

# Baiju Vasani

CALL: 2001

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## Overview

Baiju is a renowned leader in ISDS, international commercial arbitration, and public international law as both counsel and arbitrator. Before he joined the Bar in November 2022, Baiju spent 20 years in international law firm practice, including 12 as partner, leading large teams of lawyers in dozens of international arbitration disputes worth several tens of billions of dollars in aggregate.

His treaty practice has encompassed representation of States and investors under both ICSID and UNCITRAL Rules. Until February 2022, he split his time between Moscow and London leading the Russian Federation's defence in six major investment treaty arbitrations. He has also advised States on the negotiation and drafting of investment treaties. Prior to that he led the international arbitration practices of major American law firms in London and Washington DC. In those roles, he won several high-profile treaty awards, with particular experience in creating and managing winning global strategies for investors in high-stakes, sensitive disputes involving geopolitical issues or major criminal allegations. His international investment law experience has also been at the forefront of the intersection of international arbitration and public international law, having acted as lead counsel on seminal cases on treaty succession, disputed territories, and the effect of alleged illegality on arbitral jurisdiction.

His commercial arbitration record is equally robust. He is often called on to lead cases involving English law or a London seat, but has equally led cases seated elsewhere involving laws ranging from those of India, Ghana, Nigeria, Egypt, UAE, Brazil, various US states, to Russia and the FSU, among others.

## Example publications

A selection of recent publications is below. A full list is available upon request.

- “Guarantees Against Expropriation in Investment Disputes Involving Central Asian States” International Investment Law and Arbitration in Central Asia (2022).
- “Chapter 1 – General Provisions” ICSID Arbitration Rules, An Article-by-Article Commentary (2022).
- “Article 50 of the ICSID Convention” The ICSID Convention, Regulations and Rules (2019).
- “Why Domestic Parties in India Should be Allowed to Choose Foreign Arbitration Seats” 15(2) Transnational Dispute Management (2018).
- “Bi-Trifurcation of Investment Disputes,” Arbitration Under International Investment Agreements: A Guide to the Key Issues, 2nd Edition (2018).
- “Burden of Proof Regarding Jurisdiction,” Arbitration Under International Investment Agreements: A Guide to the Key Issues, 2nd Edition (2018).

Baiju also regularly sits as arbitrator in treaty and commercial arbitrations, and welcomes such appointments through Chambers.

Finally, Baiju is a Senior Fellow of International Law at SOAS, University of London, where he teaches international arbitration to postgraduates from around the world. He also has an active pro bono practice using international dispute resolution techniques to further the global rule of law, and is passionate about bringing diversity into the international arbitration field.

## Example speeches

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A selection of speaker engagements is below. A full list is available upon request.

- “Panel Discussion on Sanctions: New Challenges for International Arbitration” ICCUK Arb Conference (November 10, 2022).
- “Renewable Arbitration: insight for Asia-Pacific Parties” Seoul ADR Festival Webinar (virtual) (November 7, 2022).
- “Arbitration in the era of web 3.0 and tokenomics” India ADR Week (virtual) (October 10, 2022).
- “Bifurcation of liability and quantum should be the default” FTI debate (July 5, 2022).
- “Roundtable on Sanctions: New Challenges for International Arbitration” ICC U.K. Arbitration Conference (June 22, 2022).
- “Energy Projects and Investment Disputes: Complex Issues” Bucharest Arbitration Days 2022 (June 10, 2022).
- “Investment Arbitration and Investment Treaties at Crossroads. What lies ahead?” ABA Annual Spring Conference (virtual) (April 28, 2022).
- “Special Features of International Arbitration in the Energy Sector” Guest lecture, Faculty of Law at Stockholm University (virtual) (March 10, 2022).
- “The Ukraine Conflict – What is at Stake?” The Center for American and International Law’s Institute for Energy Law (virtual) (March 9, 2022).
- “Damages and Compensation in Investment Arbitration” Investment Arbitration Series (virtual) (November 25, 2021).
- “Building Arbitrator Diversity in International Law” World Bank’s Law, Justice and Development Week 2021 (virtual) (November 9, 2021).
- “Second Bite of the Apple: Is Public Policy Really only a Last Line of Defence?” Generations in Arbitration Conference (Virtual) (November 3, 2021).
- “Dual Nationality, and Dominant and Effective Nationality in Investment Arbitration” World Arbitration Update 2021 (virtual) (October 15, 2021).
- “Can BITs Apply in Disputed Territory?” Delos Tagtime (virtual) (June 16, 2021).
- “What makes CIS disputes different?” Keynote address at CIS Arbitration Forum (virtual) (May 25, 2021).
- “Most Controversial Decisions under CIS Treaties” Thought Leaders 4 Disputes (virtual) (April 6, 2021).
- “Advocacy Workshop: How to Prevail in Multi-Billion Dollar Disputes and Tackle Derailing Tactics of Your Opponents” Russian Institute of Modern Arbitration, Winter Academy (virtual) (January 15, 2021).
- “Recent Controversial Decisions in the English Courts” Fountain Court Chambers podcast (virtual) (January 2021).

