



Ian A. Laird

Partner

Washington, D.C.

ilaird@crowell.com

Phone: +1 202.624.2879

Fax: +1 202.628.5116

1001 Pennsylvania Avenue NW

Washington, DC 20004-2595

Practices

- Global Investment Strategy
- International Dispute Resolution
- International Arbitration
- Israel Practice
- Litigation & Trial
- Latin America Practice
- Infrastructure

Ian A. Laird is co-chair of the firm's International Dispute Resolution Group and an adjunct professor at Columbia University School of Law and Georgetown University Law Center. He represents a range of clients in international arbitration proceedings involving disputes between corporations and foreign sovereign governments. For over 20 years, Ian has counseled parties in investment arbitrations 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. In 2018, Ian was named to the *National Law Journal's* "ADR Champions" list.

With extensive experience representing Fortune 500 clients, Ian advises corporations on geopolitical concerns when their investments face challenges overseas. He has worked extensively 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, Ian has run political campaigns and understands the intimate workings of government and politics, as well as their impact on industry.

Ian's experience includes working on the earliest NAFTA investor-state arbitrations involving cases against each of the three NAFTA state parties, and most recently has handled high profile gold and uranium mining arbitrations. He is currently counsel on numerous international arbitrations and disputes, most recently involving Egypt, Kuwait, the Dominican Republic, El Salvador, Lithuania, Kazakhstan, Mongolia, and Turkey.

Ian serves as co-director of the International Investment Law Center (International Law Institute) and is currently an observer delegate to the UNCITRAL Working Group III deliberations on the reform of investment arbitration on behalf of the ILI. He has co-edited or co-authored 17 books, including the book series *Investment Treaty Arbitration and International Law* (Juris Publishing). He is co-author (with Kabir Duggal and Frederic Sourgens) of *Evidence in International Investment Law* (OUP, 2018). Ian is the co-founder, chair of the Editorial Advisory Board, and former editor-in-chief of

InvestmentClaims.com (published by OUP), a leading resource in the field of investment arbitration.

Ian is a D.C.-licensed Special Legal Consultant based in the firm's Washington office.

Representative Experience

- Represented a multinational joint venture in securing a \$494 million award against an Egyptian state entity, and defeating a \$500 million counterclaim, with respect to the unlawful termination of a contract to build a port in Damietta, Egypt. The arbitration was conducted under the ICC Rules of Arbitration. (*DIPCO v. Damietta Port Authority*)
- Representing a Russian national in a \$100 million UNCITRAL arbitration against the State of Kuwait. (*Lazareva v. Kuwait*)
- Appointed as claimant-appointed arbitrator in an ICSID arbitration under the *Agreement between Bosnia and Herzegovina and the Republic of Slovenia for the Reciprocal Promotion and Protection of Investments*, (*Viaduct et al v. Bosnia and Herzegovina*, ICSID Case No. ARB/16/36).
- Appointed as claimant-appointed arbitrator in an UNCITRAL arbitration under the *Agreement Between Bosnia and Herzegovina and the Republic of India for the Promotion and Protection of Investments*, (*Aggarwal et al v. Bosnia and Herzegovina*, PCA Case N° 2018-03).
- Representing a Middle Eastern client in a \$40 million shareholder dispute with a Hong Kong claimant under the ICC Rules of Arbitration.
- Represented an Egyptian respondent in an ICC arbitration respecting an \$80 million supply agreement dispute.
- Represented a Canadian uranium mining company in its dispute with the Government of Mongolia and secured an award of damages for US\$100 million in respect of the illegal expropriation of its licenses in Mongolia. (*Khan Resources Inc. v. Mongolia*)
- Represented an American gold mining company against El Salvador in an ICSID arbitration arising out of the government's improper refusal to issue various environmental licenses and an exploitation concession. (*Pac Rim v. El Salvador*)
- Represented U.S. investors in a CAFTA-DR arbitration against the Government of the Dominican Republic relating to the expropriation of a residential and resort project (called "Jamaca de Dios") in the mountain region of central DR. (*Ballantine v. Dominican Republic*)
- Acted as a Sole Arbitrator in an ICC supply agreement dispute between American and British parties.
- Represented 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*).
- Represented 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*)
- 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
- 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, Past-Co-Chair, Trade and Investment Committee
- American Bar Association (ABA) - International Law Section, Member

