

The ITA Guide to Latin American Arbitral Institutions

La Guía del ITA de Instituciones de Arbitraje en América Latina
O Guia do ITA de Instituições de Arbitragem na América Latina
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Institute for
**TRANSNATIONAL
ARBITRATION**

Contents

Foreword	03
The Continued Rise of Latin American Arbitral Institutions	04
El Ascenso Continuo de las Instituciones Arbitrales en América Latina	06
Ascensão Contínua das Instituições Arbitrais na América Latina	08
Legal Framework for Commercial Arbitration in Latin America	10
Survey Methodology	12
Institutions Included in the Survey	12
Key Findings	14
Gender Diversity	14
Party Status	15
Seat of the Arbitration	16
Arbitrator Requirements	17
Dispositive Motions	18
Preliminary Measures & Emergency Arbitrator	19
Origins of Arbitral Institutions	20
Institutional Data	21
Regional Arbitral Institutions	21
Selected International Arbitral Institutions	36
Cumulative List of Arbitral Institutions Identified in Latin-America	38
Contributors	40
ITA Executive Committee	41
About the Institute of Transnational Arbitration	44

Foreword

The Institute for Transnational Arbitration (ITA) is a global educational forum for the exchange of ideas and the development of best practices among lawyers, arbitrators, and professionals involved in transnational commercial and investment arbitration. Through a series of workshops, conferences, and publications, the ITA aims to assist lawyers and professionals in establishing a training ground to gain valuable tools to advance their skills in this growing field. Although the Americas Initiative initially focused on Latin America (Mexico, Central America, and South America), it expanded its efforts to Canada and the Caribbean in 2021.

Since 2005, the Americas Initiative has offered an annual Americas Workshop, as well as an annual Young Lawyers Americas Roundtable, throughout the Americas. These yearly conferences were held in Bogotá, Buenos Aires, Mexico City, Panama City, Santiago, and São Paulo, among others, and online since the pandemic. Since 2018, the Workshop has been conducted together with the Latin American Arbitration Association (ALARB).

As the 2023 Survey of Latin American Arbitral Institutions (Survey) demonstrates, local and regional arbitral institutions have contributed to the impressive growth of arbitration in Latin America (including the Caribbean) and will play a critical role in dispute resolution going forward. The Americas Initiative aims to assist these institutions and their professionals by serving as a valuable forum to exchange ideas, encourage best practices, facilitate contacts, and enhance skills.

We are excited to publish the findings of this unique Survey, and we are confident that it will continue to lead to coordination amongst arbitral institutions in the region and facilitate discussions of best practices. We would like to extend special thanks to all the institutions that participated in this project. We also would like to encourage individuals, corporations, law firms, government agencies, and other organizations interested in transnational arbitration throughout Latin America to become involved in ITA events.



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The Continued Rise of Latin American Arbitral Institutions

In 2011 the ITA Americas Initiative announced that the “***era of Latin American arbitral institutions ha[d] arrived.***” This regional institutions era has expanded to the Caribbean and other parts of the world where several more institutions have opened their doors.

As there continues to be an increase in “horizontal” investment (for example, investment from Chile to Colombia rather than from the U.S. to Colombia), there also continues to be an increase in confidence in regional institutions resolving disputes arising out of these investments and their inclusion in commercial contracts.

Parties large and small, from Latin America and beyond, have continued to turn to these institutions as countries continue to seek to strengthen their national legal framework in favor of arbitration (both in statutes and in case law).

Local and regional arbitral institutions have continued to multiply and grow in numbers in Latin America – leading to a proliferation of options for arbitration in the region. The growth in caseloads reflects the emergence of an arbitration-friendly culture in Latin America, which, for purposes of this Guide, includes the Caribbean. This 2023 Survey of Latin American Arbitral Institutions (“Survey”) not only tracked the growth in the institutions, their rules, and statistics since the inaugural survey, but also identified key factors that are hot topics in international arbitration today.

These include, among others:

- The increase of designations of female arbitrators on both tribunals and institutional rosters.
- The availability of emergency arbitrators.
- The use of dispositive motions.
- Fees calculations.

This unique survey identified more than 170 arbitral institutions in Latin America as well as prominent international arbitral institutions. The Survey is sponsored by the Institute for Transnational Arbitration (“ITA”), and was supported by Reed Smith LLP’s Latin America Business Team.

Most recently, we introduced the Survey’s preliminary findings at the June 16, 2023 Americas Initiative Annual Meeting in Austin, Texas, where we discussed that parties considering the designation of a Latin American arbitral institution to resolve a dispute should consider

- (1) the autonomy an institution provides in selecting your arbitrator or counsel, and
- (2) the reliability of the particular institution. With respect to the legal framework, the Survey includes an updated table compiling information on relevant laws and treaties as well as indexes regarding the efficacy of commercial arbitration in jurisdictions throughout Latin America. With respect to arbitral institutions, the Survey presents findings on the institutions’ history, caseload, whether parties are public or private entities, where proceedings are administered, and whether there are arbitrator requirements.

Findings of this Survey include:

- Several institutions opened their doors since the last Survey, particularly in the Caribbean, where five different institutions have been created since 2018.
- There have been an increase in the appointment of female arbitrators both on rosters and on panels since the last survey.
- Although most disputes involve domestic parties, an increasing percentage involves foreign parties.
- While most cases involve private entities, an increasing number of cases involve public entities.
- A significant number of jurisdictions in Latin America show signs of a reliable legal framework for commercial and investment arbitration.
- Although the majority of arbitrations involve only two parties, as disputes become more complex, more cases involve multiple parties.
- The vast majority of jurisdictions apply one or fewer requirements for choosing an arbitrator, such as requiring the arbitrator to be: a national of the country where the institution is located, a certified licensed attorney in that jurisdiction, or chosen from a roster.



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El Ascenso Continuo de las Instituciones Arbitrales en América Latina

En 2011, la Iniciativa Américas del Instituto para el ITA anunció que “*la era de las instituciones arbitrales en América Latina ha[bía] llegado.*” Ahora, ésta era de instituciones regionales se ha expandido hacia el Caribe y otras partes del mundo, donde varias instituciones adicionales han abierto sus puertas.

En la medida en que los países continúan buscando fortalecer su marco legal nacional a favor del arbitraje (tanto en estatutos como en jurisprudencia), las partes grandes y pequeñas de América Latina y más allá

han recurrido cada vez más a estas instituciones para resolver sus disputas. Es importante destacar que la inversión “horizontal” (por ejemplo, la inversión de Chile a Colombia en lugar de la de EE.UU. a Colombia) ha seguido aumentando, lo que hace que la opción de incluir a estas instituciones regionales en los contratos comerciales más frecuente que anteriormente.

Las instituciones arbitrales locales y regionales han seguido multiplicándose y creciendo en número en América Latina dando lugar a una proliferación de opciones para el arbitraje en la región. El crecimiento significativo en el número de casos refleja el surgimiento de una cultura favorable al arbitraje en América Latina. Esta Encuesta 2023 de Instituciones Arbitrales Latinoamericanas (“Encuesta”) no sólo rastreó el crecimiento de las instituciones, sus reglas y estadísticas desde la encuesta inaugural, sino que también identificó factores claves que son actualmente temas candentes en el arbitraje internacional.

Entre ellos se incluyen, entre otros:

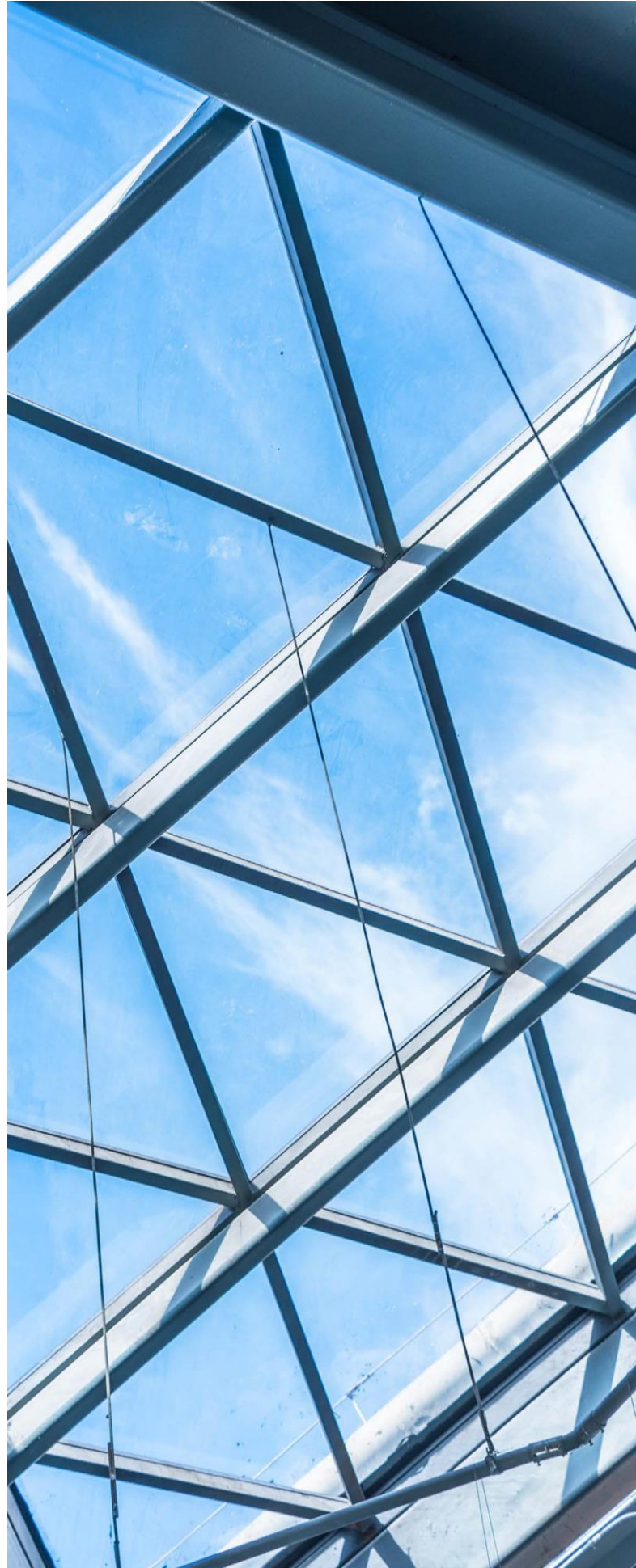
- El aumento de la designación de mujeres árbitros tanto en los tribunales como en las listas institucionales.
- La disponibilidad de árbitros de emergencia.
- El uso de la presentación de solicitudes dispositiva o excepción preliminar sumarias.
- El cálculo de honorarios.

Esta Encuesta única identificó más de 170 instituciones arbitrales en América Latina, así como instituciones arbitrales internacionales destacadas. La Encuesta está patrocinada por el ITA, y contó con el apoyo de Reed Smith LLP.

