

2022 Strategic Use of International Arbitration and Mexico

Event

January 24, 2022 | 1 minute read | Houston

In an in-person as well as virtual event, Bracewell's Stephen Crain, John Gilbert, Martin Gusy, Manuel Vera together with Manuel Cervantes of MCM Abogados in Mexico City and guest speaker Steve Andersen of International Centre for Dispute Resolution addressed:

"Strategic Use of International Arbitration & Mexico"

Moderated by Martin Gusy, the panel discussion focused on the pros & cons of combining international arbitration with litigation in the fields of IP, energy and investment arbitration before turning to recent changes in the Mexican regulatory environment with a focus on the energy and subcontracting services sectors and whether the USMCA protects US investor interests sufficiently there.

In detail, the points for discussion included:

- Arbitration and litigation combined – strategic allocation of different parts of a dispute to different fora
- Advantages of using international arbitration as part of an IP litigation
- Pros and Cons of differently resolving the relationship to the host government (PSCs/Concession) and the relationship amongst the joint venture partners (JOA)
- Investor's enforcement of substantive rights against a host government – is it necessary to use ISDS with the government and private arbitration with the SOE?
- Recent changes in the Mexican regulatory environment in the energy and subcontracting services sectors

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- How far have we moved away from NAFTA – where does the USMCA fit in?

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