

CHRISTIAN CARBAJAL VALENZUELA

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SUMMARY

Lawyer specialized in International Law, National and International Arbitration and Protection of Foreign Investment. Graduated from Pontifical Catholic University of Peru, with a Master's degree in International Economic Law from the University of Warwick – England. Fellow of the Chartered Institute of Arbitrators (FCIArb), London. Currently with residence in Brazil. Nationalities: Peruvian and Chilean.

Partner of the Departments of Arbitration & ADRs of the firm Wöss & Partners S.C., based in Mexico and Washington DC and of the firm Braz Campos Advogados, with headquarters in São Paulo and Curitiba, Brazil.

Director of Arbitration of the Chamber of Mediation and Arbitration of Santa Catarina, south of Brazil (CAMESC). Former Secretary General of the International Arbitration Center of the Lima Chamber of Commerce (CCL), Peru. Experience as arbitrator in commercial, civil and public procurement issues in infrastructure projects, in Peru and Brazil. Legal advisor to foreign investors in international arbitrations before CIADI (Washington), ICC and GAFTA (London).

University Professor and Speaker of International Trade, National and International Arbitration and Protection of Foreign Investments in Peruvian and Brazilian Universities.

Associate Editor for Brazil and Peru of Transnational Dispute Management (TDM) Online Journal and President of the Committee on Public and Private International Law of the Inter-American Bar Association (IABA), Washington DC.

Advanced knowledge of English, Spanish and Portuguese languages. Intermediate knowledge of French.

Author of several articles related to International Arbitration and Foreign Investment in specialized Law Journals.

PROFESSIONAL EXPERIENCE

WOSS & PARTNERS S.C., MEXICO AND WASHINGTON DC.

2014 - Until now

Law Firm with principal head office in Mexico DF and Washington DC, specializing in International Trade, International Arbitration, Corporate Law and Infrastructure Projects. Listed in The Legal 500, Pier 1, in International Arbitration and in Who's Who of International Commercial Arbitration rankings.

Partner Lawyer

Member of the Arbitration & Trade team in Peru, in charge of international arbitration processes related to international trade operations, investment protection and dispute boards in infrastructure works.

- Implementation of the multinational legal team for the representation of a foreign investor in the process of annulment of an international arbitration award in banking and financial matters before the International Center for Arbitration of Investment Disputes (ICSID).
- Participation in the working group of the Model Law of Public-Private Partnerships (APPs) of the United Nations Commission on International Commercial Law (UNCITRAL).

DIRECTOR OF ARBITRATION OF THE CHAMBER OF MEDIATION AND ARBITRATION OF SANTA CATARINA, BRAZIL (CAMESC) 2019 - Until now

Arbitration Chamber in commercial, port, foreign trade, infrastructure and construction issues

PARTNER OF THE DEPARTMENT OF ARBITRATION & ADRs OF THE FIRM BRAZ CAMPOS ADVOGADOS (BGM), BRAZIL 2019 - Until now

Partner of the Department of Arbitration & ADRs, participating in legal advice in national and international arbitrations, of commercial and investment nature.

ARBITRATOR IN PERUVIAN AND BRAZILIAN ARBITRATION CENTERS 2006 - Until now

Arbitrator in arbitration proceedings in matters of public procurement (infrastructure works, construction of hospitals and educational centers, electric transmission lines, sanitation and sewage systems, provision of public services, among others), civil matters (resolution and non-compliance with contracts for purchase and sale, leasing, among others) and in commercial matters (transfer of shares, non-compliance with franchise contracts, among others).

SECRETARY GENERAL OF THE INTERNATIONAL ARBITRATION CENTER OF THE LIMA CHAMBER OF COMMERCE, PERU 2017 – 2018

- The International Arbitration Center of CC in Lima is one of the main centers and with the largest activity in Latin America, founded in 1993 and with more than 5000 arbitration proceedings administered, being related to commercial, civil, public or international contracts.

