

José Antonio Rivas, SJD



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EXPERIENCE

XTRATEGY LLP, Washington D.C., and Bogota

Founding Partner, May 2018–Present

- Advise sovereign and private parties in international commercial and investment treaty arbitration and public international law, including:
 - Assessing the likelihood of success at each stage of an international arbitration: Jurisdiction, merits, damages, annulment, and execution,
 - Serving as counsel,
 - Providing strategic advice on how to conduct and finance a case, and
 - Advising sovereign clients on how to implement investment treaty obligations and avoid or minimize investment disputes.

Co-Founder of Washington Arbitration Week (“WAW”), 2020

www.washingtonarbitrationweek.com

GEORGETOWN UNIVERSITY LAW CENTER, Washington D.C.

Adjunct Professor, January 2012–Present

- *Investment Arbitration, Public International Law, and ICJ Judgments*, Spring 2014–Present
- *Practicing Law in a Foreign Country*, Summer 2014–2018
- *Trade and Integration in the Americas*, Spring 2012–2013

INTERNATIONAL ARBITRATOR, Washington D.C.

Arbitrator, infrastructure and highway concession dispute under the rules of arbitration of the Chamber of Commerce of Bogota (CCB), Present

Arbitrator, energy and electricity power services dispute under the rules of arbitration of the Chamber of Commerce of Medellin (CCM), Present

Arbitrator, energy and electricity power services dispute under the rules of arbitration of the CCB, 2020

Arbitrator, international contractual dispute involving works in an oil refinery under the international rules of arbitration of the CCB, 2018

Arbitrator, highway concession dispute under the rules of arbitration of the CCB, 2018

Amiable Compositeur, highway and infrastructure concession contract, 2016–2020

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Solo arbitrator, transportation contract dispute under the rules of arbitration of the CCB, 2013
Member, ICSID Panels of Conciliators
Member, American Arbitration Association (AAA) / International Center for Dispute Resolution (ICDR) Panels of Arbitrators
Member, Chamber of Commerce of Bogota Panels of International Arbitrators
Member, Chamber of Commerce of Bogota Panels of Amiable Compositeurs
Member, Chamber of Commerce of Medellin Panels of International Arbitrators
Member, Chamber of Commerce of Cali Panels of International Arbitrators
Member, IACAC Panels of Arbitrators
Fellow, Chartered Institute of Arbitrators

VANNIN CAPITAL, Washington D.C.

Managing Director, June 2018–September 2019

- Worked with sovereign and private parties from a wide range of industries – including, among others, mining, oil & gas, infrastructure, and transportation – that seek funding to solve their disputes through international arbitration.

ARNOLD & PORTER LLP, Washington D.C.

Senior Associate, International Arbitration and Litigation Group, June 2012–May 2018

Foreign Attorney, International Arbitration and Litigation Group, September 2009–June 2012

- Experience in all phases of investment treaty and international commercial arbitrations under the rules of arbitration of ICSID and its Additional Facility Rules, UNCITRAL and the ICC: Designed and coordinated the arbitration strategy for sovereign and corporate clients, managed teams of lawyers, mentored junior attorneys, prepared and conducted examinations of fact witnesses and experts in English and Spanish, drafted briefs in every phase of the proceedings in both languages, managed document productions, selected local counsel, held meetings with opposing counsel, and conducted independent meetings with clients. (*See Representative Matters List*)
- Advised sovereign and corporate clients on prevention and management of investment disputes, investor-State dispute resolution, and negotiations of bilateral investment treaties (BIT) and free trade agreements (FTA).
- Advised sovereign clients on matters of public international law concerning the law of the sea, territorial disputes, protection of cultural heritage and claims of expropriation.
- Experience as neutral, including serving as arbitrator in a transportation contract dispute under the rules of arbitration of the Chamber of Commerce of Bogota (CCB), and receiving appointment as amiable compositeur under a highway and infrastructure concession contract.
- Litigation: Represented the Republic of Colombia in a 17-billion-dollar claim submitted by Sea Search Armada before U.S. federal courts, involving the San José, a Galleon that sank off the coast of Cartagena in the 1800s'. Won dismissal of all claims.
- Pro bono: Represented asylum seekers before the DHS on the basis of political and religious persecution; represented a client in appeal at her evidentiary hearing before the OAH in an

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unemployment benefits case; and represented a former employee subjected to pregnancy discrimination before the D.D.C.

