

CESAR PEREIRA C.ARB FCIARB

Cesar Pereira C.Arb FCIarb is an arbitrator, counsel and legal expert specialised in resolving disputes involving states and state-owned entities (SOEs) in concessions, construction, or government contracts. Pereira's expertise is predominantly focused on conflicts between states or SOEs and investors, domestic or international, a niche that has led him to author several articles on this topic, including 'Arbitration as a Tool for Government Contracts' (2022), which focuses on Latin American and African jurisdictions, and also 'The Brazilian Model of Investment Arbitration' (2023) and 'The Development of Arbitration Involving State Parties in Brazil – Comparative Remarks with Latin America' (2022).

Pereira's professional journey has seen him act as counsel, arbitrator, and legal expert witness in various international cases, notably under the ICDR, ICC and CAM-CCBC rules, as well as in numerous domestic cases, totalling around 60 proceedings until the end of 2023. Pereira's extensive academic publications in arbitration and state law amount to more than 100 articles and several books. His academic pursuits were furthered during his time as a visiting scholar at Columbia University, where he read international arbitration under Professor George Bermann. He has also been a visiting scholar at the University of Nottingham and George Washington University in public procurement. He is a member of the University of Nottingham Public Procurement Research Group (PPRG).

Pereira became a Fellow of the Chartered Institute of Arbitrators (Ciarb) in 2013, and in 2015, he joined the Ciarb Approved Faculty List as a course director in international arbitration. He was elected as the first chairman of the Ciarb Brazil Branch for the 2019-2022 term. Pereira was the first Brazilian to become a Chartered Arbitrator at Ciarb, a recognition he obtained in 2022.

Pereira holds a doctorate in Public Law from PUC/SP, in Brazil, and is a name partner at Justen, Pereira, Oliveira & Talamini, in Sao Paulo. He has been with the firm in various positions since 1990.

PERSONAL

Date of birth	28 August 1967
Nationalities	Brazilian and Italian
Specialization	Government contracts, Investment Contracts, Public Procurement – PPP, Infrastructure projects, Regulated industries, Defense contracts, International Sale of Goods, Arbitration

EDUCATION

2022	Visiting Scholar, Government Procurement Law The George Washington University, GW. Washington, DC, USA
2016	Visiting Scholar, International Public Procurement University of Nottingham, Nottingham, United Kingdom
2016	Visiting Scholar, International Government Purchases and Sales European University Institute, Fiesole, Italy
2013 – 2014	Visiting Scholar, International and Investment Arbitration Columbia University School of Law, CUSL. New York. USA
1999 – 2005	Ph.D., Administrative Law Pontificia Universidade Católica de São Paulo, PUC/SP, Sao Paulo, Brazil
1993 – 1998	LL.M., Tax Law Pontificia Universidade Católica de São Paulo, PUC/SP, Sao Paulo, Brazil
1992	Admitted to practice (Brazil)
1987 – 1991	Degree in Law Universidade Federal do Paraná, UFPR, Curitiba, Brazil

PROFESSIONAL BACKGROUND

1990 to date	Justen, Pereira, Oliveira & Talamini Senior Partner. Previously associate and intern
2013 to date	Chartered Institute of Arbitrators (C.Arb, FCIarb) Fellow 2013, AFL (Approved Faculty List) 2015, Chartered Arbitrator 2022
2019 to 2022	Chartered Institute of Arbitrators – Brazil Branch (Ciarb Brazil) Chairman
2022 to date	Public Procurement Research Group – PPRG (University of Nottingham) Fellow
2014 – 2018	Swiss International Law School (SILS) Course Leader
2013 – 2016	Brazil Infrastructure Institute – BII Vice-president
2011 to 2017	Arbitration Chamber of the Industries of Paraná – CAMFIEP President
2011 – 2014	Federal University of Paraná – UFPR Volunteer coach in domestic and international competitions such as the Willem C. Vis (Vienna) and Vis East (Hong Kong)
2007 to 2019	Romeu Bacellar Law Institute – IDRB Law Professor (Civil Procedure and Arbitration involving State Parties)

2002 – 2006 **Faculdades Integradas Curitiba**
Law Professor (Administrative Law and Procedure)

AFFILIATIONS AS ARBITRATOR

Pereira is on the roster of arbitrators of more than twenty arbitration institutions in various countries. Below is a subset of these affiliations.

