

Henri C. Alvarez



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Henri Alvarez is an internationally recognized Canadian arbitrator who practices as an independent neutral at Vancouver Arbitration Chambers (VAC). Before establishing an independent arbitration practice (effective 1 December 2016), Henri was a partner of Fasken Martineau DuMoulin LLP.

Henri has over 30 years of experience as arbitrator and counsel in the field of international commercial arbitration and dispute resolution. From 1985 until 2012, Henri taught a course in this field at the Faculty of Law at The University of British Columbia. He has served as an arbitrator in a wide variety of international and domestic commercial arbitrations involving investments, trade, franchising, licensing, distributorship, construction, forestry, oil and gas, energy, banking, corporate and general commercial disputes. He has served as a sole arbitrator, party-appointed arbitrator and Chairman in both *ad hoc* and institutional arbitrations in many international commercial disputes and investment disputes. He regularly conducts arbitrations in English, Spanish and French.

Experience

- Counsel to Metalclad in United Mexican States v. Metalclad Corp.- Judicial Review of NAFTA Chapter 11 Award

Areas of Practice

- International Arbitration
- Litigation & Dispute Resolution

Education

- Doctoral Studies, Geneva, Switzerland, Graduate Institute of International Studies
- Special Workshop on State Contracts and International Commercial Arbitration, The Hague Academy of International Law
- LLB, 1980, University of Ottawa
- BA, 1976, University of British Columbia

Year of Call/Admission

- British Columbia, 1981
- Appointed Queen's Counsel, 2008

Languages

- English
- French
- Spanish

- Counsel to the British Columbia International Commercial Arbitration Centre before the B.C. Supreme Court in applications relating to its jurisdiction and rules
- Adjunct Professor in International Commercial Arbitration, Faculty of Law, University of British Columbia (1985 to 2012)
- Advice and assistance on strategy and preparation for arbitrations and mediation
- Arbitrator in a broad range of international disputes including institutional (ICC, AAA, ICDR, ICSID, LCIA, NIA, VIAC, and BCICAC) and *ad hoc* and UNCITRAL Rules arbitrations
- Chairman of three-person arbitral tribunals in several international sales, construction, joint venture, intellectual property, energy and merger and acquisition disputes
- Counsel and mediator in mediations dealing with a variety of disputes
- Counsel in applications dealing with recourse against arbitral awards and recognizing and enforcing international and foreign arbitral awards in Canadian courts
- Counsel in international commercial arbitrations dealing with distributorship and construction, long term supply and commercial agreements and arbitrations pursuant to the NAFTA and bilateral investment treaties
- Design and drafting of arbitration and mediation clauses and dispute resolution systems
- Mediator in an international construction dispute involving a large hydroelectric project in Latin America
- Member of the *ad hoc* Panel of Arbitrators at the Olympic Winter Games in Vancouver in 2010
- Member of the Court Arbitration for Sports and member of several CAS panels in anti-doping and eligibility cases
- One of three jointly-selected arbitrators in large international licensing, intellectual property and merger and acquisition disputes
- Party-appointed arbitrator in several *ad hoc* investment arbitrations

- Party-appointed arbitrator in various investment disputes conducted under the auspices of the International Center for the Settlement of Investment Disputes (ICSID) and President of two ICSID Tribunals