CARBAJAL, ESPEJO & OLIVARES ABOGADOS, SCRL (CEO ABOGADOS), PERU 2016 - 2020

Law firm based in Lima, Peru, specialized in National and International Arbitration, Public Procurement, Corporate Law, Contracts and Administrative Law. Founding partner lawyer

ESTUDIO PAITÁN ABOGADOS ASOCIADOS, PERU 2007 - 2014

Law Firm specialized in National and International Arbitration, Corporate Law and Corporate Contracting.

Associate Lawyer

Member of the Arbitration Group, in charge of international investment arbitrations before ICSID in the fishing, financial and real estate sectors and legal advisor to foreign exporters in anti-dumping – international commerce proceedings before INDECOPI.

- Leader of the legal team in international investment proceedings ICSID, having obtained favorable awards in jurisdictional, merits and annulment stages, due to arbitrary and expropriatory governmental acts by tax and financial authorities of the Peruvian State, against first level law firms based in Washington D.C.

MAYER, BROWN, ROWE & MAW, LAW FIRM IN LONDON, ENGLAND 2002

International Law Firm based in London, specializing in corporate, financial, arbitration, real estate and international trade issues.

Lawyer / Internship

Member of the international arbitration team in the defense of companies in arbitration proceedings related to international trade and in international public law arbitrations. Internship offered by the University of Warwick - England, after having completed with distinction the Master's degree in International Economic Law.

ESTUDIO OLAECHEA, LAW FIRM IN LIMA, PERU 1998 - 2005

One of the oldest Law firms in Peru, specialized in corporate advisory, investment projects and mechanisms for protecting foreign investment.

Associate Lawyer

Specialist in Commercial Law. Representation of foreign companies in bankruptcy matters, as well as in mining law matters. Legal advisor in local civil and commercial arbitrations, as well as in international energy arbitrations before the ICC.

- Preparation and implementation of corporate restructuring plans of debtors of important foreign companies such as United Airlines and Caterpillar in Peru, allowing their continuity in the market and avoiding their liquidation
- Drafting and execution of merger contracts of mining companies, obtaining environmental licenses and use of surface land for mining, allowing the continuity of operations.
- Advisor to local and foreign companies in national arbitration proceedings of a civil and mining nature, as well as in international arbitrations before the ICC in energy matters.

NATIONAL SOCIETY OF MINING, PETROLEUM AND ENERGY, LIMA, PERU

1996 - 1997

Corporate Union

Member of the Legal Department

Lawyer in charge of responding mining enquiries by associated companies and responsible for issuing institutional reports related to draft laws and regulatory standards

- Preparation of proposals to modify several legislative initiatives affecting the mining sector.
- Preparation and publication of the first Mining and Energy Legislation Manuals in Peru.

ENRIQUE LASTRES BÉRNINZON ABOGADOS, LAW FIRM IN LIMA, PERU

1995-1998

Law firm specializing in Mining Law, Environment, Civil Law, Corporate Law and Investment Projects.

Associate Lawyer

Specialist in mining contracts, title procedures and environmental issues for mining operations. Advisor in international arbitrations related to export commercial operations to China of commodities before the GAFTA Arbitration Center in London, England.

- Negotiation of mining contracts, obtaining mining concession rights and preparation and approval of Environmental Impact Studies.
- Advice and obtaining of several favorable GAFTA - UK international arbitration awards concerning the export of commodities.

ACADEMIC AND UNIVERSITY EXPERIENCE

PONTIFICIA UNIVERSIDADE CATOLICA DO PARANA (PUCPR), UNIVERSIDADE POSITIVO, UNICURITIBA, UNIVERSIDADE FEDERAL DO PARANA (UFPR), UNIVERSIDADE FEDERAL DE SANTA CATARINA (UFSC) e UNIVALI - BRAZIL

2019 - Until now

Professor of courses and lectures on International Arbitration

UNIVERSIDAD DE LIMA – POST-GRADUATE SCHOOL – Master in Corporate Law, PERU

2005 – Until now

Professor of the Courses: "International Trade and Investment Protection" and "National and International Arbitration".

