

**Ian A. Laird**

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**Practice Areas**

- International Dispute Resolution
- International Arbitration
- International Business

**Ian A. Laird** is a Special Legal Consultant in the International Dispute Resolution Group of Crowell & Moring based in the firm's Washington, D.C. office. Ian is recognized as a leading practitioner in the arbitration field by the *International Who's Who of Commercial Arbitration Lawyers 2012*. His website, *Investmentclaims.com*, was the winner of the Transnational Dispute Management/ OGEMID *IDR-Related Project of the Year* for 2009 (the last time this award was granted). He is currently serving as a Lecturer-in-Law at Columbia Law School in New York teaching the International Investment Arbitration seminar course.

Ian's extensive experience as counsel, combined with his academic work, and an intimate knowledge of the inner workings of government, has provided him with a background ideally suited to international investment arbitration. He has been counsel to parties in investment arbitrations for over thirteen years and worked on the earliest NAFTA investor-state arbitrations involving all three NAFTA state Parties. He continues to be counsel on numerous investment treaty arbitrations and disputes, most recently involving El Salvador, Lithuania, Kazakhstan, Mongolia and Turkey. Ian's counsel work includes arbitrations held under the provisions of NAFTA, CAFTA-DR, the Energy Charter Treaty (ECT) and other international investment agreements, typically applying the arbitration rules of ICSID or UNCITRAL. He currently works primarily with clients involving issues in the energy and natural resources sector – such as power generation, oil and gas, and mining.

As a former Chief of Staff to a Canadian cabinet minister and a senior political aide to the Ontario Minister of Energy, as well as having run political campaigns, Ian understands the intimate workings of government and politics. In his role as Editor-in-Chief and co-founder of *Investmentclaims.com* (published by Oxford University Press), Ian directs the premium source of legal and academic information on international investment law and arbitration. He has co-edited five books, and is the author of numerous articles and book chapters. Ian is co-chair of the only annual conference

(organized by Juris Conferences) on investment arbitration held in Washington, D.C. He was also recently appointed as Co-Director of the International Investment Law Center (International Law Institute) which conducts its annual, two-week fall program on investment agreements and arbitration in Washington, D.C.

### Representative Experience

- Representing a Canadian uranium mining company in its dispute with the Government of Mongolia to recover damages and other remedies in respect of the attempted illegal expropriation of its licenses in Mongolia and other unlawful, unfair and discriminatory actions. (Khan Resources Inc.)
- Representing an Italian investor in a dispute against Lithuania in an UNCITRAL arbitration under the Italy-Lithuania BIT. The dispute arose in relation to that State's unfair and inequitable treatment of the investor's investment in the country's alcohol industry. (Bosca v. Lithuania)
- Representing an American-owned Kazakh investor against Kazakhstan in an ICSID arbitration 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 a Cypriot company against the Government of Turkey in an ICSID arbitration under the Energy Charter Treaty (ECT) relating to the expropriation by Turkey of energy sector investments. (Libananco Holdings Co. Limited v. Turkey)
- Representing an American gold mining company against El Salvador in connection with a CAFTA-DR arbitration conducted under the ICSID Convention arising out of the government's improper refusal to issue various environmental licenses and an exploitation concession. (Pac Rim v. El Salvador)
- Represented numerous U.S.-based, Fortune 500 clients to provide advice on international law and arbitration, in particular with respect to the application of NAFTA.
- Acted as Sole Arbitrator in ICC contract dispute between American and Italian parties.
- Represented American shareholders against the Government of Canada in a NAFTA claim. The main claimant, Mr. Marvin Gottlieb, was amongst the many U.S.-based investors who lost in excess of \$5 Billion as a result of the Canadian Government's decision to eliminate the income trust tax mechanism with regard to Canadian energy trusts. (Gottlieb et al v. Canada)
- Represented forty-two Texas claimants before the Superior Court of Ontario in the judicial review of a NAFTA tribunal's jurisdiction award concerning water rights in Mexico of U.S. based investors. (Bayview et al v. Mexico)

