

THREE CROWNS

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# INTERNATIONAL MINING DISPUTES

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# THREE CROWNS

**Three Crowns is an elite specialist firm dedicated to providing excellence in counselling and advocacy in international arbitration and international law. Founded by practice leaders with decades of experience across many different international firms, we are recognised by our clients and leading legal directories as “one of the premier arbitration practices in the world” and “the go-to firm for high-value and complex matters”.**

Our success includes significant experience across the mining sector.

Critical minerals are essential to economic prosperity and global security. The location of critical minerals and associated processing infrastructure in often-challenging legal jurisdictions has promoted international arbitration to the forefront of dispute resolution in the mining sector. In addition to providing neutral dispute resolution, arbitration can also provide parties substantial advantages relating to confidentiality, efficiency, neutrality, and enforceability.

Leveraging our experience in international disputes with a deep understanding of the mining industry, we provide clients with a distinctive value proposition: disputes specialists who know the language of mining and minerals. This is why global and junior mining companies trust us to handle their most complex and sensitive matters: disputes with JV partners, disputes with suppliers and buyers, and disputes with host governments. From technical construction and engineering claims to complex regulatory cases, from early-stage nickel laterite exploration projects in Africa to fully operational copper mega-assets in Asia, we have helped clients across the globe in disputes across diverse minerals and the different stages of a mining project.

We also work regularly with litigation funders who support affected companies—including major, mid-cap, and junior miners—to ensure they are able to prosecute meritorious claims.



# THREE CROWNS

**Members of our firm have acted on some of the largest and most significant commercial and investment treaty claims in history. Clients have praised our “high professional standards and credibility with the tribunals”.**

We have an outstanding track record of achieving positive awards and settlements, including in disputes involving State-owned entities. As one client noted to Chambers, “[t]hey are my first port of call for a challenging and major dispute or if I need absolutely stellar advice”.

We offer **three** distinguishing factors in our approach to client representation.

First, international arbitration is what we do, and it is all we do. This means **every Three Crowns lawyer that works on your matter is an international arbitration specialist**. Our market leading practitioners - several of whom have been appointed as King’s Counsel - have extensive experience conducting oral advocacy at procedural and substantive hearings before the world’s leading arbitrators, which in turn delivers greater cost savings for the clients by avoiding the need to engage additional counsel or barristers.

Second, our way of working is premised upon **deep partner involvement throughout the mandate**. Lean teams with close leadership and core work by senior lawyers facilitate the collaboration and creativity required to achieve success in the most challenging cases.

Finally, our structure and size allow for flexibility in staffing and pricing, ensuring that **you receive value without waste**.

With calibrated strategy and unparalleled advocacy, we set the bar for excellence and efficiency in the field.



As demonstrated below we have extensive experience with mining disputes, including regarding cancellation of licenses, confiscation of rights, changes in legislation, stability guarantees, tax liabilities, as well as project-related disputes (e.g., delay).

Set out below is a selection of our relevant experience in the mining sector, as well as some of our recent and high-profile matters.

## **SELECT MATTERS IN THE MINING SECTOR**

### **GOLD AND COPPER MINE – STABILISATION CLAIM**

Acting on a dispute concerning tax and royalty demands that breach the stability guarantees in a long-term investment agreement between an Anglo-Australian miner and a Central Asian State relating to one of the world's largest gold and copper mines.

### **CANCELLATION OF GOLD MINING LICENCES**

Representing a Latin American company in an investment-treaty arbitration against Spain arising from the unlawful expropriation of a gold mining concession pursuant to the Spain-Panama BIT.

### **CONFISCATION OF DIAMOND MINING RIGHTS AND DENIAL OF JUSTICE**

Representing the investors in a Singapore-seated UNCITRAL/ PCA arbitration under the Southern African Development Community Investment Protocol. The dispute pertained to confiscation of mining rights and a subsequent international denial of justice in relation to Swissbourn Diamond Mines. We obtained a final award in our clients' favour, including 95% of all legal costs and fees incurred.

