

LIDW: HERBERT SMITH FREEHILLS LAWYER DANIELA PAEZ TALKS ETHICAL AND SUSTAINABLE INVESTMENTS IN LATIN AMERICA

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Firm news

Herbert Smith Freehills associate Daniela Paez has been involved in London International Disputes Week (LIDW) 2022, speaking at an event entitled '*Latin America: delivering sustainable and ethical infrastructure across key sectors – a disputes perspective*'.

The Latin America region has embraced ethical and sustainable investments across multiple sectors. Daniela's session, hosted yesterday, considered how disputes arising out of those investments are being resolved in key jurisdictions and sectors such as energy, infrastructure, commodities, shipping and insurance.

LIDW, which is being hosted this week until 13 May 2022, is bringing together legal practitioners from around the world to celebrate the heritage of London as a disputes centre and to consider the future of global dispute resolution. With its theme: *Dispute Resolution-Global, Sustainable, Ethical?*, LIDW22 is - through a series of events held both physically and virtually - taking a critical look at the future of dispute resolution and its place in the post pandemic world. The centrepiece of the Week is a two-day conference held at Central Hall Westminster at which leading practitioners, judges, arbitrators and all those involved in the dispute resolution business will consider the important matters that affect our clients.

Herbert Smith Freehills is a proud founding member of this important event and joined forces with more than 50 other firms, barristers chambers, academics, legal commentators and dispute resolution organisations to initially help launch the week when it was first introduced in 2019.

Here Daniela answers some questions on why LIDW is so important for the Capital and some key issues related to disputes in Latin America.

Why is it important that London hosts International Disputes Week?

London is and has been one of the preferred forums for the resolution of disputes worldwide. Following the COVID-19 pandemic, this seems to be a great opportunity for legal practitioners to discuss relevant developments relevant to the resolution of international disputes, as well as take the opportunity to promote London as a solid and reliable seat for international arbitration disputes.

What are the key issues facing the disputes landscape in Latin America for foreign investors at the moment?

At this point in time, politics are a determinant factor in Latin America. This is particularly true in Mexico, Peru and Chile, where we have seen some proposed Governmental policies generate concerns for foreign investors. For instance, the Mexican government is currently pushing for a legal reform to nationalize the lithium industry. In Chile, the Constitutional Assembly, in charge of drafting a new Constitution for the country, has also been debating a proposal to nationalize all natural resources. In addition, this year, Brazil and Colombia will hold presidential elections and the uncertainty regarding the new governments' policies is keeping foreign investors alert.

How is London perceived, by the business and legal community in your experience as a Dispute Resolution hub?

Traditionally, London has been regarded as a recommended seat for the resolution of disputes within multiple areas including the construction, maritime, commodities and insurance industries. In particular, in my experience, in disputes involving EPC construction contracts, it is very typical to have English law apply and, by default, have a choice of London as the seat for any arbitration arising out of a contractual dispute. English law is very developed when it comes to dealing with construction issues, including those characteristic of FIDIC type contracts. Therefore, it comes as no surprise that infrastructure companies doing business in Latin America routinely choose English law to govern their contracts, and by logic, choose London as the forum where any dispute would be heard.

KEY CONTACTS

If you have any questions, or would like to know how this might affect your business, phone, or email these key contacts.



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