

**Baiju S. Vasani**

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Practice Areas

- International Business
- Alternative Dispute Resolution
- Energy
- Litigation
- International Dispute Resolution
- International Arbitration
- International Litigation
- Middle East & North Africa
- Latin America Practice

Baiju S. Vasani is a partner with Crowell & Moring's International Dispute Resolution Group resident in the firm's London and Washington, D.C. offices. He is also an Adjunct Professor of Law at Georgetown University's Law Center, where he teaches International Arbitration. He focuses his practice exclusively on international investment and commercial arbitration covering various industries across the globe.

Baiju has been voted one of the 45 leading international arbitration practitioners worldwide under the age of 45 in Global Arbitration Review's "45 Under 45." He has also been described by Chambers USA as "*a thought-leader of the future,*" "*one to watch*" and "*a very skilled legal writer,*" and by the Global Arbitration Review as "*a name for the future.*" He has been ranked by clients and peers in Chambers USA for International Arbitration (Nationwide), nominated by his peers in the area of arbitration by the Who's Who of International Commercial Arbitration, and recognized by *The Legal Media Group's Guide to the World's Experts in Commercial Arbitration*.

Born in London, England, Baiju was raised in England, India and East Africa. He has earned four law degrees (LLB, LLM, BCL and JD), from the United Kingdom (London and Oxford) and the United States (Northwestern). Prior to joining the firm, Baiju was an attorney in the international arbitration group of another international law firm, and in-house legal counsel for a Fortune 500 company, involved in both contentious (arbitration and litigation) and transactional matters in connection with the company's United Kingdom and European operations. He is currently admitted to practice in both the District of Columbia and England & Wales (Solicitor).

International Arbitration Experience***Government Counseling***

Counseling the Republic of Korea in relation to international dispute resolution under its current and future bilateral and multilateral treaties.

ICSID

Representing an American-owned Kazakh investor in connection with ICSID arbitration proceedings against Kazakhstan under the U.S.-Kazakhstan BIT, relating to the government's expropriation of the investor's oil production concession. (*Caratube International Oil Company v. Kazakhstan*)

Representing an American investor in connection with ICSID arbitration proceedings against Egypt under the U.S.-Egypt BIT, relating to the government's expropriation of an investment in its hotel and tourism sector. (*H&H Enterprises Investments Inc. v. Egypt*)

Represented a U.S. energy services company in annulment proceedings at ICSID against the Republic of Peru. The annulment related to a successful final ICSID award of approximately US\$ 20 million received by the company in 2008. Obtained decision of the Committee denying Peru's request for annulment of the award. (*Duke Energy Peru Investments No. 1, Ltd. v. Peru, annulment phase*)

Represented a U.S. energy services company in a dispute before ICSID arising out of investments in Peru. The dispute concerns the alleged breach by the Peruvian government of a legal stabilization investment agreement, the expropriation of the investment by the government as a result of the improper assessment of various taxes, as well as the government's unfair and discriminatory treatment of the investment in violation of Peruvian and international law. The representation involved a jurisdictional challenge, extensive interactions with various US Government agencies, and a number of interim applications before the Arbitral Tribunal. Successful multimillion dollar final award rendered in 2008. (*Duke Energy Peru Investments No. 1, Ltd. v. Peru*)

Represented a U.S. energy services company in connection with a bilateral investment treaty dispute before ICSID involving an Ecuadorian state-owned enterprise and sub-sovereign and arising out of the company's investments in the domestic energy sector. The representation involved a jurisdictional challenge and negotiations with Government officials. Successful multi-million dollar final award rendered in 2008. (*Duke Energy International v. Ecuador*)

Represented a Cypriot company in ICSID arbitration proceedings against the Government of Turkey under the Energy Charter Treaty, relating to the expropriation by Turkey of energy sector investments. (*Libananco Holdings Co. Limited v. Turkey*)

UNCITRAL/NAFTA

Representing a Kazakh company in *ad hoc* arbitration with the Republic of Kazakhstan arising out of the parties' agreement in relation to the country's poultry industry.

