



firm profile

McMillan is a modern and ambitious business law firm serving public, private and not-for-profit clients across key industries in Canada, the United States and internationally. With recognized expertise and acknowledged leadership in major business sectors, we provide solutions-oriented legal advice through our offices in Vancouver, Calgary, Toronto, Ottawa, Montréal and Hong Kong. Our firm values – respect, teamwork, commitment, client service and professional excellence – are at the heart of McMillan's commitment to serve our clients, our local communities and the legal profession. For more information, please visit our website at www.mcmillan.ca.

contacts

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international arbitration

overview

As international trade and investment have grown, international business disputes have followed. Most companies prefer to resolve these disputes through arbitration under trusted international rules rather than in unfamiliar foreign courts.

McMillan's International Arbitration Group advocates for clients before a wide range of international arbitration tribunals. We have handled international arbitrations involving parties from every corner of the world and arising from international contracts in all major industries.

Our lawyers also help companies that are active in emerging economies, which can introduce additional legal and political risks for foreign investments. We assist companies whose investments are threatened by the actions of a host state. We also have represented investors in arbitrations brought against states under a wide range of investment protection treaties, including the North American Free Trade Agreement, as well as Canadian and other bilateral investment treaties.

McMillan has consistently been ranked by *Global Arbitration Review* as one of the few Canadian firms that are among the 100 leading firms in the world in the field of international arbitration. Members of our team have also been recognized by leading directories such as *Chambers Global*, *Who's Who Legal: Commercial Arbitration*, *Best Lawyers in Canada*, *Lexpert* and *Euromoney's Guide to the Leading Experts in Commercial Arbitration*.

McMillan professionals help clients lead by:

- Representing them before arbitral tribunals established under the rules of all major Canadian, international and regional institutions including:
 - The British Columbia International Commercial Arbitration Centre
 - The United Nations Commission on International Trade Law
 - The ICC International Court of Arbitration
 - The International Centre for Dispute Resolution of the American Arbitration Association
 - The International Centre for Settlement of Investment Disputes
 - The London Court of International Arbitration
 - The Arbitration Institute of the Stockholm Chamber of Commerce



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- The Hong Kong International Arbitration Centre
- Assisting clients with the design of arbitration provisions in commercial contracts
- Advising on corporate structures to take advantage of investment treaty protections

representative transactions

Natural Resources & Energy

- ICC (Geneva): Acted for Brilliant Resources against the Republic of Equatorial Guinea in a dispute arising from an exploration services agreement. The company publicly disclosed a settlement entitling it to US\$31.5 million in compensation
- Arbitrated oil, gas and electricity disputes involving PSC's, AMI's, long term supply contracts, pricing and stabilization agreements in various jurisdictions including Australia, Cote d'Ivoire, India, Kuwait, Peru, Poland, Russia and Venezuela
- Represented a major multinational mining company in a US\$100 million ICC arbitration seated in Paris involving a joint venture in a West African state
- Represented a listed mining company in a dispute over mining rights before the Mongolian National Arbitration Court
- Acted for a Canadian mining company in an arbitration commenced by its Venezuelan joint venture partner
- Acted for a listed international energy company in a US\$1.4 billion dispute arising from a long-term gas supply contract and successfully defended the award in subsequent court challenges. Our client was awarded US\$1.3 million in costs

Construction & Engineering

- Arbitrated disputes involving power station construction (UK/Philippines), fast attack jet flight simulators (Europe/US) and steelwork's rehabilitation (Italy/Georgia)
- Acted for an international engineering firm in a dispute for extras before the Kuala Lumpur Regional Arbitration Centre
- Acted on a dispute involving delays and termination of an electric power plant project in Ecuador

Transportation

- Acted for a multinational company in an ICC arbitration involving an automotive parts supply joint venture



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- Acted for a Canadian company in two ICC arbitrations involving the sale of avionics equipment to Russian and U.A.E. parties
- Acted for IATA in ICC arbitrations in the travel industry

Insurance & Financial Services

- Arbitrated investment banking and investment dealer disputes (US, UK and Spain)
- Acted for a Swiss reinsurance company in resisting a judicial challenge to an international arbitral award arising out of 9/11 losses
- Acted for a Bermuda insurer in a reinsurance claim involving equine bloodline policies

Technology, Media and Telecommunications

- Arbitrated telecom disputes (Bermuda, Belize, India, Seychelles, UK, West Africa and US)
- Acted for an investor in the Cuban National Telephone company in successfully defending a challenge to an arbitral award arising from alleged breaches of a subscription agreement
- Acted for a long distance telephone provider in an arbitration under the Uniform Domain Name Dispute Resolution Policy under ICANN regarding cybersquatting
- Acted for a US technology company in an arbitration against a Canadian company arising out of a license agreement

Investor-State Arbitrations

- Arbitrated NAFTA, ICSID and UNCITRAL investor-state disputes (Canada/US, France/Argentina, Italy/Georgia, Netherlands/Azerbaijan, US/Canada and US/Peru)
- Counsel for a Canadian mining company in an UNCITRAL arbitration against the government of Ecuador arising from a mineral exploration project
- Advised a mining company with operations in an Asian country on an ICSID arbitration relating to that country's breaches of an investment agreement
- Advised a Canadian mining company on its remedies under the Canada-Venezuela bilateral investment treaty
- Counsel in several NAFTA UNCITRAL arbitrations against the government of Canada
- Counsel in the successful defence of a challenge to a NAFTA UNCITRAL award against the Government of Canada



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- Counsel in several ICSID bilateral investment treaty arbitrations against governments in Latin America and Eastern Europe in disputes in the electricity, financial services and manufacturing sectors
- Advised industry associations on potential interventions in NAFTA Chapter 11 arbitrations, including the first ever NAFTA Chapter 11 arbitration

Antitrust Arbitrations

- Counsel to the trustee in dispute arising under European Commission merger resolution undertakings
- Designed arbitration process for use in disputes arising under European Commission merger settlement undertaking

General Commercial Arbitrations

- Arbitrated disputes involving aircraft supply contracts (US/China), IP licensing agreements (US/UK), telephone supply agreements (US/Africa) and hotel management agreements (US/Dubai)
- Acted in a \$100 million ICC arbitration between a Spanish and a Canadian company relating to the interpretation of the pricing mechanism in a long term chemical supply contract
- Acted in an ICC arbitration between a Canadian and a Hong Kong-based company arising out of a sale of goods contract
- Acted in a Stockholm Chamber arbitration and related litigation between a Canadian distributor and a Spanish energy company arising out of a sale of goods contract
- Advised a Canadian company on a CIETAC arbitration against a Chinese state-owned entity
- Acted for the purchaser in a dispute concerning accounting issues and pricing readjustments arising out of the purchase of a parts distribution business
- Acted for a large public American corporation in an international arbitration involving accounting issues arising out of the proper calculation of profits after the acquisition of a business
- Acted in a dispute over the valuation of assets in Canada, the Bahamas and Turks and Caicos