

## GILBERTO A. GUERRERO-ROCCA

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Guerrero-Rocca has many years practicing international commercial and investor-state arbitration. He has acted in international arbitration disputes under the Rules of ICC, ICSID, PCA, UNCITRAL, ICDR, ICSID Additional Facility, Danish Institute of Arbitration, the Center for Alternative Dispute Resolution of the Dominican Chamber of Commerce and Industry (CRC) and the Center for Conciliation & Arbitration of the Chamber of Commerce of Costa Rica (CCA). He also clerked for the Chief Justice of the Supreme Tribunal of Justice and its Constitutional Chamber of Venezuela and advised the General Solicitor and other public entities. He is a Florida Bar Certified Foreign Legal Consultant (ReedSmith LLP, Miami). Currently Guerrero-Rocca is the LL.M. Program Director, Adjunct Professor, and Member of the Board of Advisors of "World Arbitration & Mediation Review" (WARM) at the College of Law of Florida International University (FIU Law), also Faculty affiliate at FIU LACC (Kimberly Green Latin American and Caribbean Center).

He has represented claimants in investment arbitration proceedings against European, Central & South American Sovereign States before the ICSID and PCA in the Oil, Gas and Mining sectors, Coffee Industry, Infrastructure, Poultry Industry, Hospitality, Real Estate, Telecommunications, Election technology, Food processing, eco-tourism, aviation and Pharma Sector. He successfully represented a Sovereign State before the ICSID facing a multi-million treaty-based arbitration claim in the mining sector. Recently he successfully represented a South American company in an international commercial arbitration dispute settled by the CISG. He represented a Barbadian company who settled a treaty-based arbitration claim against a South American State. Arbitrator to settle commercial disputes related to franchise contracts, construction, leasing and aviation according to the Rules of CACC (ICC affiliated) & CEDCA.

He earned a JSM degree from Stanford Law School where he conducted extensive research on investment arbitration (Honors); J.D. equivalent degree (Summa Cum Laude) and a LL.M. degree in Administrative Law both from Universidad Católica Andrés Bello (UCAB, Venezuela). He also completed a LL.M. degree in Business Law from Universidad Francisco de Vitoria & Ilustre Colegio de Abogados de Madrid (ICAM, Spain). Fundación Carolina full- scholarship based on academic merit.

Since 2003 he has been teaching arbitration and has published several books and articles on Arbitration, Constitutional, Business and Administrative Law. He is a frequent speaker in universities and chambers of commerce (Argentina, Chile, Colombia, Costa Rica, Dominican Republic, Italy, México, Panama, Perú, Spain, Venezuela), and a frequent interviewee by major media outlets regarding investment and treaty-based arbitration claims in LATAM and Europe.

### Education:

- JSM, Stanford Law School 2013 (Palo Alto, California). Dissertation on International Arbitration in the Oil, Gas & Mining Sectors (*honors*).
- LL.M. in Business Law, Ilustre Colegio de Abogados de Madrid & Universidad Fco. de Vitoria (Madrid, Spain) 2003.
- LL.M. in Administrative Law (*honors*), Universidad Católica Andres Bello (Venezuela) 2001
- J.D. (equivalent, *Summa Cum Laude*) Universidad Católica Andrés Bello (Venezuela) 1997;
- J.D. (equivalent) Universidad de Costa Rica (Costa Rica) 2022.

### Recent Investment-Arbitration Cases:

- Kurt Harald Grüninger, Alexandra Grüninger and Sascha Spittel v. Republic of Costa Rica, ICSID Case No. ARB/23/16
- Bacilio Amorrortu v. Republic of Peru (II), PCA Case No. 2023-22
- Arbor Confections Inc., Mark Alan Ducorsky and Brad Ducorsky v. United Mexican States, ICSID Case No. ARB/23/25
- SGO Corporation Limited v. Bolivarian Republic of Venezuela, ICSID Case No. ARB(AF)/22/2
- José Alejandro Hernández Contreras v. Republic of Costa Rica (II), ICSID Case No. ARB(AF)/22/5
- Tarek Kaloti et al v. Republica del Perú (ICSID Case No. ARB/21/29).
- Jose A. Hernandez Contreras v. República de Costa Rica (ICSID Case No. ARB (AF)/ 20/2).
- Raimundo J. Santamarta Devis v. República Bolivariana de Venezuela (PCA, Case No. 2020-56/AA780).
- Raúl Francisco Javier Linares Sanoja, Aram Asset Management N.V. and Intresor S.A.C. v. Republic of Perú
- Alejandro Diego Diaz Gaspar v. República de Costa Rica (ICSID Case No. ARB/ 19/13).
- Blue Bank International & Trust (Barbados) Ltd. v. Venezuela (ICSID Case No. ARB/12/20).
- Golden Star v. Venezuela (Settled on June 2012/ Café Madrid & El Peñón).
- Inversión y Gestión de Bienes, IGB et al. V. Kingdom of Spain (ICSID, Caso No. ARB/12/17).
- Vanessa Ventures v. Venezuela (ICSID, Case No. ARB(AF)/04/6).