Representing an American corporation in UNCITRAL arbitration with the Republic of Georgia under the US-Georgia BIT, arising out of Georgia's expropriation of the company's investments in Tbilisi. (*IZee Enterprises LLC v. Georgia*)

Representing a European investor in connection with UNCITRAL arbitration against a former Soviet Union state under a BIT, in relation to that State's unfair and inequitable treatment of the investor's investment in the country's alcohol industry. (*Bosca v. Lithuania*)

Represented GL Farms Inc. and Carl Adams, both United States investors, in UNCITRAL arbitration proceedings against the Government of Canada. Claimants alleged that measures implemented by the Governments of Ontario and Canada breached various articles of the North American Free Trade Agreement (NAFTA). (*GL Farms and Carl Adams v. Canada*)

Represented the Polish subsidiary of a Russian oil company in parallel London-based UNCITRAL arbitrations against a Swiss company in connection with a dispute over crude oil delivery.

ICC

Representing two Ghanaian companies in an ICC dispute with the Republic of Ghana in connection with a mining and agriculture project in Dunkwa, Ghana. Ghana and international law govern.

Represented a Luxembourg hotel corporation in an ICC dispute with a Dubai company in relation to management, licensing and services agreements in connection with a hotel in Dubai, UAE. UAE law governed, with a London seat.

Represented a U.S. company in London-based ICC arbitration proceedings against a U.K. company in connection with breach of contract and other claims arising out of a profit sharing agreement in relation to a Venezuelan coal mine. English law governed.

Represented a Brazilian joint venture company in a Paris-based, multi-billion dollar arbitration against a state-owned utility arising out of a long-term power purchase agreement (PPA), and also involving issues related to the construction of the power plant. The governing law was Brazilian. The joint venture company's claims arose out of the off-taker's failure to make payments under the PPA and related state action. The representation involved successfully defending against a challenge to jurisdiction, coordinating local counsel's efforts to overturn an order by a local state court seeking to enjoin the conduct of the arbitration, and a number of interim applications before the Arbitral Tribunal. Claim settled successfully for hundreds of millions of dollars. (*UEG Araucaria, Ltd. v. COPEL*)

Represented a U.S. energy services company in a London-based ICC arbitration against a Nigerian company in connection with alleged breaches of an agency agreement arising out of oil drilling operations in Nigeria. The representation also involved alleged non-compliance with the Foreign Corrupt Practices Act. English law governed.

Represented a U.S. energy services company in a London-based ICC arbitration against a Portuguese individual in connection with alleged breaches of an agency agreement arising out of oil drilling operations in Angola. English law governed.

Represented a Bangladeshi company in London-based ICC arbitration proceedings against an American company in connection with breach of contract and other claims arising out of a joint venture agreement relating to an aborted port construction project in Bangladesh. English law governed.

LCIA

Represented a Kuwaiti services company in LCIA arbitration against a Delaware services company in relation to a dispute over the work of various contractors in Iraq under multiple subcontracts.

Represented a Russian oil company in a London-based, multi-billion dollar LCIA arbitration against shareholders in another Russian oil company arising out of an aborted corporate merger between the two companies.

ICDR/AAA

Represented a Kuwaiti services company in ICDR arbitration against a Delaware services company in relation to a dispute over the work of various contractors in Iraq under multiple subcontracts. Texas law governs, with an Arlington, Virginia seat.

Represented a Chilean company in California-based AAA arbitration proceedings against a South African company in connection with breach of contract and other claims arising out of a wine distribution agreement in the U.S. California law governed.

Represented two Abu Dhabi companies in Houston-based AAA arbitration proceedings against an American energy services company in connection with the breach of an agency contract relating to crude oil drilling in the United Arab Emirates. Cayman Islands law governed.