## Education

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- Northwestern University School of Law, Chicago, IL: Juris Doctor (J.D.), May 2003.
- Inns of Court School of Law, London, UK: Bar Vocational

## Academic appointments

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- SOAS, University of London, UK, Senior Fellow in International Law, 2017-date; Visiting Lecturer in Investor State-Arbitration, 2014-2017.
- Canterbury Christchurch University, UK, Ph.D. Supervisor on Investor-State Theses, 2017-2018.
- University of Bedfordshire, Luton, UK, Visiting Professor of International Law, 2014-2017.
- Georgetown University, Washington, DC, USA, Adjunct Professor of Law, 2008-2012.
- Ad hoc law school lectures: Harvard, Columbia, Northwestern, Vanderbilt, University of Texas, South Texas, Brunel, Stockholm, Moscow HSE, and Paris II.

## Professional activities

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- Moderator of OGEMID, a leading email list serve with thousands of members worldwide (2009-date).
- Head of the Legal Task Force for the creation of the East African Arbitration Center – a joint effort between the Djibouti Chamber of Commerce (CCD) and the Intergovernmental Authority on Development (IGAD) (2015-date).
- New York Convention Task Force for Somalia (2016-2020) Drafting Committee for the Somali Arbitration Bill (2016-2020).
- Head of the Program Committee for the Somali International Arbitration Summit (SIAS) (2015- 2020).

Course (BVC), May 1999.

- University of Oxford - St. Peter's College, Oxford, UK: Bachelor of Civil Law (BCL), May 1998.
- London School of Economics and Political Science, London, UK: Master of Laws (LLM), May 1997.
- University of London - King's College, London, UK: Bachelor of Laws (LLB) with First Class Honours, May 1996.

## Representative investor State matters

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- Lead counsel in representation of a Canadian company and individual in an UNCITRAL arbitration against Kazakhstan in relation to their investment in the country's uranium mining industry (ongoing).
- Lead counsel in representation of a Canadian company in ICSID resubmission proceedings against Kazakhstan in relation to its investment in the country's gold mining industry (ongoing).
- Lead counsel in representation of a Canadian company in UNCITRAL proceedings against Kazakhstan in relation to its investment in the country's gold mining industry (ongoing).
- Lead counsel in representation of a Luxembourg company in ICSID proceedings against Ukraine in relation to its investment in the country's banking industry (ongoing).
- Counsel to Indian company in treaty arbitration against Mozambique in relation to a construction project (2022) (ongoing).
- Counsel to Chinese investors in treaty arbitration against Cambodia in relation to a telecommunications project (ongoing).
- Counsel to British investor in treaty arbitration against Georgia in relation to a tobacco project (ongoing).
- Counsel to two EU investors in ICSID annulment proceedings against Georgia in relation to an electricity project (ongoing).
- Sat as Claimants-appointed arbitrator in *Rand Investments Ltd and others v Republic of Serbia*, ICSID Case No. ARB/18/8 (2018-2023).
- Sat on ICSID Annulment Committee in *BayWa r.e. Renewable Energy GmbH and BayWa r.e. Asset Holding GmbH v Spain*, ICSID Case No. ARB/15/16 (2021-2023).
- Lead counsel to the Russian Federation in six investment treaty arbitrations brought by Ukrainian investors over the alleged expropriation of their assets in Crimea following the peninsula's reunification with Russia in 2014 (2019-February 2022).
- Lead counsel in representation of a Canadian company in ICSID annulment proceedings against Kazakhstan in relation to its investment in the country's gold mining industry (2021-2023).
- Lead counsel to an Estonian company in an ICSID arbitration against Kazakhstan in relation to its investment in the country's construction industry (2017-2019).
- Lead counsel to the Republic of Kyrgyzstan in an ICSID Additional Facility arbitration brought by Uzbek investors in relation to investment in the country's hospitality sector (2016-2019).
- Lead counsel to a Turkish company and individuals in an ICSID arbitration against Uzbekistan in relation to their investment in the country's national gas industry (2014-2018).
- Lead counsel to twelve Kazakh nationals in an ICSID arbitration against Uzbekistan in relation to their investment in the country's cement industry (2012-2019).
- Counsel to US company in UNCITRAL proceedings against Georgia in relation to its investment in the country's retail sector (2009-2012).
- Counsel to a US company in ICSID annulment proceedings against Peru in relation to its investment in the country's energy sector (2008-2011).
- Counsel to a US company in ICSID arbitration against Ecuador in relation to its investment in the country's energy sector (2004-2008).
- Counsel to a US company in ICSID arbitration against Peru in relation to its investment in the country's energy sector (2003-2008).