Recientemente, presentamos los resultados preliminares en la Reunión Anual de la Iniciativa de las Américas 2023, celebrada el 16 de junio en Austin, Texas, y discutimos que las partes que estén considerando la designación de una institución arbitral latinoamericana para resolver una disputa deben considerar (1) la fiabilidad del marco legal para el arbitraje en la jurisdicción que será la sede del arbitraje, y (2) la fiabilidad de la institución en particular. Con respecto al marco legal, la Encuesta incluye una tabla actualizada que recopila información sobre leyes y tratados relevantes, así como índices relativos a la eficacia del arbitraje comercial en jurisdicciones latinoamericanas. Con respecto a las instituciones arbitrales, la Encuesta presenta hallazgos sobre la historia de las instituciones, el número de casos, si las partes son entidades públicas o privadas, dónde se administran los procedimientos y si existen requisitos para los árbitros.

Los hallazgos de esta Encuesta incluyen:

- Varias instituciones han abierto sus puertas desde la última Encuesta, especialmente en el Caribe, donde se han creado cinco instituciones diferentes desde 2018.
- Ha habido un aumento en el nombramiento de mujeres árbitros tanto en las listas como en los paneles desde la última encuesta.
- Aunque la mayoría de las disputas implican a partes nacionales, un porcentaje significativo y creciente implica a partes extranjeras.
- Aunque la mayoría de los casos implican a entidades privadas, un número creciente de casos implica a entidades públicas.
- Un número significativo de jurisdicciones en América Latina muestra signos de un marco legal fiable para el arbitraje comercial y de inversiones.
- Aunque la mayoría de los arbitrajes involucran a dos partes, a medida que las disputas crecen en complejidad, más casos implican a múltiples partes.
- La gran mayoría de las jurisdicciones aplican uno o menos requisitos para elegir a un árbitro, incluyendo exigir que el árbitro sea: nacional del país en el que se encuentra la institución, abogado licenciado y certificado en esa jurisdicción o elegido de una lista de árbitros.



Ascensão Contínua das Instituições Arbitrais na América Latina

Em 2011, a Iniciativa das Américas do ITA anunciou que “a era das instituições arbitrais na América Latina chegou”. Essa era de instituições regionais continuou no Caribe e em outras partes do mundo, onde várias outras instituições abriram suas portas desde então.

À medida que os países continuam buscando fortalecer sua estrutura jurídica nacional (tanto em estatutos quanto em jurisprudência) em favor da arbitragem, as partes, grandes e pequenas, da América Latina e de outros países têm recorrido cada vez mais a essas instituições, juntamente com instituições internacionais, para resolver suas disputas. É importante ressaltar que os investimentos “horizontais” (por exemplo, investimentos do Chile para a Colômbia, em vez de dos EUA para a Colômbia) continuaram a aumentar, fazendo com que a opção de recorrer a instituições regionais em contratos comerciais, mais predominante do que antes.

As instituições arbitrais locais e regionais continuaram a se multiplicar e a crescer em número na América Latina, resultando em uma proliferação de opções para arbitragem na região. O crescimento significativo no número de casos reflete o surgimento de uma cultura favorável à arbitragem na América Latina. Esta Pesquisa feita em 2023 de Instituições Arbitrais da América Latina (“Pesquisa”) não apenas acompanhou o crescimento das instituições, suas regras e estatísticas desde a pesquisa inaugural, mas também identificou os principais fatores que estão em destaque na arbitragem internacional atualmente.

Esses fatores incluem, entre outros:

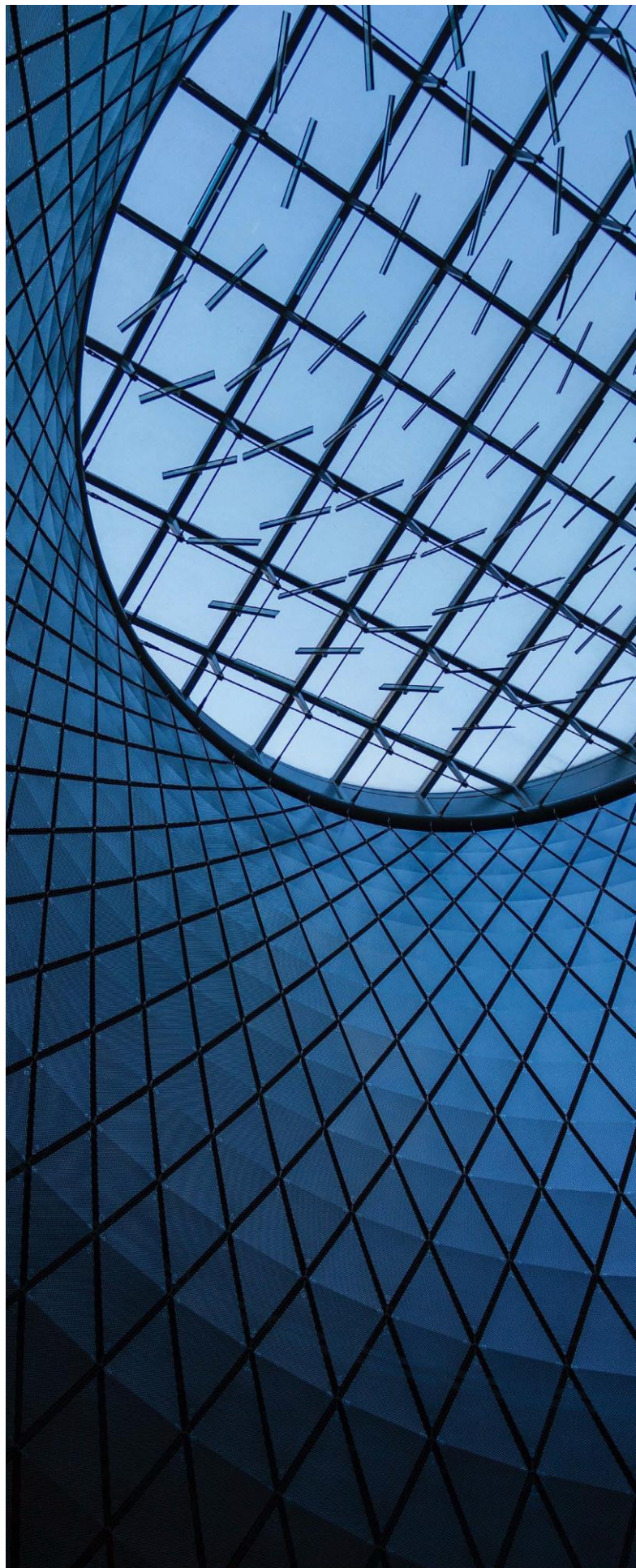
- O aumento da indicação de árbitros do sexo feminino tanto para os tribunais quanto para as listas de instituições.
- A disponibilidade de árbitros de emergência.
- O uso de moções dispositivas.
- O cálculo de honorários.

Essa pesquisa exclusiva identificou mais de 170 instituições arbitrais na América Latina, bem como as principais instituições arbitrais internacionais. A pesquisa é patrocinada pelo Instituto de Arbitragem Transnacional ITA e contou com o apoio da Reed Smith LLP.

Apresentamos os resultados preliminares na Reunião Anual da Americas Initiative 2023, realizada em 16 de junho em Austin, Texas. As partes que considerarem a nomeação de uma instituição arbitral latino-americana para resolver uma disputa devem considerar (1) a confiabilidade da estrutura jurídica para arbitragem na jurisdição que será a sede da arbitragem e (2) a credibilidade da instituição específica. Com relação à estrutura legal, o Estudo inclui uma tabela atualizada que compila informações sobre leis e tratados relevantes, bem como índices relativos à eficácia da arbitragem comercial em jurisdições de toda a América Latina. Com relação às instituições arbitrais, a Pesquisa apresenta resultados sobre o histórico das instituições, o número de casos, se as partes são entidades públicas ou privadas, onde os procedimentos são administrados e se há requisitos para os árbitros.

Os resultados dessa pesquisa incluem:

- Várias instituições abriram suas portas desde a última Pesquisa, especialmente no Caribe, onde cinco instituições diferentes foram estabelecidas desde 2018.
- Houve um aumento na nomeação de árbitros do sexo feminino para as listas e painéis desde a última Pesquisa.
- Embora a maioria das disputas envolva partes nacionais, uma porcentagem significativa e crescente envolve partes estrangeiras.
- Embora a maioria dos casos envolva entidades privadas, um número crescente de casos envolve entidades públicas.
- Um número significativo de jurisdições na América Latina mostra sinais de uma estrutura legal confiável para arbitragem comercial e de investimentos.
- Embora a maioria das arbitragens envolva apenas duas partes, à medida que as disputas se tornam mais complexas, mais casos envolvem várias partes.
- A grande maioria das jurisdições aplica um ou menos requisitos para a escolha de um árbitro, como exigir que o árbitro seja nacional do país em que a instituição está localizada, que seja um advogado licenciado e certificado naquela jurisdição ou que seja escolhido em uma lista de árbitros.



Legal Framework for Commercial Arbitration in Latin America

The selection of a Latin American arbitral institution usually implies the choice of that jurisdiction as the seat of arbitration and is critical both juridically and practically.

The seat of the arbitration is the place of arbitration situs where the arbitration is considered to be held from a legal point of view (for enforcement purposes, interim measures, and/or applying local arbitral law when the institution's laws are silent) and often times may also be the physical situs of the arbitration. Choosing a seat of arbitration is critical, particularly with respect to the disposition of that jurisdiction towards alternative dispute resolution, which encompasses both interventionist tendencies during the life of the arbitration and the tendency to enforce arbitral awards. Additionally, the relative convenience and expense of that jurisdiction is also a factor that has an impact on the selection of an institution. The following chart assesses the legal framework for commercial arbitration throughout countries in Latin America. The left-hand column displays the timing of each country's accession to the New York and Panama Conventions for the recognition and enforcement of arbitral awards, as well as the adoption of local arbitration laws.

The information in the right-hand columns, which is derived from the joint World Bank report, *Doing Business 2020*, focuses on the legal regimes in each country and assigns scores or indicators related to the strength of the rule of law in these jurisdictions and the ease of doing business (i.e. ability a foreign party's ability to do business in the country).

		Commercial Arbitration Laws & Conventions*			Commercial Arbitration Accessibility Indicators**	
		New York Convention Entry into force	Panama Convention Entry into force	Arbitration Laws/ Amendments Year Adopted	Ease of Doing Business (1-190; 1=best)	Strength of Legal Rights Index (0-12;12=best)
	Argentina	1989	1995	1967/81/2018	126	2
	Barbados	1993	–	1958/2007	128	6
	Bolivia	1995	1999	1997/2015	150	0
	Brazil	2002	1995	1996/2015	124	2
	British Virgin Islands	2014	–	2013	–	–
	Cayman Islands	1980	–	2012	–	–
	Chile	1975	1976	2004	59	4
	Colombia	1979	1986	2012	67	11
	Costa Rica	1987	1978	1997	74	10
	Dominican Republic	2002	–	2008	115	1
	Ecuador	1962	1991	1997/2015/2021	129	1
	El Salvador	1998	1980	2002/2009	91	9
	Guatemala	1984	1986	1995	96	9
	Honduras	2000	1979	2000	133	8
	Mexico	1971	1978	1989/1993	60	6
	Nicaragua	2003	2003	2005	142	2
	Panama	1984	1975	2013	86	8
	Paraguay	1997	1976	2002	125	1
	Peru	1988	1989	2008	76	7
	Uruguay	1983	1977	2018	101	4
	Venezuela	1995	1985	1998	188	1

**Data adapted from the World Bank report, “Doing Business 2020,” World Bank Group, 2020, available at <https://www.worldbank.org/en/businessready/doing-business-legacy>.