Select Professional Activities and Memberships

- *OGEMID, Co-Moderator*
- *LCIA Young International Arbitrators Group, U.S. Representative*
- *ICC/USCIB Young Arbitrators Forum, Steering Committee Member*
- *ABA International Law Section, Diversity Committee Member*
- *LCIA Asia Pacific Users' Council, Member*
- *International Institute for Conflict Prevention & Resolution, Arbitration Committee Member*

Interests

In his much appreciated spare time, Baiju enjoys international travel, watching and playing soccer (he is a lifelong Tottenham Hotspur fan), spending time with his wife and daughter, and biographies of historical figures.

Education

- King's College, University of London, LL.B (1996) *first class honors*
- London School of Economics and Political Science, LL.M. (1997)
- St. Peter's College, University of Oxford, Bachelor of Civil Law (1998)
- Bar Vocational Course, Inns of Court School of Law (1999)
- Northwestern University School of Law, J.D. (2003)

Affiliations

Admitted to practice: District of Columbia, England and Wales, Texas (inactive)

Publications

- "10 Golden Rules for U.S. Investors to Follow in Dispute Resolution Negotiations a Foreign State or State Entity," *AAA Handbook on International Arbitration and ADR*, American Arbitration Association (2010). Co-Author: Arif Hyder Ali and Baiju Vasani.
- "Bi-Trifurcation of Investment Disputes," *Arbitration Under International Investment Agreements: A Guide to the Key Issues*, Katia Yannaca-Small, editor. Oxford University Press (2010). Author: Baiju Vasani.
- "Burden of Proof Regarding Jurisdiction," *Arbitration Under International Investment Agreements: A Guide to the Key Issues*, Katia Yannaca-Small, editor. Oxford University Press (2010). Co-Authors: Baiju Vasani and Timothy Foden.
- "Proportional Autonomy: addressing delay in international arbitration through a deadline for the rendering of final awards," *Dispute Resolution International*, Journal of the Dispute Resolution Section of the International Bar Association, Vol. 2 No. 2 (September 2008). Co-Authors: Baiju S. Vasani and Kassi D. Tallent.
- "Sovereignty Over Natural Resources Versus Rights Under Investment Contracts: Which One Prevails?," *Transnational Dispute Management*, Vol. 5, Issue 2 (April 2008). Co-Authors: Baiju S. Vasani and Daniel Vielleville.
- "So You're Going to be a Witness in an International Arbitration? 20 Golden Rules to Help You Get Through It," *Transnational Dispute Management*, Vol. 4 Issue 3 (June 2007). Author: Baiju S. Vasani.
- "A Brief Introduction to the World of International Commercial Arbitration," American Bar Association, Young Lawyer Division, Alternative Dispute Resolution Committee (Spring 2007). Co-Author: Baiju S. Vasani.
- "From COPEL to CEEE – International Arbitrators and Brazilian Courts Agree on the Capacity of Brazilian Mixed Capital Companies to Arbitrate," *News and Notes, Institute for Transnational Arbitration*, Volume 21, No.1 (Winter 2007). Co-Authors: Arif Hyder Ali and Baiju S. Vasani.
- "Peru's Foreign Investment Framework Put to the Test: A Review of the Jurisdictional Award in Duke Energy International Peru Investments No. 1 Ltd. v. The Republic of Peru," in *Homenaje a Fernando de Trazegnies Granada* (2007). Co-Authors: Arif Hyder Ali and Baiju S. Vasani.

- "The Rising Tide of Latin American Arbitration, Friend or Foe?," *International Arbitration Report* (Spring 2006). Co-Author: Baiju S. Vasani.

