

Is Latin America Special in Terms of Investment Arbitration? *

Summary

*** Please note that this summary of the panel was AI-generated and therefore has not been fully vetted for accuracy.**

The session from the Washington Arbitration Update, held in Mexico City, focused on the unique aspects of Latin American investment arbitration. The event, part of the Mexico Investment Arbitration Days, featured various experts discussing the evolving landscape of international arbitration and public international law.

Key participants included Anna Faris, the moderator, and several panelists with extensive backgrounds in international trade and investment law. The discussions highlighted the increasing complexity of investment arbitration, with over 300 ongoing cases globally. The aim of the event was to provide updates on significant issues in the field and to recognize the contributions of professionals from regions beyond traditional arbitration centers like Paris and London.

A central theme of the session was whether Latin America has distinctive characteristics affecting investment arbitration. Panelists discussed the "love-hate relationship" that governments in the region have with foreign investments, balancing the need for economic development against political pressures and public sentiment. They noted that Latin American countries have signed numerous bilateral investment treaties, yet recent trends show a retreat from some of these commitments, particularly in countries like Ecuador and Bolivia.

Brazil's role in this context was also examined, with references to historical events such as the 2014 World Cup and 2016 Olympics that initially attracted significant foreign investment. However, the panelists pointed out that political changes and corruption scandals have since complicated Brazil's investment climate.

The discussion also touched on the historical context of investment treaties in the region, including the challenges posed by constitutional provisions that restrict future agreements. The panelists expressed concern over the implications of recent political shifts on the stability and predictability of investment arbitration in Latin America.

Overall, the session underscored the need for ongoing dialogue and updates within the

international arbitration community to navigate the complexities and evolving nature of investment disputes in Latin America.

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Topics

Latin America, Investment Arbitration, ISDS, Treaty Practice, Investment Arbitration Case Law,

Category

WAU

Full Transcript

00:01:33

when I start Wednesday to

00:01:37

other Mexico Good afternoon, everyone

00:01:40

from Mexico City. This is

00:01:44

the third event will fourth

00:01:47

event of today's proceedings in

00:01:52

Mexico investment arbitration days within

00:01:56

the context of the world

00:01:59

arbitration update and before giving

00:02:03

the shore and I'm introducing

00:02:06

Anna Faris in our moderator.

00:02:12

I would like to remind

00:02:15

everyone about nowhere. The world

00:02:19

arbitration updates came from and

00:02:21

and why we're doing this.

00:02:22

My name is is cuz

00:02:26

I'm one of the wild

00:02:30

world of fishing update together

00:02:33

with Ian Laird and many

00:02:34

many others that have contributed

00:02:36

to this kind of dreamy

00:02:38

Enterprise. The idea behind the

00:02:42

Patrician update is is two

00:02:44

phones one is to update

00:02:47

on East shoes on. Public

00:02:51

international law in Bessemer Recreation

00:02:53

and international commercial arbitration and

00:02:55

white white update. Well, when

00:02:58

perhaps ten fifteen years ago,

00:03:01

if you were really Studios

00:03:05

you could perhaps read the

00:03:07

three or four words that

00:03:10

would render and you read

00:03:15

them analyzed them and know

00:03:18

them fairly. Well today as

00:03:20

you have heard there are

00:03:22

more than 300 ongoing cases

00:03:25

just that makes it and

00:03:26

I'm doing that updating up

00:03:30

Enterprise on your own is

00:03:31

is just not her cooling.

00:03:33

It's simply impossible. So few

00:03:36

of us thought why not

00:03:37

trying to update on a

00:03:39

yearly basis the international arbitration

00:03:42

community and the public international

00:03:45

law, are are worth of

00:03:49

dating and Or our Noble

00:03:52

issues and some of them

00:03:53

are relevant issues and that's

00:03:55

why we're here. That's that's

00:03:57

purpose. Number one. Number two

00:03:59

is to try to go

00:04:02

a little bit beyond the

00:04:04

what we call the traditional

00:04:07

centers of international Patrician, but

00:04:09

I'm trying to go beyond

00:04:11

the Paris trying to go

00:04:12

beyond London trying to go

00:04:14

even Beyond EDC New York

00:04:16

a Tetra and and recognizing

00:04:18

that there are wonderful counselor

00:04:21

arbitrators professionals who are also

00:04:24
in in the rest of

00:04:26
the world including Mexico and

00:04:28
other countries in Latin America,

00:04:29
but it was so Asia

00:04:31
Africa and luckily there are

00:04:36
individuals such as those that

00:04:39
you have heard and believed

00:04:41
that this is a worthwhile

00:04:42
project and I were trying

00:04:45
to go to the centralized

00:04:46
an update on issues of

00:04:47
international arbitration investment Merchant. public

00:04:51
international law and end with

00:04:54

that I'll stop and and

00:04:58

now move on to. introducing

00:05:02

our wonderful moderator also the

00:05:07

big question that we have

00:05:08

or that the panels will

00:05:09

have before them, which is

00:05:11

is is Latin America special

00:05:14

on the investment position. Is

00:05:16

there something special about Latin

00:05:17

America that makes it a

00:05:18

peculiar. So I want I

00:05:21

want steel Ariana's Thunder but

00:05:25

but I would like to

00:05:26

say that she is an

00:05:27

associate at the van Belle

00:05:29

and bellies and that she

00:05:31

specializes in international trade and

00:05:33

investment law international dispute resolution

00:05:38

arbitration specializing in international trade

00:05:41

and investment International dispute resolution

00:05:46

arbitration, but she has a

00:05:48

bachelor's degree from where else

00:05:50

in your C at the

00:05:52

Mexico and she also has

00:05:55

a message with international law

00:05:57

and economics also from the

00:05:59

World Trade Institute and the

00:06:02

University of virus. Now why

00:06:05

you were reading it relevant

00:06:06

experience? She has been for

00:06:10

more than six years in

00:06:12

in Brussels at the Bell

00:06:15

and Bell as she has

00:06:16

worked. Well, so before in

00:06:18

the ministry of economy and

00:06:19

Mexico over 6 years 3

00:06:22

years as a senior counsel

00:06:24

for the general Council international

00:06:26

trade and three years as

00:06:27

legal counsel at the representation

00:06:30

of the ministry of economy

00:06:31

at the U in Brussels.

00:06:34

I also she has that

00:06:36

been in very relevant negotiations

00:06:39

for the state of Mexico

00:06:40

and she has also done

00:06:43

a few cases of several

00:06:45

cases on investment arbitration and

00:06:48

and trade and so without

00:06:50

further Ado Ariana new Did

00:07:12

you go to Joyland sessions

00:07:13

after lunch time the topic

00:07:25

from today? I would like

00:07:27

to introduce these panels. first

00:07:34
introduced Mateus explains the crust

00:07:52
number of Industries such as

00:07:54
University. Dogs 101 from Belk

00:08:12
has acted as counsel in

00:08:13
domestic and international between attrition

00:08:24
of international Chamber of Commerce

00:08:26
International Centre for settlement of

00:08:28
investment disputes. Ekans I'm going

00:08:42
to waste partner after me

00:08:43
Johnny Perez. He focuses his

00:08:48
practice and international particularly in

00:08:52
situations involving State and State.

00:09:18
heat capacity of working for

00:09:20

National or International Investment Currently

00:09:44

she's a member of the

00:09:45

ICC International Court of arbitration.

00:09:59

What did you think of

00:10:00

the amendments to the pediatrician?

00:10:01

He was a member of

00:10:03

the list of perpetrators of

00:10:04

the permanent University Law Center.

00:10:33

Now I went to deuce.

