

# VIAC – Questionnaire for Arbitrators

1. Name: CHRISTIAN ARMANDO CARBAJAL VALENZUELA

2. Citizenship: PERUVIAN / CHILEAN

3. Contact information:

Address: RUA ATILIO BORIO No. 90, APTO. 1403, CRISTO REI, CURITIBA, PARANÁ, BRAZIL

Telephone: (55) 41 992891602

Fax:

E-Mail: [christianarmandocarbjal@gmail.com](mailto:christianarmandocarbjal@gmail.com)

Website:

LinkedIn: <https://www.linkedin.com/in/christianarmandocarbjal>

4. Current position:

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**, based in São Paulo and Curitiba, Brazil. Director of Arbitration of the **Chamber of Mediation and Arbitration of Santa Catarina, south of Brazil (CAMESC)**.

5. Education:

Graduated from Pontifical Catholic University of Peru, with a Master's degree in International Economic Law from the University of Warwick – England.

6. Practiced experience in arbitration

- How many arbitrations have you participated in (domestic/international); under which Rules?

I participated in approximately 35 arbitration proceedings, in domestic and international arbitrations.

In domestic arbitration proceedings (in Brazilian and Peruvian Arbitration Centers) I acted as arbitrator 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).

In what refers to international arbitration, I acted as legal counsel in ICSID investment arbitrations against the Peruvian State, representing Chinese and French investors, as well as in ICC arbitrations related to energy sector. I was also Secretary of the Tribunal within an ICC international arbitration related to the energy sector in Mexico.

- How often have you acted as Chairman?

I acted as Chairman in approximately 5 domestic arbitrations.

- How often have you acted as Sole Arbitrator?

I acted as Sole Arbitrator in approximately 10 domestic arbitrations.

- How often have you acted as Co-Arbitrator?

I acted as Co-Arbitrator in approximately 10 domestic arbitrations.

- How often have you acted as Counsel?

I acted as Counsel in domestic and international arbitration, approximately in 10 arbitrations.

- How often have you acted in a different function (e.g. Administrative Secretary)?

I was Secretary General of the International Arbitration Center of the Lima Chamber of Commerce (CCL) in Peru and currently I am Director of Arbitration of the Chamber of Mediation and Arbitration of Santa Catarina, in Brazil (CAMESC). These two professional experiences are related to the administrative management of arbitration cases.

#### **7. Publications and other activities in arbitration (e.g. training sessions, seminars, conferences, articles and others):**

I have been Law Professor of International Arbitration since 2005, in Peruvian and Brazilian Universities. I have participated in several seminars and conferences related to domestic and international arbitration. Additional specific training in arbitration and ADRs:

- **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.
- **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.

I am also the author of the following publications in arbitration:

**"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.

#### **8. Membership in arbitral institutions / functions in arbitral institutions/organizations:**

- 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.
- Listed in Who's Who Legal Experts in Arbitration – Future Leaders - 2019 and 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.
- Participation as arbitrator in several Arbitration Moots and Pre-Moots (FDI, Vis Moot).
- 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.

## 9. Languages

Mother tongue: **Spanish language**

Working languages (i.e. languages in which you have both a spoken and written command so that you may conduct arbitral proceedings in this language): **English and Portuguese languages.**

**10. In which legal systems have you trained?**

**Civil Law**

**Common Law**

Austrian Law

Hungarian Law

Swiss Law

Czech Law

Polish Law

Ukrainian Law

German Law

Slovakian Law

European Law

Other \_\_\_\_\_

**11. What is your main jurisdiction of practice?**

PERU (I studied Law in Peru), currently exercise my career in BRAZIL.

**12. In which jurisdictions are you admitted to the bar?**

PERU

**13. Special expertise or specializations (please list a maximum of five):**

Antitrust/Unfair competition

Damages

Insolvency

Power plants

Aviation

Distribution

Insurance

**Private Intern. Law**

Banking & Finance

Domain name disputes

Intellect. property (IP)

**Public Intern. Law**

Capital markets

Employment

**ISDS/ Foreign invest.**

Real estate

**CISG**

**Energy**

Joint ventures

Shipping

Civil fraud disputes

Engineering

Licensing

Sports

**Commercial disp. / transactions**

Entertainment

Life sciences

State/Public contracts

Commodity market

Healthcare & Pharmac.

Maritime arbitration

Technology

Company/Corporate/M&A

Hotel/Gastro./Tour.

Media

Telecommunication

**Construction**

Inform. technology (IT)

**Mining**

Transport

**Contract law**

**Infrastructure**

**Natural resources**

Other \_\_\_\_\_

**14. Date of birth:** February 16, 1969

VIAC offers arbitration practitioners the possibility to present themselves on its website. VIAC reserves the right to publish any presentations submitted and to remove it as the case may be. Parties are free to nominate an arbitrator of their choice and so is the VIAC Board when appointing an arbitrator. These presentations do not constitute recommendations but may assist the parties in choosing an arbitrator willing to conduct proceedings according to the Vienna Rules. The fact that an arbitration practitioner appears on this list, does not authorize this person to use the title "VIAC-arbitrator".

X I have completed this questionnaire to the above to the best of my knowledge and believe they are accurate.

X I hereby consent that the data provided in this questionnaire may be processed for the appointment of arbitrators and published by VIAC. This includes in particular publication on the website of VIAC as well as use in any presentations, etc. This consent may be withdrawn at any time by contacting VIAC at our general contacts, in particular by email addressed to office@viac.eu. The consequence of any such withdrawal will be that my data will no longer be processed by VIAC. For further information, see our privacy statement at <http://www.viac.eu>.

April 20, 2021

Date and

Signature