Survey Methodology

The Survey identified 170 arbitral institutions throughout Latin America.

The ITA Americas Initiative created the Survey to establish a database of reliable information regarding local and regional arbitral institutions throughout Latin America.

Initially identifying 170 institutions that were diverse in caseload, size, and infrastructure, the editorial team then called on members across Latin America via ITAFOR in assistance to identify the three most relevant institutions in each country. The team made a selection from this group according to size of each jurisdiction. Arriving at 50 institutions, the editorial team sent out a questionnaire to these institutions and received responses from 30 institutions in 20 countries.

The institutions are listed below.

This report expands upon preliminary Survey results presented in Austin at the ITA Americas Workshop on June 16, 2023.

Institutions by Country



Argentina

- Tribunal de Arbitraje General de la Bolsa de Comercio de Buenos Aires
- Centro Empresarial de Mediación y Arbitraje, Asociación Civil



Barbados

- Arbitration and Mediation Court of the Caribbean



Bolivia

- Centro de Conciliación y Arbitraje Comercial de CAINCO



Brazil

- Câmara de de Mediação e Arbitragem Empresarial do Brasil (CAMARB)
- Câmara de Conciliação, Mediação e Arbitragem
- Centro de Arbitragem e Mediação da Câmara de Comércio Brasil-Canadá (CAM-CCBC)



BVI

- BVI International Arbitration Centre (BVI IAC)



Cayman Islands

- Cayman International Mediation and Arbitration Centre (CI-MAC)



Chile

- Centro de Arbitraje y Mediación de la Cámara de Comercio de Santiago (CAM Santiago)
- Centro Nacional De Arbitrajes S.A



Colombia

- Centro de Arbitraje y Conciliación de la Cámara de Comercio de Bogotá (CACCB)*
- Cámara de Comercio de Medellín Para Antioquia
- Centro de Conciliación, Arbitraje y Amigable Composición de la Cámara de Comercio de Cali



Costa Rica

- Centro Internacional de Conciliación y Arbitraje (CICA) de la Cámara de Comercio Costarricense Norteamericana (AmCham Costa Rica)



Dominican Republic

- Center for Dispute Resolution (CRC) of the Chamber of Commerce and Production of Santo Domingo (CCPSD)



Ecuador

- Centro de Arbitraje y Mediación – CAM – Amcham Quito
- Centro de Arbitraje y mediación Cámara de Comercio de Quito



El Salvador

- Centro de Mediación y Arbitraje de la Cámara de Comercio e Industria de El Salvador*



Guatemala

- Centro de Arbitraje y Conciliación de la Cámara de Comercio de Guatemala (CENAC)*



Jamaica

- Jamaica International Arbitration Centre (JAIAC) *



Mexico

- Centro de Arbitraje de México S.A. de C.V.
- Centro de Mediación y Arbitraje (CANACO) de la Cámara de Comercio de la Ciudad de México



Panama

- Centro de Conciliación y Arbitraje de la Cámara de Comercio, Industrias y Agricultura de Panamá (CeCAP)*
- Centro de Solución de Conflictos



Paraguay

- Centro de Arbitraje y Mediación Paraguay (CAMP)



Peru

- El Centro Nacional e Internacional de Arbitraje de la Cámara de Comercio de Lima



Uruguay

- Centro de Conciliación y Arbitraje de la Corte de Arbitraje Internacional para el MERCOSUR de la Bolsa de Comercio del Uruguay*



Venezuela

- Centro de Arbitraje de la Cámara de Caracas (CACC)
- Centro Empresarial de Conciliación y Arbitraje (CEDCA)

International Arbitral Institutions

- International Chamber of Commerce (ICC)
- International Centre for Dispute Resolution (ICDR)
- Inter-American Commercial Arbitration Commission (IACAC)
- International Centre for the Settlement of Investment Disputes (ICSID)
- London Court of International Arbitration (LCIA)

* These institutions are excluded from data tabulations due to insufficient information

Key findings

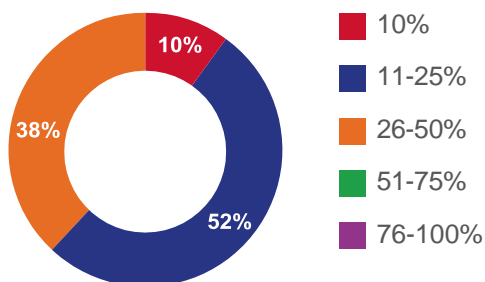
Gender Diversity

Gender diversity is an increasingly important topic in international arbitration. The aim is to ensure that talented and qualified women have equal opportunities to participate in arbitration proceedings, contribute their expertise, and shape the future of international dispute resolution in Latin America and around the world.

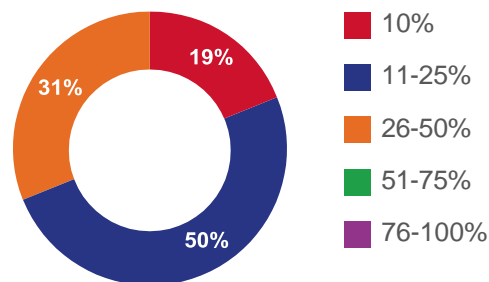
Arbitral institutions in Latin America are increasingly gaining more experience and diversity in arbitrators. Many institutions have reported taking significant steps towards promoting gender diversity. Despite these efforts, the majority of institutions responding to the Survey responded that less than 25% of their domestic and international rosters contain female arbitrators. The findings of the Survey also indicate that in Latin American arbitrations, while at least one woman sits on a tribunal over half of the time (as reported by some institutions), it is still rare for a woman to be a sole arbitrator or the president of an arbitration panel.

These numbers indicate an increase in the appointment of female arbitrators both on rosters and on panels since the last Survey. While progress has been made, these findings confirm that there is still work to be done to foster gender diversity in these institutions.

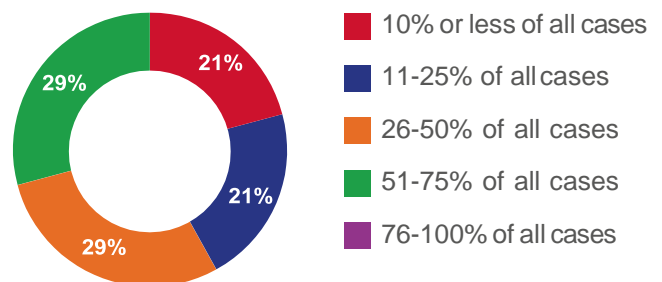
What percentage of the roster are women?



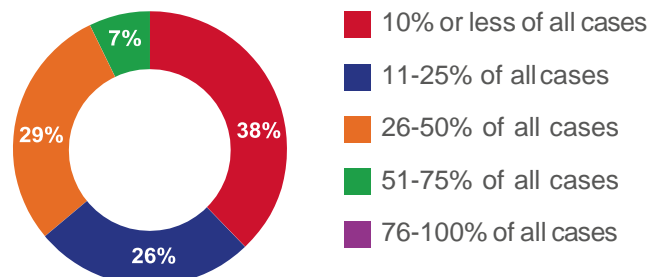
What percentage of the international roster are women?



What percentage of arbitrations in 2021 had at least one woman as an arbitrator?



What percentage of arbitrations in 2021 the president of the panel or the sole arbitrator was a woman?



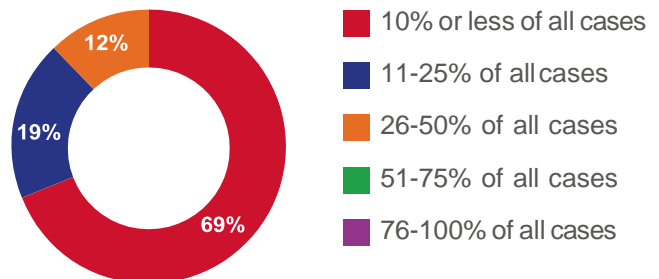
Party Status

Arbitral institutions in Latin America routinely resolve complex and multifaceted disputes. These disputes increasingly involve cross-border disputes with foreign parties, and they require consideration and assessment of public international law, civil and common law issues, and regularly in more than one language. They increasingly involve consideration of industry practices and trade usages and require coordination with public officials in more than one jurisdiction.

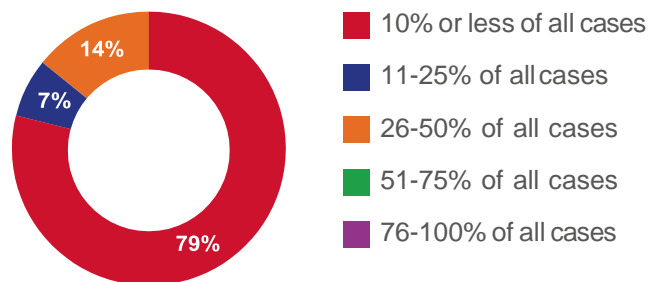
The majority of institutions responding to the Survey serve local parties, which may include subsidiaries of international companies. Some, however, did administer almost half its cases with foreign entities. For example, the Centro Empresarial de Conciliación y Arbitraje in Venezuela, and Centro de Arbitraje de la Cámara de Caracas, Venezuela both recorded between 26% and 50% of cases as international cases.

Although the majority of cases identified in the Survey involve private entities, an increasing number of cases involve public entities. This finding is consistent with the evolution of the practice of arbitration in the region. The increasingly complex nature of Latin American dispute resolution is further demonstrated by the number of cases involving public parties that some specific institutions in Latin America administer. For example, El Centro Nacional e Internacional de Arbitraje de la Cámara de Comercio de Lima, Peru, recorded between 51% and 75% of all cases in 2021 as cases with public parties.

Percentage of international cases?



Percentage of cases where a party is a state-owned entity or a state?



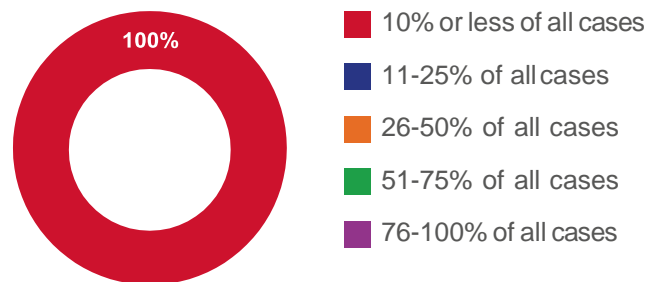
Seat of the Arbitration

The seat of the arbitration can be important for purposes of enforcement, interim measures, among others. As displayed in the country indicator above, some countries have less favorable arbitration laws and performance indicators related to ease of business. For most (if not all) of the institutions surveyed, the venue of arbitration was the same as the institution's country. In fact, less than 10% of registered cases of arbitral institutions in Latin America had a venue other than the institution's country in 2021.