## Selected Publications:

- The Relevance of the CISG in Settling International Arbitration Claims Arising Due to COVID-19 in Absence of Force Majeure and Hardship Clauses” World Arbitration & Mediation Review (WAMR). 2019. Vol 13.2. [The Relevance of the CISG in Settling International Arbitration Claims Arising due to COVID-19 in Absence of Force Majeure and Hardship Clauses - WAMR - 2019 Vol. 13, No. 2 | ArbitrationLaw.com](#)
- “Glencore I: Adopting Stabilization Clauses in Investment Contracts and Seeking Non-Pecuniary Remedies in Investment Arbitration Still Makes Sense Glencore International A.G. and C.I. Prodeco S.A. v. Republic of Colombia (ICSID, Case No. ARB/16/6. Revista de Direito Internacional, Brasília, v. 17, n. 2, 2020. [Brazilian Journal of International Law JoVol 17 Nro 2 2020 \(4\).pdf](#)
- Family Law in Latin America: Procedural and Substantive Issues. Derecho de Familia & Sucesiones en Latinoamérica. Jurisdicción y Derecho. (2021). Thomson Reuters-Aranzadi. Spain.
- «Balance a 10 Años del Reconocimiento al Efecto-Dual del Principio Kompetenz-Kompetenz en Venezuela», Guerrero-Rocca, Gilberto A. LA LEY Mediación y Arbitraje N° 7, abril-junio 2021, N° 7, 2 de abr. de 2021, Editorial Wolters Kluwer. <https://tienda.wolterskluwer.es/p/la-ley-mediacion-y-arbitraje>
- National Report for the Venezuela (2020), in ICCA International Handbook on Commercial Arbitration 1, 54 (Lise Bosman ed., Kluwer Law International, ICCA & Kluwer Law International 2020, Supplement No. 111, July 2020). [Kluwer Law International - Document \(kluwarbitration.com\)](#)
- “The Prodigal Son Comes Home: Ecuador Returns with Investment-Arbitration,” 12 World Arbitration & Mediation Review (WAMR) (2018). [The Prodigal Son Comes Home: Ecuador Returns to Investment Arbitration - WAMR 2018 Vol. 12, No. 3 | ArbitrationLaw.com](#)
- "In Case of Fire, Please Denounce The ICSID Convention: The Socio-Legal Risks of Adopting a Pro-State Approach Towards Articles 71-72 Dealing With Sovereign Repeat Players" WAMR (2017) <https://arbitrationlaw.com/library/case-fire-please-denounce-icsid-convention-socio-legal-risks-adopting-pro-state-approach>
- Praising Calvo and Wearing Investors' Robes: A Case Study of Venezuela and Its Strategy in Investment Arbitration in the Oil, Gas and Mining Sectors” Dissertation (honors). Stanford Law School. Palo Alto, California. (2013). [Praising Calvo and Wearing Investors' Robes: A Case Study of Venezuela and Its Strategy in Investment Arbitration in the Oil, Gas and Mining Sectors - Dissertation or Thesis - Stanford Law School](#)
- "Ecuador de Vuelta al Arbitraje de Inversion: Una Fórmula que Venezuela debe Replicar" Revista MARC, 1era ed. (2019) p. 22 – 26. [Revista MARC primera edición 2019 by Revista MARC - issuu](#)
- De ‘Astivenca’ a ‘Polar’: Balance a 10 Años del Reconocimiento al Efecto-Dual del Principio Kompetenz-Kompetenz en el Arbitraje Venezolano” CIAR GLOBAL (2020). [Venezuela: 10 años del reconocimiento al efecto-dual del Kompetenz-Kompetenz | Ciar Global](#)
- Validez del Canon Arrendaticio en Moneda Extranjera y la Facultad de los Árbitros de Desaplicar su Prohibición" *Revista MARC*, 3 ed. (2020) p. 50 – 61. <http://works.bepress.com/gilberto-querrero-rocca/10/>
- *Se Restablece el Arbitraje en Arrendamiento Comercial en Venezuela*" *Revista CIARGLOBAL* Iss. October (2018). [Se restablece el arbitraje en arrendamiento comercial en Venezuela. Por Gilberto A. Guerrero-Rocca | Ciar Global](#)
- *El Acuerdo Arbitral,*” in *El Arbitraje en Venezuela. Estudios con Motivo de los 15 Años de la Ley de Arbitraje Comercial.* Obra conjunta. CEDCA. Cámara Comercio de Caracas. Club Español del Arbitraje. Venezuela. 2013.
- Nuevos Avances sobre arbitraje en Venezuela. Análisis práctico a recientes sentencias de la Sala Constitucional. *Revista de Derecho / Tribunal Supremo de Justicia, Caracas, Venezuela* (2012) p. 265 – 307. <http://works.bepress.com/gilberto-querrero-rocca/14/>
- *Tratado de Derecho Arrendaticio Inmobiliario.* Tomo II. Universidad Católica Andres Bello (UCAB). Segunda Edición 2006. ["Tratado De Derecho Arrendaticio Inmobiliario \(Tomo II\)" by Gilberto A. Guerrero-Rocca \(bepress.com\)](#)