Presentations

- "Procedural, Cultural and Psychological Dimensions of Arbitral Decision-Making Practical Steps for Improvement", CCA 14th Annual Meeting, Los Angeles, November 7, 2014
- "Maximizing Arbitration: Drafting Commercial Agreements for Resolving Business Disputes",
- "State Investment Disputes, ICDR/AIPN Conference: Dispute Resolution in the International Oil & Gas Business", ICDR/AIPN Conference, Calgary, Alberta, 2014; London, England, 2015
- "Influencia del TLCAN en el Arbitraje de Inversión", Primera Conferencia Anual de la Asociación Latino Americana de Arbitraje (ALARB), Mexico City, June 17, 2014
- "Party Autonomy and its Limits", International Arbitration Today, IBA Conference, Toronto, Ontario, May 30, 2014
- "Conduct of the proceedings and case management techniques", ICC Institute Masterclass for Arbitrators, São Paulo, May 15, 2014
- "Procedural Issues Affecting International Arbitration in the Energy and Resources Sectors", RMMLF Conference, Calgary, Alberta, September 17, 2013
- "The Independence of Setting Aside and Enforcement Proceedings", McGill - UNCITRAL Conference, The Model Law After 25 Years: Global Perspectives on International Commercial Arbitration Law, Montreal, Quebec, November 24-26, 2011
- "Third Party Participation in International Investment Arbitration", Fordham Law Conference, New York, New York, June 14, 2011
- "L'arbitrage et le droit international de l'investissement, Conférence inaugurale", Université d'été sur le droit international de l'investissement, Faculté de droit, Montreal, Quebec, Mai 16, 2011
- "Códigos de Buenas Practicas Arbitrales - Existe un Cuerpo Uniforme de Estándares o Normas de Ética Aplicable a los Abogados Aeseores de Parte en Arbitraje Internacional?", Congreso Latinoamericano de Arbitraje, Lima, 27-28 de abril 2011

- "Lessons from International Tribunals and from Other Perspectives", The Future of Categories - Categories of the Future, 2009 Toronto Conference, International Association of Procedural Law, Toronto, Ontario, June 3-5, 2009
- "ICC International Court of Arbitration Workshop 2008", International Chamber of Commerce, Montreal, Quebec, April 30 - May 2, 2008
- "International Investment Arbitration: The Intersection of Private Rights and Public Interest", 4th International Conference on Administrative Justice Without Borders, Council of Canadian Administrative Tribunals, Vancouver, British Columbia, May 6-8, 2007
- "The Status and Duty of an Arbitrator", 10th IBA International Arbitration Day - The Role and Responsibilities of an Arbitrator, International Bar Association, Madrid, May 2, 2007
- "Dispute Resolution Alternative for Investor-State Arbitrations", Canadian Council on International Law and the National Centre for Business Law at The University of British Columbia, Vancouver, British Columbia, April 4, 2007
- "Is a BIT Arbitrator Different", The Role and Responsibilities of an Arbitrator, International Bar Association Conference, Madrid, March 2, 2007
- "6th Annual Civil Litigation Conference", Continuing Education Society of British Columbia, Vancouver, British Columbia, November 18, 2005
- "Arbitration Chronicles", ICC International Commercial Dispute Resolution Conference, ICC International Court of Arbitration, La Jolla, California, September 11-13, 2005
- "Resolution of Natural Resources, Environmental and Technology Disputes: Corporate Counsel Perspective", Canadian Bar Association Conference, Vancouver, British Columbia, June 27-28, 2005
- "Autonomy of International Arbitration Process", 20th Anniversary Conference, Queen Mary University of London, School of International Arbitration, London, United Kingdom, April 10-12, 2005

Publications

- "International Commercial Arbitration Practice in Canada", January 1, 2014
- "Los estándares éticos aplicables a los abogados de parte en el arbitraje internacional, (Applicable Ethical Standards for Counsel in International Arbitration)", January 1, 2013

