

Estudio Ehecopar.

Member Firm of Baker & McKenzie International



Local practice

Dispute Resolution

Related legal services

Antitrust Litigation

Commercial Litigation

Corporate and M&A Disputes

International Arbitration

Public Law & Regulatory Disputes

Languages

Spanish

English

Estudio Ehecopar

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Javier De Belaunde

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Biography

Javier De Belaunde advises on civil matters and represents on civil legal processes, commercial, administrative litigation, among others. He has represented constitutional process before the Judicial Branch and the Constitutional Court. He has participated in the constitutional and legislative reforms aiming at promoting the Judiciary Reform. He has been member of the Board of Directors of the Judicial Academy in representation of the bar associations and has been ad-hoc judge at the Inter American Court of Human Rights.

Practice focus

Javier has significant experience in all types of constitutional proceedings filed before the Judiciary and the Constitutional Court. He has defended clients in arbitration proceedings, and has also acted as an arbitrator.

Education

- Pontificia Universidad Catolica del Peru, Law Degree, Lima, 1973.
- University of Wisconsin, Program on the Teaching of Law, Madison, 1971 – 1972.

Experience

- Partner, Estudio Ehecopar since November 2006.
- Founding Partner of Javier de Belaunde Law Firm, 1977 – 2006.
- Ad-hoc judge at the Inter American Court of Human Rights, 2002 – 2003 and 2005 – 2006.
- Consultant lawyer of the Board of Directors of Banco Central de Reserva del Peru – BCRP, 2003 – 2004 and 2005 – 2006.
- Javier has been appointed arbitrator in more than 50 institutional arbitrations and ad-hoc arbitrator since 1996. In 2003, he was appointed to be part of the Arbitration Court in the Luchetti case. He is acknowledged as one of the 10 arbitrators more in demand in the field. (Semana Economica Magazine), 2003.
- Member of the Law School Council and President of the Commission for the Studies Plan of the Law School of Pontificia Universidad Catolica del Peru, 2005.

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- Member appointed by the Human Rights Ombudsman for the Work Group Initiative for Justice – IJU, 2005.
- Commissioner appointed by the civil society to the Special Commission for Comprehensive Reform of Justice Administration– CERIAJUS, 2003 – 2004.
- Member of the Commission in charge of preparing the Draft for the Reform of the Civil Code, 2003.
- Member of the High Level Commission in the Ministry of Justice in charge of the preparation of the Draft for the Anti-terrorists Laws, 2003.
- Ad-honorem advisor of the Congress Commission that studied the Reform of the Constitution, 2002.
- Member of the Consultant Group in the High Level Group of Justice System (formed by the Minister of Justice, The President of the Supreme Court, The Nation's Prosecutor and the President of the Constitutional Court), 2001.
- President of the Consultant Commission on Civil Law (Individuals) of the Lima Bar Association, 2001 – 2003.
- Member of the Study Commission of the Constitutional Reform, 2001.
- Representative of the Ministry of Justice at the Tripartite Commission (Executive, Congress, Judiciary) to study a draft for the Judiciary Organic Law, 2001.
- Consultant in the Commission in charge of the preparation of the Draft for the Law to Reform the Civil Code, 1997 – 2001.
- Member elected by the bar associations for the Board of Director founder of the Judicial Academy, 1994 – 1996.
- Member of the Commission that wrote the Draft for the Law for Foundations, 1994.
- Member of the commission appointed in 1992 by the Supreme Court to prepare the proposal for the new Constitution of the Title on Judicial Power to the Democratic Congress, 1993.
- Advisor of Instituto Libertad y Democracia (Institute Liberty and Democracy) on the draft on democratization of government decisions, 1990.
- Member of the Commission in the Lima Bar Association to propose an Organic Law for the Judiciary, 1988.
- Member of the Consultant Commission of the Ministry of Justice, 1988.
- Member of the Consultant Commission of the Ministry of Labor, 1985.

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- Member of the Government Council in the Center for Judicial Investigations of the Supreme Court representing the universities 1984 – 1987.
- Member of the Commission appointed by the President of the Supreme Court to propose a Project for the creation of the Judicial Academy, 1984.
- Member of the Commission appointed by the Center for Judicial Investigations of the Supreme Court for the project on judicial specialization, 1984.
- Representative of the Ministry of Justice before the Commission in charge of the preparation of the project of the Organic Law for the Judiciary, 1982.
- Member of the Commission appointed by the Supreme Court to prepare a draft for the Organic Law for the Judiciary, 1981.
- Executive Secretary of the Latin American Council for Law and Development, 1980 – 1990.
- Director of the first programs at national level for training of judges, 1977 – 1980 carried out by an agreement between the Latin American Council for Law and Development and the Supreme Court.
- Member of the Commission in charge of drafting the new General Law for Cooperatives, 1976.
- General Director of the Office for Legal Advice to the National Commission for Social Property – CONAPS, 1976.