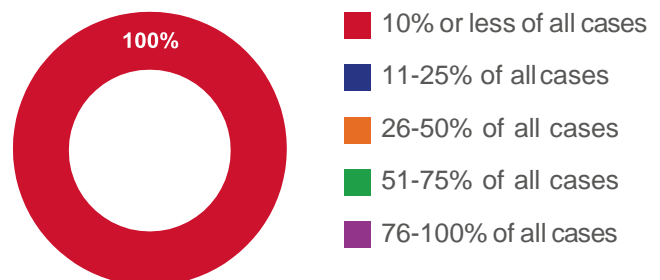
This may demonstrate the focus of the regional Latin American institutions as servicing local dispute rather than cross-border disputes outside of the continent.

Moreover, the low number of arbitration cases in 2021 with a different venue (in addition to the "seat") than the country of the institution might be due to the pandemic and travel restrictions adopted to prevent the spread of COVID. The increase of remote proceedings after the pandemic has continued not only in the major institutions but also in Latin America.

What percentage of the arbitrations registered between 2011 and 2021 had a venue other than the country of the institution?



What percentage of arbitrations in 2021 had a seat other than the country of the institution?



Arbitrator Requirements

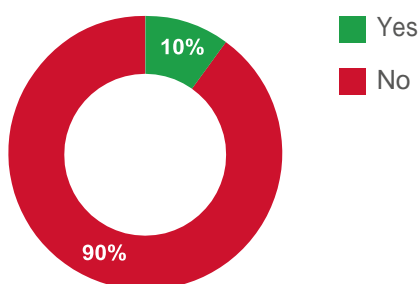
Party autonomy is key in arbitration, and autonomy in selecting an arbitrator forms an additional incentive for foreign trade and investment. The selection of arbitrators is a critical step in an arbitration, as it increases the confidence of the participants of fair, neutral proceedings.

The results of the Survey show that in 90% of the institutions, it is not necessary for the arbitrator to be a national of the State where the institution is located. In another survey question, 29% of the institutions answered, “yes” to needing to be licensed in the jurisdiction for domestic cases but only 10% answered “yes” for international cases, showing a very welcoming atmosphere for international disputes.

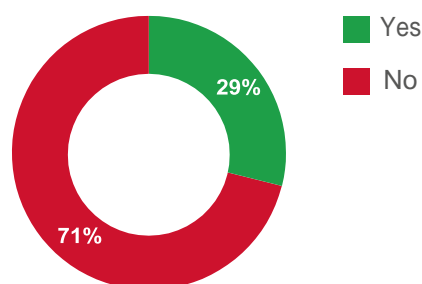
Other considerations in the selection of arbitrator requirements may include (1) arbitrators must be listed on a roster, (2) arbitrators must be nationals, or (3) arbitrators must be licensed to practice law in the jurisdiction where the arbitration is administered.

As seen in the graphs below, most of the institutions included in the survey have shown flexibility as to who may be selected as an arbitrator in terms of the attorney’s nationality and where the attorney is accredited/licensed. With respect to the arbitrator needing to be selected from the roster, one institution, the Centro de Arbitraje y Mediación Paraguay (CAMP) only required roster selections for domestic cases.

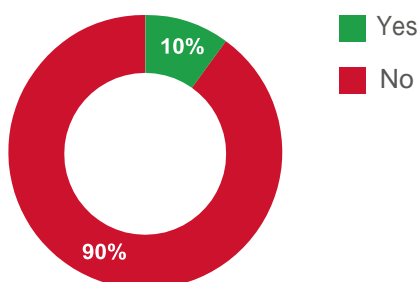
Is it necessary for the arbitrators to be nationals of the country where the arbitration institution is located?



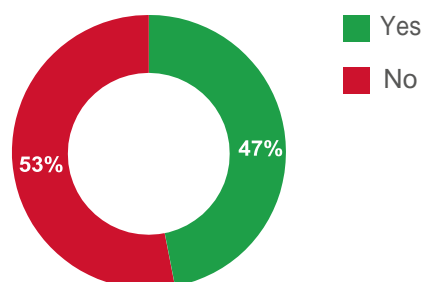
Do arbitrators need to be accredited lawyers licensed to practice in the country where the arbitral institution is located for domestic cases?



Do arbitrators need to be accredited lawyers licensed to practice in the country where the arbitral institution is located for international cases?



Do the parties need to select an arbitrator from the institution's roster?



Dispositive Motions

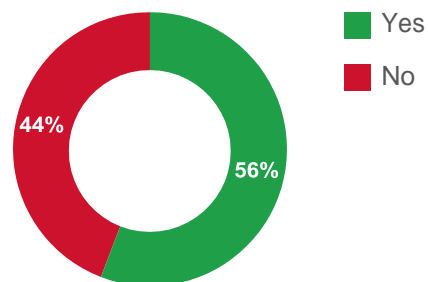
A procedural tool conventionally associated with U.S. domestic litigation, dispositive motions have become more common in certain jurisdictions within the Latin American region and in international arbitrations at large. In the Latin American jurisdictions that participated in the Survey we see that these motions are allowed in over 50% of the regional institutions. When permitted, these motions are sometimes limited to being raised in the initial stages of a dispute (akin to a motion to dismiss). For the most part, when permitted, parties may raise these motions at any time.

On the one hand, dispositive motions, when utilized in good faith, have the capacity to streamline the remaining issues to be decided at a final hearing. On the other hand, when improperly utilized these motions may run counter to the arbitration goals of cost containment and efficiency by serving as a weapon to: delay proceedings, generate unforeseen costs, and frustrate party's expectations.

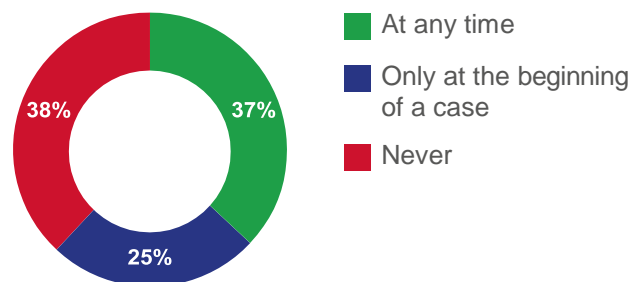
When presenting such a motion, it would be wise to consider any skepticism on behalf of the tribunal with regard to an award being challenged on due process grounds under the New York Convention where, for example, a party might argue it did not receive a fair opportunity to be heard and present its case.

Best practices include detailed case-by-case analysis prior to bringing these motions with the objective of determining the likely success of the motion, along with the overall impact on time and cost of the proceeding.

Does the institution allow the filing of a dispositive motion or preliminary objection?



When can a party file such a request? (dispositive motion)



Preliminary Measures & Emergency Arbitrator

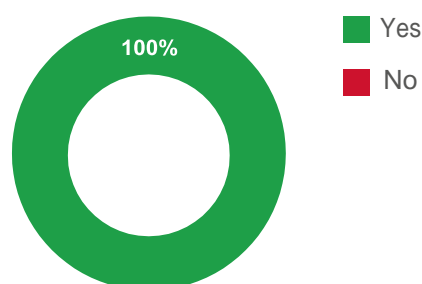
Preliminary measures can provide protection to safeguard a party's substantive rights prior to an arbitral proceeding commencing or even during the pendency of the proceeding (but prior to the issuance of a final award). When national courts are unavailable, not best-suited, or incapable of hearing the dispute at hand, an emergency arbitrator may provide sought-after preliminary relief without addressing the merits. The Survey reflects an expansion of the utilization of preliminary measures and emergency arbitrators in the Latin American region.

The Survey further reflects that the vast majority of arbitral institutions in Latin America allow for both emergency arbitrators and preliminary measures. When a party requires immediate relief and is unable to wait for a tribunal to be constituted, emergency arbitrators may provide an efficient avenue for quick resolution.

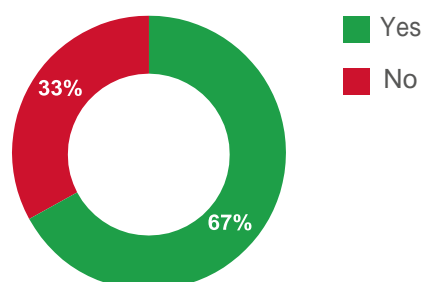
Emergency arbitrators are vested with the power (and general wide discretion) to issue interim relief, and with the costs usually borne by the party seeking the emergency procedure, this procedural vehicle has the potential to serve as an efficient mechanism prior to the constitution of an arbitral tribunal or issuance of a final award.

In requesting preliminary measures or the installment of an emergency arbitrator, it is important for parties to familiarize themselves with specific rules for emergency arbitrator proceedings, and to be cognizant of the national laws, the laws of the seat of the arbitration, and the laws of enforcement of the award.

Are arbitral tribunals authorized to issue interim measures?



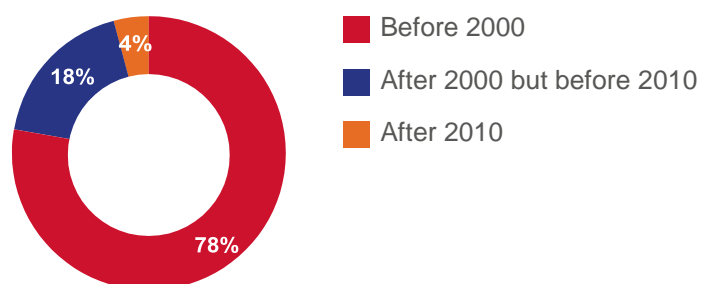
Does the institution have emergency arbitration procedures?



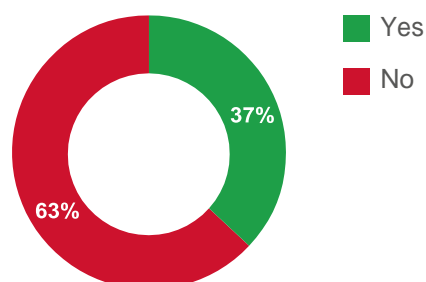
Origins of Arbitral Institutions

The availability of reliable dispute resolution mechanisms minimizes the risks of doing business across borders in Latin America and beyond. Historically, Latin America (including the Caribbean) have been perceived as a hostile environment for international dispute resolution due to unreliable courts, a cultural disdain for arbitration and the difficulty of enforcing judgments. Yet, starting in the 1990s, most Latin American states adopted legal and policy changes aimed at promoting free markets and liberalizing trade. Notably, the region saw a significant rise in arbitration as marked by the growth in the establishment of arbitral institutions since the last Survey. The majority of participating institutions were established between before 2000. However, over 20% were established after 2000, and at least three institutions in this Survey were established after the release of the last Survey—all from the Caribbean. This includes the Cayman International Arbitration Mediation & Arbitration Centre, the BVI Arbitration Centre, and Barbados' Arbitration and Mediation Court of the Caribbean. This is consistent with the arbitral communities focus on promoting arbitration in the Caribbean, including the ITA's own Caribbean Task Force as part of the Americas Initiative launched in 2021. As a result of this pro-arbitration approach, the region's emerging markets are adjusting to the new global business climate.

How many institutions opened their doors?



Are the institution's rules derived from the Model UNCITRAL Rules?