- "Judicial Review of NAFTA Chapter 11 Arbitral Awards, Fifteen Years of NAFTA Chapter 11 Arbitration", January 1, 2011
- "The Implementation of the New York Convention in Canada", *Journal of International Arbitration* 25(6), April 27, 2009
- "Jardine Lloyd Thompson Canada Inc. v. SJO Catlin, 2006 ABCA 18", *Case Comment: Swedish International Arbitration Review*, October 1, 2006
- "Privilege in International Commercial Arbitration, , ICCA International Congress Series No. 13, 2006
- "Choice of Law in Dispute Resolution Agreements in Private Arbitration", *Choice of Law in Dispute Resolution Agreements in Private Arbitration (Continuing Legal Education, 2006)*, May 1, 2006
- "La escogencia del lugar del arbitraje", *Revista Internacional de Arbitraje*, No. 3, May 5, 2005
- "Guiado por una Mano Invisible: El Orden Público al Amparo del Capítulo 11 del Tratado de Libre Comercio de América del Norte (TLCAN)", *Revista Peruana de Arbitraje*, No. 1, 2005, January 1, 2005
- "Arbitration under NAFTA, , *Kluwer Law International*, October 1, 2002
- "Model Law Decisions: Cases Applying the UNCITRAL Model Law on International Commercial Arbitration (1985-2001)", *Kluwer Law International*, February 2, 2002
- "Enforcing US Judgements in Canada: A Practical Guide", November 6, 2001
- "Arbitration Between States and Investors: Experience in arbitration held under Chapter 11 of NAFTA", November 1, 2001

Rankings and Awards

- *Chambers Canada* 2016 for Dispute Resolution: Arbitration
- *The Best Lawyers® in Canada* 2006-2016 for Alternative Dispute Resolution and International Arbitration
- *Who's Who Legal* 2015-2016 Most Highly Regarded Individuals for Arbitration
- *Chambers Global* 2015 Dispute Resolution: Arbitration (Canada); Star Individual

- *Canadian Legal Lexpert® Directory* 2015 Most frequently recommended for International Commercial Arbitration
- *Lexpert®/American Lawyer Guide to the Leading 500 Lawyers in Canada* 2015 for Arbitration
- *Global Arbitration Review* 2014, GAR Awards, Best Prepared/Most Responsive Arbitrator
- *Lexpert® Guide to the Leading US-Canada Cross-Border Litigation Lawyers* 2014 for International Commercial Arbitration
- *Lexpert®: Canada's Leading Litigators* 2014
- *Who's Who Legal: Canada* 2014 for Arbitration
- *Who's Who Legal* 2014 for Arbitration, Construction and Energy
- *Canadian Legal Lexpert® Directory* 2012-2014 for International Commercial Arbitration
- Named as a “local litigation star” in British Columbia and a “litigation star” for Arbitration in Canada by *Benchmark Canada*, 2012-2014
- *Chambers Global* 2014 for Dispute Resolution: Arbitration (Canada); Arbitration (International): Most In Demand Arbitrators (Global-wide); Arbitration (International): Most In Demand Arbitrators (Latin America-wide)
- *Chambers Latin America* 2014 for International Arbitration: Arbitrators
- *Lexpert®* Ranked Litigation Lawyers, *Report on Business*, December 2013
- *Who's Who Legal* 2013 for Arbitration, Construction and Oil and Gas
- *Chambers Global* 2009-2013 for Arbitration (International): Most In Demand Arbitrators and Dispute Resolution: Arbitration (Star Individuals) (Canada)
- *Who's Who Legal* 2008-2012 for Commercial Arbitration (International)
- *The Lexpert®/American Lawyer Guide to the Leading 500 Lawyers in Canada* 2009-2013 for Most Frequently Recommended, International Commercial Arbitration

Memberships and Affiliations

- Hong Kong International Arbitration Centre Council

- Singapore International Arbitration Centre Users Council
- Board of Directors, American Arbitration Association
- Former member, London Court of International Arbitration
- Court of Arbitration for Sport
- Former Alternate Member (Canada), ICC International Court of Arbitration
- Former Co-Chair, Arbitration and Dispute Resolution Committee of the International Bar Association
- Former Council Member of the International Bar Association's Legal Practice Division and Co-Chair of the LPD's North American Forum
- Canadian National Committee of the International Chamber of Commerce (ICC)
- Chapter 19 Panellist, North American Free Trade Agreement
- Arbitration Roster of several international arbitral institutions (American Arbitration Association, British Columbia International Commercial Arbitration Centre, Hong Kong International Commercial Arbitration Centre, Singapore International Arbitration Centre)
- Western Canada Commercial Arbitration Society (WCCAS)