Peru: state interventionism v self-regulation: critical analysis of the 2024–2025 arbitration scenario

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In summary

This article analyses the effects, in our opinion negative, of the interventionist regulatory amendments enacted by the Peruvian state from early 2024 to May 2025 with regards to commercial arbitration and public procurement arbitration, which have had a specific impact on the election and participation of arbitrators and arbitration centres. Moreover, this article offers reflections on the self-regulating ability of the arbitration market.

Discussion points

- Negative effects of interventionist regulatory amendments on commercial arbitration and public procurement arbitration in Peru from early 2024 until May 2025, with respect to the election and participation of arbitrators and arbitration centres
- Self-regulating ability of the arbitration market

Referenced in this article

- Legislative Decree No. 1071
- Legislative Decree No. 1660
- Ministerial Resolution No. 0124-2024-JUS
- Ministerial Resolution No. 016-2025-JUS
- Act No. 32069
- Supreme Decree No. 009-2025-EF

Introduction

In matters of arbitration, Peru possesses a particular characteristic that distinguishes it from other countries; here, arbitration is not only an alternative mechanism for conflict resolution, but also a jurisdiction recognised as such by the political constitution. Thus, arbitration awards are equivalent to judgments and have the

authority of *res judicata*, in such a way that the decisions as to the substance contained therein are mandatory and cannot be revised by judicial power. This characteristic has consolidated arbitration as the most frequently used means of solving conflicts arising within the framework of businesses, both in the private sector – where arbitration is voluntary – and in the public scope, where arbitration is mandatory.

Without prejudice to the aforementioned difference, the truth is that arbitration has numerous advantages compared with judiciary. In a country whose judicial system is complex, and in which there are issues of procedural overload, excessive delay in cases being heard, lack of judicial specialisation, and a high degree of mistrust in the public sector (due to previous reported cases of corruption), arbitration has appeared as a solution that, although not perfect, ends up proving to be the most suitable one. The Peruvian state is itself no stranger to the circumstances whereby arbitration is the better option; as it has institutionalised arbitration in public procurement matters. In this sense, arbitration is not only important to Peruvian society, but also necessary, or even indispensable.

Facing an established and rigid judicial system, arbitration appears to be a modern, practical method which is aligned with international standards. Actually, Peru was one of the first countries in the region to adopt the criterion of the Model Law on International Commercial Arbitration of the United Nations Commission on International Trade Law (UNCITRAL),in which it lays out the principle of contractual freedom that allows the parties to choose their arbitrators and determine the rules that will govern the development of the arbitration. This freedom, understood as the autonomy of the parties' will, is the key element that has allowed arbitration to register the development degree it has in Peru. The parties directly affected are the ones who are in the best position to determine to whom they can entrust their concern.

Making reference to philosopher Adam Smith, the autonomy of the will acts as the 'invisible hand' that allows the arbitration market to regulate itself. The parties, counselled by their lawyers, are the ones who are the most qualified to decide which experts to designate as arbitrators, which institutions to choose for the handling of the proceeding, and which rules should be established or modified to ensure the arbitration proceeding develops as successfully as possible. And, just as this 'invisible hand' leads the parties to choose the best judges and administrators, it also expels those who do not contribute to the general purpose of obtaining efficient and quality justice. Had this not been the case, Peru would not have established itself as one of the most highly favoured investment destinations in Latin America.

Unfortunately, during 2024 and this year to date, the Peruvian state, under a speech of transparency and legal certainty, has issued a series of rules that attempt to 'handcuff' contractual freedom. Thus, based on exceptional cases – in which arbitration was used as a mechanism to violate ethics or even the law – it has created new registries and imposed new obligations on arbitrators and the institutions operating within domestic arbitrations. The danger lies in the fact that these regulating modifications, not being supported by a real understanding of Peruvian arbitration, may end up destroying all the progress that has been achieved through the reasoned and consensual use of contractual freedom, by increasing the access barriers to a mechanism that has proved to be not only an alternative, but often a solution, to the justice problems that exist in Peru.

