



Lucía Olavarría

PARTNER



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Lucía Olavarría has deep knowledge in the fields of arbitration, administrative law, public-private partnerships and telecommunications, electricity and natural gas regulation.

She counts with more than 15 years of experience advising investors on the development of infrastructure projects. She combines the representation of clients in arbitrations with her role as arbitrator. Lucía has acted as a party representative in commercial and investment arbitrations, as well as in dispute negotiations concerning construction contracts, shareholders agreements, hydrocarbons license contracts, concession contracts, power purchase agreements, electricity regulations, ship or pay natural gas transport contracts, among others.

Her expertise in construction disputes covers various types of contracts (lump sum turnkey EPC, Time & Materials, design contracts), additional cost and extensions of time claims and constructive defects.

Lucía was advisor to the Energy and Mines Minister in matters related to the hydrocarbons sector and projects developed by PROINVERSION in Energy, Transportation, Telecommunications, among others. As well, she has been representative of the Ministry before the Special Commission on the System for Coordination and State Response in International Investment Disputes (SICRECI).

Prior to her experience in the public sector, Lucía was a Senior Associate for more than 11 years in two prestigious law firms in Peru, in the regulatory and dispute resolution areas. Through this experience, Lucía participated in arbitrations administered by ICSID and the most important centers in Peru.

Lucía worked in Washington DC for two years after finishing her LLM at Harvard Law School, where she was Dean's Scholar in the International Commercial Arbitration course. She was an advisor to the Vice President for Countries at the Inter-American Development Bank, participating in the management of the sovereign loan portfolio and promoting the development of public-private partnerships. Lucía was also a Foreign Attorney in the arbitration group of Arnold & Porter, where she participated in international arbitrations.

Lucía has been professor of Administrative Economic Law and Business Dispute Resolution in the Business Law Master's Degree at Universidad de Ciencias Aplicadas – UPC as well as professor of the Effective Legal Communication course in the Law School of Pontificia Universidad Católica del Perú - PUCP.

Lucía is a registered arbitrator at the arbitration centers of the Lima Chamber of Commerce, Pontificia Universidad Católica del Perú and Amcham. She was an ICC YAF Representative for Latin America for the period 2019-2021.

Education

- Harvard Law School: LL.M. (2010).
- Pontificia Universidad Católica del Perú: Bachelor in Law (2005) - Lawyer (2006).
- ESAN University: Diploma in Regulation Finances (2008).

Practice areas

- Administrative Law
- Public Private Partnerships
- Energy Law
- Infrastructure Projects
- Construction Law
- Telecommunications Law
- Domestic and International Commercial Arbitration
- Investment Arbitration

Professional experience

- Partner at Quiñones Alayza Abogados (since February 2020)
- Professor at Pontificia Universidad Católica del Perú (March 2018 - December 2020)
- Principal Associate at Estudio Echeopar, a member of Baker Mackenzie (June 2018-December 2019)
- Advisor to the Ministry of Energy and Mines (November 2017- May 2018)
- Senior Associate at Miranda & Amado (July 2012-November 2017)
- Research Fellow at the Interamerican Development Bank (July 2011- June 2012)
- Foreign Attorney at the Arnold & Porter International Arbitration Group (October 2010-June 2011)
- Associate at Miranda & Amado (February 2016-August 2009)

Memberships

- Lima Bar Association
- Themis – Law Review.
- Harvard Club of Peru
- Arbitrator registered at the Arbitration Centres of the CCL, PUCP and Amcham.
- ICC Advanced International Arbitration Academy 2016-2018.
- ICC YAF Representative for Latin America 2019-2021.
- Equal Representation in Arbitration Pledge, member of the Global Steering Committee.

Languages

- Spanish and English (fluent).

Relevant experience as an arbitrator

- Member of Arbitral Tribunal appointed by the Court of Arbitration of Amcham in an arbitration concerning a construction contract.
- Chairman of the Arbitral Tribunal appointed by the co-arbitrators in arbitration under the rules of the CCL Arbitration Centre regarding a commercial agreement in the agro-industrial sector.
- Sole Arbitrator appointed by the Higher Arbitration Council of the CCL in four cases.
- Sole Arbitrator appointed by the Court of Arbitration of Amcham.

