

# MANAGING LEGAL & POLITICAL RISK IN INTERNATIONAL MARKETS

Businesses operating in countries around the world inevitably face regulatory, policy or other government-related problems with legal consequences. An effective response often requires sophisticated understanding of the political dimensions surrounding a government action. And experience in working internationally at senior levels of government is invaluable in crafting practical solutions.

There are few law firms that are able to conceptualize holistic strategic solutions demanded by such problems and fewer firms that can successfully execute a plan to reach the desired outcome.

To fill this service void, we have drawn together a team of lawyers, former diplomats and other senior government officials to help clients anticipate and respond to legal and political problems in established and emerging markets around the world. The Covington team includes several former Ambassadors, a former U.S. Cabinet Secretary and numerous lawyers and professionals who have served in the top levels of United States agencies, the U.S. Congress and the European Parliament. They have extensive experience with policy and regulatory issues in Asia (especially China and India); Latin America, the Middle East, Africa, and Europe, especially Russia and Eastern Europe and maintain strong relationships with senior government officials around the world.

We have assisted companies in virtually every region of the world through services ranging from pre-investment analysis of regulatory risk to urgent development and execution of strategies to counter sudden and adverse government action. We also bring these skills and sensitivities to bear when handling acquisitions, joint ventures and other transactions in developing nations.

Through our continued physical expansion into Asia, most recently with office openings in Shanghai and Seoul, the growth of team with deep ties to regions around the world, and our expansive foreign firm network, we are able to tackle an expansive range of issues on behalf of clients. The following examples illustrate our experience in handling issues of law and government policy in foreign markets throughout the world:

- Negotiated with a President, Prime Minister and other top officials of a major Asian country to address intellectual property rights issues.
- Advised Chinese government owned investors on successful strategies for meeting U.S. government regulatory requirements for investments in U.S. companies.
- Advised Indian companies on compliance with UN and U.S. government sanctions programs.
- Advised Western investors on protection of their economic rights in connection with politically sensitive investments in Russia and Eastern Europe.
- Worked with a U.S. Ambassador and a foreign Ambassador to resolve a dispute between a private equity firm and an African sovereign.
- Negotiated with a Middle Eastern Health Minister to resolve pricing and patent issues of concern to the U.S. pharmaceutical industry.

- Negotiated with top UN officials to secure the release of payments that had been blocked under the Oil for Food program.
- Worked with the senior economic advisor to a Latin American President to reverse an import ban that violated a bilateral trade agreement.
- Advised an emerging market company on the international law issues presented by its business dealings in a U.S.-sanctioned country.
- Represented an international energy investor in an investment dispute in an African country before the leadership of the International Finance Corporation.
- Advised several clients on strategies for dealing with the potential lifting of Cuban sanctions.
- Resolved a major contractual problem faced by an investment company in an African country.
- Assembled a defense and political advisory team in a Latin American country to protect the interests of a client under investigation on criminal charges.
- Advised clients on steps to be taken to limit or minimize risks of expropriation of assets in Venezuela.
- Assisted a growing Indian firm in complying with U.S. sanctions rules pertaining to transactions in the Middle East and Africa.
- Provided counsel and representation to firms on sanctions issues related to such countries as Iran, Sudan, Cuba, Burma, Zimbabwe and Venezuela.
- Conducted internal Foreign Corrupt Practices Act investigations in developing countries throughout the world.
- Represented companies in numerous investor-state international arbitrations.

### THE COVINGTON INTERNATIONAL ADVISORY TEAM

**PAUL ADAMSON**, Brussels-based senior European policy advisor, referred to as the “Godfather of Lobbying,” and was awarded the Order of the British Empire (OBE) “for services to promoting understanding of the European Union” in 2012.

**CONGRESSMAN HOWARD BERMAN**, a senior advisor to the firm, served as the chairman of the House Foreign Affairs Committee and was one of Congress’ leading experts on international relations.

**LANNY BREUER**, partner, is Covington’s Vice Chair and former Assistant Attorney General for the Criminal Division at the U.S. Department of Justice, where he spearheaded the publication of the Resource Guide to the U.S. Foreign Corrupt Practices Act.