In this context, this article is aimed at analysing the interventionist reforms promoted by the Peruvian Ministry of Justice and Human Rights (the Ministry of Justice), reflecting on the implications and risks these regulating changes may cause to the development of arbitration in Peru. Moreover, we will explore the way in which arbitration agents, by regulating themselves, have been capable enough to consolidate the arbitration as an effective tool for the serving of justice in a society like Peru, where normally institutional chaos reigns.

Intervention in private commercial arbitration: more regulation, less specialisation, and less efficiency

A directory called 'registry' which decides on the suitability of arbitrators and arbitration institutions

In Peru, since 2008, commercial arbitration has been ruled by Legislative Decree No. 1071 (the Arbitration Act). This rule, which has operated appropriately ever since its enactment, has been amended very few times throughout its term. One of the amendments was implemented through the Urgency Decree No. 020-2020, which created the National Registry of Arbitrators and Arbitrations Centres (RENACE), under the Ministry of Justice. Therefore, all the arbitrators or arbitration centres that wished to participate or handle arbitrations in controversies in which one of the parties was the Peruvian state, needed to be previously listed in such registry.

On 20 September 2024, by means of Legislative Decree No. 1660, this obligation was extended in a totally disproportionate and unjustified manner. In this regard, it was incorporated as the Fifteenth Supplementary Provision to the Arbitration Act, which established the obligation of all arbitrators and arbitration institutions – whether local or foreign, public or private – to register with RENACE to be able to arbitrate in Perú.[1] According to its Statement of Reasons, this regulatory change was due to the disproportionate increase of arbitration in Peru, since as of the date of its enactment, 3,708 arbitrators and 268 arbitration centres were registered with RENACE. As previously mentioned, these figures, despite being high, do not reflect the real number either, which is estimated to be notably higher.[2] Consequently, it is argued that this requirement will improve the transparency and quality of arbitration, guaranteeing minimum standards of suitability to arbitrators and arbitration centres.[3]

The fact that there is a registry centralising the information related to arbitrators and arbitration centres operating in the country seems totally reasonable, to the extent that it would make easier the access of arbitration users to these data. However, RENACE has been severely criticised by the Peruvian legal community for completely lacking the minimum technical requirements and for not establishing any control mechanism[4]. In this regard, in the text of Legislative Decree No. 1660 itself, it states that RENACE only *'has information about arbitration nationwide, as to their professional formation, experience and integrity, as well as the arbitration centre'*,[5] which does not constitute a real filter for the participation of arbitrators. Similarly, a critical look at the RENACE platform reveals that arbitrators and institutions have only registered their names and surnames and areas of expertise, leaving incomplete other important indicators like academic studies, experience, number of arbitration awards issued and annulled, as well as challenges,[6] all of which demonstrate the lack of control of the registry by the Ministry of Justice.

As may be observed, at present RENACE operates merely as a directory of personal data, where arbitrators register their names, surnames and identity documents, while the arbitration centres register their corporate names, RUC[7] numbers and telephone numbers. According to Legislative Decree No. 1660, anyone who is registered in this directory shall be competent to participate in arbitrations – in the case of arbitrators – or to handle them – in the case of the arbitration institutions.

If what was sought was to improve the transparency and quality of the arbitration, this will definitely not be achieved by simply placing basic information on a data platform. Would it not be more convenient to allow this registry to continue being optional for the arbitrations not involving public procurement? To Nuñez del Prado and Hernandez Bernal, the simplicity of RENACE might create perverse incentives that will entail the indiscriminate proliferation of arbitration centres, which, regardless of their experience or ethical standards, might be legitimised to operate simply because of being registered with this registry.[8]

On the other hand, the general obligation of registration with RENACE undoubtedly ends up indirectly excluding the arbitrators and arbitration centres with nationalities other than Peruvian. Thus, a foreign arbitrator with renowned international reputation might opt not to participate in an arbitration in Peru, facing the barrier that RENACE implies. This limitation deprives the parties from obtaining the specialised criterion of an arbitrator with an excellent international record, who might be the most suitable person to solve a particular type of controversy. In the long run, these restrictions end up affecting the quality of the decisions issued. The most regrettable thing is that there is no logical justification whatsoever for that.