- 2014 to date **Hong Kong International Arbitration Chamber (HKIAC)**
Arbitrator in the roster of the Hong Kong International Arbitration Chamber (Hong Kong, China)
- 2014 to date **Arbitration Center of the Chamber of Commerce and Industry of Portugal (CAC-CCIP)**
Arbitrator in the roster of the Centro de Arbitragem Comercial da Câmara de Comércio e Indústria Portuguesa (Lisbon, Portugal)
- 2014 to date **International Centre for Dispute Resolution (ICDR)**
Arbitrator in the roster of the International Centre for Dispute Resolution (New York, USA)
- 2014 to date **Arbitration Centre of the Chamber of Business Arbitration (CAMARB)**
Arbitrator in the roster of the Câmara de Arbitragem Empresarial (Belo Horizonte, Brazil)
- 2017 to date **Brazilian Centre for Mediation and Arbitration (CBMA)**
Arbitrator in the roster of the Centro Brasileiro de Mediação e Arbitragem (Rio de Janeiro, Brazil)
- 2019 to date **Centre for Arbitration and Mediation of the Chamber of Commerce Brazil-Canada (CAM-CCBC)**
Arbitrator in the roster of the Centro de Arbitragem e Mediação da Câmara de Comércio Brasil-Canadá (São Paulo, Brazil)
- 2019 to date **Ciesp/Fiesp Chamber of Conciliation, Mediation and Arbitration**
Arbitrator in the roster of the Câmara de Conciliação, Mediação e Arbitragem
CIESP/FIESP - CMASP (São Paulo, Brazil)
- 2021 to date **São Paulo's Stock Market Arbitration Chamber (CAM B3)**
Arbitrator in the roster of the Camara de Arbitrage do Mercado (São Paulo, Brazil)
- 2022 to date **Chamber of Commerce and Culture of Belgium and Luxembourg in Peru (CIABLP)**
Arbitrator in the roster of the Cámara de Bélgica y Luxemburgo en el Perú (Lima, Peru)
- 2022 to date **Shanghai International Arbitration Center (SHIAC)**
Arbitrator in the roster of the Shanghai International Arbitration Center (Shanghai, China)

PUBLICATIONS

Pereira has authored more than 100 academic articles and book sections, as well as several books. His academic work is mainly focused on international arbitration, infrastructure, international contracts and matters of public policy of the state. He commonly writes about the relationship between these. Below is a subset of his academic works.