- Régimen de Gestión, Control y Protección Constitucional de los Servicios Públicos (Tribunal Supremo de Justicia - Colección Nuevos Autores, N° 10. Venezuela). 2005. "[Régimen De Gestión, Control Y Protección Constitucional De Los Servicios Públicos](#)" by Gilberto A. Guerrero-Rocca ([bepress.com](#))
- El Régimen Actual de los Intereses para la Financiación de Vehículos, (Análisis Crítico a la Providencia N° 30 Dictada por el INDECU) Revista Tribunal Supremo de Justicia, No 10, Caracas, Venezuela Vol. No. 10 (2004) p. 303 – 338. <http://works.bepress.com/gilberto-querrero-rocca/20/>
- Controversial Constitucionales y Conflictos de Autoridad: Una Necesaria Distinción *Revista de Derecho Constitucional. No. 7, Editorial Sherwood, Caracas, Venezuela* Vol. No. 7 (2003) p. 137 – 159. <http://works.bepress.com/gilberto-querrero-rocca/21/>
- Nuevas Orientaciones en el Contencioso Administrativo Venezolano (Editorial Livrosca, Caracas, Venezuela, 2002).
- El Arbitraje Arrendaticio Revista de Derecho / Tribunal Supremo de Justicia, Caracas, Venezuela Vol. No. 3 (2001) p. 289 – 347 <http://works.bepress.com/gilberto-querrero-rocca/22/>

#### **Interviews (major media outlets) on International Arbitration:**

- *UBER* inicia Arbitraje de Inversión contra COLOMBIA (CNN es Español). Gilberto A. Guerrero-Rocca. [https://youtu.be/ndin\\_a1EHoI](https://youtu.be/ndin_a1EHoI)
- *KELLOGG'S* expropiada por VENEZUELA (CNN es Español). Gilberto A. Guerrero-Rocca <https://www.cnn.com/videos/spanish/2019/10/03/kelloggs-venezuela-advierte-uso-de-marca-empresa-expropiada-acciones-legales-gilberto-querrero-intv-serbia-dinero.cnn>
- Arbitraje y Demandas Colectivas en EE.UU. (CNN es Español). Gilberto A. Guerrero-Rocca <https://www.cnn.com/videos/spanish/2018/11/01/empleados-companias-arbitraje-demanda-colectiva-acoso-sexual-abuso-de-poder-controversias-gilberto-querrero-rocca-entrevista-serbia-dinero.cnn>
- CITGO- PDV, CRYSTALLEX- Arbitrajes Internacionales contra Venezuela (Programa Intermedio), <https://youtu.be/ltiBDwJ0-SE>