**DAN BRYANT**, former Senior Vice President for Global Public Policy and Government Affairs at PepsiCo, Assistant Attorney General for Legal Policy and Assistant Attorney General for Legislative Affairs, received the Edmund Randolph award, the highest award given to lawyers by the Justice Department prior to joining the firm as partner and co-chair of the global Public Policy and Government Affairs practice group.

**MARNEY CHEEK**, partner, is a former associate General Counsel at the Office of the U.S. Trade Representative, and a term member of the Council on Foreign Relations.

**MICHAEL CHERTOFF**, senior of counsel, is a former Secretary of the Department of Homeland Security, Federal Judge on the U.S. Court of Appeals for the Third Circuit, and Federal prosecutor.

**AMBASSADOR JEAN DE RUYT**, a senior public policy advisor, served as the Permanent Representative of Belgium to the European Union and was chair of the Committee of Permanent Representatives during the 2010 Belgian Presidency of the Council.

**STUART EIZENSTAT**, senior counsel and Chair of the International Trade practice group, is a former Deputy Secretary of the Treasury, Under Secretary of State for Economic, Business and Agricultural Affairs, Under Secretary of Commerce for International Trade, and U.S. Ambassador to the European Union.

**SENATOR JON KYL**, senior advisor, left the U.S. Congress in 2013 as the second-highest ranking Republican in the U.S. Senate to join Covington.

**ALAN LARSON**, senior international policy advisor, is former Under Secretary of State for the Department of State, Economic, Business and Agricultural Affairs, and Assistant Secretary of State for the Department of State, Economic and Business Affairs, and Ambassador for the Organization for Economic Cooperation and Development.

**PETER LICHTENBAUM**, partner and co-chair of the International Trade practice group, is a former Under Secretary of Commerce for Industry and Security (Acting) and Assistant Secretary of Commerce for Export Administration.

**DAN SPIEGEL**, senior of counsel, is a former Ambassador to the United Nations in Geneva, Special Assistant to the Secretary of State, and also served on the State Department's Policy Planning staff.

**ANNE PENCE**, a senior international advisor, was Special Advisor to the U.S. Millennium Challenge Corporation (MCC), an economist with USAID, and handled international economic policies and initiatives at the U.S. State Department for 16 years, including as G8 Summit Coordinator and Development Policy Advisor to the Under Secretary for Economic, Business and Agricultural Affairs.

**TIM STRATFORD**, partner, is a former Assistant U.S. Trade Representative, former General Counsel for General Motors' China operations, Minister-Counselor for Commercial Affairs at the U.S. Embassy in Beijing, and the Chairman of the American Chamber of Commerce in China.

**WITNEY SCHNEIDMAN**, a senior international advisor, was Deputy Assistant Secretary of State for African Affairs during the Clinton Administration prior to heading his own consulting firm which assisted U.S. and international companies in a variety of sectors, such as health, energy, mining and financial services, to build market share and position in Africa.

**PAULA URIBE**, advisor to the Latin America practice, is a former Senior Advisor to the Assistant Secretary Department of State, Bureau of Western Hemisphere Affairs.

**ARTURO VALENZUELA**, senior Latin America advisor, is former Assistant Secretary for Western Hemisphere Affairs in the U.S. Department of State appointed by President Obama, former Special Assistant to the President and Senior Director for Inter-American Affairs at the National Security Council appointed by President Clinton in his second term in office and former Deputy Assistant Secretary of State for Inter-American Affairs in President Clinton's first term.

**WIM VAN VELZEN** is a senior European policy advisor and former member of the European Parliament. He was Vice-President of the largest political group (EPP) in the European Parliament. He served as the President of the Christian Democratic Party (CDA) and as a Senator in Dutch Parliament.

**GINA VETERE**, special counsel, most recently served as the Executive Director of International Intellectual Property with the U.S. Chamber of Commerce, Global Intellectual Property Center. She has also worked at the Office of the U.S. Trade Representative on trade policy and intellectual property issues.

**JOHN VERONEAU**, partner and co-chair of the International Trade practice group, is a former the Deputy United States Trade Representative (USTR) and USTR General Counsel under President Bush, and an Assistant Secretary of Defense under President Clinton.

**RALPH VOLTMER** leads Covington's India practice and represents clients on a variety of transactions in Europe, Latin America, and Asia, with a focus in the media, communications, and technology industries.

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