Books

- PEREIRA, C. A. G.; SIGNORELLI, A. S. M. **Antitrust Arbitration in Perspective: From Legal Nature to Procedural Challenges** (Arbitragem concorrencial em perspectiva: da natureza jurídica aos desafios processuais). São Paulo: Revista dos Tribunais, 2023. In Portuguese
- PEREIRA, C. A. G., TALAMINI, E. **Arbitration and Public Power** (Arbitragem e Poder Público). São Paulo: Saraiva, 2010. In Portuguese
- SCHWENZER, I.; COSTA E SILVA, P.; PEREIRA, C. A. G. (Org.) **CISG, Brasil e Portugal**. São Paulo: Almedina, 2021. In Portuguese
- JUSTEN FILHO, M., PEREIRA, C. A. G., ROST, M. A. (Org.) **Brazil Infrastructure Law**. Haia: Eleven International Publishing, 2016.
- SCHWENZER, I., PEREIRA, C. A. G., TRIPODI, L. (Org.) **CISG and Latin America**. Haia: Eleven International Publishing, 2016.
- PEREIRA, C. A. G.; SCHWIND, R. W. (Org.) **Brazilian Port Law** (Direito Portuário Brasileiro). 3ª edição. Belo Horizonte: Editora Fórum, 2019. In Portuguese
- WALD, A.; JUSTEN FILHO, M.; PEREIRA, C. A. G. (Org.) **Administrative Law Today** – Studies in honor of the centenary of Hely Lopes Meirelles 1917-2017 (Direito Administrativo a Atualidade – Estudos em homenagem ao centenário de Hely Lopes Meirelles 1917-2017). São Paulo: Malheiros, 2017. In Portuguese
- JUSTEN FILHO, M., PEREIRA, C. A. G. (Org.) **The Differentiated Regime of Public Procurements (RDC)** (O Regime Diferenciado de Contratações Públicas (RDC)). 3ª edição. Belo Horizonte: Editora Fórum, 2014. In Portuguese
- SCHWENZER, I., GREBLER, E., FRADERA, V., PEREIRA, C. A. G. (Org.) **Comments on the United Nations Convention on Contracts for the International Sale of Goods** (Comentários à Convenção das Nações Unidas sobre Contratos de Compra e Venda Internacional de Mercadorias). São Paulo: Editora Revista dos Tribunais, 2014. In Portuguese
- PEREIRA, C. A. G. **Users of Public Services: users, consumers and the economic aspects of public service** (Usuários de Serviços Públicos: usuários, consumidores e os aspectos econômicos do serviço público). 2. ed. São Paulo: Saraiva, 2008. In Portuguese
- PEREIRA, C. A. G. **Tax Evasion and Administrative Function** (Elisão Tributária e Função Administrativa). São Paulo: Dialética, 2001. In Portuguese

Articles (selected)

- Santini, C., Cardoso, A. G., Pereira, C. A. G., & Souza-McMurtrie, L. F. (2024). "AI and Dispute Resolution: A Powerful (New) Tool in International Commercial Arbitration." In "International Commercial Arbitration

Practice: 21st Century Perspectives" (LexisNexis/Matthew Bender, NY, ongoing updates from 2010). Expected Jan 2024.