Alerts & Newsletters

- "New CIETAC Arbitration Rules 2012," *International Dispute Resolution Alert* (March 20, 2012). Contacts: Jane Wessel, Henry Guy Burnett, Baiju S. Vasani, Julia-Didon Cayre.
- "Syria and Lebanon Strengthen Investment Ties Despite Political Uncertainty and Instability," *International Dispute Resolution Alert* (August 16, 2011). Contacts: Baiju S. Vasani, Meriam Alrashid.
- "New Rotterdam Rules For Maritime Shipping," *International Dispute Resolution Alert* (October 6, 2009). Contact: Baiju S. Vasani.
- "Ecuador Moves Closer To Its Withdrawal From World Bank Arbitration," *International Dispute Resolution Alert* (June 23, 2009). Contact: Baiju S. Vasani.
- "New Law Grants Venezuelan Government Power to Take Strategic Control Over Oil Industry Services," *International Dispute Resolution Alert* (May 11, 2009). Contacts: Dana C. Contratto, Baiju S. Vasani.

Speaking Engagements

- "GEA v. Saipem: Is an arbitration award an investment under the ICSID Convention?," 1st Winter Roundtable on the Fundamentals of International Arbitration, San Francisco, CA (February 2, 2012). Speaker: Baiju S. Vasani.
- "International Arbitration and ADR in India," ABA Conference, U.S. and India: Key Legal Aspects of Cross Border Business, Mumbai, India (January 20, 2012). Speaker: Baiju S. Vasani.
- "Introduction to International Commercial Arbitration," YIAG Training Seminar, Mexico City, Mexico (November 30, 2011). Speaker: Baiju S. Vasani.
- "Written Evidence in International Arbitration: Hot Topics," 6th Annual Dallas Roundtable, Institute for Transnational Arbitration, Dallas, TX (June 15, 2011). Speaker: Baiju S. Vasani.
- "Compliance and Enforcement of Awards: Is There Really a Practical Difference Between ICSID and ad hoc Arbitration?" Fifth Annual Investment Treaty Arbitration Conference: The Future of ICSID, Washington, D.C. (April 5, 2011). Moderator: Baiju S. Vasani.
- "The Legal Framework for International Arbitration," ABA International Law and Dispute Resolution Sections' "Nuts and Bolts" Series, Washington, DC (February 2009). Speaker: Baiju S. Vasani.

- "Interim Measures in Investment Arbitration," APEC Workshop On International Investment Agreements, Washington, DC (November 2008). Speaker: Baiju S. Vasani.
- "Is there a Place for ADR in International Arbitration?" U.S. Council for International Business (USCIB) Young Arbitrators Forum, Washington D.C. (May 2008). Speaker: Baiju S. Vasani.
- "Pathways to Employment in International Law," ABA Section of International Law: New York International Lawyers' Forum, New York (January 2008). Speaker: Baiju S. Vasani.
- "Approaching Dispute Resolution with Chinese Counterparties," Mealey's Product Recall Conference: Made in China and Beyond, Washington D.C. (December 2007). Speaker: Baiju S. Vasani.
- "A Practical Guide to Drafting Effective Arbitration Clauses," Crowell & Moring International Dispute Resolution Fall Training Seminar, Washington, D.C. (October 2007). Co-Speakers: Alexandre de Gramont and Baiju Vasani.
- "Drafting and Enforcing Arbitral Awards in Brazil and Beyond," International Center for Dispute Resolution and the Comit e Brasileiro de Arbitragem, International Arbitration Energy Roundtable, S o Paulo, Brazil (July 2007). Speaker: Baiju Vasani.
- "Emerging Themes in Latin American Arbitration and Arbitral Practice," Harvard Latin America Law Society, Harvard Law School, Cambridge, Massachusetts (October 2005). Speaker: Baiju S. Vasani.
- "Compelling a Non-Signatory to Arbitrate Your Dispute: an Overview of English, French and United States Law," Oil and Gas Branch of the Arbitration Club, International Section, London, England (September 2005). Speaker: Baiju S. Vasani.
- "Strategies For Negotiating Settlements of Energy Disputes with Latin American Governments," The Frank Evans Center for Dispute Resolution, South Texas School of Law, Houston, Texas (July 2005). Speaker: Baiju S. Vasani.