Memberships

- American Chamber of Commerce.
- Organismo Supervisor de las Contrataciones del Estado - OSCE.
- Consultant Councils of the Law Reviewa - Ius Et Veritas and Themis; Aequitas; Folio Real); Scribas (Arequipa).
- Pontificia Universidad Catolica del Peru - Arbitration Center.
- Lima Bar Association - Arbitration Center.

Admissions

- Lima Bar Association, 1973.

Representative legal matters

- Advised Republica de Ecuador. Consorcio Fronterizo began an annulment process against the arbitral award issued by Tribunal composed for Mario Castillo (President), Augusto Eguiguren, and Fernando Cantuarias. (Case N° 023–2016). As arguments of its lawsuit, Consorcio Fronterizo has indicated that the Arbitral Tribunal

would not adequately motivated its decision when it analyzed the possibility of executing the studies of the Puyango Tumbes Binational Project in a National Peruvian Park. Contrary to what is established in the Peruvian Arbitration Law, the consortium intends that the Superior Court issues a ruling on the merits of the controversy, by challenging the criteria of the Arbitral Tribunal. This case is important because the Superior Court will issue a decision about the validity of the arbitration award referred to a project, whose was born in the frame of an International Treaty subscribed by Both nations in 1971, and then was Ratified by the Peace Treaty Between the Peru and Ecuador in 1998. In that sense, the project, and therefore the validity of the arbitral award, are very important in the bilateral relationship between both countries. Role: Republic of Ecuador's attorneys.

- Advised one of the most important cement companies of the country in a judicial case against the Peruvian Mining Regulatory Agency (OSINERGMIN) questioning a sanction in relation to the authorized operation capacity. OSINERGMIN sanctioned the Company because the production of the cement plant exceeded the capacity approved by them.
- Advised a national housing fund (the company), CG&M Proyectos y Construcciones SAC filed a request for arbitration against a the company claiming a rise per square meter in the selling price of the social houses, which imply an increment in the price of the houses.
- Advised the Government of Lima in a procedure before the National Election Board, the highest Peruvian electoral authority. The procedure decided which member of the Lima's council should act as Deputy Mayor. Lima is the capital city of Peru and home to around 8 million people. Based on a National Election Board precedent, the electoral judge reported the 2013 recall election results defining Lima's Deputy Mayor. As the decision differs from the rules of the Local Government Law, the Government of Lima appealed the decision. The National Election Board ruled favourably our appeal, reversing the earlier precedent.
- Advised Talingo Corporation in a lawsuit filed against Compañía Minera San Ignacio de Morococha S.A. (SIMSA) requesting the nullity of one of the Shareholders Meeting of said company on which the Board of Directors was elected. Talingo obtained a final favorable ruling, by which the Supreme Court declared the nullity of the Shareholders Meeting and all the acts made by the invalid Board of Directors. This final ruling is very important because is going to serve as precedent for the remaining 11 nullity proceedings initiated against SIMSA that aim to defend our client against the attempt by one of the shareholders to take over control of the said company, which are pending to be solved at the Court.

Additional information

Publications

- Author of the book "The reform in the Judicial System. Is it the right path?" Lima: Konrad Adenauer Stiftung–Instituto Peruano de Economía Social de Mercado, 2006.
- Author, "Some proposals for the reform of the Peruvian Judicial System," -Instituto de Estudios Social Cristianos, 2005.
- Participant in the collective work "Civil Code – Commented", Legal Gazette, 2004. Member of the Advisory Committee of the book.
- Co–author of the book "How to promote entrepreneurs' social responsibility in Peru. Legal and institutional framework". Lima: Universidad del Pacifico, 2001.
- He has published many articles on matters regarding his speciality in legal magazines and collective works.
- Editor of the volume on the "II conference on the Teaching of Law and Development". Lima, Pontificia Universidad Católica del Peru, 1973.
- Editor of the book "Administration of Justice in Latin America"; Lima, Consejo Latinoamericano de Derecho y Desarrollo, 1984.
- Editor of the book "The Court of Constitutional Guarantees on Debate", Lima, Consejo Latinoamericano de Derecho y Desarrollo and Comision Andina de Juristas, 1987.

Teaching experience

- Main Professor in the Law Department of the Pontificia Universidad Católica del Peru is in charge of lecturing on Juridical Persons, 1972 – to date.
- Speaker at several local and international congresses on matters of his speciality.