- Pereira, C. A. G., & Souza-McMurtrie, L. F. (2024). **"The Brazilian Model of Investment Arbitration: The Protection of Foreign and Domestic Investors"** (Original title: "O modelo brasileiro de arbitragem com o Estado: proteção de investidores estrangeiros e nacionais"). In Costa, J. A. F., Pela, J. K., & Amadeo, R. C. M. R. (Eds.), "Estudos em Homenagem ao Professor Hermes Marcelo Huck." São Paulo. Expected Jan 2024.
- Pereira, C. A. G., & Souza-McMurtrie, L. F. (2022). **"The Development of Arbitration Involving State Parties in Brazil: Comparative Remarks with Latin America."** Revista Brasileira de Arbitragem, Issue 75, 19, 36-58. [Available online: <https://kluwerlawonline.com/journalarticle/Revista+Brasileira+de+Arbitragem/19.2/RBA2022027>]
- Pereira, C. A. G., & Souza-McMurtrie, L. F. (2022). **"The Brazilian Federal Government Establishes Criteria for Appointing Arbitrators"** (Original title: "União estabelece critérios para nomeação de árbitros em procedimentos"). Migalhas, 10 March 2022. [Online: <https://www.migalhas.com.br/depeso/361150/uniao-estabelece-criterios-para-nomeacao-de-arbitros-em-procedimentos>]
- Pereira, C. A. G., & Souza-McMurtrie, L. F. (2022). **"Arbitration and Corruption: What Can (and Should) Arbitrators Do?"** (Original title: "Arbitragem e Corrupção: O Que Os Árbitros Podem (e Devem) Fazer?"). Desafios da Arbitragem com a Administração Pública. Revista da AGU, Vol. 21, n 2, Brasília, Apr/Jun 2022.
- Pereira, C. A. G., Souza-McMurtrie, L. F., & Okiny, B. (2024). **"Arbitration as a Tool for Efficiency in Government Contract Management: Why, How, and When It Works."** Public Procurement Law Review. University of Nottingham, 0963-8245, Jan 2024.
- Pereira, C. A. G., & Souza-McMurtrie, L. F. (2022). **"The Modernisation of Conflict Resolution with Public Entities: From Arnaldo Wald's Lessons in 1962 to the Federal Law 14.133"** (Original title: "A Modernização Da Resolução de Conflitos Com a Administração Pública: Das Lições de Arnaldo Wald Em 1962 à Lei 14.133"). In Selma Lemes, Fábio Ulhoa Coelho & Gustavo Tepedino Tepedino (eds.), "A Evolução do Direito no Século XXI. Seus princípios e valores - ESG, Liberdade, Regulação, Igualdade e Segurança Jurídica" (Homenagem ao Professor Arnaldo Wald), vol 1, 1st edn, IASP 2022.
- Pereira, C. A. G., & Souza-McMurtrie, L. F. (2022). **"The Participation of the Public Prosecution in Mass Claims Arbitrations"** (Original title: "A Participação Do Ministério Público Em Arbitragens Coletivas"). In Ana Luiza Nery & Rômulo Greff Mariani (eds.), "Arbitragem e Processo Coletivo," 1st edn, Thompson Reuters Brasil 2022.
- Pereira, C. A. G., & Souza-McMurtrie, L. F. (2022). **"Non-judicial Means of Dispute Resolution under the Government Contracts Act"** (Original title: "Meios Extrajudiciais de Resolução de Disputas Na Lei 14.133"). In Marcelo Harger (ed.), "Aspectos Polêmicos sobre a Nova Lei de Licitações e Contratos Administrativos," 1st edn, Forum 2022.
- PEREIRA, C. A. G. (2021). **"Reference Standards of National Agency for Water and Basic Sanitation and Regulatory Conflicts"** (Original title: "Normas de Referência da ANA e Conflitos Regulatórios"). In Alexandre Jorge Carneiro da Cunha Filho et al. (Org.), "Novo Marco Regulatório do Saneamento Básico no Brasil: Estudos Sobre a Nova Lei Nº 14.026/2020," Volume 2. São Paulo: Quartier Latin.
- PEREIRA, C. A. G., SCHWIND, R. W. (2020). **"The Regulatory Framework of the Brazilian Port Sector"** (Original title: "O marco regulatório do setor portuário brasileiro"). In Cesar Pereira & Rafael Wallbach Schwind (Org.), "Direito Portuário Brasileiro," 3rd ed. Belo Horizonte: Fórum, pp. 31-63.