Institutional Data

Regional Arbitral Institutions



Argentina

Tribunal de Arbitraje General de la Bolsa de Comercio de Buenos Aires

Address:

25 de Mayo 347, Piso 1°,
Ciudad Autónoma de Buenos
Aires, Argentina

Telephone:

(5411) 4316-7000

Link to Website:

[https://www.labolsa.com.ar/
institucional/tribunal/](https://www.labolsa.com.ar/institucional/tribunal/)

Link to Rules:

[https://www.labolsa.com.
ar/institucional/tribunal/
regimen-arbitral/](https://www.labolsa.com.ar/institucional/tribunal/regimen-arbitral/)

The Tribunal de Arbitraje General de la Bolsa de Comercio de Buenos Aires was established in 1963. La Bolsa de Comercio de Buenos Aires is the only permanent arbitration tribunal in Argentina, that is, it is already composed of three permanent arbitrators, so it is not necessary to set up the tribunal, which the institution boasts saves time and money for claimants. The institution provides arbitration, mediation, and conciliation and has its own set of procedural rules for its dispute resolution services. The institution's rules are separated into national and international rules.

Its arbitration rules were last updated in 1995. The institution reported that the constitution of a tribunal takes less than one month on average. The arbitrators, however, must be Argentine citizens. The same goes for representing a party under the Bolsa de Comercio de Buenos Aires institution. A party litigant must be licensed in Argentina for domestic cases.

Party Nationality: 10% or fewer of cases involved a foreign party.

State Entities: 10% or fewer of cases involved state entity

Roster: Yes

Language: All cases in Spanish

Cases Registered Between 2011 and 2021: Approximately 550


Caseload in 2021: 35

Emergency Arbitrator: No

Dispositive Motions: No

Awards Published: No

Institutional Fees: 1.5% of the claim in dispute

<p>Centro Empresarial de Mediación y Arbitraje – CEMA</p> <p>Address: Hipólito Yrigoyen 476 piso 4°, Ciudad Autónoma de Buenos Aires, Argentina, C1084AAF</p> <p>Telephone: (5411) 4331-2846</p> <p>Link to Website: www.medyar.org.ar</p> <p>Link to Rules: https://www.medyar.org. ar/normas-y-procesos- arbitraje.php</p>	<p>The Centro Empresarial de Mediación y Arbitraje (CEMA) was established in 1996. The CEMA provides arbitration, mediation, and conciliation and has its own set of procedural rules for its dispute resolution services.</p> <p>It typically takes one to two months to constitute a tribunal. The co-arbitrators always pick the president absent agreement between the parties. The parties must select arbitrators from the roster of the CEMA. It is not necessary for an arbitrator (nor an attorney representative) to be from Argentina. The rules model the standard UNCITRAL Rules for arbitration. The institution's rules were updated in 2023.</p> <p>Roster: Yes</p> <p>Language: All cases in Spanish</p> <p>Cases Registered Between 2011 and 2021: 44</p> <p>Caseload in 2021: 9</p> <p>Emergency Arbitrator: No</p> <p>Awards Published: No</p> <p>Institutional Fees: Institutional fees are calculated at 1% of the amount in dispute. Fees must not be lower than \$250. If the amount in dispute is \$1 million or more then the fees are \$5,000.</p>
<div>  Barbados </div>	
<p>Arbitration and Mediation Court of the Caribbean (AMCC)</p> <p>Address: Carleton Court, High Street, Bridgetown, Bridgetown BB11128, Barbados</p> <p>Telephone: + 1-246-431-0070</p> <p>Link to Website: https://amcconline.org</p> <p>Link to Rules: https://amcconline.org/wp- content/uploads/2020/08/ AMCCNon-InternationalArbitra tionRules2018.pdf</p>	<p>Established in 2017, the Arbitration and Mediation Court of the Caribbean (AMCC) is the main arbitral institution of Barbados. The institution's rules are separated into national and international rules. The AMCC's rules are based on the UNCITRAL Rules and were last updated in 2018.</p> <p>The AMCC continues to grow and is an indirect product of the ITA's Caribbean Task Force initiative.</p> <p>Roster: Yes</p> <p>Language: All cases in English</p> <p>Cases Registered Between 2011 and 2021: 5</p> <p>Emergency Arbitrator: Yes</p> <p>Dispositive Measures: Yes, at any point</p> <p>Awards Published: No</p> <p>Institutional Fees: International Disputes Registration BB \$3,000. Domestic BB \$1,500. Then administrative fees based on the value of the claim.</p>



Bolivia

Centro de Conciliación y Arbitraje Comercial de la Cámara de Industria, Comercio, Servicios y Turismo de Santa Cruz-Bolivia (CAINCO)

Address:

Santa Cruz de la Sierra, Av. Las Américas No. 7, Santa Cruz de la Sierra, Estado Plurinacional de Bolivia

Link to Website:

<https://www.cainco.org.bo/arbitraje-conciliacion/que-es-ccac/preguntas-frecuentes>

Link to Rules:

<https://www.cainco.org.bo/arbitraje-conciliacion/que-es-ccac/preguntas-frecuentes>

The Centro de Conciliación y Arbitraje Comercial de la Cámara de Industria, Comercio, Servicios y Turismo de Santa Cruz-Bolivia (CAINCO) was established on September 7, 1993. It was among the first institutions to promote alternative dispute resolution methods in Bolivia and has worked with multilateral organizations on various projects to educate the legal and business communities on the benefits of arbitration and mediation. The CAINCO provides arbitration, mediation, and conciliation and has its own set of procedural rules for its dispute resolution services. The institution reported that the constitution of a tribunal takes less than a month from the request for arbitration.

The institution chooses the president if the parties do not agree. With the enactment of Law 708 on Conciliation and Arbitration, the possibility of submitting administrative contracts to arbitration was restricted. Likewise, due to a technicality used in the constitutional jurisprudence, the possibility of applying nullity in arbitration has been restricted and the jurisdiction was transferred to the ordinary courts.

Party Nationality: 10% or fewer of cases involved a foreign party

State Entities: 10% or fewer of cases involved a state entity

Roster: Yes

Languages: 76%-100% in Portuguese; 10% or fewer in English; 10% or fewer in Spanish

Cases Registered Between 2011 and 2021: 313

Caseload in 2021: 34 (52 in 2020)

Amount in Controversy Range in 2021: US\$20,000 – US\$10 million

Dispositive Motions: Yes

Emergency Arbitrator: Yes

Awards Published: No

Institutional Fees: No fees

**Câmara de Arbitragem Empresarial do Brasil (CAMARB)****Address:**

Rua Paraíba, 550, 9º andar,
Funcionários, 550, 9º andar,
Belo Horizonte, Minas Gerais,
Brasil 30.130-141

Link to Website:

<https://camarb.com.br/>

Link to Rules:

[https://camarb.com.br/
arbitragem/regulamento-de-
arbitragem/](https://camarb.com.br/arbitragem/regulamento-de-arbitragem/)

The Câmara de Arbitragem Empresarial do Brasil (CAMARB) (Brazilian Chamber of Commercial Arbitration) is a nonprofit organization established in 1999. Its mission is to promote arbitration; provide arbitration services for individuals and entities; and resolve all types of disputes, both international and domestic. Apart from providing arbitration services, the CAMARB also administers courses, seminars, and workshops. It offers free consulting services to individuals who are interested in arbitration. The CAMARB also offers mediation, arbitration, and dispute boards and operates under its own arbitration rules. It registers 10 to 20 new cases annually.

The institution reported that appropriate means of dispute resolution are undergoing a growing evolution in Brazil and in the world, as their methods are being perfected every day through constant and critical academic debates by various professionals worldwide. Institutions must adapt to the best operational practices of appropriate means of dispute resolution, as well as to the current socio-economic challenges. Consequently, the CAMARB undergoes a constant process of revision of its Rules of Arbitration and Mediation, institutional projects and internal organization to better meet the expectations of the market and adapt to an increasingly connected reality in the search for more efficient and sustainable ways of working. The institution also seeks to improve its projects to the best ESG practices, with emphasis on the reduction of carbon dioxide emissions, the reduction of racial and gender inequalities in the context of appropriate means of conflict resolution and the education and dissemination of such means to young students and professionals, seeking to disseminate the multi-gate system in Brazil with modern practices appropriate to the current market. Its rules were last updated in 2019 but are currently in the process of being updated.

Party Nationality: 10% or fewer of cases involved a foreign party

State Entities: 10% or fewer of cases involved a state entity

Roster: Yes

Language: 76%-100% in Portuguese; 10% or fewer in English; 10% or fewer in Spanish

Cases Registered Between 2011 and 2021: 262

Caseload in 2021: 43 (up from 19 in 2019)

Amount in Controversy Range in 2021: BRL40,000 (approximately US\$8,000) – BRL34.65 million (approximately US\$6.93 million) (US\$1 = BRL5).

Dispositive Motions: Yes

Emergency Arbitrator: Yes

Awards Published: No

Institutional Fees: The fees table is available at [https://camarb.com.br/
arbitragem/tabela-de-custas-2019/](https://camarb.com.br/arbitragem/tabela-de-custas-2019/)

<p>Centro de Arbitragem e Mediação da Câmara de Comércio Brasil-Canadá (CCBC)</p> <p>Address: Rua do Rocio, 220, 12º andar, conj. 121 – Vila Olímpia CEP 04552-000 São Paulo – SP, Brasil</p> <p>Telephone: + 55 11 3044 4249 www.ccbc.org.br/arbitragem</p> <p>Link to Website: https://ccbc.org.br/cam-ccbc-centro-arbitragem-mediacao/en/</p> <p>Link to Rules: https://ccbc.org.br/cam-ccbc-centro-arbitragem-mediacao/en/arbitration/arbitration-rules-2022/</p>	<p>Established in 1979, the Câmara de Comércio Brasil-Canadá's (CCBC) (Brazilian-Canadian Chamber of Commerce's) São Paulo-based Centro de Arbitragem e Mediação (Arbitration and Mediation Center) is among the oldest and most established alternative dispute resolution institutes in Brazil. The Centro de Arbitragem e Mediação provides dispute resolution services and operates under its own arbitration and mediation rules. It provides comprehensive services, including arbitration, mediation, dispute boards, and appointing authority. The institution reported that on average, the constitution of a tribunal takes more than five months after the request or notice of arbitration is filed.</p> <p>The CCBC is an institution actively involved in organizing events and collaborations with international universities like NYU, Columbia University, Bucerius Law School, and SciencesPo. It offers scholarships to Brazilian law students and practitioners, partnering with institutions such as the Washington College of Law and the Max-Planck Institute. As a not-for-profit organization, it provides financial aid and sponsorships for various competitions and initiatives related to dispute resolution. The CCBC launched the NewGen Commission in 2019, which focuses on promoting the next generation of dispute resolution practitioners and fostering diversity. The CCBC organizes projects, publications, and academic opportunities while also hosting an annual international arbitration congress and coordinating São Paulo Arbitration Week, which is dedicated to sharing best practices in international arbitration.</p> <p>The institution chooses the chair when the parties cannot agree. Parties are not required to use the institution's list of arbitrators. The arbitrators do not need to be accredited in the jurisdiction of the institution. When an arbitrator is challenged, the challenge must be decided by a special committee composed of three members of the list of arbitrators appointed by the CCBC presidency.</p> <p>Party Nationality: 11-25% of cases involved a foreign party</p> <p>State Entities: 10% or fewer of cases involved a state entity</p> <p>Roster: Yes</p> <p>Language: 76%-100% in Portuguese; 10% or fewer in English; 10% or fewer in Spanish</p> <p>Cases Registered Between 2011 and 2021: 1,094</p> <p>Caseload in 2021: 128</p> <p>Amount in Controversy Range in 2021: US\$19,226 – US\$510,341,134</p> <p>Emergency Arbitrator: Yes</p> <p>Institutional Fees: Based on the amount in dispute. For more information on the calculation of fees, see https://ccbc.org.br/cam-ccbc-centro-arbitragem-mediacao/en/arbitration/schedule-of-costs/</p>
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**BVI****BVI International Arbitration Centre (BVI-IAC)****Address:**

3rd Floor, Ritter House,
Wickham's Cay II, Tortola,
British Virgin Islands, VG1110

Telephone:

+1 (284) 393 8000

Link to Website:

www.bviiac.org

Link to Rules:

[https://www.bviiac.org/
Arbitration/Arbitration-Rules/
BVI-IAC-2021-Rules](https://www.bviiac.org/Arbitration/Arbitration-Rules/BVI-IAC-2021-Rules)

The BVI International Arbitration Centre (BVI-IAC), an independent not-for-profit institution, was established to meet the demands of the international business community for a neutral, impartial, efficient, and reliable dispute resolution institution in the Caribbean, Latin America, and beyond.

