

FACUNDO PÉREZ-AZNAR

Nationalities: Argentine – Swiss
Date of Birth: 25-04-1977
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AREAS OF EXPERTISE

International Investment Law – International Trade Law – International Dispute Settlement – Public International Law

EDUCATION

2009 – 2014 PhD in International Law
Graduate Institute of International and Development Studies, Geneva. PhD in International Law. Thesis Title: “Non-Discrimination and Most-Favoured-Nation Clauses in International Investment Law”. Doctoral supervisor: Prof. Pierre-Marie Dupuy.

2002 – 2004 Master in International Law
Graduate Institute of International Studies, Geneva. *Diplôme d’études approfondies (DEA)* in International Relations with a specialization in International Law.

1996 – 2001 Law Degree
National University of La Plata, Argentina, School of Law.

CURRENT PROFESSIONAL POSITIONS

Since 2020 **Member of different dispute resolution commissions and panels** created within the framework of infrastructure contracts financed by multilateral financial institutions.

Since 2013 **Independent consultant,** advising private parties, governments and international organizations (e.g. the European Union, OECD and UNCTAD) in matters related to international investment and trade law, international dispute settlement, and regulation in the energy, public services and public works sectors.

CURRENT ACADEMIC POSITIONS

Since 2022 **Member of the International Law Association.** *Rapporteur* in the Working Group on Alternative Dispute Resolution.

Since 2021 **Executive Director** of the Buenos Aires Course on International Trade Law & Policy, a Geneva Graduate Institute’s program delivered at the University of Buenos Aires.

Since 2019 **Executive Director** of the Latin American International Arbitration Course (LAIAC), joint CIDS / UBA program.
Head of the University of Buenos Aires’ Clinic of International Economic Law, which is organized together with the international academic organization TradeLab.

Since 2018 **Member of the Academic Forum** on Investor State Dispute Settlement (ISDS) that intervenes in the framework of Working Group III (WGIII) of UNCITRAL.
University of San Andrés (Argentina). *Associate Professor* of International Law.

Since 2013 **Graduate Institute of International and Development Studies, Geneva.** *Senior Researcher* at the Geneva Center for International Dispute Settlement (CIDS).
University of Buenos Aires (UBA), School of Law. *Associate Professor* of International Economic Law.

PREVIOUS PROFESSIONAL AND ACADEMIC POSITIONS

2012 – 2014 *Of Counsel* in the law firm **Guglielmino & Asociados,** which specializes in international arbitration (mostly ICSID and UNCITRAL cases), in more than five investment cases.

2010 – 2012	Graduate Institute of International and Development Studies, Geneva. <i>Researcher and Supervisor</i> in the courses International Trade Law and International Investment Law and the Trade and Investment Law Clinic.
2006 – 2009	General Attorney's Office of the Argentine Republic, <i>Legal Counsel</i> in the Area of International Affairs, which is in charge of handling the interest of the Argentine Republic in international disputes (mostly ICSID and UNCITRAL arbitrations), in more than twenty ICSID arbitrations. Since 2008 <i>Responsible of the team</i> working on ICSID cases related to water concessions.
2006 – 2009	Catholic University of Argentina, Institute of International Relations, <i>Assistant Professor</i> of International Law.
2006 – 2009	University of Palermo (Argentina), Faculty of Law. <i>Associate Professor</i> in the course Public International Public
2005 – 2006	Ministry of Foreign Affairs of Argentina, <i>Legal Officer</i> in the Direction of Latin American Economic Integration, which is in charge of negotiating agreements in the framework of the Latin American Integration Association (LAIA/ALADI).
2003 – 2004	International Labour Office, Geneva, Switzerland. <i>Legal Officer</i> in the International Standards Department, Social Protection and Labour Conditions Branch.
2002 – 2003	United Nation's Peace Keeping Operation in Congo (MONUC). <i>Human Right Officer</i> in the province of Nord-Kivu, Democratic Republic of Congo.

