their Determination and Application’ in ‘*The Commercial Way to Justice – The 1996 International Conference of the Chartered Institute of Arbitrators*’, ed. Beresford Hartwell, Kluwer 1997 (ISBN 90 411 0478 X)