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# DIEGO BRIAN GOSIS

Diego Brian Gosis holds dual degrees in Law (1998) and Translation (1999) from the University of Buenos Aires, and is admitted to practice law in Argentina. He specializes in commercial and investment arbitration and in complex commercial transactions, and is registered as a foreign legal consultant before the Florida Bar.

Over the last twenty years, he has participated as counsel for and against sovereigns and private parties, or as neutral (conciliator, sole arbitrator, co-arbitrator, emergency arbitrator or chair) in more than 75 international conciliation, arbitration, and annulment proceedings under several arbitration rules (ICC, AAA/ICDR, FINRA, UNCITRAL, and ICSID) in proceedings conducted in Spanish, English, and Portuguese –many of which involved amounts at stake of several billion US Dollars–, and has acted as counsel or expert in court proceedings in several jurisdictions. He has been appointed by, or included in the roster of neutrals of, a number of arbitration institutions in Europe and the Americas (ICC, ICDR, LCIA, PCA, Madrid Court, FIEP, among others). His ADR experience includes cases in the construction, power generation and transmission, natural resources, insurance and reinsurance, automobile, air transportation, tourism, infrastructure, water and sewage, food and beverage, agricultural, airport, information technologies, intellectual property, and financial industries.

Mr. Gosis also has extensive transactional experience, including M&As of privately held and publicly listed companies in Europe and the Americas; the development and financing of technology, real estate, hydrocarbon, hotel and casino operations, and various commercial projects; arranging and counseling participants at public and private tenders; arranging estate and tax planning structures; and advising commercial firms, individuals and sovereign

instrumentalities on matters of commercial, administrative and international law.

Between 2006 and 2011 he has acted as Of Counsel to the Argentine Republic in matters of investment and commercial arbitration. Mr. Gosis has been ranked among the notable practitioners of arbitration in Latin America in several editions of Legal500, Chambers and Partners, and Who's Who Legal.

He is a member of a host of international professional and academic groups, organizations and institutions, and a frequent speaker in congresses, seminars and academic events on matters of commercial and investment arbitration, and has trained the teams of University of Buenos Aires to several commercial and investment arbitration competitions in Spanish and English.

## **REPRESENTATIVE CASES**

**INVESTMENT DISPUTES** (unless otherwise noted, reference is to cases arbitrated under the ICSID Convention):

- *Asset Recovery Trust v. Argentina*
- *AWG v. Argentina* (Arbitration under the UNCITRAL Rules)
- *Blue Bank v. Venezuela*
- *CIT v. Argentina*
- *CMS Gas Transmission Company v. Argentina* (Annulment proceedings)
- *Compañía de Aguas del Aconquija et al v. Argentina* (Vivendi II)
- *Compañía de Aguas del Aconquija et al v. Argentina* (Vivendi II) (Annulment proceedings)
- *Comparelli et al v. Venezuela et al* (Litigation before US courts under international public law)
- *Continental Casualty Company v. Argentina*
- *Continental Casualty Company v. Argentina* (Annulment proceedings)

- *Daimler Financial Company v. Argentina*
- *Enron v. Argentina* (Annulment proceedings)
- *Enron v. Argentina* (Resubmission)
- *Fábrica de Vidrios de los Andes C.A. v. Venezuela*
- *Flughafen Zürich et al v. Venezuela*
- *Flughafen Zürich et al v. Venezuela* (Annulment proceedings)
- *Giordano Alpi et al v. Argentina*
- *Giovanna a. Beccara et al v. Argentina*
- *Giovanni Alemanni et al v. Argentina*
- *Karkey Karadeniz v. Pakistan* (Annulment proceedings)
- *Kappes et al v. Guatemala*
- *Longreef v. Venezuela* (Annulment proceedings)
- *Luis García Armas v. Venezuela* (Arbitration under ICSID Additional Facility Rules)
- *Koch et al v. Venezuela* (Annulment proceedings)
- *Manuel García Armas et al v. Venezuela* (Arbitration under UNCITRAL Rules)
- *Mobil et al v. Argentina*
- *Owens-Illinois Europe Group v. Venezuela* (Annulment proceedings)
- *Owens-Illinois Europe Group v. Venezuela* (Enforcement proceedings)
- *Quiborax et al v. Bolivia*
- *Saint Patrick Properties v. Venezuela*
- *SAUR International v. Argentina*
- *Sempra v. Argentina* (Annulment proceedings)
- *Sempra v. Argentina* (Resubmission)
- *Suez et al v. Argentina* (Suez I)
- *Suez et al v. Argentina* (Suez II)
- *Tethyan Copper Co. v. Pakistan*
- *Tethyan Copper Co. v. Pakistan* (Annulment proceedings)
- *Teinver et al v. Argentina*

- *Tenaris et al v. Venezuela* (Annulment proceedings) (Tenaris I)
- *Tenaris et al v. Venezuela* (Annulment proceedings) (Tenaris II)
- *Transban v. Venezuela*
- *Valle Verde v. Venezuela*
- *Vestey v. Venezuela*
- *Vestey v. Venezuela* (Annulment proceedings)

