

**Ian A. Laird**

Special Legal Consultant  
ilaird@crowell.com

**Washington**

1001 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2595  
Phone: 202.624.2879  
Fax: 202.628.5116

**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.