



APEC-UNCTAD REGIONAL TRAINING COURSE ON THE CORE ELEMENTS OF INTERNATIONAL INVESTMENT AGREEMENTS IN THE APEC REGION

Presentations

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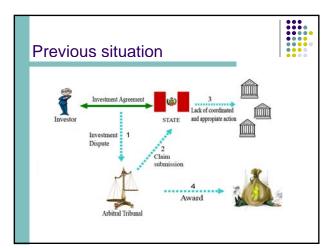
Peruvian Investment Disputes Coordination System

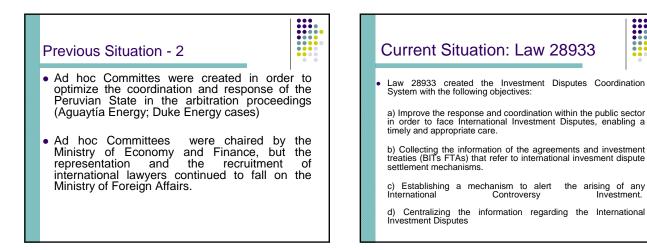
- Previous situation
- Current situation: Law 28933
- Regional actions or projects

Previous Situation - 1

Liberalization and attracction of FDI (from 90's)

- Disputes arise and there was not an institutional estructure
 - Representation of the Peruvian State was taken over by the Ministry of Foreign Affairs, that oversaw the coordination of the defense and hired international lawyers to represent us in ICSID. (Compañía Minera Internacional, Lucchetti SA)





Application of the Investment Disputes Coordination System (Law 28933)

- Enacting a legal framework allowing a timely and effective care of the investment disputes that arise out between investors and the Peruvian State, providing an adequate level of coordination between relevant sectors, organizations and institutions.
- Establishing roles and competences for each of them within their functional capabilities and allocating resources that are necessary for these purposes.
- Establish a clear mechanism for registration and updating of the commitments made by the State in signing treaties or agreements on investment that refers to international mechanisms for dispute settlement.

Application of the Investment Disputes Coordination System (Law 28933)

 Provides a mechanism for alerting in order to get the appropriate and organized attention of the State when such conflicts arise.

- Establishes the composition of a multisectoral commission, with participation of Ministry of Justice, MInistry of Foreign Affaris and Ministry of Economy and Finance, and the various public entities involved, which may participate in the negotiations and in planning the defense strategy.
- Assign the responsibility of hiring lawyers and other professionals needed in cases that require the legal defense of the Statte in international investment disputes and provides budgetary mechanisms for the expenses arising from it.

