

THREE CROWNS



Gaëtan Verhoosel KC

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Gaëtan is a founding partner of Three Crowns. He has over 25 years of experience serving as advocate or arbitrator in both commercial and investment treaty arbitrations.

Gaëtan is a past Senior Co-Chair of the Arbitration Committee of the International Bar Association. He presently serves as a member of the SIAC Court of Arbitration and was appointed by the Kingdom of Belgium to the ICSID Panel of Arbitrators. He has taught investment treaty law and arbitration at King's College School of Law in London and at Columbia Law School in New York.

Before entering private practice, Gaëtan served as a legal advisor at the World Trade Organization in Geneva, where he advised dispute settlement panels adjudicating disputes between sovereigns across a range of industry sectors.

Gaëtan has been ranked as a leading international arbitration practitioner in all major publications, including *Chambers*, *The Legal 500*, *The Legal 500's Arbitration Powerlist*, and *Lexology Index*. He has been described in *Chambers* as having "a phenomenal reputation", with one source emphasising that "Gaëtan's attention to detail and client needs is excellent; his capacity to grasp the big picture is unique; and his work is always diligent, sophisticated and elegant". *Lexology Index* has noted that Gaëtan is recognised by his clients, peers, and opponents as "the number-one person I have ever encountered on the other side", "an impressive and thorough oral advocate", and that "he is always in command and very well-prepared".

Gaëtan is admitted to practice in England & Wales, Spain and France.

Selected Recent Counsel Experience

- Representing the Republic of Finland in two ICSID arbitrations under the Energy Charter Treaty in the power distribution sector.
- Representing a PETRONAS subsidiary in an ICSID arbitration against the Republic of South Sudan under a domestic investment promotion statute.
- Representing a European State in an ad hoc arbitration under a bilateral investment treaty in the energy sector.
- Representing various European integrated energy companies in an LCIA arbitration against a NOC arising from breach of contract.
- Successfully defended the Sultanate of Oman against a \$200 million claim in connection with an investment dispute relating to an oil and gas engineering and construction contract.
- Reduced a \$430 million claim against an Asian national oil company to \$10 in nominal damages in an ICC arbitration arising from the client's withdrawal from a production sharing contract in Central Asia.
- Secured a \$175 million damages award including interest for a Trafigura subsidiary in an UNCITRAL arbitration against the Government of Ghana arising from a power purchase agreement.
- Represented a European wind farm manufacturer in an ICC arbitration relating to a cross-

licensing agreement for wind turbine patents.

- Secured a \$150 million award for an Asian national oil company in an ICC arbitration arising from a production sharing agreement with another Asian national oil company, while defeating a \$140 million counterclaim in the same proceeding.
- Represented an Asian national oil company in a \$490 million ICC arbitration arising from a gas transportation agreement.
- Secured a favourable award on behalf of an independent power producer against a European government in an ICC arbitration relating to a power plant project.
- Secured a \$30 million damages award plus interest for a European renewable energy fund in an investment treaty arbitration against the Kingdom of Spain.
- Represented Sacyr in a \$1+ billion investment treaty arbitration relating to the Panama Canal Third Set of Locks Project.
- Represented a Nordic state in its first investment treaty arbitration, in which the investor alleges that he suffered a denial of justice and other treaty violations before that State's domestic courts.
- Secured a favourable award on behalf of an independent power producer in an UNCITRAL arbitration brought by an African State entity under a power purchase agreement.
- Secured a settlement on behalf of, PETRONAS, in an ICSID arbitration against the Republic of the Sudan under the Malaysia-Sudan BIT in relation to a real estate project.
- Secured an award on behalf of European train manufacturer and its Indian incorporated subsidiary in an ICC arbitration, brought under a performance guarantee, arising from the construction of a major urban railway project in India.

