



Francisco Alarcón

CEDR Accreditation:	2019
CEDR Panel:	2026
Languages:	Spanish (native), German, English
Location:	Guayaquil - Ecuador

***"It is not you against me, it is us both
against the problem"***
-Jay Shetty

Overview

Francisco comes from a business background. He spent the first 25 years of his career working in consumer goods companies in his home country (Ecuador). In 2014, while Francisco was CEO of Holding Tonicorp – a US\$500 million conglomerate, the enterprise was sold to The Coca Cola Company. Francisco was the head of the seller's negotiation team.

While working at Holding Tonicorp, Francisco became quite involved in trade organizations. He was President of both Ecuador's Federation of Chambers of Industries (representing more than 80% of national manufacturing output) and ALIPLAS (Latin American Plastics Association).

During his business practice and leadership positions Francisco saw business disputes that in his view took way too much time, emotional toll, and money to resolve. Thus, after obtaining his LL.M. at Queen Mary University of London, Francisco turned to alternative dispute resolution, and thus he founded Centro de Mediación Empresarial, which he directs.

Professional Background

- Director of Centro de Mediacion Empresarial (Guayaquil – Ecuador)
- President of Perez, Bustamante & Ponce Family Office (Quito – Ecuador)
- President of Ecuador Federation of Chambers of Industries
- CEO of Holding Tonicorp (Guayaquil - Ecuador)
- Member of the Board of Trustees of Universidad Casa Grande (Guayaquil – Ecuador)

Expertise

- Tax
- Employment / labor
- Construction
- Partners' disputes
- International
- Contract

Dispute Experience

Complex Negotiations

- Sale of own company to The Coca Cola Company and Arca Continental
- Policy negotiations with authorities

Tax

- More than 50 agreements between Ecuador's central tax authority (SRI) and members of the private sector (companies and citizens).

Partner's Disputes

- Fractured relationship between partners that was significantly hurting company
- Dispute over dividend policy
- Negotiation of Shareholders' Agreement between two families that held equal stakes in company
- Dispute between direct and indirect shareholders (siblings and parents)
- Severance from company of son of sole shareholder

Employment / labour

- Severance package of CEO of one of Ecuador's largest companies
- During pandemic, several negotiations between employers and employees over imminent downsizing
- Severance of multiple employees of large franchise after buyout by creditor
- Negotiation with whole workforce of manufacturing company after it declared bankruptcy

International

- Commercial (supplier / buyer) dispute between companies from Ecuador and Singapore – the agreement was signed invoking the Singapore Convention

Construction

- Dispute between developer and neighbours over height and other aspects of new beach project
- Dispute between landowner and developer over overlap of between developers' and land owner's land.

Contract / commercial

- Terms of end of relationship between large consumer goods company and one of its main distributors
- Landlord / tenant disputes
- Supplier / buyer dispute over delivery of defective goods

Sale of own company to The Coca Cola Company and Arca Continental

- Francisco was the leading negotiator for the seller's team in the sale of his family's conglomerate (Holding Tonicorp, a \$500 million / 3,200 employee company)
- The buyer was a joint venture between The Coca Cola Company (USA) and Arca Continental (Mexico), Coca Cola ´s third largest bottler in the world
 - The negotiations took 14 months from start to closing
 - All 3 enterprises involved were publicly traded companies, each in its respective jurisdiction

Policy negotiations with authorities

- While presiding the Ecuadorian Federation of Chambers of Industries, Francisco had to constantly negotiate over policy plans on behalf of the private sector with local and national authorities, as well as with members of Congress
- There were also frequent negotiations with national workers representatives and heads of unions.

Personal Style

Francisco's personal style is influenced by his business background. It is not difficult for him to stay away from discussions about rights, and to zero in on the parties' interests.

He is a firm believer in good preparation and therefore places significant value on the steps that precede the actual mediation day (briefs, documentation, individual calls with each party, etc.). This allows him to tailor his precise style and approach according to each case.

He is quite flexible in using either joint or individual sessions during the mediation; for him it all depends on what is best in order to keep the negotiation moving forward.

Feedback

- "Francisco helped me shift my view of my counterpart from enemy to a normal human being"
- "He managed to get the parties to work together towards a common enemy: the problem at hand"
- "His business background helped to make more precise numeric calculations, helping the parties to move beyond feelings and perceptions"
- "Francisco made me feel he knew what we were going through, facing real business difficulties"

Accreditations / degrees

- Accredited Mediator by the Guayaquil Chamber of Commerce, Dec. 2019
- Accredited Mediator by CEDR (Centre for Effective Dispute Resolution), Oct. 2019
- LL.M. in International Business Law at Queen Mary University of London, Dec. 2019
- MBA, Owen School of Management – Vanderbilt University (USA), May 1999
- Bachelor's in Science, Vanderbilt University (USA), May 1993

Current Memberships

- Member of Board of Trustees of Universidad Casa Grande (Guayaquil – Ecuador)
- Board member of Cámara de Industrias de Guayaquil