ESAN GRADUATE BUSINESS SCHOOL - Faculty of Law, PERU

2014 – Until now

Professor of the Course: "Foreign Trade Policies"

UNIVERSITY SAN MARTÍN DE PORRES – Posgraduate Arbitration Specialization Program, PERU 2011 - 2014

Professor of the Course: "International Investment Arbitration"

PONTIFICAL CATHOLIC UNIVERSITY OF PERU - Center for Analysis and Conflict Resolution **2005 - 2007**
Head of Research, Academic Coordinator and Professor of the Courses "Alternative Mechanisms of Conflict Resolution" and "International Arbitration" of Specialization Programs in ADRs.

MAIN ACADEMIC BACKGROUND

UNIVERSITY OF WARWICK, England

Master in International Economic Law. British Chevenig scholarship. Thesis on International Investment Arbitration. Title obtained with distinction. 2002.

PONTIFICAL CATHOLIC UNIVERSITY OF PERU

Graduate Lawyer, 1997.

COMPLEMENTARY ACADEMIC TRAINING

- **DISPUTE RESOLUTION BOARD FOUNDATION (DRBF)**. Training Workshop for Dispute Boards, Rio de Janeiro, Brazil, 2015.
- **SUPERIOR SCHOOL OF LAW, CORPORATIONS AND BUSINESS (ESDEN)**. Graduated in Arbitration in State Contracts, Lima, Peru, 2012.
- **NATIONAL SOCIETY OF MINING, OIL AND ENERGY**. Specialization Course in Mining and Law, Lima, Peru, 2011.
- **UNIVERSITY OF LIMA AND UNIVERSITY OF LOS ANDES (CHILE)**. Specialization in International Arbitration, Lima, Peru, 2007.
- **PONTIFICAL CATHOLIC UNIVERSITY OF PERU, GEORGE WASHINGTON UNIVERSITY AND ANDEAN CORPORATION OF DEVELOPMENT**. Graduated in Governance and Political Management, Lima, Peru, 2006.
- **LA HAYA INTERNATIONAL LAW ACADEMY**. Peruvian Diplomatic Academy. Graduate Program in International Law, Lima, Peru, 2005.
- **AMERICAN UNIVERSITY, LAW SCHOOL**. Course in International Investment Arbitration. Washington DC, USA, 2004.
- **PONTIFICAL CATHOLIC UNIVERSITY OF PERU**. Graduate Program in "ADRs: Negotiation, Conciliation and Arbitration", Lima, Peru, 2003.
- **SEVERAL SPECIALIZATION COURSES** in Arbitration and International Arbitration.

LANGUAGES

- Spanish (advanced level)
- Portuguese (advanced level)
- English (advanced level)
- French (intermediate level)

OTHER ACTIVITIES

Fellow of the Chartered Institute of Arbitrators (FCIArb), London.

President of the of the Committee on Public and Private International Law of the Inter-American Bar Association (IABA), Washington DC.

Associate Editor for Brazil and Peru of Transnational Dispute Management (TDM) Online Journal.

Member of the Study Groups on Arbitration and Public Administration and Investment Arbitration of the Brazilian Arbitration Committee (CBAr).

Assistant Member of the Arbitration Committee of OAB/SC (Brazilian Bar Association), Florianópolis sectional.

MEMBER of the list of Who's Who Legal Experts in Arbitration – Future Leaders - 2019 and 2020.

SPEAKER at Congresses and Seminars on Conflict Resolution, National and International Arbitration, Foreign Investment and Free Trade Agreements.

Arbitrator at Pre-Moot Curitiba 2019 organized by Positivo University together with the Arbitration and Mediation Center of the Chamber of Commerce Brazil - Canada - Vis Moot Vienna 2019.

Arbitrator at the CAMARB Commercial Arbitration Moot, in Brazil, 2020 and in Pre-FDI Moot at University of St. Petersburg, Russia, 2020.

Coach of the Arbitration Team of the Pontifical Catholic University of Paraná (PUCPR) - FDI International Arbitration Moot - University of Miami 2019.

