

Ibero-American Institute for Law and Finance (2nd Annual Conference)



Location: Hotel Tryp Habana Libre
Havana (Cuba). December 8-9, 2016

“Business Law and Foreign Investments in Cuba: Challenges and Perspectives”

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Presentation

After the successful launch conference of the Ibero-American Institute for Law and Finance held in Madrid (Spain) on October 1-2 2015 under the honorary presidency of His Royal Highness Felipe VI, the Ibero-American Institute of Law and Finance is delighted to announce the celebration of the 2nd Annual Conference, organized in collaboration with FIDE. The conference will be held in Havana (Cuba) on December 8-9, 2016. This year's conference will be held in Cuba due to the increasing interest of many investors, academics and policy-makers in the future of the country after the reestablishment of diplomatic relations with the United States. This event seeks to analyze, from a policy perspective, the current law of business organizations and foreign investments existing in Cuba, and how this regulatory framework can be improved to promote economic growth in the country.

For this purpose, and following the structure and methodology of the Institute, we have created various panels of experts from all over the world. These experts include several scholars from Cuba, Europe and Latin America; many speakers with professional experience in international organizations such as the World Bank, the International Monetary Fund and the United Nation Commission for International Trade Law (UNCITRAL); various judges, regulators, and policy-makers from Latin America and Europe; and leading practitioners from Cuba, Latin America and Europe.

Program

Thursday, December 8, 2016

8-8.30h. Registration

9.00-9.30h. Welcome

9.30-10.00h. Distinguished lecture: 'Foreign investments in Cuba: regulation, guarantees, and type of foreign investments' (Rodolfo Dávalos Fernández)

Panel 1. Business law in Cuba (10.00-12.00h)

- Corporate law in Cuba (Natacha Mesa)
- Tax law in Cuba (Carlos Pérez Inclán)
- Source of finance for Cuban companies (Alejandro Vigil)
- Introduction to the Cuban banking system (Marlié León Simón)

Moderator: Narciso Cobo Roura

Break (12.00-12.30h)

Panel 2. Corporate law (12.30-14.45h)

- Business organizations: the corporate form and the success of 'hybrid' entities around the world (Guillermo Cabanellas)
- The governance system: distribution of powers between the board of directors and the shareholders' meeting (Javier García de Enterría)
- The duty of care and the business judgment rule (Robert J. Jackson)
- The duty of loyalty and the regulation of related-party transactions (Luca Enriques)
- State ownership and corporate governance (Francisco Satiro)

Moderator: Manuel Conthe

Break (14-45.16.15h)

Panel 3. Bankruptcy law (16.15-18.15h)

- The impact of bankruptcy law in the promotion of economic growth (Aurelio Gurrea Martínez)
- Directors' duties and liability in insolvency (Felix Steffek)
- The solution of the debtor's insolvency: reorganization, liquidation and sale of assets (Richard Squire)
- Cross-border insolvencies (Adolfo Rouillon)

Moderator: Gerardo A. Carlo Altieri

Colloquium: The experience of international firms advising foreign investors in Cuba
(18.15-19.00h)

- Lourdes Dávalos (Uría Menéndez)
- Pere Kirchner (Cuatrecasas)
- Sönke Lund (Monereo Meyer Marinello Abogados)
- Javier Santos (DLA Piper)

Moderator: Rodolfo Dávalos Fernández

Friday, December 9, 2016

Panel 4. Commercial law and Secured Transactions (9.00-11.15h).

- Mortgages and pledges: A comparative approach (Amadeu Blasco)
- The reform of the law of secured transactions in Latin America (Daniel Rodríguez)
- New tendencies in financial contracts (Fernando Zunzunegui)
- International commercial law and electronic trade (Sönke Lund)
- Business trusts: role and functions (Sergio Rodríguez Azuero)
- The protection of foreign investments in international commercial law (Javier Santos)

Moderador: Vicente García Gil

Break (11.15 a 11.45h)

Panel 5. Institutions and enforcement (11.45-14.00)

