



Daniel M. Barbosa

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BIOGRAPHY

Daniel Barbosa is a senior associate at Gaillard Banifatemi Shelbaya Disputes.

He has advised private and state-owned entities in international arbitrations under the Rules of the ICC, LCIA, SCC, NAI, ICSID and UNCITRAL. His experience includes investment, energy, pharmaceutical and business disputes.

Daniel also has experience as secretary to arbitral tribunals, having assisted arbitrators in ICSID proceedings regarding claims under a BIT related to mining licenses and in ICC emergency arbitration proceedings dealing with matters of asset freezes and insolvency under OHADA law.

EXPERIENCE INCLUDES THE REPRESENTATION OF:

- An African shipping company in an *ad hoc* arbitration in London arising in connection with various charterparties purportedly entered into since 2007. The case concerns allegations of grand corruption and kleptocracy at the highest levels in an African State and in excess of USD 300 million is at stake.
- An African national oil and gas company, Claimant in a UNCITRAL arbitration in Geneva against two privately-owned European energy companies. The dispute arose from the termination of a production-sharing contract. The law of the Claimant's State applies. Over USD 1.4 billion is at stake.
- The Republic of Lithuania, Respondent in an ICSID arbitration brought by Veolia Environnement S.A. and others in relation to district heating and power generation systems in Lithuania (ICSID Case No. ARB/16/3). The claims are brought under the Lithuania-France bilateral investment treaty. The dispute revolves around, *inter alia*, allegations of corruption, collusion, self-dealing, anti-competitive conduct and tariff manipulation. The total amount in dispute is in excess of EUR 500 million (including counterclaims that are now before the Lithuanian courts following *Achmea*).
- Vilnius City Municipality and the Municipality-owned district heating company in an SCC arbitration in Vilnius against Veolia Environnement S.A. and a Lithuanian subsidiary. The dispute concerned the operation and management of a 15-year district heating concession in Vilnius and Lithuanian law applied. Veolia initiated the arbitration and advanced claims in the region of EUR 50 million. Our clients counterclaimed and secured an award in their favour for a net value of approximately EUR 56 million.

- Sonangol E.P., Respondent, in three parallel NAI arbitrations in Amsterdam against Exem Energy B.V., a holding company beneficially owned by Isabel dos Santos. The dispute related to high-profile matters of embezzlement, corruption and money-laundering in relation to a share sale and purchase agreement. Dutch and Angolan law applied. Sonangol enjoyed complete victory in all three cases, including findings in the main NAI arbitration that the relevant transaction could only be explained as an example of “grand corruption”. As a result, the relevant transaction has been declared null and void and Sonangol has been restored to its 100% shareholder position.
- A subsidiary of Sonangol in an LCIA arbitration in London against a European holding company beneficially owned by Isabel dos Santos. The dispute related to high-profile allegations of embezzlement, corruption and money laundering and to the management and dissolution of a consortium for offshore gas exploration. English and Angolan law applied. The proceedings were terminated after the claims against Sonangol’s subsidiary were withdrawn.
- A European life sciences company, Respondent in an arbitration brought by a European chemical company seeking indemnification under a Share Purchase Agreement. The law of the Claimant’s State applied.
- Latin American investment companies and two individuals, Claimants in an ICC arbitration in Paris against a major European telecommunications company. The dispute related to the breach of a settlement agreement that was previously entered into by the parties in relation to multiple claims brought in several litigation proceedings. Brazilian law applied. Over USD 15 billion was at stake. We also represented the Claimants in proceedings to revise the award rendered in the ICC arbitration before an arbitral tribunal, based on the Claimants’ allegations that the Respondents committed procedural fraud in the course of the arbitration, as well as in proceedings brought by our clients before the Paris Court of Appeal to seek the setting aside of that award. On 2 May 2024, the Paris Court of Appeal issued a decision setting aside the award rendered in the first arbitration on the ground that the President of the arbitral tribunal lacked the required independence. A decision on the award issued in the revision proceedings is still pending.
- Latin American investment companies, Claimants in an ICC arbitration in London against a Latin American pension fund. The dispute related to the revision and breach of a settlement agreement that was previously entered into by the parties in relation to multiple claims brought in several litigation proceedings. Brazilian law applied.
- Atlas Power and eight other Independent Power Producers (IPPs), Claimants in an LCIA arbitration seated in London against Pakistani State-owned entity, National Transmission & Despatch Company (NTDC). The dispute arose out of the non-payment of certain amounts under Power Purchase Agreements concluded between the IPPs and NTDC. The law of Pakistan applied. Our clients’ claims were upheld in full in an award granting USD 104 million in damages and USD 24 million in interest.

QUALIFICATIONS

Education

- Universidade Federal de Minas Gerais, LLB
- Exchange student in the Master’s program of Université Paris I Panthéon-Sorbonne
- London School of Economics and Political Science (LSE), MBA Essentials Certificate

Admissions & Courts

- Brazil
- Paris

Accolades

- Appearing in the Best Lawyers – Ones to Watch list in International Arbitration in France for 2025
- Winner of the Thomas Wälde Award for Best Advocate in the 2011 Foreign Direct Investment International Arbitration Moot (FDI Moot)
- Winner of the 6th Place Best Oralists Award in the International Rounds of the 2010 Philip C. Jessup International Law Moot Court Competition
- Winner of the 3rd Place Hardy C. Dillard Award for Best Combined Memorials in the 2010 Philip C. Jessup International Law Moot Court Competition

Languages

- Portuguese
- English
- French
- Spanish

Nationalities

- Brazilian
- French

OF NOTE

Professional Affiliations

- Brazilian Arbitration Committee, Member
- ICC Young Arbitrators Forum, Member
- LCIA's Young International Arbitration Group, Member
- Young Institute for Transnational Arbitration, Member
- Young ICCA, Member
- Young ICSID, Member

Publications

- "Paris Court of Appeal Upholds the Supranational Character of OHADA Law in an Action for Annulment of an Arbitral Award," *Kluwer Arbitration Blog* (19 April 2020)
- "Two Sides of the Same Coin: To What Extent Is Arbitration with the Brazilian Administration Similar to Investment-Treaty Arbitration?," in *Investment Protection in Brazil* (A. Levy, A. Gerdau de Borja, A. N. Pucci, eds., Kluwer, 2013) (co-author)