Member of the “FDI Moot College of Arbitrators – Center for International Legal Studies (CILS)”, Salzburg, Austria.

Speaker at the Webinar “International Investment Arbitration: Objections to the System and Proposals from Brazil”, organized by the máster program in International Economic Law, PUCP, Lima, Peru, 2020.

Speaker at the Webinar “Arbitration in the World”, organized by the Law Firm Tahuil Chequer Mayer Brown: Infrastructure Arbitration with the Peruvian State, São Paulo, Brazil, 2020.

Speaker at the Webinar on “Recognition and Enforcement of Foreign Arbitration Awards in Brazil”, organized by the Santa Catarina Mediation Center, Brazil, 2020.

Speaker at the I Latin American Seminar on Arbitration PUCPR: Peru, Brazil and Mexico, 2020.

Speaker at the Seminar “Law Lessons” from the Law School, University ESAN, with the topic “International Investment Law: Controversies in the Context of COVID-19 and Public Health”, Lima, Peru, 2020.

Speaker at the Webinar “International Investment Arbitration: Reforms and Position of Brazil”, organized by the Center of Studies of the Law Societies (CESA-SC), Brazil, 2020.

Speaker at the Seminar “The Future of Investment Law in Latin America”, organized by the Association Andrés Bello, with the sponsorship of ICSID, ICC and TDM, 2020.

Speaker at the VIII International Seminar on Investment Arbitration organized by the Peruvian Institute of Arbitration (IPA) with the topic “Investment Arbitration and the Protection of Public Health”, Lima, Peru, 2020.

Lecturer at Semana Universitas - PUCPR with the theme "International Investment Arbitration and its contribution (or not) to the development of the receiving State", 2019.

Speaker at the Integrated Week of the School of Legal Sciences of UNIVALI - Itajaí, with the theme "International Investment Arbitration in Latin America and its relevance to Brazil. Advantages and Disadvantages", 2019.

Speaker at the IV Congress on Arbitration in International Relations that organizes the Arbitration and Mediation Center of Santa Catarina (CAMESC). Host and mediator at the panels on International Investment Arbitration and Brazil, 2019.

Professor of the International Arbitration Course at UNICURITIBA, UNIVERSIDADE POSITIVO and UNIVERSIDADE FEDERAL DE SANTA CATARINA (UFSC).

Speaker on International Arbitration at OAB/SC sectional Florianópolis and OAB/SC sectional Blumenau, South of Brazil.

ARBITRATOR in several ARBITRATION CENTERS: Arbitration Center of the Chamber of Commerce of Mexico (CAM); Vasca Court of Arbitration – Spain; Chamber of Mediation and Arbitration of the Commercial Association of Paraná - Brazil (ARBITAC); Chamber of Arbitration and Mediation of Santa Catarina (CAMESC) – Brazil; Chamber of Mediation and Business Arbitration (CBMAE) – Brazil; Chamber of Arbitration and Mediation of the Federation of Industries of Paraná (CAMFIEP) – Brazil; Economic Litigation Arbitration Center (CARAIVE) – Brazil; Chamber of Mediation and Specialized Arbitration (CAMES) – Brazil; On Line Arbitration Chamber (Arbi-ON) – Brazil; AMCHAM-Peru Arbitration Center – Perú; Arbitration Center of the Arequipa and Ica Chambers of Commerce – Perú; Arbitration Center of the National Institute of Mining and Petroleum Law (INDEMIPE) – Perú; and Arbitration Center of the Pontifical Catholic University of Peru (PUCP) - Perú.

AUTHOR of articles in specialized Law Journals (Annex I):

**ANNEX I
ARTICLES PUBLISHED IN LAW JOURNALS – ACADEMIC PAPERS
CHRISTIAN CARBAJAL VALENZUELA**

"International Investment Arbitration and the International Fight Against Corruption". To be published in: Law Review – Faculty of Law – Pontifical Catholic University of Peru, Lima, Peru, May-June, 2021.

"Need for a Balance Between Protection of Foreign Investment and Protection of Public Health: Issues Arising From The Covid-19 Pandemic". In: *Giuristi: Corporate Law Review*, Vo. 1, No. 2, Lima, Peru, July-December, 2020.