### **DELIVERY OF COPPER CONCENTRATE**

Representing a Mongolian mining company in a London-based arbitration brought against it by a counterparty alleging a failure to deliver copper concentrate under the terms of the parties' contract.

### **MULTIMILLION-DOLLAR AWARD FOR MYTILINEOS HOLDINGS**

Securing a multimillion-dollar award for a Greek investor in an UNCITRAL investment treaty arbitration in relation to Serbia's expropriation of an investment in one of the largest copper mines in Europe. Serbia sought to have the award set aside in Switzerland, but withdrew its application in accordance with a favorable settlement between the parties.



*“There is no better quality in the market. Three Crowns has a pedigree that is second to none.”*  
*Legal 500 Latin America*

## **MULTINATIONAL GLOBAL RESOURCES COMPANY – TERMINATION DISPUTE**

Advising a leading natural resources company in its dispute with Russian entities pertaining to the interpretation of our client's rights under a Termination Agreement governed by Russian law.

## **RARE EARTHS MINERALS CLAIM IN KYRGYZSTAN**

Representing Canadian junior miner Stans Energy in its successful expropriation claim against the Republic of Kyrgyzstan after the Kyrgyz government terminated Stans Energy's licenses to produce rare earths from the Kutessay II mine, which at the time represented the only source of heavy rare earth elements outside China.

## **EXPANSION OF A MINERAL SANDS MINING OPERATION**

Representing a European mining company in a \$150 million London-seated ICC arbitration concerning the design and construction of an expansion of a mineral sands mining operation in East Africa. The case concerned widespread engineering and manufacturing defects, and substantial delay claims. Expert evidence in a range of disciplines (structural, mechanical and process engineering, project management, resource estimation, delay, quantum) was required.

## **EARN-IN AND JOINT VENTURE DISPUTE**

Representing a leading mining company in an arbitration brought against it arising out of an Earn-In agreement. The claimant seeks declarations and orders for specific performance under related agreements.

## **AUSTRALIAN LITHIUM PRODUCER – NICKEL JOINT VENTURE IN NEW CALEDONIA**

Representing an Australian company focused on lithium production in a dispute relating to an exploration and development joint venture for a nickel laterite project in New Caledonia. The issues in the case involved defending allegations of fraud and heavy damages.

## **SUCCESSFUL DEFENCE OF SOUTH AFRICA**

Representing the Republic of South Africa in an ICSID arbitration where claimants challenged the State's mining legislation and claimed in excess of US\$375 million. All claims against the State were dismissed.

## **ADVICE FOR BURKINA FASO**

Advising Burkina Faso in an ICC dispute introduced by its business partner in one of the world's largest manganese mines.

## **SOUTHERN AFRICA MINE – PIPELINE CONSTRUCTION DISPUTE**

Representing the contractors in a dispute relating to the construction of a +200km slurry pipeline in a remote location of Southern Africa, as part of a major mining development. The dispute was factually highly complex and involved interlinking issues of liability and quantification across numerous claims and counterclaims.

## **FAILURE TO MAKE PAYMENTS UNDER A DEBT REPAYMENT AGREEMENT**

Advising a leading commodities company in relation to a potential UNCITRAL arbitration against the Ministry of Finance of an African state arising out of the Ministry's failure to make payments due under a debt repayment agreement and subsequent restructuring agreement.



# OUR TEAM

**Our practice comprises more than 80 specialist arbitration practitioners, qualified in more than 30 countries, who collectively speak over 20 languages.**

As one client noted to *The Legal 500*, our team is “deeply knowledgeable, extremely responsive, highly ethical, and tactically farsighted”.

Our partners are leaders in the international arbitration field. They are consistently top-ranked by clients, repeatedly elected by peers to institutions and rule-setting bodies, and have authored important treatises in the field. Our associates also boast deep expertise in international arbitration, including focused post-graduate study, clerkships with international courts and tribunals, and time spent with leading international arbitration institutions.

Below, we introduce key members of our team in the mining sector. Biographies of the full Three Crowns team are available [HERE](#).



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