

**THE FUTURE OF INVESTMENT LAW IN LATIN AMERICA:
Energy Sovereignty and Mineral Resources**

Virtual Conference Program
20 April 2023

Speakers/Moderators	Schedule/Topic
	10:00 – 10:05 am Eastern Time (ET)
Ivan W. Bilaniuk Head of IDR Practice – Dinsmore & Shohl LLP (USA)	Welcoming remarks
	10:05 – 10:35 (ET)
	I. CONTEXTUALIZATION OF THE ENERGY SYSTEM AND MINING IN LATAM: The Outlook from Experts
Dr. Adrian DUHALT Center on Global Energy Policy (Mexico)	A. The O&G Sector - Conceptualizing the Latin American energy system: what is produced and who produces it? - What does energy self-sufficiency mean and what is needed to achieve it? - US policies (e.g. the IRA) and their effects on Latin America
Javier JARA Estribor Consulting Group (Chile)	B. The Mining Sector - Global context of mining in LatAm - “Transit” towards electromobility? - Critical minerals...What's next for mining? - Artificial intelligence in the mining industry?
<u>Moderators:</u> Francisco VICTORIA-ANDREU International Arbitration Lawyer - Dinsmore (USA) Pr. Sebastien MANCIAUX University of Burgundy, (France)	
	10:35 – 12:35 (ET)
	II. REGULATION: Obstacle or New Opportunities for Foreign Investment?
	<u>A. The State Position: Current Overview of Legal Reforms in the Energy and Mining Sector</u>
Diego DE LEÓN TOLEDO Attorney General Office (Guatemala)	- Pronouncement of Guatemalan Courts on human rights issues, specifically the Consultation of Indigenous Peoples - Energy regulation in Guatemala and its impact on investment arbitration
Francisco OCHOA CARRASCO Attorney General Office (Ecuador)	- Considerations on social, human rights and environmental impacts of investments in Ecuador - Pronouncements of the Constitutional Court in the field of mining law
Álvaro RAZNATOVIC Attorney General Office (Bolivia)	- Constitutional provisions for foreign investment - “Investment for Development Agreement:” New Bolivian model—human rights and the environment
Shane SPELLICY DG Trade Law Bureau (Canada)	- Canada: The “right to regulate” in investment treaties - Regulation in the mining sector and the interaction with environmental and climate change objectives/Paris Agreement - Energy security: Canada's critical minerals strategies
	<u>B. The Investor Position: Does the Current Legal and Regulatory Framework Represent an Obstacle to Investment?</u>
Dr. Herfried WÖSS Wöss & Partners – BBA Deals & Disputes (Mexico)	- The impact of US-Mexico consultations under Chapter 31 of the USMCA and possible scenarios: energy and mining sectors - The initiative of the amendment of 23 administrative laws, the new exorbitant powers of the State and the limitation of damages claims through administrative laws.

Margarita NIEVES ZÁRATE PhD Researcher in Energy Law (Colombia)	- Current investment landscape in the energy sector: a look at the regulatory framework promoting renewable energy investments in Colombia - New National Development Plan in Colombia
Ricardo BARRIOS SCOGINGS General Counsel – Operadores Concentrados Peruanos (Peru)	- Legislative framework for natural resources in Peru
Fabián DAZA Ernesto ROSSELL Estrategias Corporativas (Bolivia)	- Lithium and other rare minerals in Bolivia: the new opportunity for foreign direct investment - Alternative energies: a contribution to the sustainable development of Bolivia's energy matrix
<u>Moderator:</u> Francisco VICTORIA-ANDREU Int'l Arbitration Lawyer – Dinsmore & Shohl LLP (USA)	
	1:30 – 3:00 (ET)
	III. INTERNATIONAL DISPUTE RESOLUTION: Current Balance and Its Future in the Energy and Mining Sectors
	A. The Point of View of the Users of Arbitration
Carlos SOTO International Arbitrator (Peru)	- Peru's experiences in investment arbitration - Which industrial sectors have been most affected by international arbitration? - What is foreseen in Peru in terms of the legal defense of the State in arbitrations?
Katherine GONZALEZ A. International Arbitrator (Panama)	- What triggers both commercial and investment disputes? - Panama's experiences in handling international arbitrations - From the perspective of arbitration users (states/investors), have more amicable methods such as dispute boards or mediation been successful in Latin America—do they have a future?
Adriana Noemi PUCCI Árbitro Internacional (Brazil)	- Brazil without BITs, what guarantees does it offer for investment in both sectors? - Will excluding Investor/State arbitration in BITs be the future trend?
Shane SPELLICY DG Trade Law Bureau (Canada)	- The principles of damages in the context of regulation - The Canadian experience with awards for and against the state in the energy and mining sectors - Mediation and international efforts to promote its use
Pr. Julián CÁRDENAS University of Houston (Venezuela)	- Venezuela's Constitutional Law against Blocking (<i>Ley Antibloqueo</i>) and its impact on investment - What does foreign investment in Venezuela require? - Scope of the investment agreement between Venezuela and Colombia - Constitutional and factual grounds for Bolivia's ICSID denunciation
Álvaro RAZNATOVIC Attorney General Office (Bolivia)	
Pr. Sixto SANCHEZ University of Granada (Spain)	- The Clean Hands Doctrine in investment arbitration - The legality of investment in BITs, unlawful conduct, transnational public policy and human rights
Pr. Alejandro GARRO University of Columbia (Argentina)	- Similarities and differences between investment arbitration and international commercial arbitration - Has investment arbitration adopted practices from international commercial arbitration?
<u>Moderators:</u> Pr. Sebastien MANCIAUX University of Burgundy (France) Sophia CASTILLERO Int'l Arbitration Practitioner (Panamá)	
	3:00 – 4:00 (ET)
Natalie SEQUEIRA , ICSID Dr. Marie-Camille PITTON , OHADAC Diego ALEXANDRE-GARCÍA , ICC Frida ALTAMIRANO , CAM Luis MARTINEZ , AAA-ICDR	B. The Point of View of the Arbitral Institutions - Current projects for arbitration in both O&G and mining sectors? - Is it necessary to have specialized arbitrators in O&G and mining or is it sufficient to have specialized experts? - Do institutions offer training for arbitrators in both industrial sectors? - Where is mediation/conciliation going? - Arbitration projections at regional (OHADAC - Caribbean) and local (CAM - Mexico) level.
<u>Moderators:</u> Pr. Sebastien MANCIAUX University of Burgundy, France Sophia CASTILLERO Int'l Arbitration Practitioner Panamá	

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