As for the arbitration centres, it has been questioned that this requirement is applied to international reputed institutions, such as the International Chamber of Commerce (ICC), the London Court of International Arbitration (LCIA) or the Singapore International Arbitration Centre (SIAC).[9] As indicated by the specialists previously cited, this situation could lead to the annulment of arbitration awards due to formal non-compliance, thus reducing the attraction of Peru as an international arbitration venue, discouraging the participation of qualified arbitrators, especially the foreign ones, as a result of this bureaucratic measure.[10]

It is evident that the extension of the mandatory character of RENACE to private arbitrations is a clear reflection of the Government's intention to intervene in this conflict-solution mechanism, especially considering that the registry makes no sense in practice. While at present, the level of demand is so simple that it can be equated to a data directory, in the future, there might even be controls that will limit, for example, the freedom of the parties to choose their arbitrators in the commercial arbitration.

A public group for the 'improvement' of private arbitration

On 28 May 2024, by Ministerial Resolution No. 0124-2024-JUS, the Ministry of Justice ordered the creation of a First Multisectoral Work Group in charge of proposing recommendations for the improvement and updating of the Arbitration Act, which had a term of ninety days. The composition of this group was balanced, because it consisted of thirteen members, eight of whom represented the private institutions with authority and professional background on arbitration matters in Peru[11] and five of them represented the public sector. This work group concluded that it was not convenient to modify the Arbitration Act, which had been conceived to solve controversies among private individuals.

Surprisingly, and with no justification whatsoever, only four months after the ending of the First Work Group, the Ministry of Justice enacted Ministerial Resolution No. 016-2025-JUS, whereby the creation of a Second Work Group was ordered, with the same purpose as the first one. Nevertheless, this time, the composition of the group was almost totally public: of a total of eleven members, nine are public officials and only two represent the private sector. Besides lacking completely of a real purpose, this Second Work Group excludes key agents for the development of private commercial arbitration in Peru, evidencing a profound unawareness of the practice of this conflict-solution mechanism in Peru.

The creation of the Second Work Group produced great concern in various professional associations and arbitration centres, who warned about the risk that the amendments to be proposed to the Arbitration Act might be state biased. In this respect, on 2 February 2025, ICC Peru published a statement signed by the most important arbitration institutions and professional associations in the country, titled 'The interventionism of the Ministry of Justice in the arbitration threatens the legal certainty'.[12] In this statement, these actors stated their discomfort regarding the creation of the Second Work Group and the composition thereof. Moreover, they requested the Head of the Ministry of Justice reconsider such a situation, taking into consideration that arbitration "in the last 30 years has proven to be a fundamental instrument for the growth and guarantee of investments in the country".[13]

As can be observed, there are sufficient signs proving that the Peruvian State clearly intends to intervene in the development of private arbitration. The concerns expressed by professional associations and institutions are legitimate: there is a latent danger of institutional capture of arbitration, which might end up affecting its essential principles, such as autonomy and flexibility. In a context in which arbitration is especially important to business, especially in strategic sectors like mining, construction, telecommunications and infrastructure, the weakening of arbitration may seriously affect the trust of investors to establish commercial relations in Peru.

Intervention in arbitration in public procurement: more restrictions that impair the quality of a mechanism that was already captured by the state

Of the wealth of arbitrations developed in Peru, a substantial number pertain to the scope of public procurement, in which this conflict-solution mechanism is not an alternative, but mandatory. Naturally, by involving the public budget, this type of arbitration has – and must always have – a regulation stricter than the commercial arbitration. However, this regulation must be coherent and must observe the essential principles that characterise the arbitration, in order that its advantages may be used for the effective and efficient solution of controversies of general interest.