- Represented a U.S. energy services company in a dispute before ICSID arising out of investments in Peru. Successful multimillion dollar final award rendered in 2008. (Duke Energy Peru Investments No. 1, Ltd. v. Peru)
- Represented United Parcel Service (UPS) in a lengthy and complex NAFTA arbitration against the Government of Canada under the UNCITRAL rules. The dispute concerned alleged breaches by the government's crown corporation, Canada Post Corporation, with regarding to anti-competitive and discriminatory measures taken by Canada and Canada Post in the courier service market in Canada. (United Parcel Service v. Canada)
- Represented two Canadian lumber firms against the U.S. Government in an UNCITRAL arbitration under the NAFTA. After the demise of the previous Softwood Lumber Agreement, Canadian lumber firms made strong allegations against the U.S. Government with regard to the fairness and impartiality of the U.S. Government's decisions concerning anti-dumping duties and countervailing duties on softwood lumber imports from Canada. Although the tribunal granted jurisdiction and leave for the arbitration to proceed to the merits phase, the intervening signing of the latest Softwood Lumber Agreement by Canada and the United States resulted in the settlement of the arbitration process. (Canfor Corporation v. United States, Terminal Forest Products Ltd. v. United States)
- Represented a U.S. lumber company against the Government of Canada in an UNCITRAL arbitration pursuant to the NAFTA. Claimant sought compensation from the Government of Canada with regard to alleged breaches of the NAFTA obligations concerning expropriation, national treatment, and fair and equitable treatment. The claimant was ultimately successful on one part of its claim, receiving damages for the breach of the fair and equitable treatment standard under Article 1105, and was able to preserve its business in the face of arbitrary and discriminatory conduct of Canadian government officials. (Pope & Talbot, Inc. v. Canada)
- Represented a U.S. investor in a NAFTA dispute with the Government of Canada under the UNCITRAL Arbitration Rules. The tribunal awarded damages to the claimant for the discriminatory and protectionist conduct of Canada with regard to lost investments in the PCB waste remediation market in Canada. (S.D. Myers, Inc. v. Canada)
- In one of the first NAFTA arbitration claims, Ian Laird represented the Government of British Columbia, Canada. This claim did not ultimately proceed to arbitration, but involved important early issues concerning water rights and the role of sub-national governments being subject to investor-state arbitration claims. (Sun Belt Water, Inc. v. Canada)

### **Professional Activities And Memberships**

- Law Society of Upper Canada - Called to the Ontario Bar, and enrolled as a Solicitor of the Court of Appeal of Ontario (1995)
- District of Columbia - Licensed to practice as a Special Legal Consultant
- Ontario Bar Association (OBA) - International Law Section, Past-Chair, Section Executive Committee
- Canadian Bar Association (CBA) - International Law Section, Co-Chair, Trade and Investment Committee
- Canadian Chamber of Commerce (CCC) - Arbitration Committee, International Affairs Committee
- International Chamber of Commerce (ICC) - Roster of Canadian Arbitrators
- International Bar Association (IBA)
- American Society of International Law (ASIL)
- Young Canadian Arbitration Practitioners (YCAP), Founder and Steering Committee Member
- International Law Association (ILA) - Committee on International Law of Foreign Investment (Co-Reporter on Enforcement of Investment Arbitration Awards, Co-Reporter on Standards of Treatment)
- Foreign Direct Investment (FDI) International Moot Competition, Advisory Board Member
- University of Windsor Faculty of Law, University of Detroit Mercy School of Law - International Advisory Board Member to Dual Canada/US J.D. Program
- International Investment Law Center (International Law Institute) (IILC) - Co-Director of Center
- Canada-US Law Institute (CUSLI) - Advisory Board Member and Co-Chair of Niagara International Moot Court Competition

### Education

- McGill University, Montreal, Canada, B.A. (1987) Joint Honors, Philosophy and Political Science
- University of Windsor, Faculty of Law, Windsor, Canada, LL.B (1993)
- University of Cambridge, Faculty of Law, Cambridge, U.K. (St. Edmund's College), LL.M. (1998)

### Affiliations

Admitted to Practice in Ontario, Canada, and Licensed to Practice as a Special Legal Consultant in the District of Columbia.