Admissions

- Senior Courts of England & Wales (Solicitor-Advocate)
- Paris
- Madrid

Languages

- English
- Spanish
- Dutch
- French

Education

- JSD, Columbia Law School (2001)
- LLM, Columbia Law School (2000)
- Graduate Diploma (International Relations), Johns Hopkins University School of Advanced International Studies (1997)
- Lic. Jur, University of Leuven, magna cum laude (1996)
- Cand. Jur, University of Antwerp, cum laude (1993)

Professional Affiliations

- Court Member, SIAC Court of Arbitration (2021)
- Former Senior Co-Chair of the Arbitration Committee of the International Bar Association (2019 – 2020)
- Former Vice-Chair of the IBA International Arbitration Committee
- Former Chair of the IBA Subcommittee on Investment Arbitration

Speaking Engagements and Publications

Recent Speaking Engagements

- “Arbitration and State: A Complex Symbiosis”, XVIII International Congress of Arbitration of the Spanish and Ibero-American Arbitration Club (CEIA). (June 2024)
- “Conflicts of interest and challenges: Where do we draw the line?”, Open de Arbitraje Fest 2024 (May 2024)
- Lecture, “Investment Treaty Arbitration and Abuse of Process: Testing the Arguments”, Columbia, NYU, Harvard, and Stanford Law Schools (April 2022)
- “Applicable law and evidence” webinar, The British Institute of International and Comparative Law’s (BIICL) Thirty Fifth ITF Public Conference: Evidence in Investor-State Arbitration (April 2021)
- “IBA Rules on the Practice of Evidence in International Arbitration”, interview, IBA Arbitration Committee (April 2021)
- “Townhall with Arbitration Committee,” and “Mining for Damages: why, when, and how to determine damages for pre-operational mining projects,” webinar, IBA 2020 – Virtually Together Conference (November 2020)
- “Investment Treaty Planning, Protection and Key Threshold Issues,” webinar, Mumbai Centre for International Arbitration and FTI Consulting, The Knowledge Series on Investment Arbitration (September 2020)
- Keynote Address, “International Arbitration in Asia Pacific: Adapting to New Normal and Beyond,” webinar, 2nd IBA Asia Pacific Conference (September 2020)
- Keynote Address, “Uncanny: Investment Arbitration’s Three Tales of Trouble,” *Aria*, Volume 30, No. 30 (July 2020)
- “Interim Measures during COVID 19: Practical Considerations for Counsel and Arbitrators,” webinar, Singapore International Arbitration Centre (SIAC) (April 2020)
- “Debate: Where Should the Line be Drawn?” ITA Annual Workshop 2019 - Expect the Unexpected: Adjudicating Changed Circumstances in Commercial and Treaty Arbitration, Dallas, TX (June 2019)

Publications

- Being Pro-Arbitration: Insights from the European Union’s Approach Towards Investor-State Arbitration, *Pro Arbitration Revisited: A Tribute to Professor George Bermann from his Students Over the Years*, JURIS Legal Information (2023)
- The Impact of Brexit on Investment Treaty Protection in the European Union, *Reflections*

on International Arbitration – Essays in Honour of Professor George Bermann, JURIS Legal Information (2022)

- *Written and Oral Procedures in The ICSID Convention, Regulations and Rules* (ed. J Fouret & R Gerbay), Elgar (2019)
- *Uncanny: Investment Arbitration’s Three Tales of Trouble*, *American Review of International Arbitration*, Volume 3, No. 3 (2019)
- *Annulment and Enforcement Review of Treaty Awards: To ICSID or Not to ICSID*, ICSID Review, *Foreign Investment Law Journal*, Volume 23, Issue 1 (Spring 2008)
- *The Use of Investor-State Arbitration Under Bilateral Investment Treaties to Seek Relief for Breaches of WTO Law*, *Journal of International Economic Law* 6(2), OUP (2003)
- *National Treatment and WTO Dispute Settlement: Adjudicating the Boundaries of Regulatory Autonomy* (Bloomsbury, 2002)