Roster: Yes

Language: English

Emergency Arbitrator: Yes

Awards Published: No

Institutional Fees: For information on the calculation of fees, see <https://www.bviiac.org/Arbitration/Fees/BVI-IAC-Schedule-of-Fees>

**Cayman Islands****Cayman International Mediation and Arbitration Centre (CI-MAC)****Address:**

90 N Church Street,
George Town, Grand
Cayman KY1-9006

Link to Website:

[https://www.
caymanarbitration.com/
copy-of-diversity-equity-
and-inclusion](https://www.caymanarbitration.com/copy-of-diversity-equity-and-inclusion)

Link to Rules:

[https://www.
caymanarbitration.com/
arbitrationrules2023](https://www.caymanarbitration.com/arbitrationrules2023)

Located in George Town, the CI-MAC is a full-service dispute resolution facility. The CI-MAC has the capacity to host multi-party, multi-jurisdictional hearings via in-person, hybrid, and/or virtual sessions. The institution is fairly new and still in the process of establishing itself.


Roster: Not currently available

Language: English

Emergency Arbitrator: Yes

Awards Published: No

Institutional Fees: For information on the calculation of fees, see <https://www.caymanarbitration.com/about-5>

 Chile	
<p>Centro de Arbitraje y Mediación de la Cámara de Comercio de Santiago (CAM Santiago)</p> <p>Address: Monjitas 392, Piso 11 Santiago Centro, Chile San Sebastian 2813, Piso 5, Las Condes Santiago, Chile</p> <p>Telephone: +562 2360 7015</p> <p>Link to Website: https://www.camsantiago.cl/</p> <p>Link to Rules: Domestic: https://www.camsantiago.cl/servicio/arbitraje-nacional/</p> <p>International: https://www.camsantiago.cl/servicio/arbitraje-internacional/</p>	<p>The Centro de Arbitraje y Mediación de la Cámara de Comercio de Santiago (CAM Santiago) (Arbitration and Mediation Center of the Santiago Chamber of Commerce) was founded in 1992 as a nonprofit institution backed by the Chilean Bar Association and various branches of the Chilean Confederation of Production and Commerce. The CAM Santiago offers arbitration and mediation services aimed at resolving domestic and international disputes. These services are administered within the framework of the procedural rules governing arbitration and mediation established by the institution. The institution has a roster of arbitrators and mediators for domestic arbitrations only, not for international arbitration. The CAM Santiago registers more than 150 cases per year.</p> <p>The CAM Santiago reported that the constitution of a tribunal takes less than a month from when the request or notice is filed. Parties in domestic cases are required to use the institution's list of arbitrators, but parties in international cases are not. If the arbitrators appointed by the parties cannot agree on the appointment of a chair, the appointment is made by the institution. The institution's roster of arbitrators includes 41 women (about 19% of arbitrators).</p> <p>Party Nationality: 10% or fewer of the cases involved a foreign party.</p> <p>State Entities: N/A</p> <p>Roster: Yes, for domestic cases</p> <p>Language: 76%-100% in Spanish; 10% or fewer in English</p> <p>Cases Registered Between 2011 and 2021: 3,504</p> <p>Caseload in 2021: 402</p> <p>Amount in Controversy Range in 2021: US\$4,500 – US\$160 million</p> <p>Emergency Arbitrator: Starting in 2023</p> <p>Awards Published: Yes – see https://www.camsantiago.cl/sentencias-arbitrales/</p> <p>Institutional Fees: Institutional fees are included in the filing fee</p>
<p>Centro Nacional de Arbitrajes S.A (CNA)</p> <p>Address: Avenida Apoquindo 3650, Piso 12, Las Condes, Santiago, Chile</p> <p>Telephone: +562 27992426</p> <p>Link to Website: https://www.cna.cl/</p> <p>Link to Rules: https://www.cna.cl/documentacion/reglamentos</p>	<p>The CNA was founded in 2007 with the purpose of modernizing and promoting arbitration and other dispute resolution mechanisms in Chile.</p> <p>The CNA reported that the constitution of a tribunal takes less than a month after the request or notice is filed. Parties in domestic cases are required to use the institution's list of arbitrators. If the arbitrators appointed by the parties cannot agree on the appointment of a chair, the appointment is made by the institution. In 2021 51-75 percent of cases had at least one woman arbitrator.</p> <p>Party Nationality: 10% or fewer of cases involved a foreign party</p> <p>State Entities: N/A</p> <p>Roster: Yes</p> <p>Language: 10% or fewer in English</p> <p>Cases Registered Between 2011 and 2021: 1,000</p> <p>Caseload in 2021: 102</p> <p>Amount in Controversy Range in 2021: N/A</p> <p>Emergency Arbitrator: No</p> <p>Awards Published: No</p> <p>Institutional Fees: See https://www.cna.cl/tarifas/tabla_tarifas</p>



Colombia

Cámara de Comercio de Medellín para Antioquia

Address:

Carrera 43 A # 16 sur
245, Piso 4

Telephone:

+57 (604)444 9758

Link to Website:

<https://www.camaramedellin.com.co>

Link to Rules:

<https://www.camaramedellin.com.co/arbitraje-y-conciliacion/metodos-alternativos-de-solucion-de-conflictos>

The Cámara de Comercio de Medellín para Antioquia (Medellín Chamber of Commerce) was founded in 1993.

The institution reported that the constitution of a tribunal takes between one and two months after the request or notice is filed. Parties are not required to use the institution's list of arbitrators. If the arbitrators appointed by the parties cannot agree on the appointment of a chair, the appointment is made by the institution. The institution has its own rules for conflict of interest.

Party Nationality: 10% or fewer of cases involved a foreign party

State Entities: 10% or fewer of cases involved a state entity

Roster: Yes

Language: 76-100% in Spanish; 10% or fewer in English; 10% or fewer in Portuguese

Cases Registered Between 2011 and 2021: 813

Caseload in 2021: 85

Amount in Controversy Range in 2021: US\$800 – US\$1,710,917,890

Emergency Arbitrator: No

Awards Published: Yes – see <https://www.camaramedellin.com.co/arbitraje-y-conciliacion/arbitraje/laudos-arbitrales>

Institutional Fees: N/A

Centro de Arbitraje de la Cámara de Comercio de Cali

Address:

Calle 8 #3-14, Piso 4, Edificio
Camara de Comercio de Cali
Cali, Valle del
Cauca, Colombia

Telephone:

+57 6028861369

Link to Website:

<https://www.ccc.org.co/programas-y-servicios-empresariales/centro-de-conciliacion-arbitraje-y-amigable-composicion/#>

Link to Rules:

<https://www.ccc.org.co/inc/uploads/2020/08/Reglamento-CCYA-Actualizado-2020.pdf>

The Centro de Arbitraje de la Cámara de Comercio de Cali was founded in 1993 with the objective of solving conflicts in an efficient and neutral manner.

The institution reported that the constitution of a tribunal takes less than a month after the request or notice is filed. Parties are not required to use the institution's list of arbitrators. The co-arbitrators appointed by the parties appoint the chair. The institution follows the IBA Rules for conflict of interest. 26%-50% of the arbitrators on the institution's list are women.

Party Nationality: 10% or fewer of cases involved a foreign party.

State Entities: 10% or fewer involved a state entity as a party.

Roster: Yes

Language: All cases in Spanish

Cases Registered Between 2011 and 2021: 364

Caseload in 2021: 46

Amount in Controversy Range in 2021: US\$2,343 – US\$75,599

Emergency Arbitrator: No

Awards Published: Yes – see <https://www.ccc.org.co/programas-y-servicios-empresariales/centro-de-conciliacion-arbitraje-y-amigable-composicion/arbitraje/laudos-arbitrales/>



Costa Rica

Centro Internacional de Conciliación y Arbitraje (CICA) de la Cámara de Comercio Costarricense Norteamericana (AmCham Costa Rica)

Address:

Edificio Amcham, Sabana Norte, Av. 9, calle 46, San José, San José, Costa Rica 10101

Telephone:

(+506) 2220-2200

Link to Website:

<https://cicacr.org/>

Link to Rules:

<https://cicacr.org/wp-content/uploads/2022/02/Reglamento-de-arbitraje-CICA.pdf>

The Centro Internacional de Conciliación y Arbitraje (CICA) (International Center of Conciliation and Arbitration) of the Cámara de Comercio Costarricense Norteamericana (AmCham Costa Rica) (Costa-Rican-American Chamber of Commerce) has been active since October 1999 and offers services in arbitration and mediation. The CICA has established alternative dispute resolution procedural rules and registers more than 50 cases per year.

It takes approximately one month for the constitution of a tribunal after a party presents a request for arbitration. Where the parties do not agree upon the chair or president of the tribunal, the institution will make the selection. This occurs in 51%-75% of all cases. For domestic cases, arbitrators must be licensed as attorneys in Costa Rica. For international cases, this is not a requirement. In 2021, between 26%-50% of all cases had at least one woman arbitrator, and between 26%-50% of all arbitrations had a woman as the chair or president of the tribunal.

Party Nationality: 11%-25% of all cases involved a foreign party

State Entities: 10% or fewer of all cases involved a state entity

Roster: Yes

Language: 76%-100% in Spanish; 11%-25% in English; 10% or fewer in Portuguese

Cases Registered Between 2011 and 2021: 169

Caseload in 2021: 17

Emergency Arbitrator: No

Dispositive Motions: No

Awards Published: No



Ecuador

Centro de Arbitraje y Mediación Cámara de Comercio de Quito

Address:

Av. Amazonas y Republica Edif. Las Camarás, tercer piso Quito, Pichincha, Ecuador

Telephone:

1800 227 227 / 02 2976 500

Link to Website:

<https://ccq.ec/arbitraje-y-mediacion/>

Link to Rules:

[https://storageccqec.blob.core.windows.net/documentos/Reglamento-de-Funcionamiento-CAMCCQ2020%20final%20\(2\)%20\(1\).pdf](https://storageccqec.blob.core.windows.net/documentos/Reglamento-de-Funcionamiento-CAMCCQ2020%20final%20(2)%20(1).pdf)

The Centro de Arbitraje y Mediación Cámara de Comercio de Quito was founded in 1997. The institution has established procedural rules for arbitration and mediation.