### Publications

- *Investment Claims*, Oxford University Press. (online publication). Editor-in-Chief: Ian A. Laird.
- *Investment Treaty Arbitration And International Law*, Volume 5, Juris Publishing (2012-forthcoming ). Co-Editor: Ian A. Laird.
- *Investment Treaty Arbitration And International Law*, Volume 4, Juris Publishing (2011). Co-Editor: Ian A. Laird.
- "International Investment Law Regime and the Rule of Law as a Precondition for International Development," chapter in Todd Weiler and Freya Baetens eds., *New Directions in International Economic Law*, Martinus Nijhoff (2011). Co-Author: Ian A. Laird.
- "International investment law and arbitration: 2010 in review," chapter in Karl P. Sauvant, ed., *Columbia Yearbook On International Investment Law & Policy 2010-2011*, Oxford University Press (2011, forthcoming). Co-Author: Ian A. Laird.
- "International investment law and arbitration: 2008/2009 in review," chapter in Karl P. Sauvant, ed., *Columbia Yearbook On International Investment Law & Policy 2009/2010*, Oxford University Press (2010). Co-Author: Ian A. Laird.
- *Investment Treaty Arbitration And International Law*, Volumes 2 and 3, Juris Publishing (2009, 2010). Co-Editor: Ian A. Laird.
- "Interpretation in International Arbitration - Through the Looking Glass," chapter in Jacques Werner and Arif Hyder Ali, eds., *A Liber Amicorum: Thomas Wälde - Law Beyond Conventional Thought* (2009). Author: Ian A. Laird.
- *Investment Treaty Law: Current Issues III*, British Institute of International and Comparative Law (BIICL) (2009). Co-Editor: Ian A. Laird.
- "Trends In International Investment Disputes: 2007 In Review", chapter in Karl P. Sauvant, ed., *Columbia Yearbook On International Investment Law & Policy 2008/2009*, Oxford University Press (2008). Co-Author: Ian A. Laird.
- "Standards of Treatment in International Investment Law: The Move Towards Unification", co-authored with Todd Grierson-Weiler; and "Compliance and Enforcement in International Investment Arbitration", co-authored with Alan S. Alexandroff, chapters in Muchlinski, Ortino and Schreuer eds., *The Oxford Handbook of International Investment Law*, Oxford University Press (2008). Co-Author: Ian A. Laird.

- "Fair and Equitable Treatment: Emergency Exception/State of Necessity," Chapter in *Investment Treaty Law: Current Issues II*, British Institute of International and Comparative Law (BIICL) (2007). Author: Ian A. Laird.
- "International Legal Developments in Review: 2006 – International Arbitration," 41 *The International Lawyer* 251 (Summer 2007). Co-Author: Ian A. Laird.
- "Finality versus Consistency: Does Investor-State Arbitration Need An Appellate System?," 7(2) *Journal of Appellate Practice and Process* 101 (2006). Co-Authors: Ian A. Laird and Rebecca Askew.
- "Canada-China Investment - Catching the Dragon by its Tail," 10(2) *The Globetrotter* 5 (2005). Co-Authors: Ian A. Laird and Rajeev Sharma.
- "Argentina's Flood of Investor-State Claims," 34(1) *ABA International Law* (2005). Author: Ian A. Laird.
- "Canada's Weakening of the International Rule of Law in the NAFTA Zone," Chapter in A. Alexandroff, ed., *NAFTA Chapter 11: Balancing Private Interest and Public Purpose*, C.D. Howe Institute/Munk Centre for International Studies (2005). Author: Ian A. Laird.
- "*MTD Equity Sdn. Bhd. and MTD Chile S.A. v. Republic of Chile* – Recent Developments in the Fair and Equitable Treatment Standard," 1(4) *Transnational Dispute Management* (2005). Author: Ian A. Laird.
- "A Community of Destiny - *The Barcelona Traction Case* and the Development of Shareholder Rights to Bring Investment Claims" and "A Distinction without A Distinction? An Examination of the Concepts of Admissibility and Jurisdiction in *Salini v. Jordan and Methanex v. USA*", chapters in T.Weiler, ed., *Foreign Investment Law and Arbitration: Leading Cases from the ICSID, NAFTA, Bilateral Treaties and Customary International Law*, Cameron (May 2005). Author: Ian A. Laird.
- "Betrayal, Shock and Outrage - Recent Developments in NAFTA Article 1105," chapter in T.Weiler, ed., *NAFTA Investment Law and Arbitration: The Early Years*, Transnational Publishers (2004); and 3 *Asper Review of International Business and Trade Law* 185 (2003). Author: Ian A. Laird.
- "Judicial Review of Arbitral Awards," *Globetrotter* - Ontario Bar Association International Law Section Newsletter (2003). Author: Ian A. Laird.
- "Multilateralism In International Trade Relations: Who is More Committed - Canada or the United States?" 5(2) *Cdn. Int. Lawyer* 106 (2002). Author: Ian A. Laird.
- "The ICSID Convention: A Commentary," Book Review, Schreuer, *Bus. Law Int.* 264 (2002). Author: Ian A. Laird.
- "The Nuts and Bolts of NAFTA Chapter 11 Arbitrations," chapter on procedure in international mixed arbitrations for Prof. L. Trakman et al.