SELECTED INVESTMENT CASES WHERE I WAS INVOLVED AS COUNSEL

-*Transban Investments Corp v Bolivarian Republic of Venezuela* (ICSID Case No. ARB/12/24)
-*Fábrica de Vidrios Los Andes, CA and others v Bolivarian Republic of Venezuela* (ICSID Case No. ARB/12/21)
-*Blue Bank Int. & Trust (Barbados) Ltd v Bolivarian Republic of Venezuela* (ICSID Case No. ARB/12/20)
-*Valle Verde SL v Bolivarian Republic of Venezuela* (ICSID Case No. ARB/12/18)
-*Flughafen Zürich AG and Gestión e Ingeniería v. Bolivarian Republic of Venezuela* (ICSID Case No. ARB/10/19)
-*Vestey Group Ltd v Bolivarian Republic of Venezuela* (ICSID Case No. ARB/06/4)
-*Impregilo SpA v Argentine Republic* (ICSID Case No. ARB/08/14)
-*Ambiente Ufficio SpA and others v Argentine Republic* (ICSID Case No. ARB/08/9)
-*Hochtief Aktiengesellschaft v Argentine Republic* (ICSID Case No. ARB/07/31)
-*ICS Inspection and Control Services Limited v Argentine Republic* (PCA Case)
-*Urbaser SA and Consorcio de Aguas Bilbao Bizkaia Partzuergoa v Argentine Republic* (ICSID Case No. ARB/07/26)
-*Impregilo S.p.A. v. Argentine Republic* (ICSID Case No. ARB/07/17)
-*Giovanni Alemanni and others v Argentine Republic* (ICSID Case No. ARB/07/8)
-*Abaclat and others v Argentine Republic* (ICSID Case No. ARB/07/5)
-*Daimler Financial Services AG v. Argentine Republic* (ICSID Case No. ARB/05/1)
-*Wintershall Aktiengesellschaft v Argentine Republic* (ICSID Case No. ARB/04/14)
-*SAUR International v Argentine Republic* (ICSID Case No. ARB/04/4)
-*EDF International, SAUR International and León Participaciones v Argentine Republic* (ICSID Case No. ARB/03/23)
-*Suez, Sociedad General de Aguas de Barcelona SA and Vivendi v Argentine Republic* (ICSID Case No. ARB/03/19)
-*Suez, Sociedad General de Aguas de Barcelona SA and Interagua v Argentine Republic* (ICSID Case No. ARB/03/17)
-*CMS Gas Transmission Company v Argentine Republic* (ICSID Case No. ARB/01/8)

SELECTED ENGAGEMENTS AS EXPERT IN TRADE AND INVESTMENT MATTERS

2019 – 2021	Expert and Co-director of the team rendering legal advice to the EU Delegation in Buenos Aires in the project “Technical Support to EU Market Access Team and Trade Analysis in Argentina”.
2018 – 2019	Expert in the OECD team that prepared the study “Fighting bid rigging in public works in Argentina – Report by the Secretariat”, finalized in June 2019.
2017 – 2018	Expert and Co-director in the team rendering legal advice to the EU Delegation in Buenos Aires in the project “Technical Support to EU Market Access Team and Trade Analysis in Argentina”
2016 – 2017	External Advisor to the Undersecretary of Foreign Trade of the Argentinian Ministry of Production and Trade on investment, trade and regulatory matters
2013 – 2015	Independent Expert on investment, trade and regulatory matters to the UNCTAD's Division on Investment and Enterprise.

MEMBERSHIP OF PROFESSIONAL BODIES

- International Law Association
- Federal Bar of Argentina
- Member of the Academic Forum on Investor State Dispute Settlement (ISDS) that intervenes in the framework of Working Group III (WGIII) of UNCITRAL
- Member of the WIPO Arbitration and Mediation Center's List of Arbitrators

SELECTED PUBLICATIONS

Monographs

National Governance and International Investment Law: Between Constraint and Empowerment (with Josef Ostránský) CUP (forthcoming) 280 pp.