The rules are not separated into international and domestic; the institution uses the same rules for both. The rules are not modeled on the UNCITRAL Rules. There is a roster for both domestic and international cases. The institution reported that the constitution of a tribunal takes between three and five months after a request or notice is filed. Parties are required to use the institution's list of arbitrators. The arbitrators must be licensed to practice law in Ecuador for international cases. The institution follows the IBA rules for purposes of conflicts of interest.

Party Nationality: 10% or fewer of all cases involved a foreign party

State Entities: 11-25% of all cases involved a state entity

Roster: Yes

Language: 76%-100% in Spanish; 10% or fewer in English

Cases Registered Between 2011 and 2021: 1,779


Caseload in 2021: 211


Amount in Controversy Range in 2021: US\$6,000 – US\$122.1 million

Emergency Arbitrator: No

Awards Published: No

Institutional Fees: Depends on the amount in dispute and the number of arbitrators

<p>Centro de Arbitraje y Mediación de la Cámara de Comercio Ecuatoriano Americana (AmCham Quito-Ecuador)</p> <p>Address: Avenida 6 de diciembre y Calle La niña, Edificio Multicentro, Piso 4 Quito, Pichincha, Ecuador</p> <p>Telephone: (+593) 250 – 7450</p> <p>Link to Website: https://www.amchamec.com/</p>	<p>The Centro de Arbitraje y Mediación de la Cámara de Comercio Ecuatoriano Americana (AmCham Quito-Ecuador) (Ecuadorian-American Chamber of Commerce's Arbitration and Mediation Center) was founded in 2000. The AmCham Quito-Ecuador Arbitration and Mediation Center has established procedural rules for arbitration and mediation.</p> <p>The institution reported that the constitution of a tribunal takes between one and two months after the request or notice is filed. Parties are required to use the institution's list of arbitrators. The co-arbitrators appointed by the parties appoint the chair. The institution follows its own rules for conflict of interest.</p> <p>Party Nationality: N/A</p> <p>State Entities: N/A</p> <p>Roster: Yes</p> <p>Language: 76%-100% in Spanish; 10% or fewer in English</p> <p>Cases Registered Between 2011 and 2021: 181</p> <p>Caseload in 2021: 23</p> <p>Amount in Controversy Range in 2021: US\$10,000 – US\$3,700,000</p> <p>Emergency Arbitrator: Yes</p> <p>Awards Published: No</p>
<div>  Mexico </div>	
<p>Centro de Arbitraje de México (CAM)</p> <p>Address: Torre Vistral - Insurgentes 730, piso 2-210, Insurgentes 730, piso 2-210, Ciudad de México, Ciudad de México, México, 03100</p> <p>Telephone: +(52) 55 7158-7384</p> <p>Link to Website: https://camex.com.mx/</p> <p>Link to Rules: https://camex.com.mx/wp-content/uploads/2022/12/Reglas-de-Arbitraje-del-CAM-2022.pdf</p>	<p>The Centro de Arbitraje de México (CAM) (Mexican Arbitration Center) is a private institution created in 1997 to fill a void in Mexico in the area of alternative dispute resolution. The CAM's mission is to create the necessary conditions so that business entities and their affiliates can access and take advantage of the benefits of commercial arbitration. The institution offers arbitration services only and has its own set of arbitration rules. It registers between 10 and 20 cases per year.</p> <p>The constitution of a tribunal takes approximately one to two months from the filing of a request for arbitration. When the parties cannot agree upon a president for the tribunal, the institution makes the selection. This occurs in approximately 11%-25% of all cases. This institution does not require that arbitrators be licensed in the jurisdiction. Some 26%-50% of all arbitrators are women. In 2021, 26%-50% of the cases had a woman arbitrator and 11%-25% had a woman president or chair.</p> <p>Party Nationality: 10% or fewer of all cases involved a foreign party</p> <p>State Entities: 10% or fewer of all cases involved a state entity</p> <p>Roster: Yes</p> <p>Language: 51%-75% in Spanish; 10% or fewer in Portuguese; 10% or fewer in English</p> <p>Cases Registered Between 2011 and 2021: 230</p> <p>Caseload in 2021: 7</p> <p>Amount in Controversy Range in 2021: 3,000 - 150,000 USD</p> <p>Emergency Arbitrator: Yes</p> <p>Dispositive Motions: No</p> <p>Awards Published: No</p> <p>Institutional Fees: US\$1,250</p>

<p>Centro de Mediación y Arbitraje (CANACO) de la Cámara de Comercio de la Ciudad de México</p> <p>Address: Paseo de la Reforma 42, Centro, Cuauhtémoc, 06040, Ciudad de México, Mexico</p> <p>Telephone: 55 3685 2269 Ext. 1308</p> <p>Link to Website: www.arbitrajecanaco.com.mx</p> <p>Link to Rules: https://arbitrajecanaco.com.mx/wp-content/uploads/2022/04/REGLAMENTO_DE_ARBITRAJE_CANACO.pdf</p>	<p>The Centro de Mediación y Arbitraje (CANACO) de la Cámara de Comercio de la Ciudad de México (Mexico City Chamber of Commerce's Mediation and Arbitration Center) is a nonprofit organization established in 2000. It offers arbitration, mediation, and conciliation services and operates under its own set of procedural rules. The CANACO registers between 10 and 20 cases per year.</p> <p>It takes approximately one to two months for the constitution of a tribunal after a party presents a request for arbitration. When the parties do not agree upon a president or chair of the tribunal, the institution decides. This occurs in approximately 11%-25% of all cases. Arbitrators must be licensed in the jurisdiction for domestic cases, but not for international cases. In 2021, 26%-50% of the arbitrators were women and 51-75% of all cases had at least one woman arbitrator.</p> <p>State Entities: 10% or less of all cases in 2021</p> <p>Roster: Yes</p> <p>Languages: 76%-100% in Spanish; 26%-50% in English; 10% or fewer in Portuguese</p> <p>Cases Registered Between 2011 and 2021: 176</p> <p>Caseload in 2021: 30</p> <p>Amount in Controversy Range in 2021: 3000- 15000000 USD</p> <p>Emergency Arbitrator: Yes</p> <p>Dispositive Motions: No</p> <p>Awards Published: No</p>
<div>  Panama </div>	
<p>Centro de Solución de Conflictos</p> <p>Address: Edificio CAPAC, Calle Aquilino de la Guardia y Calle 52, Área Bancaria Ciudad de Panamá, Panamá</p> <p>Telephone: (507) 302 2383</p> <p>Link to Website: https://cescon.org/</p> <p>Link to Rules: https://cescon.org/wp-content/uploads/2022/03/2013_P_578.pdf</p>	<p>The Centro de Solución de Conflictos (CESCON) is a private institution created in 2001. CESCON offers arbitration and mediation services. It registered 130 cases since the last Guide was released in 2011. It uses the same rules for both domestic and international cases.</p> <p>11-25% of their disputes involve more than one party. The institution boasts the average time for the tribunal to be constituted to be less than 1 year. At the moment of selecting an arbitrator, the parties must use an arbitrator that is in the institution's roster. The arbitrators do not, however, need to be from Panama. Counsel also does not need to be from Panama. The institution recorded 51-75% of its cases to have the tribunal be the sole arbitrator or the president of the tribunal.</p> <p>Party Nationality: 10% or fewer of all cases involved a foreign party</p> <p>State Entities: 10% or fewer of cases involved a state entity</p> <p>Roster: Yes</p> <p>Language: All cases in Spanish</p> <p>Cases Registered Between 2011 and 2021: 130</p> <p>Caseload in 2021: 11</p> <p>Amount in Controversy Range in 2021: US\$30,000 – US\$1.9 million</p> <p>Awards Published: No</p>



Paraguay

Centro de Arbitraje y Mediación Paraguay (CAMP)

Address:

Estrella No 550
Asunción, Paraguay

Telephone:

+595 21 493321

Link to Website:

www.camparaguay.com

Link to Rules:

<https://www.camparaguay.com/es/descargas-3/reglamentos-vigentes>

The Centro de Arbitraje y Mediación Paraguay (CAMP) is a pioneer in the field of alternative dispute resolution in Paraguay. The CAMP is a private, non-profit entity that forms part of the Cámara Nacional de Comercio y Servicios de Paraguay. It was initially created as part of the United Nations Development Programme's Commercial Arbitration Project. It was financed by the Inter-American Development Bank with the goal of promoting foreign investment in Paraguay. The CAMP has offered arbitration, mediation, and other alternative dispute resolution services since 1998. It operates under its own set of arbitration and mediation rules.

The CAMP reported the constitution of a tribunal takes 3 to 5 months after the request or notice is filed. Parties in domestic cases are required to use the institution's list of arbitrators, but parties in international cases are not. If the arbitrators appointed by the parties cannot agree on the appointment of a chair, the appointment is made by the institution, usually by a drawing. The arbitrators must be accredited lawyers licensed in the jurisdiction of the institution for domestic cases, but not for international cases. The CAMP follows the IBA's conflict of interest guidelines.

Party Nationality: 10% or fewer of cases involved a foreign party

State Entities: 10% or fewer of cases involved a state entity

Roster: Yes

Language: All cases in Spanish

Cases Registered Between 2011 and 2021: 146

Caseload in 2021: 12

Amount in Controversy Range in 2021: US\$29,038 – US\$4.5 million

Emergency Arbitrator: Yes

Awards Published: No

**Centro Nacional e Internacional de Arbitraje de la Cámara de Comercio de Lima****Address:**

Av. Giuseppe Garibaldi N° 396
- Jesús María
Lima, Perú

Telephone:

(511) 219-1550

Link to Website:

<https://www.arbitrajeccl.com.pe>

Link to Rules:

<https://www.arbitrajeccl.com.pe/>

The Centro Nacional e Internacional de Arbitraje de la Cámara de Comercio de Lima (Lima Chamber of Commerce's Center for Domestic and International Arbitration the "Center") was founded in 1993 and boasts significant experience in managing the dispute resolution process in Peru. The mission of the institution is to administer the correct application of the procedural framework and to provide the management services necessary to ensure the efficient organization and operation of arbitral proceedings at the center. The center strives to be a leader among similar institutions in Latin America in its promotion of arbitration as a form of alternative dispute resolution. It offers arbitration services only and operates within the framework of its own set of arbitration rules. The center registers more than 50 new cases annually.

The institution reported that the constitution of a tribunal takes three to five months after a request or notice is filed. Parties are not required to use the institution's list of arbitrators. If the arbitrators appointed by the parties cannot agree on the appointment of a chair, the appointment is made by the institution, which happens in 10% or less of the cases. The arbitrators do not have to be accredited lawyers licensed in the jurisdiction of the institution. Some 11%-25% of arbitrators are women.