- Enforcement in corporate law: the importance of specialized courts (José Miguel Mendoza)
- The rationale and coordination of preventive institutions to promote legal certainty: notaries and registries (Alfonso Cavallé)
- The intervention of public notaries in International Commercial Law (Ana Fernández-Tresguerres)
- The role of the *procurador* in legal procedures (Ignacio Argos Linares)
- The importance of arbitration for the resolution of legal disputes in emerging markets (Laurent Cohen-Tanugi)

Moderator: Manuel Pérez García

Break (14.00 a 15.45)

Panel 6. Financial regulation, corporate finance and entrepreneurship (15.45-18.00h)

- Sources of finance: a comparative perspective (Elena Daly and Rafael M. Molina)
- Credit markets: function, evolution, and types of financial institutions around the world (Ricardo Palomo)
- The use of the so-called 'social economy' as a way to form and finance a business enterprise (José María Dutilh)
- Regulation and supervision of the financial system (Jaime Herrero)
- Creation and development of capital markets (Manuel Conthe)

Moderator: Javier Priego

18.00h. Closing remarks

20.00h. Annual Dinner. Restaurante El Comedor de Aguiar. Hotel Nacional

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General Information

Date and place

The conference will take place at **Hotel Tryp Habana Libre** on **December 8-9, 2016**.

Registration

The registration will be made at FIDE (Phone: 914359239 or fidefundacion@fidefundacion.es). **The conference fee is €280** (€230 for members of the Ibero-American Institute for Law and Finance and FIDE). Attendance to the annual dinner of the Institute is *optional* and it should be paid separately (€55 per person). **The registration deadline is November 15, 2016**. Attendees registering by **October 15, 2016** will enjoy a 10% discount on the registration fee.

Methodology

The conference will be divided into **6 panels**. For two days, several experts from Latin America, Europe and the United States will discuss the most efficient way to reform the law of business organizations and foreign investments in Cuba with the aim of promoting economic growth in the country.

The conference will be held in **Spanish and English** (depending on the speaker's nationality).

Certificates

All the attendees will receive a certificate of attendance.

Visa

Each attendee/speaker is in charge of managing all the documents needed to enter into the country. If you need any letter of invitation/assistance, please contact us.

Contact

If you would like to register in the event, or you need any further information about it, please feel free to contact us:

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Bios

Jesús Alfaro is a Professor of Corporate and Commercial Law at Universidad Autónoma of Madrid. Of Counsel at Linklater's Madrid office.

Jesús Almoguera is a Lecturer in Business Law at Universidad Pontificia Comillas of Madrid (ICADE). Arbitrator. Founding Partner and Managing Director at J. Almoguera Abogados. Former Partner and Head of Corporate and Restructuring at Ashurst's Madrid Office.

Ignacio Argos is Procurador de los Tribunales. Treasurer of the Madrid Association of Procuradores.

Amadeu Blasco is Senior Counsel at SAREB's Legal Department.

Guillermo Cabanellas is Professor of Corporate Law and Senior partner at Cabanellas, Etchebarne y Kelly Abogados (CEK).

Gerardo A. Carlo Altieri is Legal Consultant on Corporate and Bankruptcy Matters. Former Bankruptcy Judge for the US District Court of Puerto Rico.

Manuel Castilla is Professor of Corporate and Commercial Law at the University of Granada.

Alfonso Cavallé is Public Notary in Tenerife.

Laurent Cohen-Tanugi is Founding Partner at Laurent Cohen-Tanugi Avocats. Member of the Paris and New York Bars. Former Chairman of French governmental task force on Europe in the global economy. Former Partner at Skadden and Cleary Gottlieb. Member of the French National Committee of the Court of Arbitration of the ICC

Manuel Conthe is an Independent Arbitrator. Chairman of the Advisory Board of Expansión. Former Chairman of the Spanish Stock and Exchanges Commission and former Vice-President for the Financial Sector at the World Bank.

Elena Daly is Senior Consultant on corporate and financial matters and expert in foreign investment and emerging markets. Principal of EM Conseil.

Rodolfo Dávalos Fernández is Professor of Private International at the University of Havana. President of the Cuban Association of Business Law and the Cuban Court of Arbitration.

Lourdes Dávalos is Senior Associate at Uría Menéndez and Head of the Cuban Desk.