"Impact of COVID-19 on the Economy, Contractual Relations and Alternative Dispute Resolution Mechanisms (Strengthening Mediation and Necessary Reformulation of National and International Arbitration)". In: *Journal O Estado, São Paulo, Brazil and LinkedIn Insights BGM*, 2020.

"International Arbitration as a Mechanism for Attraction and Protection of Foreign Investments. Brazil's objections to the System. Alternative Brazilian Model of Investment Cooperation and Investment Facilitation Agreement (ACFI) and proposals for Reform of the European Union". In: *Journal of Transnational Dispute Management (TDM)*, Washington DC, 2019 and in the Book "European Private International Law: Between Harmonization and Fragmentation", Federal University of Santa Catarina (UFSC) and Jean Monnet Module – EU, Brazil, 2019.

"International Arbitration for the Attraction and Protection of Investments: The Case of Brazil". In: *Santa Catarina Review of Dispute Resolution (RCSC No. 7)*, organ of the Santa Catarina Federation of Mediation and Arbitration Entities (FECEMA), Santa Catarina, Brazil, 2019.

"Protection of Foreign Investments in the FTA Peru - China and Access to International Arbitration". In: *Executive Factor, Journal of Investments, Business and Law*, Lima, Peru, 2013.

"Troubling Judgment of the Commercial Court against Essential Principles of Arbitration". Coauthor. In: Journal Enfoque Derecho, THEMIS - PUCP, Lima, Peru, 2011.

"Treaty Claims vs. Contract Claims. Convial Callao against the Peruvian State before ICSID". Coauthor. In: Revista Jurídica del Peru. Private and Public Law, Lima, 2010 and Arbitration Journal "Arbitration Jurisprudence", Lima, Peru, 2011.

"Protection of Canadian Investments in Peru according to the FTA Peru - Canada". Coauthor. In: "Dialogue" Magazine of the Peruvian - Canadian Chamber of Commerce - Peru, Lima, 2010.

"Foreign Investment International Arbitration from the Peruvian Experience". In: Brazilian Arbitration Review, No. 15, São Paulo, Brazil, 2008.

"Regulation of Arbitration between Foreign Investors and Host States in Free Trade and Investment Treaties in Latin America: The case of the FTA between Peru and the USA". In: Journal of the Law School of the University of São Paulo, Brazil, 2007.

"Comments concerning the Relationship between Arbitration and the Peruvian Judiciary". In: CAMARB Newsletter, Chamber of Corporate Arbitration – São Paulo, Brazil, 2007.

"Dispute Settlement Mechanisms State v.s. State and Foreign Investors vs. States in the Peru-U.S. Free Trade Agreement". In: Yachaq Law Journal, National University of San Antonio Abad del Cusco, Peru, 2007.

"The Role of Alternative Dispute Resolution Mechanisms (ADRs) in socio-environmental conflicts related to the exploitation of mineral resources". In: Review "Legal News", Ibero-American Club de Advogados, 2005.

"Mining, Alternative Dispute Resolution and Draft of Reform of the Peruvian Environmental Code". In: Conexión Enfoque, THEMIS Law Review- PUCP, Lima, Peru, 2005.

"Determination of the International Responsibility of States towards Foreign Investors: Comments on the due application of the Law by ICSID Arbitral Tribunals". In: International Agenda, PUCP, Lima, Peru, 2004.

"Legislation and Promotion of Foreign Investment in Mining". In: Journal of Energy & Natural Resources, London, England, 2002.

"Treatment of Foreign Investment within the framework of international trade regulatory bodies and their impact on economic development", Co-author. In: THEMIS Law Review - PUCP, Lima, Peru, 2001.

"Some comments regarding the arbitration before ICSID requested by Mine Or S.A. against the Peruvian State". In: Journal of Mining and Petroleum Law, Lima, Peru, 1998.

"Arbitration and Mining". In: Journal of Mining and Petroleum Law, Lima, Peru, 1997.