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Gibson Dunn Secures Major U.K. Supreme Court Win on International and English and Welsh Arbitration Law

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Gibson Dunn has secured a major victory for Border Timbers Ltd in the U.K. Supreme Court on an important point of international and England and Wales law.

The U.K. Supreme Court dismissed an appeal from Zimbabwe against Border Timbers after the country was found to have expropriated the company's assets in an arbitration award in 2015 that ordered Zimbabwe to pay $125 million.

The Supreme Court held that, as Zimbabwe was a signatory of the 1965 Convention on the Settlement of Investment Disputes, it had waived its adjudicative immunity and submitted to the jurisdiction of English and Welsh courts in respect of the enforcement of the ICSID award. The Supreme Court also clarified the law in an important respect by explaining that Lord Goff's widely referenced speech in *Ex. p. Pinochet (No. 3)* [2000] 1 AC 147 adopted "an unnecessarily narrow view of what may constitute an express waiver of immunity."

Gibson Dunn partner Christopher Harris KC, Global Co-Chair of the firm's International Arbitration Practice Group and its Judgment and Award Enforcement Practice Group, was lead counsel for Border Timbers.

Related Capabilities

Judgment and Arbitral Award Enforcement

International Arbitration

Related People

Christopher Harris KC

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