- Canadian Chamber of Commerce (CCC) - Arbitration Committee
- International Chamber of Commerce (ICC) - Roster of Canadian Arbitrators
- Young Canadian Arbitration Practitioners (YCAP) - Founder and former Executive Committee Member
- International Investment Law Center (International Law Institute, Washington, D.C.) (IILC) - Co-Director of Center
- ILI Series on International Law, Arbitration and Practice (Juris Publishing) - Co-General Editor
- American Review of International Arbitration (ARIA), Term 2019 – 2024 - Advisory Board Member
- UNCITRAL, Working Group III, Observer delegate representing the International Law Institute

Government Experience

- Canada—Chief of Staff to the Minister, Citizenship and Immigration Canada (2003-2004)
- Canada, Province of Ontario—Special Assistant to the Minister, Ontario Ministry of Energy (1988-1989); Special Assistant to the Minister, Ontario Ministry of Citizenship (1989-1990)

Admissions/Affiliations

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

Education

- McGill University, 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)

Languages

- French (Beginner)

Recent Highlights, News & Knowledge

<p><u>"Supreme Court Unanimously Holds that Nonsignatories to an International Arbitration Agreement May Compel Arbitration,"</u> <i>International Dispute Resolution Alert</i> (June 4, 2020). Contacts: Randa Adra, Ian A. Laird</p>	<p><i>Client Alert/Newsletter</i></p>
<p><u>"Investment Disputes and the COVID-19 Crisis - The View Ahead,"</u> ILI Webinar (June 4, 2020). Speaker: Ian A. Laird.</p>	<p><i>Speech/Presentation</i></p>
<p>"True or False: The Time has Come to Outlaw Double-Hatting?" Juris Conferences –</p>	<p><i>Speech/Presentation</i></p>

Fourteenth Annual Investment Treaty Arbitration Conference, Washington, D.C. (June 2, 2020). Panelist: Ian A. Laird.	
<u>Crowell & Moring Partner Ian A. Laird Named One of Latin America's Top 100 Lawyers</u> (May.22.2020)	<i>Firm News/Announcement</i>
<u>Latin America's Top 100 Lawyers: (2020) — Latinvex</u> (May 20, 2020)	<i>Media Mentions</i>
<u>"Mexican COVID-19 Measures Imperil Foreign Investments in Renewable Energy Projects – Are International Arbitration Claims Imminent?," International Dispute Resolution Alert</u> (May 19, 2020). Contacts: Larry F. Eisenstat, Ian A. Laird, Jeffrey L. Snyder, Tyler A. O'Connor, Eduardo Mathison	<i>Client Alert/Newsletter</i>
<u>"Tools for Turbulent Times: Force Majeure and Frustration," Crowell & Moring Webinar</u> (May 7, 2020). Presenters: Ian A. Laird, Gordon McAllister, and Edward Norman.	<i>Speech/Presentation</i>
<u>"International Chamber of Commerce Updates its Model Force Majeure and Hardship Clauses Amidst COVID-19 Pandemic," International Dispute Resolution Alert</u> (May 6, 2020). Contacts: Ian A. Laird, John L. Murino, Laurence Winston, Emily Alban	<i>Client Alert/Newsletter</i>
<u>Arbitration: Mixed Outlook For Colombia, Peru — Latinvex</u> (May 6, 2020)	<i>Media Mentions</i>
<u>"COVID-19: The Latin America Perspective (Special Edition) – Venezuela," International Dispute Resolution Alert</u> (May 4, 2020). Contacts: Richard B. Holbrook Jr., Ian A. Laird, Anne Elise Herold Li, John L. Murino, David (Dj) Wolff, Nicole Sayegh Succar, Karla I. Arias, Dr. sc. nat., Eduardo Mathison	<i>Client Alert/Newsletter</i>