- PEREIRA, C. A. G., SCHWIND, R. W. (2020). **"Dispute Resolution in Cabotage Shipping: Reality and Prospects for Regional Arbitration Hubs."** In Camila Mendes Vianna Cardoso (Org.), "International Congress of Maritime Arbitrators: articles of the Brazilian Committee." Rio de Janeiro: FGV Direito Rio, pp. 77-96.
- PEREIRA, C. A. G. (2020). **"Arbitration in the Port Sector and the Decree 8.465 of 2015"** (Original title: "Arbitragem no setor portuário e o Decreto nº 8.465, de 2015"). In Cesar Pereira & Rafael Wallbach Schwind (Org.), "Direito Portuário Brasileiro," 3rd ed. Belo Horizonte: Fórum, pp. 605-620.
- PEREIRA, C. A. G. (2020). **"Decree 10.025: Arbitration with Federal State Entities in Port and Waterway Sectors"** (Original title: "Decreto nº 10.025: arbitragem com a Administração Pública Federal nos setores portuário e aquaviário"). In Cesar Pereira & Rafael Wallbach Schwind (Org.), "Direito Portuário Brasileiro," 3rd ed. Belo Horizonte: Forum, pp. 623-629.
- PEREIRA, C. A. G. (2019). **"Arbitration and Administrative Function"** (Original title: "Arbitragem e função administrativa"). In Marçal Justen Filho & Marco Aurélio de Barcelos Silva (Org.), "Direito da Infraestrutura: Estudo de Temas Relevantes." Belo Horizonte: Fórum, pp. 63-87.
- PEREIRA, C. A. G. (2019). **"Arbitration or Judicial Branch in Conflicts with Public Entities: Draft of a Guideline for a Rational Choice"** (Original title: "Arbitragem ou Poder Judiciário nos litígios com a Administração Pública: esboço de roteiro para uma escolha racional"). In Napoleão Casado Filho et al. (Org.), "Direito Internacional e Arbitragem: estudos em homenagem a Prof. Cláudio Finkelstein." São Paulo: Quartier Latin, pp. 587-614.
- PEREIRA, C. A. G. (2017). **"Arbitration and State Entities"** (Original title: "Arbitragem e Administração"). In "Enciclopédia jurídica da PUC-SP," Tomo: Direito Administrativo e Constitucional. São Paulo: Pontifícia Universidade Católica de São Paulo. [Online: <https://enciclopediajuridica.pucsp.br/verbete/155/edicao-1/arbitragem-e-administracao>]. Access on: January 25, 2024.
- PEREIRA, C. A. G. (2017). **"Arbitration on Law 13.448 and Contracts with Public Administration in the Highway, Railway and Airport Sectors"** (Original title: "Arbitragem na Lei 13.448 e os contratos com a administração pública nos setores de rodovias, ferrovias e Aeroportos"). Revista de Arbitragem e Mediação, Vol. 55, pp. 111-133.
- PEREIRA, C. A. G., OLBERTZ, K., ROST, M. A. (2016). **"Oil and Gas Regulation in Brazil."** In Marçal Justen Filho et al. (Org.), "Brazil Infrastructure Law," 1st ed. Haia: Eleven International Publishing, pp. 141-172.
- PEREIRA, C. A. G., MORAIS, R. J., MELLO, M. D., TANURE, F. A., SUNYE, P. B. (2016). **"Environmental Licensing in Brazil."** In Marçal Justen Filho et al. (Org.), "Brazil Infrastructure Law," 1st ed. Haia: Eleven International Publishing, pp. 215-227.
- PEREIRA, C. A. G., LEVIN, E. (2016). **"Article 7 - Procedure."** In Frederico José Straube et al. (Org.), "The CAM-CCBC Arbitration Rules: a Commentary." The Hague: Eleven International Publishing, pp. 129-142.
- PEREIRA, C. A. G. (2016). **"Application of the CISG to International Government Procurement of Goods."** In Ingeborg Schwenzer (Org.), "35 Years CISG and Beyond" (International Commerce and Arbitration, Vol. 19). Eleven International Publishing, pp. 205-222.
- PEREIRA, C. A. G. (2016). **"Recognition of Foreign Judgments and Awards in Brazil."** TDM (Leidschendam), Vol. 13, pp. 04 - 2016.