00:10:38

this works currency Athletics Chambers

00:10:52

He holds an e l

00:10:53

l from the University of

00:10:55

Cambridge. especially station before joining

00:11:13

Matrix recyclers Council and Mexico

00:11:17

in a vision of government

00:11:28

some business climate change. It's

00:11:42

a clearance one of the

00:11:44

highest level of security clearance

00:11:45

in the UK for the

00:11:46

national. For the last 6

00:11:53

years. so I would proceed

00:12:03

to introduce now the puppy

00:12:06

Coco. Is Latin America special

00:12:12

in terms of Education? Well,

00:12:16

that's in America. practice That's

00:12:24

an American countries have signed

00:12:25

around 705. Most of these

00:12:32

agreements were signed, October 19th

00:12:35

to between 1990 and 2000.

00:12:40

Also the recent years after

00:12:43

2010 Latin American countries. Ecuador

00:12:57

and Bolivia intensifiers. Yes. Over

00:13:12

the last 20 years government

00:13:14

agency announced up with the

00:13:25

most people. together with Venezuela

00:13:29

Mexico and Colombia I use

00:13:33

dies in Mexico for example

00:13:34

as a result of NAFTA.

00:13:42

Brazil a particular views this

00:13:51

is what we're going to

00:13:52

talk about this. Hispaniola is

00:13:58

about the past Trends and

00:14:01

recent Trends about ICS in

00:14:03

Latin America and how it

00:14:04

is raining. So I will

00:14:09

be experts. I would like

00:14:17

to ask. What is currently

00:14:22

happening in Latin America in

00:14:24

terms of? As I said

00:14:29

as I mentioned negotiation prince

00:14:31

in Latin America, and where

00:14:38

do you think we are

00:14:42

heading to? Think think of

00:14:45

the Anna thank you for

00:14:47

the organizes for having me.

00:14:49

Thank you Nikki law for

00:14:51

the invitation. It was that

00:14:53

he's always that you're going

00:14:57

to have a Brazilian talkin

00:14:58

about Investment corporation hear, Mexico.

00:15:03

Let's see how how to

00:15:05

play and the question is

00:15:07

is Latin America special in

00:15:10

terms of investment of creation.

00:15:11

And then yes, we are.

00:15:14

All right for the bad

00:15:17

and when I was wondering

00:15:23

how to explain that Mexico.

00:15:26

I thought that we might

00:15:29

start by a passion that

00:15:32

we share in America, but

00:15:34

we start the presentation. I

00:15:41

think we can talk about

00:15:42

something that we have a

00:15:45

passion, which is basically everybody

00:15:47

knows. Football remembering my grandmother

00:16:06

made my grandfather. I thought

00:16:08

about that. Novela La Cucina

00:16:09

where we have a love-hate

00:16:15

relationship we have drama, right?

00:16:18

This man has been going

00:16:21

for a while and sense.

00:16:34

Route 1 hour in America,

00:16:38

right? And it shows is

00:16:42

love-hate relationship that governments have

00:16:46

you need Investments to develop

00:16:53

the country's but at the

00:16:55

same time when they can

00:16:59

we hurt this morning, right?

00:17:01

It's impossible to make decisions.

00:17:05

And please everyone not to

00:17:07

mention order or serious problem

00:17:09

relationships. Not only lost one.

00:17:14

But you also have to

00:17:15

practice and I'm going to

00:17:20

be just show the waves

00:17:24

that we we had a

00:17:26

sparse. It's just a matter

00:17:28

of trying to separate first

00:17:31

case with At from the

00:17:36

financial crisis than next light,

00:17:47

please. To believe that first

00:17:52

week after that seek compensation

00:18:02

and certain, PA. As if

00:18:05

this would solve a problem

00:18:07

or at least consider this

00:18:08

as a political issue would

00:18:11

give their people answer to

00:18:15

only going to recently Ecuadorian.

00:18:20

I'm taking a recent. Please

00:18:30

recently last year if I

00:18:34

adore. Peace sign Dixie convention

00:18:38

at left here. So this

00:18:44

is part of the love-hate

00:18:46

relationship. So contagious for the

00:18:50

next light, please. And exceeded

00:18:55

statistics shows that special if

00:19:01

we have the number of

00:19:02

case and here we are

00:19:05

talking about 22% from from

00:19:08

South America 7% from Central

00:19:11

America North America, and he

00:19:21

didn't even higher. So the

00:19:32

reality is that America is

00:19:36

a very relevant Road. Michael

00:19:44

Vick's you explain better so

00:19:48

we can move to the

00:19:48

next life. Does Brazil plays

00:19:52

a very different role in

00:19:54

that scenario and here again?

00:19:56

We talked about Christina suppressed

00:19:58

because it did not restart.

00:19:59

The last decades dress you

00:20:01

has released several soap opera

00:20:05

that became famous in 1994

00:20:16

from 1997 that were actually

00:20:27

sent or the Congress true

00:20:30

truth and known as be

00:20:34

ratified by Brazil so like

00:20:38

bar soap operas. And it's

00:20:48

an hour for Brazil was

00:20:49

that one seems the nineties

00:20:53

and two more recently when

00:20:55

and can look for the

00:20:57

next life. You recently when

00:21:01

Brazil was receiving lots of

00:21:04

Investments for the World Cup

00:21:07

2014. And you to remember

00:21:11

in 2016 also have the

00:21:15

Olympics. So it was a

00:21:19

specific time where we proceed.

00:21:22

That's our moment has finally

00:21:25

arrived at yet. But everybody

00:21:28

says he finally got there

00:21:37

and receiving lots of cement

00:21:40

companies. Getting deeper and deeper

00:21:43

and making Investments abroad and

00:21:46

then brought America and Africa,

00:21:59

especially of course, we all

00:22:02

know that the car washed

00:22:04

and changed changed our momentum.

00:22:08

I mean. And I can

00:22:19

give you the contact but

00:22:32

you're not going to have

00:22:33

to write everybody. Nationals fighting

00:22:44

against Putin and they prepared

00:22:51

something called operation and they

00:22:55

were receiving government to justify

00:23:07

and we are going to

00:23:13

be in this it's basically

00:23:19

three-page letter and all the

00:23:22

time they talk about litigation

00:23:24

in the beginning. But I'm

00:23:30

not sure if everybody's going

00:23:32

to read I don't like

00:23:33

you to read but your

00:23:35

sister to give you a

00:23:36

better conference. They start by

00:23:39

saying excessively cheese considered a

00:23:54

state a b in dispute.

00:24:07

Is this a better option

00:24:09

both to attract into montaigne?

00:24:12

And then in the following

00:24:15

paragraph the again. The next

00:24:26

paragraph to talk about investment

00:24:33

agreements institutional Investment corporation are

00:24:48

there are Provisions to protect

00:24:51

Pastors in the next paragraph

00:24:55

and you can please go

00:24:56

to the next slide. Again,

00:24:59

they go to best man

00:25:03

estate settlement procedure Amado Sabres

00:25:11

Nicholas Wright State you stay

00:25:24

there. Such mechanisms Gulfport if

00:25:40

you remember and if you

00:25:42

were here in the morning,

00:25:43

when they open the nation

00:25:51

that bank you are not

00:26:03

of course having the protection

00:26:05

that they wanted and then

00:26:07

1966 was created. So In

00:26:16

2015. Back exactly to where

00:26:21

in terms of international law

00:26:24

people were before the creation

00:26:27

of the DC and the

00:26:31

context to remember that the

00:26:35

government at the time was

00:26:37

the Labour party. And wasp

00:26:41

at the time, was present,

00:26:43

but she somehow they said

00:26:46

she was representing the actress

00:26:51

in the current President of

00:26:53

Brazil Lula who is the

00:26:55

same person who said recently

00:26:56

that Russia and Ukraine could

00:26:59

resolve their problems in a

00:27:00

bar. I wore to soak

00:27:04

their problems. So when you

00:27:06

see all that you understand

00:27:09

the context where is coporation

00:27:12

facilitation investment agreement comes from

00:27:15

And we can move to

00:27:16

the next slide, please. So

00:27:27

just to have a mind

00:27:29

how. Corporation and facilitation investment

00:27:34

agreements work. So they would

00:27:36

have tired of dispute resolution

00:27:41

a first one we've ambushed

00:27:45

person or focal total points

00:27:48

each country if doesn't work

00:27:52

with Goku consultations to joint

00:27:54

committees, and then through state-to-state

00:27:57

arbitration is basically what we

00:28:00

were discussing this morning. It's

00:28:04

before exit right now. These

00:28:14

agreements were all signed between

00:28:16

2016 and only one with

00:28:19

Bill in 2016. A need

00:28:23

to realize exactly the countries.

