

**THE INTER-PACIFIC BAR ASSOCIATION
SECOND REGIONAL CONFERENCE
SANTIAGO, CHILE**

September 27th - 29th, 2018

“LatAm legal views on investment, compliance and international dispute resolution”

COCKTAIL RECEPTION

Thursday, September 27th, 2018

18:30pm

Venue: Club de Golf Los Leones (Avenida Presidente Riesco 3700, Las Condes)

CONFERENCE

Friday, September 28th, 2018

8:30am – 17:00pm

Carey offices: Isidora Goyenechea 2800, 43rd floor, Las Condes.

8:30 - 9:00am Registration and Breakfast

9:00 - 9:15am Welcome Remarks

- Rafael Vergara, Partner - Carey
- Jose Cochingyan III, Officer - IPBA

9:15 – 9:30am Opening Remarks

- Gonzalo Grez, Partner - Cariola, Diez, Perez-Cotapos
- Fernando De Carcer, Partner - CMS Carey & Allende

PANEL I

“Arbitration Panel Discussion”

9:30 - 11:30am

**“Reliability of International Treaties and Arbitration Clauses” and
“Enforcement of arbitral awards in Latin-America and Asia”**

Topics to be covered:

Investors' Reliability Today: International Investment Protection and Arbitration

International arbitration has become the standard form of dispute resolution for businesses, both in terms of commercial and investment disputes. Despite the increasing number of cases, arbitration is under attack on several fronts. It has even been suggested that “winter is coming in international arbitration”. In particular in connection with investment arbitration, while some States have left ICSID, others have proposed radical changes to the current system, such as permanent courts in lieu of arbitral panels.

This session will be divided in two parts.

Our key note speaker will start comparing the concept of dispute in Asia and Latin America, focusing on the related political implications.

Then, in an interactive format, a panel with reputable and knowledgeable speakers from Asia and Latin America will discuss the following matters:

- 1. Are there differences between arbitration in Asia and Latin America?*
- 2. What are businesses and States doing, if anything, in view of this hostile scenario against investment arbitration as it exists now?*
- 3. What is the comparative status of enforcement of awards against States in Asia and Latin America?*
- 4. What are businesses doing to protect their investments in States that do not offer investment arbitration or the protection of investment treaties?*

Key note speaker:

David Yang, Counselor - Korean Embassy (Chile)

Discussion panel

Moderator: Lindsay Sykes, Partner - Ferrere (Bolivia)

Speakers:

- Eric Franco, Legal Counsel - ENGIE Energía (Peru)
- Jack Li, Partner – Jinmao Partners (China)
- Jan Curschmann, Partner – Taylor Wessing (Germany)
- Mauricio Salas, Partner – BLP (Costa Rica)

11:30 - 12:00pm Coffee Break

PANEL II

“Business Opportunities in LatAm”

12:00 - 13:15pm

Topics to be covered:

Latin America presents a highly diverse investment landscape. Creating an attractive environment for investors in infrastructure is no easy task. Politics and policy can make or break private participation and the flow of investment. As traditional infrastructure assets classes become more competitive, investors are increasingly looking to alternatives. The South American countries are focusing much of their attention on energy and transportation and there are huge opportunities across the whole region, but some will require more appetite for risk than others. Private capital will be an important component in meeting this goal.

The topics to be covered will be, for each of the countries represented in the panel: Update of regional investment environment, flagship infrastructure/PPP programs and local trends.

Chile: Is the most attractive infrastructure market in Latin America and the eleventh globally, benefiting from a highly favorable tax environment, strong governance and stability. Chile is also a renewables haven, with effective policies and well-designed auctions that have successfully attracted international developers in recent years. The country is also one of the global pioneers of corporate PPAs, long-term fixed-price agreements between corporate entities and renewable energy generators.

Peru: Has been among the region’s fastest growing economies over the past decade, and is one of Latin America’s most developed infrastructure markets. There is a large infrastructure gap, especially within the energy, transport and telecommunications sectors.

Colombia: Boasts one of the most ambitious PPP programmers in the world, the flagship Fourth Generation (4G) roads initiative.

Brazil: Is currently experiencing a timid economic recovery and the country has embarked on a major privatization program, attracting global market players

Argentina: Investment options for public works and infrastructure are ample and varied. Requiring an urgent boom in infrastructure, multilateral credit institutions have already guaranteed their support and announced more than USD 6.0 billion in investment financing.

Moderator: Fernando de Carcer, Partner - CMS Carey & Allende

Speakers:

- Ian Frederick, Director - InvestChile
- Julio José Polanco Pérez, Director – Trade Commerce Office Perú in Chile
- Jorge Hernán Gutiérrez Ramírez, Director - PROCOLOMBIA Chile
- Mariano Millet, Asia Senior Business Development Manager - Argentina Investment and Trade Promotion Agency
- Renata Fasano, Trade Agent – Brazil Embassy in Chile

13:15 a 14:30pm Lunch at Carey offices (Manquehue Salon)

PANEL III

“Compliance Panel Discussion”

14:30 – 16:30pm

“Legislation update on anticorruption in Latin America, enforcement activities, challenges and trends”

Topics to be covered:

In recent years, countries in Latin America have been taking initiatives to implement important steps towards fight against corruption. A benchmark case within this process has been the “Car Wash Operation”, one of the largest corruption scandals in Brazil. After more than 4 years, such operation is still unfolding ramifications of new investigations, both in Brazil and the rest of Latin America.

Also on the world side of the Pacific Ocean, many countries are undergoing a similar anticorruption movement and are expecting a reaction alike in jurisdictions where their companies invest.

This new scenario does bring new challenges and needs to strengthen corporate governance, compliance and risk management for companies.

This panel will bring experts from different jurisdictions to share their experiences and conduct a live debate over the most updated issues connected to this scenario.

The topics to be covered will be: update of corruption legislation; high-profile cases and pitfalls, as well as lessons learned from such cases; enforcement - new tools, use of DPA, lenience and plea bargaining agreements; benefit of ex ante measures (compliance) and ex post measures (conducting internal investigations and remediation); role of Board of Directors, external counsel and auditors in respect of internal investigation; local trends.

Moderator: Shin Jae Kim, Partner - TozziniFreire Advogados

Speakers:

- Evan Norris, Senior Counsel - Cravath, Swaine & Moore LLP, USA / Former Federal Prosecutor (USA)
- Francisco Petros, Vice Chairman – BRF / Member of the board - Petrobras (Brazil)
- Taro Tsunoda, Partner - Anderson Mori & Tomotsune (Japan)

- Jane Shvets, Partner - Debevoise & Plimpton (England)

16:30 Closing Remarks

- Rafael Vergara, Partner – Carey

17:00 Closing Drinks

VISIT TO A VINEYARD

Saturday, September 29th, 2018

10:00am – 18:30pm

Includes: Vineyard and museum tour, wine tasting and lunch.

Venue: Viña Santa Rita (Camino Padre Hurtado N° 0695, Buin)

OTHER SOCIAL EVENTS (OPTIONAL):

Thursday, September 27th, 2018

11:30am

Golf at Club de Golf Lomas de la Dehesa (Avenida Golf Lomas de la Dehesa N°11.480 Lo Barnechea, Santiago)

* *The ones that are interested please contact Mr. Sergio Guzmán at: SGuzman@vialserrano.cl*

/Carey

CARIOLA DIEZ
PEREZ-COTAPOS
ABOGADOS

C/M/S/
Law. Tax