eds., *Doing Business in Mexico*, Part VI, Chapter 9, Transnational Publishers (2002). Author: Ian A. Laird.

- "NAFTA Chapter 11 and Chicken Little," 2(1) *Chicago Journal of International Law* 223 (2002). Author: Ian A. Laird.
- "Defining International Law: the FTAA, Spray tech, and NAFTA Chapter 11," *Globetrotter* - OBA International Law Section Newsletter (2001). Author: Ian A. Laird.

#### Alerts & Newsletters

- "US and Canada Thaw Relations By Reducing Buy American Friction," *Government Contracts Bullet Points* (February 5, 2010). Contacts: Adelicia R. Cliffe, Alan W. H. Gourley, Ian A. Laird, Angela B. Styles.

#### Speaking Engagements

- "Balance and International Investment Arbitration," University of Western Ontario Law School, London, Ontario (November 30, 2011). Speaker: Ian A. Laird.
- International Law Institute, Annual two week program on "International Investment Agreements and Investor-State Arbitration," Washington, DC (November 7-18, 2011). Course Advisor and Faculty Member: Ian A. Laird.
- "International Law: Investor-State Arbitration in the Americas: Update on CAFTA and NAFTA," Joint Canadian Bar Association, ABA program, Toronto and Washington, DC webinar (October 13, 2011). Speaker: Theodore R. Posner; Program Co-Chair and Moderator: Ian Laird.
- "NAFTA Practitioners' Perspective," U.S. - Mexico Chamber of Commerce conference titled "NAFTA: The Agenda for Sustainable Growth and Competitiveness" (May 19, 2011). Speaker: Ian A. Laird.
- "The Future of ICSID," Juris Conferences - Fifth Annual Investment Treaty Arbitration Conference, Washington, D.C. (April 5, 2011). Conference Co-Chair: Ian A. Laird.
- International Law Institute, Annual two week program on "International Investment Agreements and Investor-State Arbitration" (November 1-12, 2010). Course Advisor and Faculty Member: Ian A. Laird.
- "Investment Arbitration in the Asia-Pacific Region," Juris Conferences - Fourth Annual Investment Treaty Arbitration Conference, Washington, D.C. (April 30, 2010). Conference Co-Chair: Ian A. Laird.
- "International Investment Arbitration Procedural Roundtable," ABA Section of International Law Spring Meeting, New York, NY (April 15, 2010). Program Chair and Moderator: Ian A. Laird.
- "Reflections Upon the Idea of International Judicial Review," Professor Thomas Wälde Memorial Symposium, St. Andrews, Scotland (October 16, 2009). Speaker: Ian A. Laird.