00:28:26

Where was you at the

00:28:28

time at some companies with

00:28:31

interests in Africa? At the

00:28:41

time it was our last

00:28:49

party so all day all

00:28:53

day. Versation National sovereignty of

00:29:11

the countries was very popular

00:29:15

at the time already as

00:29:17

we still have some some

00:29:19

argument. and with that like

00:29:26

we have fun at doesn't

00:29:38

mean that Brazil is well

00:29:41

behind turns off. No, actually

00:29:46

the markets we have hundreds

00:29:54

and hundreds of only going

00:29:55

to come up then are

00:29:58

huge. Then cuz everybody start

00:30:03

to realize that the court

00:30:05

season was broken or at

00:30:08

least so racially pure basically

00:30:15

Have several but I also

00:30:20

accompanied our companies with Brett

00:30:30

station off the they State

00:30:32

their several local lost. So

00:30:39

basically the person be demon

00:30:42

of the law to assist

00:30:52

the development of the of

00:30:56

the country in several aspects

00:30:58

with all those are trajan's

00:31:01

need to be public. It

00:31:03

is a substantive law and

00:31:24

it needs to take place

00:31:25

in Brazil. So I adopted

00:31:28

a very protective of approach

00:31:31

and sophisticated market for or

00:31:42

petitioners and for the government

00:31:46

through its advice. Sorry vestment

00:31:49

to come to pursue in

00:31:51

life. That being said you

00:31:59

have no curfew update. that's

00:32:34

that yes, and this is

00:32:39
if if you if you

00:32:41
consider this a real question.

00:32:47
Investment come to Brazil event

00:32:52
at last year's who was

00:33:02
the third one receiving foreign

00:33:06
direct investment into work. So

00:33:09
I'll do not have a

00:33:11
mechanism of protection direct protection

00:33:15
the size of the market

00:33:18
in all day. The scenario

00:33:21
seems to be good enough

00:33:24
for you and Batman and

00:33:36
the next one. I took

00:33:37

her the last at twenty

00:33:40

years that from Brazil Mexico

00:33:46

and Argentina phrases to see

00:33:48

how how did numbers are

00:33:50

the first Argentina so change

00:34:00

actually received in the last

00:34:03

night. So I was just

00:34:25

Yes, I think it is

00:34:31

very interesting like it but

00:34:55

I think it's an interesting

00:34:58

friend with some of its

00:35:03

partners. You didn't mention Nick

00:35:08

weather in 2019. And of

00:35:21

course we do. And there

00:35:31

is no dispute. diplomatic negotiation

00:35:44

point of view I think

00:35:47

it's very success. There's not

00:35:53

too many big players in

00:35:56

the world joining this type

00:35:58

of cities in Mexico Social

00:36:05

Club countries in 2019, because

00:36:30

To put it lightly to

00:36:33

sign a treaty with investor-state

00:36:36

dispute settlement. And this was

00:36:38

an easy way for the

00:36:39

government in 2019 sign investment

00:36:45

treaty without teeth without it.

00:36:48

I just yes, we will

00:36:55

see in the future where

00:36:56

the president is able to

00:36:57

attract more important players to

00:37:00

sign. Were you able to

00:37:28

listen to me? Okay. can

00:37:36

ice cream Wake me up.

00:37:43

the lost sight Speaking country.

00:38:29

We all embrace investor-state. I

00:39:07

looked at the cases in

00:39:09

the 19th century up to

00:39:11

1936 Commission in all the

00:39:22

cases brought back in the

00:39:32

19th century. We want you

00:39:44

in the region and the

00:39:46

only set up some time.

00:39:58

Country is Mexico and Brazil

00:40:01

vs Nixon but no one

00:40:12

is allowed in order to

00:40:38

get no, I don't need

00:40:47

that. I don't need to

00:40:48

get that. Thank you. Yeah,

00:40:58

I mean, I think it's

00:40:59

just about the different approaches.

00:41:01

So the next topic which

00:41:21

is happening all around us.

00:41:22

Why? Ultra so I looked

00:41:57

at the new cases New

00:42:00

York Times in the last

00:42:01

7 years 7 years and

00:42:20

so I try to listen

00:42:25

to different baskets in Two

00:42:37

Rivers Market. So listen to

00:42:55

go swimming suits. reversing the

00:43:00

registration services Text you about

00:43:17

the environment or taking into

00:43:20

account the concerns of local

00:43:21

communities. Launch different communities with

00:43:38

different interest. I think the

00:43:53

second group. invest Investments Sweet

00:44:14

Eats assessment and then your

00:44:27

house. Setting up recent arrests

00:44:32

in certain sectors and then

00:44:34

decisions waived the decision. What

00:44:56

are the sectors? I think

00:44:57

the beach with such as

00:45:00

butt. Where are you at

00:45:03

to Brian's? There's a lot

00:45:05

in the last eight years

00:45:05

and rich in oil and

00:45:10

gas. Sweet Tarts another sector

00:45:41

look Expected more information issues.

00:45:57

And so how does the

00:46:06

concession concession cancellations 2nd Street

00:46:48

Hispanic emissions PlayStation thanks so

00:47:45

much. Episode I believe has

00:47:53

been experiencing recently. Are you

00:47:57

serious clean? Before I say

00:48:14

yes. There is already been

00:48:21

mentioned that withdrawal from the

00:48:23

statement from the system that

00:48:27

happened recently rejoined at the

00:48:37

convention. under some specifics politics

00:48:43

at that point in the

00:48:45

region and I can prefer

00:48:46

in particular to change of

00:48:54

government in 2007 before that

00:48:59

expression to power a US

00:49:03

corporation. That became a very

00:49:12

important issue morning with Nick

00:49:19

Jr. Mentioned that she was

00:49:21

in the taxi in Hamburg.

00:49:23

I think and the taxi

00:49:25

driver. He's putting us in

00:49:31

such trouble in Europe, but

00:49:34

you never happened. In 2006

00:49:36

that you could take a

00:49:37

taxi driver and text Redwood

00:49:39

City. Estate and at some

00:49:46

point and I was walking

00:49:48

on the street part of

00:49:50

the Raiders. So sleep for

00:50:05

the government. That was the

00:50:11

situation that the new government.

00:50:15

In January 2007 and in

00:50:21

January 2008 and then in

00:50:26

2008 and ending 10 years

00:50:35

later in 2017, and then

00:50:38

the last bunch of medicine

00:50:40

so we grew from the

00:50:53

convention. A practice of investment

00:51:03

protection. I need even introduced

00:51:06

in the Constitution Article 4

00:51:07

to the provision to physically

00:51:11

put a lock on any

00:51:14

future government to enter into

00:51:16

treaties with investor-state dispute settlement,

00:51:21

at least they try to

00:51:23

but that the position is

00:51:26

not worth tracked. So it's

00:51:28

a matter of interpretation. After

00:51:35

they could do career means

00:51:37

that everyone thought the cheapest

00:51:49

keep move away from the

00:51:51

curb and start negotiating the

00:51:58

treaty with Brazil and start

00:52:02

to fight negotiate new Mupirocin

00:52:10

president the current president lately

00:52:16

this week. that's the good

00:52:25

thing about this issue executive

00:52:35

put together a special task

00:52:39

committee to basic structure legal

00:52:47

structure to regen day to

00:52:48

Convention and a hand from

00:52:53

time to make it to

00:52:56

the steps necessary to breach

00:52:59

on decks convention pass through

00:53:03

the portal again a contract

00:53:09

in state of that. We

00:53:13

haven't been able to enter

00:53:16
into New Balance investment treaties

00:53:18
as I missed you on

00:53:21
the Constitutional Big Brother the

00:53:25
Government tried to have interpretation

00:53:28
from the Constitution is not

00:53:33
an issue of interpretation. You

00:53:34
have to go and take

00:53:41
whatever you can. Any new

00:53:46
3D in compliance with the

00:53:49
current so that's what the

00:53:51
government's trying to do. Now.