- Advised the Republic of Korea's Justice Ministry in connection with its investment treaty program, with a special emphasis on negotiation and drafting the US-Korea Free Trade Agreement (2009-2012).

Full list and further details (subject to confidentiality) available on request.

## **Representative commercial arbitration matters**

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- Sitting/sat as arbitrator in several arbitrations under the ICC, LCIA, SIAC, ICDR, AAA, and UNCITRAL arbitration rules as sole, wing, and chair appointee, or emergency arbitrator, under various international commercial arbitration rules and involving a host of sectors, including energy, mining, joint venture, company and commercial, IT, tax, pharmaceuticals, telecoms, and cement (2010-date).
- Lead counsel to an Angolan company in LCIA arbitration against UK companies. English law, London seat, oil services (ongoing).
- Co-counsel to investment company in SIAC arbitration against Russian company. English law, Singapore seat, mining (ongoing).
- Lead counsel to Montenegro in LCIA arbitrations with Greek resort owners. Montenegrin law, London seat, hospitality (2021-2022).
- Lead counsel to Swiss company in SIAC arbitration against Ukrainian company. English law, Singapore seat, banking (2021).
- Lead counsel to Ghanaian company in LCIA arbitration with Ghanaian bank. Ghanaian law, London seat, banking (2021).
- Lead counsel to US company in ICC arbitration with Indian company. English law, London seat, mining (2016-2019).
- Lead counsel to US company in ICC arbitration with Saudi company. Washington law, London seat, defense (2016-2018).
- Lead counsel to Kyrgyzstan in ICC arbitration with Canadian company. English law, London seat, IT (2015-2016).
- Counsel to Kyrgyzstan in LCIA arbitration with UK company. English law, London seat, construction. (2015-2016).
- Lead counsel to two Ghanaian companies in ICC arbitration against Ghana. Ghanaian law, London seat, gold mining (2011-2015).
- Counsel to Kazakh company in an UNCITRAL arbitration with Kazakhstan. Kazakh law, London seat, agriculture. (2010-2012).
- Counsel to Dutch company in ICC arbitration against English company. Swiss law, Paris seat, coal mining (2010-2011).
- Counsel to Luxembourg companies in ICC arbitration with UAE company. UAE law, London seat, hospitality (2008-2011).
- Counsel to Chilean company in AAA arbitration against US company. California law, Los Angeles seat, wine. (2008-2010).
- Counsel to US company in ICC arbitration against Nigerian individual. English law, London seat, agency/oil (2004-2005).
- Counsel to US company in ICC arbitration against Angolan individual. English law, London seat, agency/oil (2004-2005).
- Counsel to UAE companies in ICDR/AAA arbitration against US company. Cayman Islands law, Houston seat, agency/oil. (2004-2006).
- Counsel to Brazilian company in ICC arbitration against Brazilian state-owned entity. Brazilian law, Paris seat, electricity (2002-2006).