Public procurement, including the arbitration regime applicable thereto, is governed by its own law and regulations. In this respect, on 21 June 2024, it was enacted as Act No. 32069, General Act for Public Procurement (LCE) and on 25 January 2025, its Rules were published (Supreme Decree No. 009-2025-EF). These rules, which entered into effect on 22 April 2025, amended the rule with the same name that previously existed for public procurement matters. Amongst its main amendments, which reflect an interventionist policy, are the following:

Registry of arbitration institutions and administration centres of prevention boards and solution of disputes (REGAJU, by its acronym in Spanish): It was established that these institutions, in order to operate, must mandatorily be

registered with this registry, complying with a series of requirements which, in our opinion, are necessary and reasonable to guarantee the suitability and technical capacity of any arbitration centre.

The questionable thing is that REGAJU coexists with the pre-existing National Registry of Arbitrators (RNA) of the Specialized Entity for Efficient Public Procurement (OECE) – formerly OSCE[14] – , which contains the list of professionals who may act as arbitrators in conflicts related to public procurement. In order to avoid the bureaucratisation of arbitration due to a double registry, the Peruvian state should have opted for the integration thereof.

New requirements for arbitrators: In order that a person can be an arbitrator in matters of public procurement, they must comply with the following requirements: they must (1) be part of the list of an arbitration institution registered with REGAJU; (2) have a professional degree or equivalent registered with the National Superintendency of University Education (SUNEDU); and (3) have three-years' experience in the public sector (with experience in public procurement matters) or in the private sector (with experience as an arbitrator, arbitration secretariat or experience in public procurement). To be a single arbitrator or chairman of the arbitral tribunal, the arbitrators must necessarily be lawyers and have specialisations in administrative law, arbitration or public procurement.[15]

The requirements related to the experience and formation in public procurement are totally reasonable and even necessary to guarantee the command of the arbitrators regarding the subjects that will be discussed in arbitration. However, it is not the same regarding the requirements for the need to integrate an institution registered with REMAJU or to have a title registered with SUNEDU. The latter, in practice, restricts the participation of foreign arbitrators, who might have the expertise and studies necessary to arbitrate this type of conflict in an optimal manner, but will not be able to participate due to the barriers imposed by the Peruvian government. Thus, the possibilities to bring specialised knowledge or more modern approaches that could improve the quality of the arbitration decisions are reduced.

Restriction to the designation of arbitrators in *adhoc* arbitrations: In this type of arbitration, the controversies may no longer be settled by a collegiate tribunal. Thus, the LCE states that the controversies may only be settled by one single arbitrator and no longer through an arbitral tribunal. If the parties fail to reach an agreement as to the designation of the single arbitrator, either of them may pass on the residual designation to an arbitration institution registered with REGAJU, and one who is in the region of the domicile of the procurement entity.[16]

This limitation is makes no sense and is totally ineffective. Obliging the parties to submit to the competence of one single arbitrator implies a flagrant attempt that goes against the autonomy of will, which is a basic principle of arbitration. Besides, it may furthermore affect impartiality when solving the controversies, since the decision wil be centralised in only one person. The situation is aggravated by the fact that, in the absence of an agreement, the single arbitrator will be appointed by an institution registered with REGAJU, whose acces requires complex requirements, which significantly reduces the available options.

As may be remarked, in a type of arbitration that was already highly regulated by the Peruvian state – which, in principle, was not completely far-fetched because of the public funds at stake –, the new requirements and restrictions imposed by the LCE and its rules imply serious attempts against the basic principles of arbitration:

autonomy of will, flexibility, efficiency, and effectiveness. The regulatory amendments will doubtless cause, in the short term, a loss of confidence by the investors, who will no longer see Peru as an optimal scenario for business, due to the extreme bureaucratisation of its conflict-solution method.