00:53:53
We don't know what's going

00:53:54
to happen. But we don't

00:53:55

have any Congress at this

00:53:57

point since the a couple

00:53:59

of days ago and there's

00:54:02

some discussion whether the government

00:54:04

would be able to join

00:54:06

a great son. Some people

00:54:20

say well now that there

00:54:21

is no General go to

00:54:24

the Congress in order for

00:54:32

some months now to be

00:54:36

able to examine whether ratified

00:54:43

So that's that's somehow they're

00:54:48

like we would be as

00:54:58

we have been for the

00:54:58

last two decades in a

00:55:01

laboratory for this issue. The

00:55:03

current claims their current teams

00:55:05

move forward under the convention

00:55:12

in you claim. I think

00:55:14

I think Contracting Chilean state-owned

00:55:21

company convention at some point.

00:55:43

At least 10 different AB

00:55:46

moving forward many of those

00:55:57

sitting in with what the

00:56:04

tradition that says other rules.

00:56:21

Those are the courts that

00:56:23

Chilean course. I will have

00:56:25

to set aside cases against

00:56:39

You think the black in

00:56:42

America? But it seems to

00:57:11

me that. settle disputes investment

00:57:22

weather legal framework 8 years

00:57:48

and look at how many

00:58:16

cases Just look at Central

00:58:24

America. I think it's important

00:59:19

to see them in relation

00:59:25

to the states concerned with

00:59:33

cheap, which is as you

00:59:40

know, that Calvin top free

00:59:42

agent Keen interest in the

00:59:46

19th century even reaching too

00:59:52

many of our Constitution's I

00:59:55

think Mexico is one of

00:59:57

those. I really wish that

00:59:58

permission few years ago in

01:00:00

the reform effort to use

01:00:04

those type of provision in

01:00:11

the contract. What's the definition

01:00:17

of I think related to

01:00:19

the newly independent states in

01:00:22

the 19th century trying to

01:00:24

separate from the countries that

01:00:27

have work colonies and we

01:00:30

were just strongly in the

01:00:35

sun with more consistency. I

01:00:43

think some Pandora. Formalistic, we

01:01:05

see that in how we

01:01:07

need to get the faces

01:01:08

that how we cross examine

01:01:10

Witnesses. So that has some

01:01:15

particular case is going from

01:01:17

the Negro. Just a quick

01:01:31

remark. I think that all

01:01:33

day and they somehow are

01:01:39

similar problems that we Face

01:01:43

also receive which test result

01:01:54

they are first. You have

01:01:56

to be traded proceeding through

01:01:59

some problems then somehow and

01:02:03

some case you have court

01:02:05

case that we see what

01:02:17

case go to to commercial

01:02:19

tration, cuz the government participate

01:02:23

incentivize mean Projects projects actions

01:02:41

in a row by the

01:02:47

president is second in the

01:02:54

desert and forth with you

01:02:56

after Harry Peach mon Bebe

01:03:00

got the election of the

01:03:01

Sonata or eight more to

01:03:05

the right and he said

01:03:07

okay, let's have a company

01:03:11

traded publicly. And now we

01:03:24

have do a position of

01:03:30

President and he just filed

01:03:33

a lawsuit with the supreme

01:03:34

court strike reverse Recreation of

01:03:37

person that case it's more

01:03:39

sophisticated cuz it would be

01:03:41

some how are repairs enough

01:03:44

but the political Elsa place

01:03:51

so different mechanism, but So

01:04:05

I'm just saying that. So,

01:04:10

I don't know. question question

01:04:54

I know it's difficult. But

01:05:10

your favorite indicator to approach

01:05:15

to the best wireless Tire

01:05:19

if he can see a

01:05:21

way to do see the

01:05:23

best practices in each different

01:05:26

experiences of the proceedings and

01:05:34

that the arbitration. And sweet

01:05:39

thinking of a change this

01:05:43

old traditional parody. Can you

01:05:46

do find that are and

01:05:50

the folks Tucker? I asked

01:05:52

specifically your favorite indicator for

01:05:57

wallet in the right to

01:06:04

stop stickle. I understood your

01:06:11

question correctly from my point

01:06:15

of view is I need

01:06:20

this from my own experience

01:06:21

as a litigator in my

01:06:27

former life as civil servant

01:06:29

for my concrete is to

01:06:32

try to keep the high-ranking

01:06:34

officials not giving radio top

01:06:38

hits. That's the first evidence

01:06:44

in investment information kits used

01:06:48

by best. So when you

01:06:51

have high ranking officials talk

01:06:55

to you constantly against the

01:06:57

foreign investors between such a

01:06:59

bad behavior working State and

01:07:04

what we have politics are

01:07:06

going to do with those

01:07:07

investors. That's not a very

01:07:10

good idea in terms of

01:07:11

International Investment law and that's

01:07:15

when we are lawyers to

01:07:19

try to advise those a

01:07:22

high-ranking officials. Finally they have

01:07:27

to make up their mind

01:07:28

and do whatever they want

01:07:29

because they they run the

01:07:32

states, but they have to

01:07:35

be clear what the consequence

01:07:37

is up their behavior. And

01:07:41

that's the first hired the

01:07:47

official is Bad the events

01:07:53

will be for those lawyers

01:07:55

trying to represent the state.

01:07:57

So when you have the

01:08:00

opportunity to sit with those

01:08:01

high-ranking officials, they have to

01:08:04

be very clear that all

01:08:07

those decorations. We have anybody

01:08:08

in particular with those decorations

01:08:11

have a Particular investor that

01:08:17

is being mentioned a particular

01:08:20

sector in particular setting diction

01:08:26

in a particular state. So

01:08:29

I think this is an

01:08:30

important. Message if I may

01:08:34

call it that way I

01:08:36

think too important to be

01:08:38

clear what the obligations are

01:08:41

on the east side streets.

01:09:04

Find state-to-state arbitration or they

01:09:07

never heard of operation for

01:09:19

investment agreement and I try

01:09:22

website to see if someone

01:09:28

has used it for me

01:09:30

and I was so big

01:09:32

so probably I was there

01:09:40

was a change in government.

01:09:42

Right after that and then

01:09:45

we have other problems or

01:09:49

more. I think it is

01:10:04

well. huge department store does

01:10:18

this moment so there's no

01:10:24

need to reach out to

01:10:25

this tape State strategy is

01:10:34

used on the state to

01:10:42

state as we did that

01:10:44

occur in the United States

01:10:46

what some different beauty products

01:10:55

for interpretation the us to

01:11:05

go to the nurse, but

01:11:07

you see that Thank you

01:11:12

for a very interesting panel.