## **COMMERCIAL DISPUTES**

- Three proceedings under the ICC rules between an Argentine oil and gas company and the State of Turkmenistan (counsel for claimants).
- Two proceedings under the ICC rules related to the construction of two separate prison complexes in Argentina (counsel for respondent).
- Proceedings under the ICC rules between a minority shareholder from the British Virgin Islands and the US controlling shareholders of a Florida corporation, and award recognition proceedings before the US courts (counsel for claimant).
- Court proceedings in Argentina relating to the requested enforcement of a UNCITRAL award in a dispute between a German reinsurance company and series of sovereign entities (counsel for respondent).
- Proceedings under the FINRA rules between two Argentine investors and a European Investment bank regarding banking transactions in the United States (counsel for claimants).
- Proceedings under the ICC rules between a French main contractor and a Brazilian subcontractor regarding a powerline construction project in Ethiopia (counsel for respondent).
- Proceedings under the ICC rules before an Argentine owner and a Brazilian contractor regarding a powerline and power station construction project in Argentina, and annulment proceedings before the Uruguayan courts regarding the award rendered in same (counsel for respondent).
- Proceedings under the AAA rules between a US insurance company and a Brazilian

construction company regarding a port infrastructure project (counsel for respondent).

- Proceedings under the rules of the Argentina-US AmCham among an Argentine company, its Canadian customer and the Canadian issuer of a performance bond, related to an IT development project (counsel for claimant).
- Proceedings under the ICDR rules between a US licensor/lessor and a Brazilian licensee/lessee regarding road maintenance technologies (counsel for respondent-counterclaimant).
- Two proceedings under the ICC rules between a Bolivian subsidiary of an Indian mining company and –inter alia- a Bolivian state company regarding a mining project (counsel for one of the respondents).
- Ad-Hoc proceedings between a US shipbuilding company and the Ministry of the Defense of Bolivarian Republic of Venezuela with respect to works performed in two warships (counsel for respondent/counterclaimant).
- Proceedings under the ICC rules between a US chemical company and a Brazilian licensee, related to automobile additive products (counsel for respondent).
- *Ad-hoc* proceedings between a Spanish entity and a Venezuelan State-owned fishing enterprise regarding work performed at a fishing boat (counsel for respondent).
- Proceedings under the ICC rules between the sellers and buyers of a funeral services' company (chair of the tribunal).
- Proceedings under the AAA construction rules, administered by ICDR, between a US owner and an Antiguan builder, related to the construction of a university building in Antigua and Barbuda (chair of the tribunal).
- Proceedings under the AAA commercial rules between a US and a Panamanian entity, related to air transportation services (sole arbitrator).
- Proceedings under the ICDR rules between a Chilean buyer and a Korean seller of industrial steel (sole arbitrator).
- Proceedings under the UNCITRAL rules, administered by the PCA, between a US consortium and a Costa Rican state-owned electricity company (chair of the tribunal).
- Proceedings under the ICC rules between a US contractor, a US employer and the

- Spanish owner of the US employer regarding a project in Ecuador (sole arbitrator).
- Proceedings under the UNCITRAL Conciliation rules between a Spanish consortium and a Costa Rican State entity related to the construction of educational facilities in Costa Rica (sole conciliator).
  - Court proceedings before the courts of British Virgin Islands between the Bolivarian Republic of Venezuela and purchasers of certain securities regarding the fraudulent creation and/or purchase of those securities (counsel for claimant).
  - Emergency Arbitration proceedings under the ICC Rules between a US employer and a Portuguese contractor regarding a solar power project in Angola (emergency arbitrator)

## **PUBLICATIONS**

- “*Procedimientos Arbitrales Bilingües*,” Spain Arbitration Review (journal of the *Club Español del Arbitraje*), vol. 6, p.85 (Madrid, 2009).
- “*Responsabilidad del Estado bajo los Tratados Bilaterales de Inversión*,” *Revista de Derecho de Daños* (Ed. Rubinzal-Culzoni, Buenos Aires-Santa Fe), Vol. 2010-3, p.371 (Buenos Aires, 2010).
- “*Cesión y Nacionalidad en el Arbitraje de Inversión*,” *Revista Ecuatoriana de Arbitraje*, 2010, p. 37 (Quito, 2010).
- “Most-Favored Nation Treatment as a Standard of State Conduct,” presented at the *Association International pour l’Arbitrage* Conference “Contemporary Topics in Investment Arbitration” (Brussels, October 2010), reviewed in <http://www.arbitration-adr.org/documents/?i=131> (Brussels, 2010).
- “Investment Claims by Sovereigns,” *Arbitration News*, (journal of the *International Bar Association Legal Practice Division*), vol 16, Nro. 1, p. 165 (London, 2011).
- “Comparing Commercial and Investment Arbitration,” *International Litigation* (Journal of the Section of Litigation of the International Litigation Committee of the American Bar Association), Fall 2011, Vol 28, No. 1 (New York, 2011).
- Commentary to Arts. 23 (co-author, with Eduardo Gonçalves) and 19 of the 2010 UNCITRAL Arbitration Rules (Language of the Proceedings; Pleas as to the Jurisdiction of the Arbitral Tribunal), published in “*Comentario a las Reglas de*

*Arbitraje CNUDMI 2010*,” (P. Perales Viscasillas – I. Torterola, Eds.), Editorial Legis, Spain (Madrid, 2011).