The 'invisible hand' regulating arbitration in Peru: the optimal role of the agents involved in arbitration which reveals the inofficiousness of the new interventionist regulation

The agents related to arbitration and their ability to choose who is suitable to decide the conflict and handle proceeding towards the decision

As indicated in the introduction, in Peru the autonomy of will has worked as the 'invisible hand' that has successfully regulated the development of arbitration practice in the last few years. This self-regulation is clear even before the commencement of arbitration, from the moment when the arbitration agreement is negotiated and executed. In this way, the parties and their legal counsels usually decide the scope and type of arbitration, the number of arbitrators, the institution that will handle it or if it will be an *ad hoc* arbitration. Without prejudice to the foregoing, this section will focus on the aspects mainly affected by the over-regulation of the regulatory changes previously exposed: the election and participation of arbitrators and arbitration institutions, regardless of the moment when they are chosen.

In everyday Peruvian practice, the self-regulation of the arbitration market falls to various agents who, without the need for state intervention, adopt a series of measures to guarantee its operation. These agents are:

1. **The parties:** In Peru, the great majority of arbitrations arise as a result of contractual conflicts that take place within the framework of business relations. Normally, it happens that companies, when entering into discussions with their contractual counterparties and noticing that both have irreconcilable positions, decide to enforce their conflict solution clause and start arbitration. These companies are usually represented by professionals specialised in their line of business, who have in-depth knowledge of the conflict – which is often of a technical nature, and therefore, they have a deep knowledge of what is needed in order that the commercial relationship may be resumed, or else, end with an appropriate compensation of what was invested.
2. **The juridical community:** To start the arbitration, the parties cannot act alone by themselves. They hire attorneys specialised in arbitrations, in order that they represent them in all the stages of the proceeding and counsel them in the juridical part of the conflict. An aspect in which attorneys have special relevance is in the election of the person who will be appointed as arbitrator. After being informed by their clients about the conflict and the needs of the company on a factual level, attorneys can offer them a list of suitable candidates. To prepare this list, they may resort to different sources of information. For example, the Arbitration Centre of the Chamber of Commerce of Lima has a platform called 'Transparency Beacon', which has a registry of

arbitrators (considering their academic background and professional experience), as well as a registry of arbitration awards and sanctions.

3. **Arbitration institutions:** Arbitration institutions – also known as arbitration centres – are normally known by the juridical community due to their prestige, which is down to the quality of service in handling arbitrations that they provide, and by their high ethical standards. In Peru, some of the most important arbitration institutions are the Arbitration Centre of the Chamber of Commerce of Lima (CCL), the Analysis and Conflict Solution Centre of the Pontificia Universidad Católica del Perú (PUCP), the Arbitration Centre of the American Chamber of Commerce (AMCHAM), and the Arbitration Centre of the Chamber of Commerce of Industry of Arequipa (CCIA), amongst others. These institutions, each with its own way of working, have consolidated a positive reputation in the Peruvian society; and thus, are frequently chosen by both parties and juridical community, concentrating the handling of most arbitrations followed in Peru. In this sense, the membership of an arbitrator to the list of one or these arbitration institutions is a factor that ensures suitability to perform the arbitration function.
4. **Business associations:** In Peru, companies in certain economic sectors are grouped in organisations called 'associations', whose purpose is to defend their common interests before the authorities and the society. Some of these associations are: the National Confederation of Private Business Institutions (CONFIEP), the National Fishing Association (SNP), the Foreign Trade Association of Peru (COMEX PERU), and the Chambers of Commerce, which may or may not have their own arbitration centres. These associations, knowing in detail the sector they represent, also operate as a reference at the time of deciding who to appoint as arbitrator or which arbitration institution to choose.
5. **The international points of reference:** Within the framework of the juridical services, there are several international rankings, also known as 'legal directories', which annually classify lawyers of all regions and of all areas of specialisation according to their performance. These points of reference are broadly known by the juridical community and by the business associations and are usually reviewed when choosing the person who will be elected as arbitrator to settle a controversy.