01:11:13

Wanted to ask. capalot and

01:11:22

that is an educated looking

01:11:24

at the cases. Did you

01:11:25

stop Nash? Yes it so

01:11:48

it was. But it's going

01:12:26

okay in Spanish. I just

01:13:04

want to highlight these cubes

01:13:05

up our mother 8 or

01:13:06

so and then she tiny

01:13:08

right and that I want

01:13:27

to go back to the

01:13:29

name of the panel and

01:13:30

ask Eli to some. Rising

01:13:36

numbers of the investor arbitration

01:13:39

case in Europe especially Spain

01:13:43

and Italy Eastern Europe under

01:13:49

the ACT Did you really

01:13:54

think that Latin America is

01:13:55

that special? And then I

01:14:00

asked whether any of you

01:14:02

would venture to comment on

01:14:04

on I'm making any parallels

01:14:06

between what there has been

01:14:07

going on in Europe for

01:14:10

the last ten years and

01:14:11

what has been going on

01:14:13

in Latin America for a

01:14:14

longer time. cream cheese sitting

01:14:22

in Spain launch myself to

01:14:30

come into this just to

01:14:36

follow one of the short

01:14:40

answer. Yes special. And yes,

01:14:49

we're special. I'm going to

01:14:51

another reason why I was

01:14:53

special. unlike European countries when

01:14:58

we get a wave of

01:15:00

cases against us. Roxanne continuances

01:15:35

knowing that the region countries

01:15:45

lots of times and Coronavirus

01:16:08

Thank you so much, but

01:16:11

I'd like to coffee. when

00:01:34

I start Wednesday to other

00:01:37

Mexico Good afternoon, everyone from

00:01:41

Mexico City. This is the

00:01:45

third event will fourth event

00:01:48

of today's proceedings in Mexico

00:01:53

investment arbitration days within the

00:01:56

context of the world arbitration

00:01:59

update and before giving the

00:02:03

shore and I'm introducing Anna

00:02:08

Faris in our moderator. I

00:02:13

would like to remind everyone

00:02:15

about nowhere. The world arbitration

00:02:19

updates came from and and

00:02:22

why we're doing this. My

00:02:24

name is is cuz I'm

00:02:26

one of the wild world

00:02:31

of fishing update together with

00:02:33

Ian Laird and many many

00:02:35

others that have contributed to

00:02:37

this kind of dreamy Enterprise.

00:02:40

The idea behind the Patrician

00:02:42

update is is two phones

00:02:44

one is to update on

00:02:47

East shoes on. Public international

00:02:51

law in Bessemer Recreation and

00:02:54

international commercial arbitration and white

00:02:56

white update. Well, when perhaps

00:03:00

ten fifteen years ago, if

00:03:03

you were really Studios you

00:03:05

could perhaps read the three

00:03:08

or four words that would

00:03:12

render and you read them

00:03:16

analyzed them and know them

00:03:18

fairly. Well today as you

00:03:20

have heard there are more

00:03:23

than 300 ongoing cases just

00:03:25

that makes it and I'm

00:03:27

doing that updating up Enterprise

00:03:30

on your own is is

00:03:31

just not her cooling. It's

00:03:34

simply impossible. So few of

00:03:37

us thought why not trying

00:03:38

to update on a yearly

00:03:39

basis the international arbitration community

00:03:43

and the public international law,

00:03:45

are are worth of dating

00:03:49

and Or our Noble issues

00:03:52

and some of them are

00:03:53

relevant issues and that's why

00:03:55

we're here. That's that's purpose.

00:03:57

Number one. Number two is

00:04:00

to try to go a

00:04:02

little bit beyond the what

00:04:05

we call the traditional centers

00:04:07

of international Patrician, but I'm

00:04:09

trying to go beyond the

00:04:11

Paris trying to go beyond

00:04:13

London trying to go even

00:04:15

Beyond EDC New York a

00:04:16

Tetra and and recognizing that

00:04:19

there are wonderful counselor arbitrators

00:04:22

professionals who are also in

00:04:25

in the rest of the

00:04:26

world including Mexico and other

00:04:29

countries in Latin America, but

00:04:30

it was so Asia Africa

00:04:31

and luckily there are individuals

00:04:37

such as those that you

00:04:39

have heard and believed that

00:04:41

this is a worthwhile project

00:04:43

and I were trying to

00:04:45

go to the centralized an

00:04:47

update on issues of international

00:04:48

arbitration investment Merchant. public international

00:04:51

law and end with that

00:04:55

I'll stop and and now

00:04:58

move on to. introducing our

00:05:02

wonderful moderator also the big

00:05:07

question that we have or

00:05:08

that the panels will have

00:05:09

before them, which is is

00:05:12

is Latin America special on

00:05:15

the investment position. Is there

00:05:16

something special about Latin America

00:05:17

that makes it a peculiar.

00:05:19

So I want I want

00:05:21

steel Ariana's Thunder but but

00:05:25

I would like to say

00:05:26

that she is an associate

00:05:27

at the van Belle and

00:05:29

bellies and that she specializes

00:05:32

in international trade and investment

00:05:34

law international dispute resolution arbitration

00:05:39

specializing in international trade and

00:05:42

investment International dispute resolution arbitration,

00:05:46

but she has a bachelor's

00:05:48

degree from where else in

00:05:51

your C at the Mexico

00:05:53

and she also has a

00:05:55

message with international law and

00:05:57

economics also from the World

00:06:00

Trade Institute and the University

00:06:02

of virus. Now why you

00:06:05

were reading it relevant experience?

00:06:07

She has been for more

00:06:10

than six years in in

00:06:12

Brussels at the Bell and

00:06:15

Bell as she has worked.

00:06:17

Well, so before in the

00:06:18

ministry of economy and Mexico

00:06:20

over 6 years 3 years

00:06:22

as a senior counsel for

00:06:24
the general Council international trade

00:06:26
and three years as legal

00:06:28
counsel at the representation of

00:06:30
the ministry of economy at

00:06:32
the U in Brussels. I

00:06:34
also she has that been

00:06:37
in very relevant negotiations for

00:06:39
the state of Mexico and

00:06:41
she has also done a

00:06:43
few cases of several cases

00:06:45
on investment arbitration and and

00:06:48
trade and so without further

00:06:51
Ado Ariana new Did you

00:07:12

go to Joyland sessions after

00:07:13

lunch time the topic from

00:07:25

today? I would like to

00:07:27

introduce these panels. first introduced

00:07:35

Mateus explains the crust number

00:07:53

of Industries such as University.

00:08:05

Dogs 101 from Belk has

00:08:12

acted as counsel in domestic

00:08:14

and international between attrition of

00:08:24

international Chamber of Commerce International

00:08:27

Centre for settlement of investment

00:08:28

disputes. Ekans I'm going to

00:08:42

waste partner after me Johnny

00:08:44

Perez. He focuses his practice

00:08:48

and international particularly in situations

00:08:59

involving State and State. heat

00:09:19

capacity of working for National

00:09:20

or International Investment Currently she's

00:09:45

a member of the ICC

00:09:45

International Court of arbitration. What

00:09:59

did you think of the

00:10:00

amendments to the pediatrician? He

00:10:02

was a member of the

00:10:03

list of perpetrators of the

00:10:04

permanent University Law Center. Now

00:10:33

I went to deuce. this

00:10:38

works currency Athletics Chambers He

00:10:53
holds an e ll

00:10:53
from the University of Cambridge.

00:11:02
especially station before joining Matrix

00:11:14
recyclers Council and Mexico in

00:11:17
a vision of government some

00:11:28
business climate change. It's a

00:11:42
clearance one of the highest

00:11:44
level of security clearance in

00:11:45
the UK for the national.

00:11:52
For the last 6 years.

00:12:00
so I would proceed to

00:12:04
introduce now the puppy Coco.