José María Dutilh Carvajal is Managing Partner at LeQuid Abogados.

Luca Enriques is the Allen & Overy Professor of Corporate Law at the University of Oxford.

Ana Fernández-Tresguerres is Public Notary and Commercial Registrar (on leave).

José Manuel García Collantes is Public Notary and President of the Spanish Association of Notaries.

Javier García de Enterría is a Partner at Clifford Chance's Madrid office and Professor of Business Law (on leave).

Vicente García Gil is Managing Partner at Dictum Abogados and Adjunct Professor of Business Law at the University of Alicante.

Francisco Garcimartín is Professor of Private International Law at the Autonomous University of Madrid and Of Counsel at Linklater's Madrid office.

Fernando Gómez Pomar is Professor of Civil Law at Pompeu Fabra University. Of Counsel at Uría Menéndez.

Aurelio Gurrea Martínez is a Fellow of the Program on Corporate Governance at Harvard Law School and Executive Director of the Ibero-American Institute for Law and Finance.

Jaime Herrero is Deputy Secretary at the Bank of Spain.

Robert J. Jackson, Jr. is Professor of Law and Director of the Program on Corporate Law and Policy at Columbia Law School.

Cristina Jiménez Savurido is President of FIDE and former judge.

Pere Kirchner is a Partner at Cuatrecasas, Gonçalves Pereira.

Rosa María Lastra is Professor of International Financial and Monetary Law at the Centre for Commercial Law Studies (CCLS), Queen Mary University of London.

Marlié León Simón is General Secretary of the Bank of Cuba.

Florencio López de Silanes is Professor of Finance and Law, and Director of the Family Business Center at EDHEC Business School in France.

Sönke Lund is a Partner at Monereo Meyer Marinell-Lo Abogados.

José Miguel Mendoza is a Lecturer in Corporate Law at Universidad de los Andes (Bogotá) and Superintendent of Public Services in Colombia.

Natacha Mesa Tejada is a Lecturer in Business Law at the University of La Habana.

Rafael M. Molina is Managing Partner Newstate Partners LLP. Former Economist at the Federal Reserve of New York.

Ricardo J. Palomo is a Professor of Finance and former Dean of the Faculty of Economics and Business Studies at CEU San Pablo University.

Cándido Paz-Ares is Professor of Corporate and Commercial Law at the Universidad Autónoma of Madrid and partner of Uría Menéndez.

Javier Priego is General Secretary at the Bank of Spain.

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Carlos Alejandro Pérez Inclán is a Lecturer in Tax Law at the University of Havana.

Francisco Reyes Villamizar is Superintendent of Companies in Colombia and Professor of Corporate Law at the University of Los Andes. Former Chairman of the United Nation Commission for International Trade Law (UNCITRAL).

Sergio Rodríguez Azuero is Emeritus Professor of Commercial Law at the University of El Rosario Law School and founding partner at Rodríguez Azuero Contexto Legal Abogados.

Daniel Rodríguez Bravo is a Lecturer in Commercial law at the University of Los Andes and the University of El Rosario and partner at Rodríguez Azuero Contexto Legal Abogados.

Mauricio Rosillo Rojas is Professor of Capital Markets at Javeriana University and the Legal Vice-President and General Counsel of Grupo Bancolombia.

Adolfo Rouillon is Professor of Bankruptcy Law and Senior Legal Consultant at the Finance and Market Group of the World Bank. Former bankruptcy judge.

Javier Santos is a partner at DLA Piper.

Francisco Satiro is Professor of Law at the University of San Paulo and FGV Law School in Sao Paulo. Legal Consultant on Corporate and Bankruptcy Matters.

Richard Squire is Professor of Corporate and Bankruptcy Law at Fordham Law School.

Felix Steffek is University Lecturer in Comparative Commercial Law at the University of Cambridge and Senior Member of Newnham College.

Adrián They is a Partner at Garrigues.

Alejandro Vigil is Professor of Business Law at the University of Havana.

Fernando Zunzunegui is Professor of Banking and Securities Law at the Universidad Carlos III of Madrid and independent lawyer.