KOBRE & KIM | DISPUTES AND INVESTIGATIONS

Kobre & Kim's Cross-Border Disputes Team

Carolina Leung
São Paulo
carolina.leung@kobrekim.com

Evelyn Baltodano Sheehan
Miami
evelyn.sheehan@kobrekim.com

Jason J. Kang
Shanghai / Hong Kong
jason.kang@kobrekim.com

Jef Klazen
New York
jef.klazen@kobrekim.com

Nicholas Surmacz
London
nicholas.surmacz@kobrekim.co.uk

Paul Hughes
London
paul.hughes@kobrekim.com

Polly Wilkins
Dubai
polly.wilkins@kobrekim.com

MAY 28, 2026

Navigating Cross-Border Risk in Extractive Industries Amid Evolving Global Pressures

Growing resource nationalism, regulatory intervention and geopolitical competition are increasing cross-border risks for investors in extractive industries worldwide. As governments seek greater control over strategic resources and disputes involving state-affiliated entities become more common, investors face rising exposure to overlapping regulations, multi-jurisdictional enforcement challenges, and politically driven disputes requiring coordinated cross-border strategies.

Shifting regulatory priorities, geopolitical dynamics, and resource competition continue to reshape the risk in investing in extractive industries. Demand for critical minerals—driven by energy transition, infrastructure development, and technological advancement—has intensified investor activity across multiple jurisdictions. At the same time, governments are increasingly focused on securing greater control over natural resources and the value they generate, contributing to a more complex and, in some cases, adversarial operating environment.

These dynamics are not confined to any single region. While they are particularly visible in resource-rich jurisdictions across Africa, Latin America, and parts of Asia, similar patterns are emerging globally as states reassess their approach to foreign investment, strategic assets, and economic sovereignty.

Investors and counterparties in extractive industries face heightened exposure to cross-border risk, including regulatory intervention, disputes with state-affiliated entities, and enforcement challenges across jurisdictions.

In this environment, investors can take proactive steps to mitigate exposure and preserve value across borders:

- **Prepare for Shifts in Political and Regulatory Priorities.** Changes in government, policy direction, or strategic priorities can affect licensing regimes, contractual enforcement, and relationships with state counterparties. Investors should monitor these developments closely and be prepared to respond to increased scrutiny or adverse action affecting their

This content provides information on legal issues and developments of interest to our clients and friends and should not be construed as legal advice on any matter, specific facts or circumstances. The distribution of our content is not intended to create, and receipt of it does not constitute, an attorney-client relationship.

© 2025 Kobre & Kim LLP. All Rights Reserved. Prior Results DO NOT Guarantee A Similar Outcome.

interests.

- **Understand Key Local Stakeholders.** Insight into the motivations and exposure of decision-makers—whether within government authorities, regulators, or joint venture partners—can be critical in anticipating and responding to potential actions that may affect an investment. Where appropriate, targeted investigations may help clarify the basis for regulatory or enforcement activity.
- **Collect and Preserve Evidence with Cross-Border Use in Mind.** In the face of potential disputes or allegations, investors should ensure that relevant evidence is gathered and maintained in a manner that supports use across jurisdictions. This includes anticipating evidentiary standards in different jurisdictions and preserving material that may be relied upon in enforcement or defensive proceedings.
- **Plan for Multi-Jurisdictional Enforcement.** Where disputes arise—particularly those involving state entities or politically influenced counterparties—coordinated enforcement strategies across jurisdictions can be critical. This may include litigation, arbitration, and the strategic use of multilateral institutions or treaty-based protections, depending on the circumstances.

As extractive industry investments continue to span multiple legal systems and political environments, cross-border risk management remains central to preserving asset value and operational continuity. A coordinated approach—spanning asset structuring, dispute preparedness, and enforcement strategy—can position investors to respond effectively to an increasingly complex global landscape.

About Kobre & Kim

Kobre & Kim is a global law firm focused on disputes and investigations, often involving fraud and misconduct.

To preserve the assets, liberty and reputation of individuals and their global business interests, our firm:

- Provides offensive and defensive cross-border litigation and crisis management strategies in court and out-of-court.
- Brings together former U.S. government lawyers in EMEA, Asia, and the U.S., including former prosecutors from the U.S. Department of Justice (DOJ).
- Has deep experience with global foreign policy, national security and economic controls and regularly interfaces with regulatory agencies that impose these controls.

This content provides information on legal issues and developments of interest to our clients and friends and should not be construed as legal advice on any matter, specific facts or circumstances. The distribution of our content is not intended to create, and receipt of it does not constitute, an attorney-client relationship.

© 2025 Kobre & Kim LLP. All Rights Reserved. Prior Results DO NOT Guarantee A Similar Outcome.