Countermeasures in the WTO Dispute Settlement System - An Analysis of their Characteristics and Procedure in the Light of General International Law, Graduate Institute of International Studies, Geneva, (2006), 140 pp.

Articles in Law Journals and Chapter in Books

- Chapter on Argentina, in Thomas Cottier and Krista Nadakavukaren (eds) "Edward Elgar Encyclopedia of International Economic Law" (forthcoming)
- "Casual Vacancies in the ICJ: Law, Practice, and Policy", *EJIL:Talk!* (7 September 2022)
- "State Immunity Regimes in Latin America: A First Approximation to a Global Analysis" in Régis Bismuth et al. (Eds): *Sovereign Immunity Under Pressure* (Springer, 2022)
- "Brazil and Argentina's Participation in Global Financial Governance" (with Henrique Choer Moraes), in *Rethinking Participation in Global Governance: Voice and Influence after Stakeholder Reforms in Global Finance and Health*, Joost Pauwelyn Martino Maggetti, Tim Büthe and Ayelet Berman, (Eds.), (OUP 2022).
- "Brazil and Argentina's Participation in Global Health Governance" (with André de Mello e Souza), *ibid.*
- "Revisiting Carlos Calvo on the 200th Anniversary of his Birth", *EJIL:Talk!* (12 March 2022)
- "Excessive Costs and Recoverability of Costs Awards in Investment Arbitration" (with Gabriel Bottini, Catharine Titi and others), in *Journal of World Investment & Trade* (2020).
- "Consent to International Jurisdiction and the Limits of MFN Clauses" in *ICSID Review* (2019).
- "Recent Trends in Investment Law and Policy in Latin America", in Lisa E. Sachs and Lise Johnson (eds.) *Yearbook on International Investment Law & Policy* 2017 (OUP 2019) 273-288.
- "The Fictions and Realities of MFN clauses in International Investment Agreements" *AJIL Unbound* (2018)
- "The Use of Most-Favoured- Nation Clauses to Import Substantive Treaty Provisions in International Investment Agreements", in 20 *Journal of International Economic Law* 777–805 (2017).
- "Investment Protection in Exceptional Situations: Compensation-for-Losses Clauses in IIAs", in 32(3) *ICSID Review - Foreign Investment Law Journal* 696–720 (2017).
- "The MERCOSUR Protocol on Investment Cooperation and Facilitation: regionalizing an innovative approach to investment agreements" (with Henrique Choer Moraes), *EJIL Talk!* (17 September 2017)
- "Federal States and Investment Arbitration" in *Yearbook on International Investment Law & Policy* 2015-2016 (OUP 2017), pp 326-355.
- "Derecho de inversiones y subdivisiones políticas", in *Liber Amicorum Alejandro Turyn*, EUDEBA (2017)
- "Cuba Treaty Overview" (with Florencia Sarmiento) in *Investment Claims*, (OUP 2016)
- "Local Litigation Requirements in International Investment Agreements: Their Characteristics and Potential in Times of Reform", 17(4) *Journal of World Investment and Trade* 536–561 (2016).
- "Argentina Treaty Overview", in *Investment Claims* (OUP 2016).
- "Solución de controversias en materia de inversiones extranjeras", in González Napolitano (ed.), *Derecho Internacional Público*, Errepar (2015).
- "El poder regulatorio del estado en cuestiones mediambientales y el derecho internacional de las inversiones" (with Jorge Viñuales) in *Anuario Mexicano de Derecho Internacional* (2011).
- "Drawing the limits of free transfer provisions" (with Alejandro Turyn), in Kyo-Hwa Chung, Asha Kaushal and Michael Waibel (eds.), in *The Backlash against Investment Arbitration*, Cameron May (2010)
- "El trato justo y equitativo en la jurisprudencia internacional y la alegada fragmentación del derecho internacional", in Barboza, Julio (ed.), in *Temas Recientes de la Comisión de Derecho Internacional*, CARI, Buenos Aires (2007)

LANGUAGES

Spanish: *Mother tongue.* **English and French:** *Fluent.*