As may be appreciated, there are several agents that determine the election of an arbitrator or a centre of arbitration, whether done directly or indirectly. Owing to its presence and participation in the arbitration market, altogether, they possess enough level of information to choose the suitable person or institution. This systemic operation, in spite of not being supported on a rule, is an essential part of the Peruvian arbitration practice; thus, its importance thereof to the progress of arbitration in the country cannot be ignored.

Regulation v self-regulation in the control of defects of the arbitration market

The operation of the arbitration market does not cease to function after promoting the selection of a suitable arbitrator and arbitration centre through the work of its agents. On the contrary, the 'invisible hand' continues arranging the arbitration market and correcting its defects at all times, thus allowing for the survival of only those that are qualified integrally, both at technical and ethical level. On the contrary, this same

‘invisible hand’ is in charge of expelling from the arbitration market those who do not have the capacities, because they cease to be chosen to participate in this conflict-solution method as the inter-relation among the involved agents increases.

Some expressions of the general self-regulation of the arbitration market are the following:

- Arbitration centres have lists of arbitrators, which group renowned professionals with experience in arbitration. In the case of the arbitration centre of the CCL, which is mostly known nationwide, this list is updated every three years, ratifying the competent arbitrators to continue in the list, and not ratifying those who lack of the necessary qualities to continue and incorporating new profiles of arbitrators, according to their professional competence. The list of this arbitration centre may be located easily through a digital tool of public access called ‘Transparency Beacon’.
- Arbitration centres have Arbitral High Councils composed of qualified local and international lawyers, in charge of guaranteeing the application and compliance with the provisions and rules in the arbitration proceedings under their management. Whenever an arbitrator who does not form part of the list of an arbitration centre is appointed, its Arbitral High Council is in charge of ratifying or not ratifying them, as the case may be.
- In any arbitration, whether under the Arbitration Act or the LCE, the arbitrators must file affidavits of impartiality and independence that will secure their competence to participate in the solution of every controversy. Moreover, the parties are entitled to request the arbitrators to extend their disclosure duties and, inclusive, may challenge them if they consider that they do not comply with the standards of impartiality and independence required for the correct development of the arbitration.

From what has been stated, it may be concluded that the ‘over-regulation’ triggered by the Ministry of Justice in the last biennium has been totally unnecessary, and it could have led arbitration to harmful outcomes. The arbitration market already had the necessary tools to self-regulate and these tools had been used appropriately. Proof of this is that business associations have stated their concern and disagreement with the changes recently incorporated into Peruvian arbitration legislation, as it occurred in the publication made by several professional associations and arbitration centres on 2 February of the current year.[17]

Conclusion

Within the Peruvian context, arbitration is probably the most effective conflict solution mechanism that has existed to date. While as for commercial arbitration, there is a moderate but effective regulation, as for arbitration in public procurement there is a natural tendency towards greater control. Nevertheless, in both cases the regulatory amendments that have been enacted during the year 2024 and the year to date reflect the clear intention of the Peruvian State to intervene where it is not necessary – and where this regulation might even be harmful-, since there is no evidence of coherence in the development of the changes and neither of a real need to introduce them.

Arbitration, for its own characteristics, is similar to the free market because it has an empirical self-regulation system, which is performed by the different agents

participating therein. These agents are legitimated and qualified to decide who the arbitrator must be and which entity must handle the arbitration. In this line of thinking, if the Peruvian state persists in its objective to control what is already properly managed by the market, it will end up undermining the basic principle of freedom that underlies in the arbitration. This will destroy all the progress that Peru has made in arbitration, which has consolidated the country as one of the favorite investment destinations in the region.

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- Statement of Reasons, Legislative Decree Strengthening the National Registry of Arbitrators and Arbitration Centres (RENACE) (Peru, Legislative Decree No. 1660, 2024)
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Endnotes

[1] *FIFTEENTH. National Registry of Arbitrators and Arbitration Centres – RENACE – in the national territory.*

The Ministry of Justice and Human rights is in charge of the National Registry of Arbitrators and Arbitration Centres – RENACE.