- “Investment Arbitration in Argentina,” (co-author, with Ignacio Torterola) published in “Investment Arbitration in Latin America,” collective work, Ed. Martinus Nijhoff (The Hague, 2012).
- “*El Vuelo de Ícaro: ¿Pueden Elevarse las Inversiones Financieras al Status de Inversiones Protegidas?*,” published in “*Pasado, Presente y Futuro del Arbitraje Internacional*,” *liber amicorum* to Yves Derains and Bernardo Cremades by the *Instituto Peruano de Arbitraje* (Lima, 2013).
- “Discovery y discovery en la Litigación y el Arbitraje Internacional,” published in *Buenos Aires Arbitration Review*, Vol. 3, p.4 (available in [http://www.baarbitrationreview.com/Publicaciones/Octubre2013/Quinn\\_&\\_Gosis\\_-\\_Octubre\\_2013.pdf](http://www.baarbitrationreview.com/Publicaciones/Octubre2013/Quinn_&_Gosis_-_Octubre_2013.pdf)) (Buenos Aires, 2013).
- “Addressing and Redressing Errors in ICSID Arbitration,” *TDM* 1 (2014) (available in [www.transnational-dispute-management.com/article.asp?key=2072](http://www.transnational-dispute-management.com/article.asp?key=2072)) (online, 2014).
- “Salir de Pesca, Sólo en Vacaciones: La Base Adecuada para Laudos sobre Daños” (co-author, with Quinn Smith), published in *Revista de Arbitraje de la Pontificia Universidad Católica del Perú (Arbitraje PUCP)*, No. 4 (2014), p. 133 (Lima, 2014).
- “El Acuerdo Arbitral: Condiciones de su Validez”, published in *Arbitraje Comercial Internacional. Reconocimiento y Ejecución de Sentencias y Laudos Arbitrales Extranjeros*, Editorial del Departamento de Derecho Internacional, Organization of American States, (2015), p. 205 (Washington, D.C., 2015).
- “Sanciones en el Arbitraje Internacional,” *Derecho y Ciencias Sociales*, Vol. 13, p. 92 (La Plata, 2015).
- “El Estado como Parte en los Arbitrajes Internacionales: Ciertas Notas Distintivas” (co-author, with Osvaldo Guglielmino), to be published in *Liber Amicorum* a Alejandro Turyn, (S. González Napolitano y R. Pezotti, Eds.) (Buenos Aires, pending).
- “Errores y Omisiones en el Arbitraje CIADI,” to be published in “Arbitraje en materia de inversiones en América Latina”, collective work (Ed.: F. Victoria-Andreu) (París, pending publication).

- “Investment Treaty Arbitration” (co-author, with Quinn Smith and Ignacio Torterola), in *Latin Lawyer Guide to Infrastructure and Energy Investment*.
- “Indirect Expropriation,” in *International Economic Law Encyclopedia* (K. Nadakavukaren, Ed.) (Basel, 2017).
- “Lessons on Damages: Minutes of the OGEMID Virtual Symposium on Damages in Investment Arbitration” TDM 1 (2018) (available at <https://www.transnational-dispute-management.com/article.asp?key=2522>).
- Member of the Review Committee of International Arbitration Case Law (available at [www.internationalarbitrationcaselaw.com](http://www.internationalarbitrationcaselaw.com)).

## **AWARDS AND ASSOCIATIONS**

- ICCA – Queen Mary University Joint Task Force on 3rd Party Funding
- ICC Commission on Arbitration and ADR
- ICC Institute of World Business Law
- Latin American Arbitration Group of the International Court of Arbitration of the ICC
- International Council for Commercial Arbitration
- Young Arbitrators’ Forum of the ICC (Member of the Regional Coordinating Committee for Latin America 2011-2014)
- Club Español del Arbitraje (Board Member for the Argentina-Uruguay Chapter)
- Instituto Latinoamericano de Arbitraje (ILdeA) (Founding Member, Secretary)
- Asociación Latinoamericana de Arbitraje (ALArb)
- Arbitration Committee of the International Bar Association
- FDI Moot (Member of the Advisory Board)
- Association for International Arbitration (Board Member)
- Buenos Aires Bar Association
- Buenos Aires Translators’ Bar Association
- Florida Bar (Foreign Legal Consultant)

### Languages

Spanish, English, Portuguese

Working knowledge of French and Italian