- PEREIRA, C. A. G., QUINTÃO, L. (2016). "**Recognition of Annulled Arbitral Awards: A Latin-American Perspective**" (Original title: "Reconocimiento de laudos arbitrales extranjeros anulados: una perspectiva latinoamericana"). Spain Arbitration Review – Revista del Club Español del Arbitraje, Vol. 27, pp. 51.
- JUSTEN FILHO, M., PEREIRA, C. A. G., SCHWIND, R. W. (2015). "**Public Service and Economic Activity: Economic Exploitation by the Provider of Public Service**" (Original title: "Serviço público e atividade econômica: a exploração econômica pelo concessionário de serviço público"). Revista de Direito Administrativo Contemporâneo, Vol. 16, pp. 13-37.
- PEREIRA, C. A. G. (2015). "**Partnerships for Innovation in the Defense Sector: The Law 12.598 and the Public-Private Partnerships for Research and Development (R&D)**" (Original title: "Parcerias para a inovação no setor de defesa: a Lei 12.598 e as parcerias público privadas para pesquisa e desenvolvimento (R&D)"). In "Parcerias público privadas: reflexões sobre os 10 anos da Lei 11.079/2004." Revista dos Tribunais, Vol. 1, pp. 637-656.
- PEREIRA, C. A. G. (2014). "**CISG (Vienna 1980's Convention) and the Biddings for International Purchases**" (Original title: "CISG (Convenção de Viena de 1980) e as licitações para compras internacionais"). Interesse Público, Vol. 86, pp. 111-122.
- PEREIRA, C. A. G. (2014). "**Bidding and Administrative Contracts of International Purchase of Goods: CISG Application (Vienna 1980's Convention)**" (Original title: "Licitações e contratos administrativos de compra internacional de mercadorias: aplicação da CISG (Convenção de Viena de 1980)"). Revista de Direito Administrativo Contemporâneo, Vol. 10, pp. 109-122.
- PEREIRA, C. A. G. (2014). "**Arbitration and Constitution**" (Original title: "Arbitragem e Constituição"). In "Direito Constitucional Brasileiro: Teoria da Constituição e Direitos Fundamentais." Editora Revista dos Tribunais, p. 813.
- PEREIRA, C. A. G. (2012). "**Infrastructure and Dispute Resolution in Brazil: The Compagás Case and Brazilian Arbitration.**" LIQ – Latin Infrastructure Quarterly, Vol. 2, pp. 59-63, 2nd January 2012.
- PEREIRA, C. A. G. (2011). "**Arbitration and State Parties: Developments in Brazilian Case Law Arising from Compagás.**" Dispute Resolution Journal, New York, pp. 10-12, 1st November 2011.
- PEREIRA, C. A. G. (2009). "**Recognition and Enforcement of International Arbitral Awards in Brazil.**" Revista de Arbitragem e Mediação, Vol. 20, pp. 122-148.
- PEREIRA, C. A. G. (2009). "**What's New in Latin America ADR?**" Dispute Resolution Journal, New York, pp. 14-15, 1st November 2009.
- PEREIRA, C. A. G. (2008). "**Arbitration in Public Administration - Legal Basics and Economic Efficiency** (Review of work of Selma M. Ferreira Lemes)" (Original title: "Arbitragem na Administração Pública - Fundamentos Jurídicos e Eficiência Econômica (Resenha de obra de Selma M. Ferreira Lemes)"). Revista Brasileira de Arbitragem, Vol. 17, pp. 206-209.
- PEREIRA, C. A. G. (2007). "**Recognition and Enforcement of International Arbitral Awards in Brazil.**" International Litigation Quarterly, American Bar Association, Chicago, pp. 15-26, 1st March 2007.
- PEREIRA, C. A. G. (2006). "**Arbitration and Public Administration: Comments on the Judgment of the Supreme Court in REsp 612.439/RS**" (Original title: "Arbitragem e a Administração Pública: comentários ao acórdão do STJ no REsp 612.439/RS"). Revista Brasileira de Arbitragem, Vol. 12, pp. 98-120.
- PEREIRA, C. A. G. (2006). "**The Role of Arbitration Chambers as 'Amicus Curiae' in Proceedings with the Court of Accounts Regarding Arbitral Proceedings**" (Original title: "A participação das Câmaras de Arbitragem como 'amicus curiae' em Processos do Tribunal de Contas da União relativos a Processos Arbitrais"). Revista Brasileira de Arbitragem, Vol. 12, pp. 43-51.

ASSOCIATIONS

ABA	American Bar Association
AASP	Associação dos Advogados de São Paulo
CI Arb	Chartered Institute of Arbitrators (FCI Arb)
IABA/FIA	Federación Interamericana de Abogados
CAL	Clube dos Arbitralistas Lusófonos
IDTPR	Instituto de Direito Tributário do Paraná
IASP	Instituto dos Advogados de São Paulo
IAP	Instituto dos Advogados do Paraná
IPDA	Instituto Paranaense de Direito Administrativo
IBA	International Bar Association
OAB	Ordem dos Advogados do Brasil, Seções do Paraná, São Paulo e Distrito Federal

LANGUAGES

Portuguese	Native speaker
English	Fluent
Spanish	Fluent