It pertains to the Ministry of Justice and Human Rights the registration of the arbitration centres and arbitrators, for the purposes of public information.

The registration has informative nature and does not condition the arbitration function.

The registration with RENACE is mandatory and free of charge.

RENACE contains information about the arbitrators nationwide as to their professional studies, experience and integrity, as well as the arbitration centres, according to the rules of this Supplementary Provision.

"The arbitrators and arbitration centres must in a timely manner forward to the Ministry of Justice and Human Rights the information necessary to guarantee the compliance with the preceding paragraph, according to the rules of this Supplementary Provision.

The information in possession of the entities in charge of other registries of arbitration centres is shared with the Ministry of Justice and Human Rights in order to incorporate them into RENACE.

Should those bound to deliver the information, omit or deliver incomplete or inaccurate information, the Ministry of Justice and Human Rights shall report this noncompliance through RENACE."

[2] Statement of Reasons, Legislative Decree Strengthening the National Registry of Arbitrators and Arbitration Centres (RENACE) (Peru, Legislative Decree No. 1660, 2024), p. 4.

[3] Statement of Reasons (n 5).

[4] Fabio Núñez del Prado Chaves and Nicolás Hernández Bernal, 'Mandatory Registration of Arbitrators and Arbitration Centres in Peru: Legislative Decree No. 1660 and Its Perverse Incentives' (*Kluwer Arbitration Blog*, 15 November 2024) **https://arbitrationblog.kluwerarbitration.com/2024/11/15/mandatory-registration-of-arbitrators-and-arbitration-centres-in-peru-legislative-decree-no-1660-and-its-perverse-incentives/**

[5] Legislative Decree No.1660 (Peru) *El Peruano*, 4 January 2024.

[6] The information about arbitrators and arbitration centres currently registered with RENACE may be seen on the following link: **https://renace.minjus.gob.pe/renace/public/consulta/consultaMain.xhtml**

[7] In Peru, legal persons are identified with a number called Taxpayers' Unique Registration Code (RUC for the Spanish acronym).

[8] Núñez del Prado Chaves and Hernández Bernal (n 4).

[9] Núñez del Prado Chaves and Hernández Bernal (n 4).

[10] Núñez del Prado Chaves and Hernández Bernal (n 4).

[11] According to article 4 of the Ministerial Resolution No 0124-2024-JUS, the representatives of the following institutions formed part of this First Work Group: Arbitration Centre of the Chamber of Commerce of Lima (CCL), Analysis and Conflict Solution Centre of the Pontificia Universidad Católica del Perú, National Confederation of Private Business Institutions (CONFIEP), National Association of Industries (SNI), International Arbitration Centre of the American Chamber of Commerce (AMCHAM) and a representative chosen by the Deans Board of the Peruvian Bars.

[12] ICC Peru, 'The Interventionism of the Ministry of Justice in the Arbitration Threatens Legal Certainty' (2 February 2025) https://media.licdn.com/dms/document/media/v2/D4E1FAQGNvIQda_SZgw/feedshare-document-pdf-analyzed/B4EZTRSoQoGgAc-/0/1738678112478?e=1748476800&v=beta&t=_rwckNnM2cKv2ANj6ptFCFMUltKYATT45Mdo_SiOtGA

[13] ICC Peru (n 12).

[14] Until before the entry into effect of the regulatory amendment subject matter to analysis, the name of the entity was Supervisory Entity of Procurement with the State – OSCE.

[15] Alexander Conde, 'Notas al Reglamento de la Ley General de Contrataciones Públicas' (*BVU Abogados*, 6 marzo 2025) https://bvu.pe/blog/litigios/notas-al-reglamento-de-la-ley-general-de-contrataciones-publicas/

[16] Alexander Conde (n 15).

[17] ICC Perú (n 12).

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