- "New Developments in Canada's Screening of Foreign Investments", Program of the Canadian Bar Association, Ontario Bar Association and in cooperation with the American Bar Association, Washington, D.C. and Toronto, Ontario (September 29, 2009). Program Co-Chair and Moderator: Ian A. Laird.
- "Canada-USA Border Issues: An New Bridge for Old allies", Joint Program of American Bar Association, Canadian Bar Association and Ontario Bar Association, Washington, D.C. (June 9, 2009). Co-Chair: Ian A. Laird.
- "Investor-State Dispute Resolution", Seminar on International Legal Issues presented to Government of the Republic of Colombia, Bogota, Colombia (June 5, 2009). Presenter: Ian A. Laird.
- Juris Conferences - Third Annual Investment Treaty Arbitration Conference: A Debate and Discussion, "Interpretation In Investment Arbitration", Washington, D.C. (April 30, 2009). Conference Co-Chair and Speaker: Ian A. Laird.
- "Standards of Treatment in International Law - Convergence or Confusion?" Investment Law and Policy Speaker Series, Vale Columbia Center, New York City (March 12, 2009). Speaker: Ian Laird
- APEC Workshop on International Investment Agreements, Faculty Member and member of organizing committee, Week 1: Singapore, May 5-9, 2008; Week 2: Washington, DC, November 3-7, 2008. (November 7, 2008). Faculty Member: Ian A. Laird.
- "The question of precedent and role of arbitral decisions in international investment arbitration as a form of soft law," Conference: The Hard Edge of Soft Law: The Real Impact of Customary International Law and Soft Law in Canada?, Canadian Bar Association, Toronto, Ontario (October 23, 2008). Presenter: Ian A. Laird.
- "Investment Agreements and Arbitration: a Driver of Reforms or an Assault on Sovereignty," 18th Economic Forum, Krynica, Poland (September 12, 2008). Speaker: Ian A. Laird.
- Juris Conferences - Second Annual Investment Treaty Arbitration Conference: A Debate and Discussion, Washington, D.C. (April 25, 2008). Conference Co-Chair: Ian A. Laird.
- "The Arbitration Request," Fourth Annual Seminar On International Commercial Arbitration: How To Handle Oil And Gas Industry Cases, American University Washington College of Law, Washington, D.C. (October 9, 2007). Seminar Faculty Member: Ian A. Laird.
- "The Emerging Jurisprudence of International Investment Law," 9th Investment Treaty Forum Public Conference, British Institute of International and Comparative Law, London, U.K. (September 14, 2007). Event Co-Chair: Ian A. Laird.
- "Introduction to Investment Arbitration", Lecture to lawyer group from Zhejiang Province, China, International Law Institute, Washington, D.C. (August 24, 2007). Speaker: Ian A. Laird.

- "National Treatment – Is Discriminatory Intent Relevant?" Juris Conferences - Investment Treaty Arbitration: A Debate and Discussion, Washington, D.C. (May 17, 2007). Moderator: Ian A. Laird.
- "Canada's Bilateral Investment Treaties: Opportunities and Pitfalls for Canadians Doing Business Abroad," Ontario Bar Association, Toronto, Ontario (November 30, 2006). Speaker: Ian A. Laird.
- "Fifth Annual Arbitration Symposium, Mock Arbitration," International Chamber of Commerce - Canadian National Committee, Montreal, Quebec (October 27, 2006). Speaker: Ian A. Laird.
- "Introduction to International Investment Arbitration," Georgetown University Law School, Washington, D.C. (October 23, 2006). Speaker: Ian A. Laird.
- "Damages and Valuation in International Investment Arbitration," American University Washington College of Law, Washington, D.C. (October 9, 2006). Speaker: Ian A. Laird.
- "Jurisdiction and Admissibility in Investment Arbitration," "Overlapping Contract & BIT Claims," and "Damages and Valuation in International Investment Arbitration," American University Washington College of Law, Washington, D.C. (September-November, 2005). Speaker: Ian A. Laird.
- "Fourth Annual Arbitration Symposium," International Chamber of Commerce - Canadian National Committee, Toronto, Ontario (October 28, 2005). Speaker: Ian A. Laird.
- "Fair and Equitable Treatment: Emergency Exception/State of Necessity," British Institute of International and Comparative Law (BIICL), Investment Treaty Forum, London, U.K. (September 2005). Speaker: Ian A. Laird.
- "Investment Arbitration: Evolution or Revolution?" Investment Law Symposium, Permanent Court of Arbitration, The Hague (June 29, 2005). Speaker: Ian A. Laird.
- "Judicial Review of International Arbitral Awards," American University Washington College of Law, Washington, D.C. (November 2004). Speaker: Ian A. Laird.