00:12:10
Is Latin America special in

00:12:12

terms of Education? Well, that's

00:12:16

in America. practice That's an

00:12:24

American countries have signed around

00:12:26

705. Most of these agreements

00:12:32

were signed, October 19th to

00:12:36

between 1990 and 2000. Also

00:12:41

the recent years after 2010

00:12:44

Latin American countries. Ecuador and

00:12:58

Bolivia intensifiers. Yes. Over the

00:13:12

last 20 years government agency

00:13:24

announced up with the most

00:13:25

people. together with Venezuela Mexico

00:13:30

and Colombia I use dies

00:13:33

in Mexico for example as

00:13:35

a result of NAFTA. Brazil

00:13:44

a particular views this is

00:13:52

what we're going to talk

00:13:52

about this. Hispaniola is about

00:13:58

the past Trends and recent

00:14:01

Trends about ICS in Latin

00:14:03

America and how it is

00:14:05

raining. So I will be

00:14:09

experts. I would like to

00:14:18

ask. What is currently happening

00:14:23

in Latin America in terms

00:14:25

of? As I said as

00:14:29

I mentioned negotiation prince in

00:14:31

Latin America, and where do

00:14:41

you think we are heading

00:14:43

to? Think think of the

00:14:46

Anna thank you for the

00:14:47

organizes for having me. Thank

00:14:50

you Nikki law for the

00:14:52

invitation. It was that he's

00:14:54

always that you're going to

00:14:57

have a Brazilian talkin about

00:14:59

Investment corporation hear, Mexico. Let's

00:15:04

see how how to play

00:15:05

and the question is is

00:15:07

Latin America special in terms

00:15:10
of investment of creation. And

00:15:12
then yes, we are. All

00:15:14
right for the bad and

00:15:20
when I was wondering how

00:15:23
to explain that Mexico. I

00:15:28
thought that we might start

00:15:30
by a passion that we

00:15:32
share in America, but we

00:15:39
start the presentation. I think

00:15:41
we can talk about something

00:15:44
that we have a passion,

00:15:46
which is basically everybody knows.

00:16:00
Football remembering my grandmother made

00:16:06

my grandfather. I thought about

00:16:08

that. Novela La Cucina where

00:16:13

we have a love-hate relationship

00:16:15

we have drama, right? This

00:16:18

man has been going for

00:16:22

a while and sense. Route

00:16:36

1 hour in America, right?

00:16:39

And it shows is love-hate

00:16:43

relationship that governments have you

00:16:50

need Investments to develop the

00:16:53

country's but at the same

00:16:55

time when they can we

00:16:59

hurt this morning, right? It's

00:17:01

impossible to make decisions. And

00:17:05

please everyone not to mention

00:17:07

order or serious problem relationships.

00:17:11

Not only lost one. But

00:17:14

you also have to practice

00:17:16

and I'm going to be

00:17:20

just show the waves that

00:17:24

we we had a sparse.

00:17:26

It's just a matter of

00:17:28

trying to separate first case

00:17:31

with At from the financial

00:17:37

crisis than next light, please.

00:17:49

To believe that first week

00:17:52

after that seek compensation and

00:18:03

certain, PA. As if this

00:18:06

would solve a problem or

00:18:07

at least consider this as

00:18:09

a political issue would give

00:18:11

their people answer to only

00:18:15

going to recently Ecuadorian. I'm

00:18:20

taking a recent. Please recently

00:18:32

last year if I adore.

00:18:37

Peace sign Dixie convention at

00:18:39

left here. So this is

00:18:44

part of the love-hate relationship.

00:18:47

So contagious for the next

00:18:51

light, please. And exceeded statistics

00:18:56

shows that special if we

00:19:01

have the number of case

00:19:02

and here we are talking

00:19:05

about 22% from from South

00:19:08

America 7% from Central America

00:19:11

North America, and he didn't

00:19:22

even higher. So the reality

00:19:32

is that America is a

00:19:36

very relevant Road. Michael Vick's

00:19:44

you explain better so we

00:19:48

can move to the next

00:19:48

life. Does Brazil plays a

00:19:52

very different role in that

00:19:54

scenario and here again? We

00:19:56

talked about Christina suppressed because

00:19:58

it did not restart. The

00:19:59

last decades dress you has

00:20:02

released several soap opera that

00:20:05

became famous in 1994 from

00:20:17

1997 that were actually sent

00:20:28

or the Congress true truth

00:20:31

and known as be ratified

00:20:35

by Brazil so like bar

00:20:39

soap operas. And it's an

00:20:48

hour for Brazil was that

00:20:50

one seems the nineties and

00:20:53

two more recently when and

00:20:56

can look for the next

00:20:57

life. You recently when Brazil

00:21:01

was receiving lots of Investments

00:21:05

for the World Cup 2014.

00:21:08

And you to remember in

00:21:11

2016 also have the Olympics.

00:21:16

So it was a specific

00:21:19

time where we proceed. That's

00:21:24

our moment has finally arrived

00:21:26

at yet. But everybody says

00:21:28

he finally got there and

00:21:37

receiving lots of cement companies.

00:21:42

Getting deeper and deeper and

00:21:44

making Investments abroad and then

00:21:47

brought America and Africa, especially

00:22:00

of course, we all know

00:22:02

that the car washed and

00:22:06

changed changed our momentum. I

00:22:10

mean. And I can give

00:22:19

you the contact but you're

00:22:32

not going to have to

00:22:33

write everybody. Nationals fighting against

00:22:45

Putin and they prepared something

00:22:51

called operation and they were

00:22:55

receiving government to justify and

00:23:12

we are going to be

00:23:13

in this it's basically three-page

00:23:20

letter and all the time

00:23:22

they talk about litigation in

00:23:25

the beginning. But I'm not

00:23:30

sure if everybody's going to

00:23:32

read I don't like you

00:23:33

to read but your sister

00:23:35

to give you a better

00:23:36

conference. They start by saying

00:23:39

excessively cheese considered a state

00:23:56

a b in dispute. Is

00:24:08

this a better option both

00:24:10

to attract into montaigne? And

00:24:13

then in the following paragraph

00:24:16

the again. The next paragraph

00:24:27

to talk about investment agreements

00:24:33

institutional Investment corporation are there

00:24:48

are Provisions to protect Pastors

00:24:53

in the next paragraph and

00:24:55

you can please go to

00:24:56

the next slide. Again, they

00:25:01

go to best man estate

00:25:05

settlement procedure Amado Sabres Nicholas

00:25:12

Wright State you stay there.

00:25:27

Such mechanisms Gulfport if you

00:25:40

remember and if you were

00:25:42

here in the morning, when

00:25:45

they open the nation that

00:25:51

bank you are not of

00:26:03

course having the protection that

00:26:05

they wanted and then 1966

00:26:09

was created. So In 2015.

00:26:18

Back exactly to where in

00:26:21

terms of international law people

00:26:25

wore before the creation of

00:26:27

the DC and the context

00:26:32

to remember that the government

00:26:36

at the time was the

00:26:37

Labour party. And wasp at

00:26:41

the time, was present, but

00:26:45

she somehow they said she

00:26:47

was representing the actress in

00:26:52

the current President of Brazil

00:26:53

Lula who is the same

00:26:55

person who said recently that

00:26:57

Russia and Ukraine could resolve

00:26:59

their problems in a bar.

00:27:01

I wore to soak their

00:27:04

problems. So when you see

00:27:07

all that you understand the

00:27:09

context where is coporation facilitation

00:27:13

investment agreement comes from And

00:27:16

we can move to the

00:27:16

next slide, please. So just

00:27:28

to have a mind how.

00:27:30

Corporation and facilitation investment agreements

00:27:35

work. So they would have

00:27:36

tired of dispute resolution a

00:27:41

first one we've ambushed person

00:27:45

or focal total points each

00:27:48

country if doesn't work with

00:27:52

Goku consultations to joint committees,

00:27:54

and then through state-to-state arbitration

00:27:58

is basically what we were

00:28:01

discussing this morning. It's before

00:28:05

exit right now. These agreements

00:28:15

were all signed between 2016

00:28:18

and only one with Bill

00:28:19
in 2016. A need to

00:28:23
realize exactly the countries. Where

00:28:26
was you at the time

00:28:28
at some companies with interests

00:28:31
in Africa? At the time

00:28:42
it was our last party

00:28:51
so all day all day.

00:28:58
Vernation National sovereignty of the

00:29:11
countries was very popular at

00:29:15
the time already as we

00:29:17
still have some some argument.

