



Nick Gallus

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Expertise and Practice

Nick has extensive experience representing states and multinational companies in investment treaty and commercial arbitrations, WTO disputes, and treaty negotiations. He has advised clients on a broad range of international disputes, particularly in the resource, energy, construction, and finance sectors.

Nick lectures in international arbitration at Monash University and previously taught international trade and investment law at Queen's University in Canada. His writing appears in leading international academic journals and his most recent book on international disputes was published by Oxford University Press in 2017.

Project Highlights

Nick's recent experience includes:

Resource and Energy Disputes

- ***Mobil Investments v Canada***
Counsel for Canada in an ICSID investment treaty arbitration with ExxonMobil regarding regulation of the oil industry.
- ***Chevron v Ecuador***
Counsel for Chevron in an ICSID investment treaty arbitration arising from a court judgment.

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- ***Mercer v Canada***
Counsel for Canada in an ICSID investment treaty arbitration regarding electricity regulation.
 - ***MCI New Turbine v Ecuador***
Counsel for a US energy company in an ICSID investment treaty arbitration regarding power generation.
 - ***Clayton v Canada***
Counsel for a US company in an UNCITRAL investment treaty arbitration arising from the rejection of a mining permit.
 - ***Noble Ventures v Romania***
Counsel for a US company in an ICSID investment treaty arbitration regarding regulation of the steel industry.
 - ***Merrill & Ring v Canada***
Counsel for a US company in an UNCITRAL investment treaty arbitration regarding regulation of the forestry industry.
 - ***Japan and EU v Canada***
Counsel for Canada in WTO disputes with Japan and the EU regarding renewable energy.
 - ***Petrochemical Pricing***
Counsel for a major oil company in an ICC contract arbitration regarding petrochemical pricing.
 - ***Petrochemical PSA***
Counsel for a major oil company in an ICC contract arbitration with a Middle Eastern Country regarding a PSA.

Construction Disputes

- ***New Royal Adelaide Hospital***
Representing the South Australian State Government in arbitrations arising out of the construction of a new hospital.
- ***Oil Refinery Upgrade***
Counsel for a state-owned oil company in an ICC contract arbitration arising from delay in the upgrade of an oil refinery.

Financial Disputes

- ***Continental Casualty Company v Argentina***
Counsel for a US insurance company in an ICSID investment treaty arbitration arising from the Argentine financial crisis.

- ***Insurance Regulation***

Expert on international law for an insurance company in an investment treaty arbitration with a European country regarding regulation of the financial sector.

Gaming Disputes

- ***Gaming Regulation***

Counsel for a gaming company in an ICC contract arbitration with a European country regarding gaming regulation.

Aircraft Disputes

- ***Aircraft Warranty Dispute***

Counsel for a major aircraft company in an ICC arbitration with a European country regarding the scope of an aircraft warranty.

Waste Disposal Disputes

- ***Gallo v Canada***

Counsel for Canada in an UNCITRAL investment treaty arbitration regarding regulation of the waste disposal industry.

Postal Industry Disputes

- ***UPS v Canada***

Counsel for UPS in an UNCITRAL investment treaty arbitration regarding regulation of the postal sector.

Career

Nick joined Lipman Karas in 2019 after working in Paris for the international dispute resolution boutique, Three Crowns, and teaching international trade and investment law at Queen's University, Canada. He previously worked with the Government of Canada and with another international dispute resolution boutique, Appleton & Associates, in Toronto.

Qualifications

- Masters in Economics (M.Phil), University of Oxford (Rhodes Scholarship) (2003)
- Masters in Law (BCL) (Distinction), University of Oxford (Rhodes Scholarship) (2001)
- Bachelor of Law (First Class Honors), Flinders University of South Australia (1998)
- Bachelor of Economics, Flinders University of South Australia (1996)

Admissions

- Supreme Court of Victoria (2000)
- Supreme Court of South Australia (2019)
- Supreme Court of England & Wales (2018)

Publications

Published Books

- *The Temporal Jurisdiction of International Tribunals*, Oxford University Press (2017)
- *The Temporal Scope of Investment Protection Treaties*, British Institute of International and Comparative Law (2008)

Published Articles and Chapters

- “Article 28 of the VCLT and Investment Treaty Claims”, 31(2) *ICSID Review* 290 (2017)
- *Pac Rim v El Salvador Case Note*, 28(1) *ICSID Review* 15 (2013)
- “Protection of U.S. Non-Governmental Organizations in Egypt under the Egypt - U.S. Bilateral Investment Treaty”, 14(3) *The International Journal of Not-for-Profit Law* 62 (2013)
- “The ‘Fair and Equitable Treatment’ Standard and the Circumstances of the Host State”, in Chester Brown and Kate Miles (eds), *Evolution in Investment Treaty Law and Arbitration*, Cambridge University Press (2011)
- *National Grid v Argentina Case Note*, 103 *American Journal of International Law* 722 (2009)
- “Recent BIT Decisions and Composite Acts Straddling the Date the Treaty Comes Into Force”, 56 *International and Comparative Law Quarterly* 491 (2007)
- “International Investment Treaty Protection of Not-for-Profit Organizations”, 10(1) *The International Journal of Not-for-Profit Law* (with Luke Eric Peterson) (2007)
- “An Umbrella Just For Two? BIT Obligations Observance Clauses and the Parties to a Contract”, 24(1) *Arbitration International* 157 (2007)
- “International Investment Treaty Protection of NGOs”, 22(4) *Arbitration International* 527 (with Luke Eric Peterson) (2006)
- “State Enterprises as Organs of the State and BIT Claims”, 7(5) *Journal of World Investment and Trade* 761 (2006)
- “The Influence of the Host State’s Level of Development on International Investment Treaty Standards of Protection”, 6(5) *Journal of World Investment and Trade* 711 (2005)
- “Nationality Requirements in Investor-State Arbitration”, 5(6) *Journal of World Investment and Trade* 927 (with Robert Wisner) (2005)
- “Parallel Policies on Pharmaceutical Parallel Trade”, 11(3) *International Trade Law and Regulation* 77 (2005)
- “The Mystery of Pharmaceutical Parallel Trade and Developing Countries”, 7(2) *Journal of World Intellectual Property* 169 (2004)
- “The Emergence of WTO Competition Law: the Mexico-Telecommunications and Canada-Wheat and Grain Decisions”, 5 *International Trade Law and Regulation* 91 (with Robert Wisner) (2004)