MINISTRY OF TRADE OF THE REPUBLIC OF COLOMBIA, Bogota, Colombia

Director of Foreign Investment and Services and Intellectual Property, January 2006–July 2009

- Headed the drafting and updating of the Colombian Investment Treaty Model.
- Negotiated—as Colombia’s *Chief Investment Negotiator* of FTAs and BITs—15 international investment treaties, including:
 - FTA with the European Union – negotiations on trade in services, establishment, and electronic commerce.
 - FTA with Canada – negotiations on trade in services, investment, and telecommunications.
 - FTAs EFTA and Chile – negotiations on investment.
 - FTA with Guatemala, El Salvador, and Honduras — negotiations on investment, trade in services, e-commerce and temporary entry of persons.
 - FTA with the U.S.: Defended the investment chapter before Congress and the Constitutional Court.
 - BITs with China, Korea, United Kingdom, India, Switzerland, Belgium and Luxemburg, Peru, Guatemala, France and Germany.
- Coordinated the State’s defense in the event of international investment arbitrations, including addressing and amicably settling investment disputes concerning cases related to the gambling and health care industries.
- Developed a program to strengthen the State’s capacity to solve investment disputes, act in investor-State arbitrations, and prevent investment disputes.
- Worked closely with private companies in multiple sectors including in telecommunications, health care and gaming, to attract foreign investment and solve disputes.

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES (ICSID), Washington, D.C.

Legal Counsel, January 2004–January 2006

Consultant, February–December 2003

- Conducted reviews, analyses and registrations of requests for arbitration in English, French and Spanish, and prepared memoranda recommending their registration or refusal.
- Served as secretary of tribunals and advised arbitrators on the interpretation of ICSID and UNCITRAL rules of arbitration.
- Advised ICSID’s Secretary General on appointments and challenges of arbitrators and worked on the amendments to the ICSID Rules of Arbitration.

LOS ANDES UNIVERSITY SCHOOL OF LAW, Bogota, Colombia

Professor, Public International Law, January 1996–August 1999

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- Lectured, and co-authored a textbook on Public International Law.
- Directed a research project on peace negotiations in States with non-international armed conflicts for the International Committee of the Red Cross.
- Coached the Colombian Team, Phillip C. Jessup International Law Moot Court Competition Team, Quarter Finalists, 1999

ADMISSIONS

- U.S. Court of Appeals for the District of Columbia Circuit, May 15, 2012
- District of Columbia, February 6, 2012
- Republic of Colombia, September 2, 1999

PROFESSIONAL AND COMMUNITY ACTIVITIES

- Founder of Washington Arbitration Week–WAW, 2020–Present
- Lecturer and Academic Advisor, *International Law Institute*, course: *International Investment Agreements and Investor-State Arbitration*, November 2011–Present

EDUCATION

GEORGETOWN UNIVERSITY LAW CENTER, Washington D.C.

Doctor of Juridical Science (SJD) *with Distinction* (“How Regional Trade Agreements and their Rules of Origin Comply with GATT Article XXIV”), May 2005

Scholarship: *Organization of American States Scholar*, September 2000–May 2003

Activities: *Intern*, Honorable Henry Kennedy, D.C.C., January–April 2002

Intern, Honorable Ricardo Urbina, D.C.C., September–November 2001

Research Assistant of John H. Jackson in International Trade Law 2000-2001

GEORGETOWN UNIVERSITY LAW CENTER, Washington D.C.

Master of Laws (LL.M.) in International Legal Studies, May 2000

Scholarships: *Fulbright Scholar*, September 1999–May 2000

Award: *Best Graduate Paper* in NAFTA and Regional Trade Agreements

LOS ANDES UNIVERSITY FACULTY OF ECONOMICS, Bogota, Colombia

Bachelor of Economics, September 1998

LOS ANDES UNIVERSITY LAW SCHOOL, Bogota, Colombia

Abogado, J.D. equivalent, September 1996

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Award: *Winner*, National Rounds of the Phillip C. Jessup International Law Moot Court Competition, 1995

Activities: *Intern*, Constitutional Court, September 1994–June 1995

UNITED WORLD COLLEGE OF THE ATLANTIC, Wales, U.K.
International Baccalauréat, May 1990

LANGUAGES

- Spanish (native)
- English (fluent)
- French (fluent)

PUBLICATIONS AND CONFERENCES

- Authored 18 publications, including book chapters and articles on investment arbitration, public international law, and international trade law; and co-edited and co-authored two books on investment arbitration and international economic law.
- Speaker at industry conferences on international arbitration (over 70 presentations since 2005).

(List of cases, publications and presentations to be provided upon request)