00:29:22
and with that like we

00:29:27
have fun at doesn't mean

00:29:38
that Brazil is well behind

00:29:42
turns off. No, actually the

00:29:46
markets we have hundreds and

00:29:54
hundreds of only going to

00:29:56
come up then are huge.

00:30:01
Then cuz everybody start to

00:30:03
realize that the court season

00:30:05
was broken or at least

00:30:08
so racially pure basically Have

00:30:16
several but I also accompanied

00:30:28
our companies with Brett station

00:30:30
off the they State their

00:30:34
several local lost. So basically

00:30:40

the person be demon of

00:30:42

the law to assist the

00:30:53

development of the of the

00:30:56

country in several aspects with

00:30:59

all those are trajan's need

00:31:01

to be public. It is

00:31:03

a substantive law and it

00:31:24

needs to take place in

00:31:27

Brazil. So I adopted a

00:31:29

very protective of approach and

00:31:32

sophisticated market for or petitioners

00:31:44

and for the government through

00:31:46

its advice. Sorry vestment to

00:31:49

come to pursue in life.

00:31:57

That being said you have

00:31:59

no curfew update. that's that

00:32:36

yes, and this is if

00:32:39

if you if you consider

00:32:41

this a real question. Investment

00:32:50

come to Brazil event at

00:33:00

last year's who was the

00:33:03

third one receiving foreign direct

00:33:07

investment into work. So I'll

00:33:10

do not have a mechanism

00:33:13

of protection direct protection the

00:33:16

size of the market in

00:33:18

all day. The scenario seems

00:33:23

to be good enough for

00:33:24

you and Batman and the

00:33:36

next one. I took her

00:33:38

the last at twenty years

00:33:44

that from Brazil Mexico and

00:33:46

Argentina phrases to see how

00:33:48

how did numbers are the

00:33:50

first Argentina so change actually

00:34:02

received in the last night.

00:34:12

So I was just Yes,

00:34:27

I think it is very

00:34:33

interesting like it but I

00:34:56

think it's an interesting friend

00:34:58

with some of its partners.

00:35:07

You didn't mention Nick weather

00:35:08

in 2019. And of course

00:35:21

we do. And there is

00:35:31

no dispute. diplomatic negotiation point

00:35:45

of view I think it's

00:35:47

very success. There's not too

00:35:53

many big players in the

00:35:56

world joining this type of

00:35:58

cities in Mexico Social Club

00:36:06

countries in 2019, because To

00:36:31

put it lightly to sign

00:36:33

a treaty with investor-state dispute

00:36:36

settlement. And this was an

00:36:38

easy way for the government

00:36:40

in 2019 sign investment treaty

00:36:45

without teeth without it. I

00:36:49

just yes, we will see

00:36:55

in the future where the

00:36:56

president is able to attract

00:36:57

more important players to sign.

00:37:27

Were you able to listen

00:37:29

to me? Okay. can ice

00:37:36

cream Wake me up. the

00:37:47

lost sight Speaking country. We

00:38:32

all embrace investor-state. I looked

00:39:07

at the cases in the

00:39:09

19th century up to 1936

00:39:13

Commission in all the cases

00:39:22

brought back in the 19th

00:39:33

century. We want you in

00:39:44

the region and the only

00:39:46

set up some time. Country

00:39:59

is Mexico and Brazil vs

00:40:03

Nixon but no one is

00:40:12

allowed in order to get

00:40:38

no, I don't need that.

00:40:47

I don't need to get

00:40:48

that. Thank you. Yeah, I

00:40:58

mean, I think it's just

00:40:59

about the different approaches. So

00:41:05

the next topic which is

00:41:21

happening all around us. Why?

00:41:44

Ultra so I looked at

00:41:57

the new cases New York

00:42:00

Times in the last 7

00:42:02

years 7 years and so

00:42:21

I try to listen to

00:42:25

different baskets in Two Rivers

00:42:38

Market. So listen to go

00:42:56

swimming suits. reversing the registration

00:43:01

services Text you about the

00:43:17

environment or taking into account

00:43:20

the concerns of local communities.

00:43:36

Launch different communities with different

00:43:38

interest. I think the second

00:43:54

group. invest Investments Sweet Eats

00:44:19

assessment and then your house.

00:44:29

Setting up recent arrests in

00:44:32

certain sectors and then decisions

00:44:42

waived the decision. What are

00:44:56

the sectors? I think the

00:44:58

beach with such as butt.

00:45:02

Where are you at to

00:45:03

Brian's? There's a lot in

00:45:05

the last eight years and

00:45:06

rich in oil and gas.

00:45:17

Sweet Tarts another sector look

00:45:54

Expected more information issues. And

00:45:58

so how does the concession

00:46:30

concession cancellations 2nd Street Hispanic

00:47:12

emissions PlayStation thanks so much.

00:47:51

Episode I believe has been

00:47:54

experiencing recently. Are you serious

00:47:58

clean? Before I say yes.

00:48:19

There is already been mentioned

00:48:21

that withdrawal from the statement

00:48:24

from the system that happened

00:48:28

recently rejoined at the convention.

00:48:39

under some specifics politics at

00:48:44

that point in the region

00:48:45

and I can prefer in

00:48:47

particular to change of government

00:48:54

in 2007 before that expression

00:49:01

to power a US corporation.

00:49:04

That became a very important

00:49:13

issue morning with Nick Jr.

00:49:20

Mentioned that she was in

00:49:22

the taxi in Hamburg. I

00:49:23

think and the taxi driver.

00:49:25

He's putting us in such

00:49:32

trouble in Europe, but you

00:49:34

never happened. In 2006 that

00:49:36

you could take a taxi

00:49:37

driver and text Redwood City.

00:49:43

Estate and at some point

00:49:46

and I was walking on

00:49:49

the street part of the

00:49:50

Raiders. So sleep for the

00:50:05

government. That was the situation

00:50:12

that the new government. In

00:50:16

January 2007 and in January

00:50:21

2008 and then in 2008

00:50:30

and ending 10 years later

00:50:35

in 2017, and then the

00:50:38

last bunch of medicine so

00:50:52

we grew from the convention.

00:51:00

A practice of investment protection.

00:51:03

I need even introduced in

00:51:06

the Constitution Article 4 to

00:51:08

the provision to physically put

00:51:12

a lock on any future

00:51:14

government to enter into treaties

00:51:17

with investor-state dispute settlement, at

00:51:23

least they try to but

00:51:25

that the position is not

00:51:26

worth tracted. So it's a

00:51:29

matter of interpretation. After they

00:51:36

could do career means that

00:51:38

everyone thought the cheapest keep

00:51:49

move away from the curb

00:51:51

and start negotiating the treaty

00:51:58

with Brazil and start to

00:52:02

fight negotiate new Mupirocin president

00:52:11

the current president lately this

00:52:17

week. that's the good thing

00:52:25

about this issue executive put

00:52:37

together a special task committee

00:52:40

to basic structure legal structure

00:52:47

to regen day to Convention

00:52:49

and a hand from time

00:52:53

to make it to the

00:52:56

steps necessary to breach on

00:52:59

decks convention pass through the

00:53:03

portal again a contract in

00:53:09

state of that. We haven't

00:53:13

been able to enter into

00:53:16

New Balance investment treaties as

00:53:18

I missed you on the

00:53:21

Constitutional Big Brother the Government

00:53:25

tried to have interpretation from

00:53:28

the Constitution is not an

00:53:33

issue of interpretation. You have

00:53:34

to go and take whatever

00:53:41

you can. Any new 3D

00:53:46

in compliance with the current

00:53:49

so that's what the government's

00:53:52

trying to do. Now. We

00:53:54

don't know what's going to

00:53:54

happen. But we don't have

00:53:55

any Congress at this point

00:53:57

since the a couple of

00:53:59

days ago and there's some

00:54:02

discussion whether the government would

00:54:04

be able to join a

00:54:06

great son. Some people say

00:54:20

well now that there is

00:54:22

no General go to the

00:54:24

Congress in order for some

00:54:34

months now to be able

00:54:36

to examine whether ratified So

00:54:45

that's that's somehow they're like

00:54:56

we would be as we

00:54:58

have been for the last

00:54:59

two decades in a laboratory

00:55:02

for this issue. The current

00:55:04

claims their current teams move

00:55:07

forward under the convention in

00:55:12

you claim. I think I

00:55:16

think Contracting Chilean state-owned company

00:55:21

convention at some point. At

00:55:43

least 10 different AB moving

00:55:47

forward many of those sitting

00:55:57

in with what the tradition

00:56:04

that says other rules. Those

00:56:22

are the courts that Chilean

00:56:24

course. I will have to

00:56:26

set aside cases against You

00:56:41

think the black in America?

