

FUNDACIÓN “PRESIDENTE ALLENDE”

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Development in the apparent conflict of interests between the arbitrators and the Republic of Chile in the Pey Casado and President Allende Foundation case (ICSID)

On July 24, 2017 the Santiago Civil Court num. 28 [ordered the Ministry of Foreign Affairs of Chile](#) to disclose this September the 5th any payments made since January 1, 2005 to the present to members of Essex Court Chambers, London, two of them (Sir Franklin Berman QC and V.V. Veeder QC) are also member of the ICSID arbitral tribunal in the current phase of the *Pey Casado/Allende Foundation* dispute ([Case N° ARB/98/2](#), resubmission, [rectification of errors](#) in the September 13, [2016 Award](#)).

The amount of payments that the government of Chile has been ordered to disclose is required for purposes of a civil action to be brought by the Spanish investors against the persons involved in a presumed fraudulent misrepresentation, the intentional concealment of a conflict of interest in the September 13, 2016 Award (fraudulent misrepresentation). However, the Foreign Affairs Ministry did not obey the judicial order, on September 5 it has not shown the payments made to the E.E.C.

On [February 21, 2017](#) the President of the ICSID Administrative Council¹ rejected the investors' [request](#) that arbitrators Mr. Berman and Mr. Veeder be recused for apparent conflict of interest and [failure to disclose the relations](#) with the Defendant State; at that time the President of the Administrative Council was under the impression that all relevant information concerning the relationship between the State of Chile and Mr. Berman and Mr. Veeder chambers was already in the public domain; and based upon this assumption, the request was rejected.

On April, the 13th 2017 the Chilean authorities recognized formally that Chile is paying to E.E.C.'s members since January 2005 to now. On the [15th of June](#) the ICSID arbitral tribunal, composed of Mr. Berman, Mr. Veeder and Mr. Alexis Mourre rejected the claimants [request of June 9, 2017](#) that it require the Government of Chile to disclose to the tribunal, ICSID, and the parties, information not in the public domain concerning payments made to members of Essex Court Chambers.

The proceedings at the Santiago Civil Court num. 28 ([Rol C-14985, 2017](#)) is published on the official Santiago [website](#), which has published as well the [request for preliminary measures](#) by the President Allende Foundation in June 2017 and related documents.

More information on this arbitration is available at <http://bit.ly/2xGPjsl>