Party Nationality: 10% or fewer of all cases involved a foreign party

State Entities: 51-75% of all cases involved a state entity

Roster: Yes

Language: 76-100% in Spanish; 10% or fewer in English; 10% or fewer in Portuguese

Cases Registered Between 2011 and 2021: 5,316

Caseload in 2021: 780

Amount in Controversy Range in 2021: A maximum of US\$90 million

Emergency Arbitrator: Yes

Awards Published: Yes

Institutional Fees: For information on the calculation of fees, see <https://www.arbitrajeccl.com.pe/tarifas>



**Centro de Arbitraje de la
Cámara de Caracas (CACC)**

Address:

Avenida Andres Eloy Blanco,
Edificio de la Camara de
Comercio,
Piso 5,
Los Caobos,
Caracas, Venezuela

Telephone:

+58 (212) 571.88.31 /
571.91.13

Link to Website:

<https://arbitrajeccc.org/>

Link to Rules:

[https://arbitrajeccc.org/
normativa/reglamento-general/](https://arbitrajeccc.org/normativa/reglamento-general/)

The Centro de Arbitraje de la Cámara de Caracas (CACC) (Arbitration Center of the Caracas Chamber of Commerce, Industry and Services) was established in 1989 and reactivated in 1998 following the enactment of the Venezuelan Commercial Arbitration Law. The CACC provides routine services in arbitral proceedings and commercial mediations, as well as training and promotion of alternative dispute resolution. The institution offers arbitration, mediation, and conciliation services and has established a set of procedural rules for its alternative dispute resolution services. It registers between 20 and 50 cases annually.

The CACC reported that the constitution of a tribunal takes more than five months after the request or notice is filed. Parties are required to use the institution's list of arbitrators. If the arbitrators appointed by the parties cannot agree on the appointment of a chair, the appointment is made by the institution, which happens in less than 10% of cases. The arbitrators are not required to be accredited lawyers licensed in the jurisdiction of the institution. CACC follows the IBA's conflict of interest guidelines. 11-25% percent of listed arbitrators are women.

Party Nationality: 26-50% of all cases involved a foreign party

State Entities: 10% or fewer of all cases involved a state entity

Roster: Yes

Language: 76-100% in Spanish; 11-25% in English; 10% or fewer in Portuguese

Cases Registered Between 2011 and 2021: 152

Caseload in 2021: 5

Amount in Controversy Range in 2021: US\$300 – US\$3 million

Emergency Arbitrator: Yes

Awards Published: No

<p>Centro Empresarial de Conciliación y Arbitraje (CEDCA)</p> <p>Address: 2da. Av. de Campo Alegre, Torre Credival, Piso 6. Municipio Chacao, Estado Miranda Caracas, Distrito Capital, Venezuela</p> <p>Telephone: +58 (212) 2630833 Ext: 221/152</p> <p>Link to Website: https://cedca.org.ve/</p> <p>Link to Rules: https://cedca.org.ve/wp-content/uploads/2020/03/RCEDCA-2020.-Versi%C3%B3n-14-01-2020-Con-C%C3%B3digo-de-%C3%A9tica-Nuevo.pdf</p>	<p>The Centro Empresarial de Conciliación y Arbitraje (CEDCA) (Business Center for Conciliation and Arbitration) is a nonprofit organization founded in 1999 that is dedicated to the promotion of conciliation and arbitration as alternative methods for the economic and effective resolution of domestic and international disputes. The CEDCA is an independent entity linked to the Venezuelan-American Chamber of Commerce and Industry (Venamcham). It is available to natural or juridical persons, and to public and private entities, to resolve commercial disputes. The CEDCA offers arbitration, mediation, and conciliation services and has established its own set of procedural rules for those services. Annually, it registers between 5 and 10 new cases.</p> <p>Parties are required to use the institution's list of arbitrators. If the arbitrators appointed by the parties cannot agree on the appointment of a chair, the appointment is made by the institution. The arbitrators do not have to be accredited lawyers licensed in the jurisdiction of the institution. Between 11-25% of arbitrators are women. The institution has its own conflicts of interest guidelines.</p> <p>Party Nationality: 26-50% of all cases involved a foreign party</p> <p>State Entities: N/A</p> <p>Roster: Yes</p> <p>Language: 76-100% in Spanish; 10% or fewer in English, 10% or fewer in Portuguese</p> <p>Cases Registered Between 2011 and 2021: 111</p> <p>Caseload in 2021: 14</p> <p>Amount in Controversy Range in 2021: US\$3,873 – US\$2.5 million</p> <p>Emergency Arbitrator: Yes</p> <p>Awards Published: No</p>
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Selected International Arbitral Institutions

International Chamber of Commerce (ICC)	
ICC Dispute Resolution Services in Latin America	Established in 1919, the International Chamber of Commerce (ICC) offers a full spread of dispute resolution services and is the home of the ICC International Court of Arbitration, one of the world's leading institutions for the alternative resolution of international commercial and business disputes. The ICC has its own set of Dispute Resolution Rules. The ICC International Court of Arbitration was founded in 1923 and arbitration under its procedural rules continues to increase at a rapid rate.
International Centre for Dispute Resolution (ICDR)	
	The International Centre for Dispute Resolution (ICDR) is the international branch of the American Arbitration Association (AAA). The ICDR was established in 1996 to provide the same alternative dispute resolution mechanisms that the AAA offers to U.S. businesses and investors around the world. The ICDR has offices in Bahrain, Mexico, and Singapore, and it is affiliated with arbitral institutions around the globe, which enables these local institutions to accept and administer cases filed under the ICDR Dispute Resolution Rules. The ICDR maintains a roster of hundreds of independent arbitrators and mediators to hear and resolve cases, and it handles several hundred cases each year.
Inter-American Commercial Arbitration Commission (IACAC)	
Affiliated with Arbitral Institutions in Member State and Associated States www.ciac-iacac.org	The Inter-American Commercial Arbitration Commission (IACAC) is a private institution established in 1934 as a response to the need for an inter-American system of arbitration and conciliation to resolve commercial disputes in the international business community. The preeminent local arbitral institutions in Argentina, Bolivia, Brazil, Colombia, Chile, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Panama, Paraguay, Portugal, Peru, Spain, the United States, Uruguay, and Venezuela form part of the IACAC as national or associated sections. The IACAC offers arbitration, mediation, and conciliation services through its affiliates and has its own set of applicable procedural rules.

International Centre for the Settlement of Investment Disputes (ICSID)

The International Centre for the Settlement of Investment Disputes (ICSID) is an international organization with over 158 member states. It was established under the Convention on the Settlement of Investment Disputes between States and Nationals of Other States (the ICSID Convention), which was opened for signature in 1965, and entered into force the following year. It is largely considered to be the leading international arbitration institution devoted to investor-state arbitration. In the Americas, the following countries are signatories to the ICSID Convention: Argentina, the Bahamas, Barbados, Belize, Canada, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, the United States, Uruguay, and Venezuela. Notably, Brazil is not a signatory to the ICSID Convention, and Bolivia withdrew from the ICSID Convention in 2007. ICSID offers arbitration and conciliation services and has its own set of procedural rules.

London Court of International Arbitration (LCIA)

The London Court of International Arbitration (LCIA) is among the preeminent international institutions for commercial alternative dispute resolution. The institutions preceding the current LCIA date back to 1883, although the institution received its current name and private nonprofit status in the 1980s. It offers arbitration, mediation, and other alternative dispute resolution services and has its own set of procedural rules.

Cumulative List of Arbitral Institutions Identified in Latin-America

Argentina ■ Tribunal de Arbitraje General de la Bolsa de Comercio de Buenos Aires ■ Cámara Argentina de Comercio ■ Cámara Arbitral de la Bolsa de Cereales de Buenos Aires ■ Vento de Mediación y Arbitraje Comercial de la Cámara Argentina de Comercio (CEMARC) ■

Barbados ■ Arbitration and Mediation Court of the Caribbean ■ **Bolivia** ■ Centro de Conciliación y Arbitraje Comercial de la Cámara Nacional de Comercio de Bolivia ■ Centro de Conciliación y Arbitraje Comercial de la Cámara de Industria, Comercio, Servicios y Turismo de Santa Cruz (CAINCO) ■ **Brazil** ■ Câmara de Arbitragem Empresarial (CAMARB) ■ Câmara de Arbitragem do Mercado ■ Câmara de Mediação e Arbitragem de São Paulo ■ Centro de Arbitragem da Amcham Brasil ■ Câmara de Mediação Arbitragem Associação Comercial do Paraná ■ Câmara FGV de Conciliação e Arbitragem ■ Câmara de Arbitragem Empresarial de São Paulo ■ Câmara de Mediação e Arbitragem das Eurocâmaras ■ Centro de Arbitragem e Mediação da Câmara de Comércio Brasil-Canadá ■ Câmara de Mediação e Arbitragem de Cuiabá (Cmac) ■ Câmara de Mediação e Arbitragem do Amazonas (Camam) ■ Conselho de Mediação e Arbitragem do Pará ■ Câmara Comapa ■ Câmara Brasileira de Mediação e Arbitragem Empresarial do Pará (Caepa) ■ Câmara de Mediação e Arbitragem de Teresina ■ Câmara de Mediação e Arbitragem de Alagoas (Cameal) ■ Centro de Mediação e Arbitragem de Pernambuco (Cemape) ■ Câmara de Conciliação e Arbitragem da Associação Comercial da Bahia ■ Conselho Arbitral da Bahia (CAB) ■ Instituto Brasileiro de Mediação Extrajudiciais de Solução de Controvérsias (Ibmesc) ■ Câmara de Mediação e Arbitragem de Minas Gerais S/S Ltda (Cmamg) ■ Câmara de Mediação e Arbitragem do Rio De Janeiro (Camarj) ■ Grupo Mediatius ■ Câmara Nacional de Arbitragem de Volta Redonda (Canaar) ■ Câmara de Mediação, Conciliação e Arbitragem ■ Centro Brasileiro de Mediação e Arbitragem ■ Câmara de Mediação e Arbitragem do Estado do Rio de Janeiro (CMAERJ) ■ Centro de Mediação e Resolução de Conflitos do Rio de Janeiro (Mediare) ■ Via Câmara de Negociação, Mediação e Arbitragem Ltda ■ Arbitragem & Mediação – Soluções de Conflitos Ltda. (AMESCO) ■ Mediação e Arbitragem para Negócios Imobiliários S/S (Arbimovel) Sócios: ■ Câmara de Mediação e Arbitragem (Arbitragio) ■ Câmara de Arbitragem e Mediação Arbitrar S/S Ltda Sócios: ■ Conselho Arbitral do Estado de São Paulo (CAESP) ■ Câmara de Mediação e Arbitragem das

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The Institute for Transnational Arbitration (ITA) provides advanced, continuing education for lawyers, judges, and other professionals concerned with transnational arbitration of commercial and investment disputes. Through its programs, scholarly publications, and membership activities, the ITA has become an important global forum on contemporary issues in the field of transnational arbitration. The ITA's record of educational achievements has been aided by the support of many of the world's leading companies, lawyers, and arbitration professionals. Membership in the ITA is available to corporations, law firms, professional and educational organizations, government agencies, and individuals. Founded in 1986 as a division of The Center for American and International Law, the ITA was created to promote global adherence to the world's principal arbitration treaties and to educate business executives, government officials, and lawyers about arbitration as a means of resolving transnational business disputes.

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