00:56:58

But it seems to me

00:57:11

that. settle disputes investment weather

00:57:24

legal framework 8 years and

00:57:49

look at how many cases

00:58:22

Just look at Central America.

00:59:15

I think it's important to

00:59:19

see them in relation to

00:59:26

the states concerned with cheap,

00:59:33

which is as you know,

00:59:41

that Calvin top free agent

00:59:44

Keen interest in the 19th

00:59:46

century even reaching too many

00:59:53

of our Constitution's I think

00:59:56

Mexico is one of those.

00:59:57

I really wish that permission

00:59:59

few years ago in the

01:00:00

reform effort to use those

01:00:10

type of provision in the

01:00:11

contract. What's the definition of

01:00:18

I think related to the

01:00:20

newly independent states in the

01:00:22

19th century trying to separate

01:00:25

from the countries that have

01:00:28

work colonies and we were

01:00:30

just strongly in the sun

01:00:41

with more consistency. I think

01:00:44

some Pandora. Formalistic, we see

01:01:06

that in how we need

01:01:07

to get the faces that

01:01:09

how we cross examine Witnesses.

01:01:10

So that has some particular

01:01:15

case is going from the

01:01:17

Negro. Just a quick remark.

01:01:32

I think that all day

01:01:33

and they somehow are similar

01:01:40

problems that we Face also

01:01:44

receive which test result they

01:01:55

are first. You have to

01:01:56

be traded proceeding through some

01:02:00

problems then somehow and some

01:02:04

case you have court case

01:02:07

that we see what case

01:02:18

go to to commercial tration,

01:02:20

cuz the government participate incentivize

01:02:25

mean Projects projects actions in

01:02:42

a row by the president

01:02:48

is second in the desert

01:02:55

and forth with you after

01:02:57

Harry Peach mon Bebe got

01:03:00

the election of the Sonata

01:03:02

or eight more to the

01:03:05

right and he said okay,

01:03:07

let's have a company traded

01:03:17

publicly. And now we have

01:03:27

do a position of President

01:03:30

and he just filed a

01:03:33

lawsuit with the supreme court

01:03:35

strike reverse Recreation of person

01:03:38

that case it's more sophisticated

01:03:40

cuz it would be some

01:03:42

how are repairs enough but

01:03:47

the political Elsa place so

01:03:54

different mechanism, but So I'm

01:04:05

just saying that. So, I

01:04:10

don't know. question question I

01:05:07

know it's difficult. But your

01:05:11

favorite indicator to approach to

01:05:17

the best wireless Tire if

01:05:20

he can see a way

01:05:21

to do see the best

01:05:23

practices in each different experiences

01:05:29

of the proceedings and that

01:05:34

the arbitration. And sweet thinking

01:05:42

of a change this old

01:05:44

traditional parody. Can you do

01:05:47

find that are and the

01:05:50

folks Tucker? I asked specifically

01:05:53

your favorite indicator for wallet

01:05:58

in the right to stop

01:06:04

stickle. I understood your question

01:06:11

correctly from my point of

01:06:15

view is I need this

01:06:20

from my own experience as

01:06:22

a litigator in my former

01:06:28

life as civil servant for

01:06:30

my concrete is to try

01:06:33

to keep the high-ranking officials

01:06:35

not giving radio top hits.

01:06:42

That's the first evidence in

01:06:45

investment information kits used by

01:06:48

best. So when you have

01:06:51

high ranking officials talk to

01:06:55

you constantly against the foreign

01:06:57

investors between such a bad

01:07:00

behavior working State and what

01:07:04

we have politics are going

01:07:06

to do with those investors.

01:07:08

That's not a very good

01:07:10

idea in terms of International

01:07:11

Investment law and that's when

01:07:15

we are lawyers to try

01:07:20

to advise those a high-ranking

01:07:23

officials. Finally they have to

01:07:27

make up their mind and

01:07:28

do whatever they want because

01:07:30

they they run the states,

01:07:32

but they have to be

01:07:35

clear what the consequence is

01:07:38

up their behavior. And that's

01:07:42

the first hired the official

01:07:48

is Bad the events will

01:07:53

be for those lawyers trying

01:07:55

to represent the state. So

01:07:58

when you have the opportunity

01:08:00

to sit with those high-ranking

01:08:02

officials, they have to be

01:08:04

very clear that all those

01:08:07

decorations. We have anybody in

01:08:09

particular with those decorations have

01:08:11

a Particular investor that is

01:08:17

being mentioned a particular sector

01:08:21

in particular setting diction in

01:08:27

a particular state. So I

01:08:29

think this is an important.

01:08:33

Message if I may call

01:08:34

it that way I think

01:08:36

too important to be clear

01:08:38

what the obligations are on

01:08:42

the east side streets. Find

01:09:04

state-to-state arbitration or they never

01:09:09

heard of operation for investment

01:09:20

agreement and I try website

01:09:25

to see if someone has

01:09:28

used it for me and

01:09:31

I was so big so

01:09:38

probably I was there was

01:09:40

a change in government. Right

01:09:44

after that and then we

01:09:45

have other problems or more.

01:09:57

I think it is well.

01:10:06

huge department store does this

01:10:18

moment so there's no need

01:10:24

to reach out to this

01:10:25

tape State strategy is used

01:10:41

on the state to state

01:10:43

as we did that occur

01:10:44

in the United States what

01:10:53

some different beauty products for

01:10:56

interpretation the us to go

01:11:06

to the nurse, but you

01:11:07

see that Thank you for

01:11:12

a very interesting panel. Wanted

01:11:14

to ask. capalot and that

01:11:22

is an educated looking at

01:11:24

the cases. Did you stop

01:11:35

Nash? Yes it so it

01:11:48

was. But it's going okay

01:12:26

in Spanish. I just want

01:13:04

to highlight these cubes up

01:13:05

our mother 8 or so

01:13:07

and then she tiny right

01:13:09

and that I want to

01:13:28

go back to the name

01:13:29

of the panel and ask

01:13:30

Eli to some. Rising numbers

01:13:37

of the investor arbitration case

01:13:39

in Europe especially Spain and

01:13:44

Italy Eastern Europe under the

01:13:49

ACT Did you really think

01:13:54

that Latin America is that

01:13:55

special? And then I asked

01:14:00

whether any of you would

01:14:02

venture to comment on on

01:14:04

I'm making any parallels between

01:14:06

what there has been going

01:14:08

on in Europe for the

01:14:10

last ten years and what

01:14:12

has been going on in

01:14:13

Latin America for a longer

01:14:15

time. cream cheese sitting in

01:14:22

Spain launch myself to come

01:14:31

into this just to follow

01:14:36

one of the short answer.

01:14:41

Yes special. And yes, we're

01:14:50

special. I'm going to another

01:14:52

reason why I was special.

01:14:54

unlike European countries when we

01:14:58

get a wave of cases

01:15:00

against us. Roxanne continuances knowing

01:15:38

that the region countries lots

01:15:46

of times and Coronavirus Thank

01:16:09

you so much, but I'd

01:16:12

like to coffee.