Relevant experience as party representative

- Representing power companies in negotiations and arbitrations regarding price determination and rights of first refusal under power purchase agreements.
- Representing a power company in negotiations concerning a backup contract in the electric sector.
- Representing in arbitrations related to the application of grid's operator technical procedures.
- Representing concessionaire in a dispute concerning force majeure and hardship allegations under a gas transportation ship or pay contract.
- Representing a mining company in an arbitration against a contractor under a Time & Materials Contract.
- Representing a concessionaire in a negotiation concerning a design contract in the transportation sector.
- Representing a contractor against a mining company under a turnkey EPC Contract for the construction of a transmission line.
- Representing a transmission concessionaire against the Ministry of Energy and Mines in a dispute regarding a transmission line concession contract.
- Advising a construction company in a dispute concerning a consortium contract for a highway project.
- Advising a generation company in a dispute against a contractor under a turnkey EPC Contract, related to defects in the construction.
- Advising a mining company in managing additional cost and extensions of time claims by contractor under a lump sum turnkey EPC Contract.
- Advising a generation company in a additional cost and extensions of time claims by contractor under a lump sum turnkey EPC Contract.
- Representing in arbitrations concerning shareholders agreements.

Relevant Speaking Events

- **2021** "Latam arbitration under scrutiny: a challenge to legitimacy?". 19th ICC Miami Conference.
- **2021** "Juridical effects of public contracts renegotiation". Conference "The future of investment in Peru". Forseti Law Review. Universidad del Pacífico.
- **2021** Moderator of the panel "A walk through recent landmark arbitration cases in Latin America ("Kompetenz-kompetenz principle under attack: the anti-arbitration injunctions in Latin America.")". 8th ICC Global YAF Conference.
- **2021** "Comments on the requirement of a bank and/or equity bond in favour of the Entity as counter-guarantee, in relation to Legislative Decree No. 20-2020". Conference "Controversial aspects in public works arbitration". Foro Académico. Pontificia Universidad Católica del Perú.
- **2020** "What is the regulation of the intervention of regulatory agencies in arbitration? ¿Does it violate any arbitration principle/logic?". Arbitration Congress: Perspectives and Reflections. Forseti Law Review. Universidad del Pacífico.
- **2020** "Practical issues of commercial and investment arbitration". Centro de Estudios de Derecho, Economía y Política, CEDEP and International Chamber of Commerce – ICC Paraguay.
- **2020** "Arbitration awards motivation standard ¿Is the same standard applicable to an arbitral award in a commercial arbitration and a public procurement arbitration?". IX Regional Arbitration Congress.

- **2020** “Evidence in arbitration: Production, performance and assessment”. IPA Webinar, 8th Edition. Instituto Peruano de Arbitraje.
- **2020** “A Step Forward Toward Diversity |A directory of women arbitrators”. Arbitral Women.
- **2020** “Pandemic and the present and future of arbitration in Latin America”. Centro de Arbitraje de la Cámara de Comercio de Medellín.
- **2020** “¿Should confidentiality be a default rule in arbitration?” In “Dialogue with arbitration centres”. Club Español del Arbitraje, Facultad de Derecho de la Universidad del Pacífico and Bullard Falla Ezcurra +.

Publications

- **2021** Olavarría, L. y Di Vecchia, B. *YAF Session: Who wants to be an arbitrator? An interview with Yves Derains*. ICC Dispute Resolution Bulletin, 2021, Issue 1. <<https://qalegal.pe/icc-yaf-who-wants-to-be-an-arbitrator/>>
- **2021** Olavarría, L. y Ferreyros, P. *The regulatory agency intervention in public-private partnerships arbitration*. Prometheo – CDA. May 12. <<https://qalegal.pe/articulo-la-intervencion-del-organismo-regulador-en-los-arbitrajes-sobre-asociaciones-publico-privadas/>>
- **2020** Olavarría, L. *Protection of legitimate expectations in the face of regulatory change in investment arbitrations against the Kingdom of Spain*. Prometheo – CDA. May 9. <<https://qalegal.pe/proteccion-de-expectativas-legitimas-frente-al-cambio-regulatorio-en-los-arbitrajes-de-inversion-contra-el-reino-de-espana/>>.
- **2020** Olavarría, L. “*Arbitration: A step forward and many backwards*”. Enfoque Derecho. January 20. <<https://qalegal.pe/arbitraje-un-pasito-para-adelante-y-varios-pasitos-para-atras/>>

Acknowledgements

- **Chambers & Partners Latin America, 2022**. Arbitration: Up and Coming
- **Who’s Who Legal, 2021**. Arbitration: Future Leader
- **Expert Guides, 2021**. Commercial arbitration: Future Leader.