



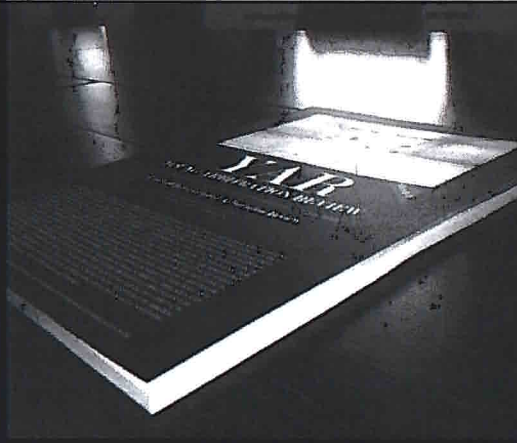
YAR

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[INTRODUCTORY NOTE - AMBASSADORIAL REFLECTIONS], by Clifford J. Hendel • [NEMO COGENDUS AMICUS: BUT CAN A PARTY BIND ITSELF TO ENTER INTO "FRIENDLY DISCUSSIONS"?], by Matthew Wescott • [THE NEW LCIA RULES: A FURTHER STEP TOWARDS EFFICIENT ARBITRAL PROCEEDINGS], by Ioannis Aygoutis • [ISLAMIC FINANCE AND MIDDLE EASTERN ARBITRATION: OPENING PANDORA'S BOX?], by Carolina Dias Costa • [TO RATIFY OR NOT THE ICSID CONVENTION: THE ISSUE OF BRAZIL'S NEW ROLE AS AN INVESTMENT EXPORTER], by Isabela Monnerat • [TRANSNATIONAL STANDARD OF REVIEW IN INTERNATIONAL ARBITRATION], by Christian Josué Leo Varelas • [SOME NOTES ABOUT THE ARBITRATION LEGAL REGIME - THE GERMAN ARBITRATION ACT], by Sandra Gomes Pinto • [MEDIATION - A EUROPEAN PROJECT], by Dr. Jur. Th.M. Margellos, Gordon Humphreys and Sven Stürmann



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[ARTICLES]

1 - INTRODUCTORY NOTE – AMBASSADORIAL REFLECTIONS
by Clifford J. Hendel

2 - *NEMO COGENDUS AMICUS*: BUT CAN A PARTY BIND ITSELF
TO ENTER INTO “FRIENDLY DISCUSSIONS”? by Matthew Wescott

3 - THE NEW LCIA RULES: A FURTHER STEP TOWARDS
EFFICIENT ARBITRAL PROCEEDINGS by Ioannis Avgoustis

4 - ISLAMIC FINANCE AND MIDDLE EASTERN ARBITRATION:
OPENING PANDORA’S BOX? by Carolina Dias Costa

5 - TO RATIFY OR NOT THE ICSID CONVENTION: THE ISSUE
OF BRAZIL’S NEW ROLE AS AN INVESTMENT EXPORTER
by Isabela Monnerat

6 - TRANSNATIONAL STANDARD OF REVIEW IN INTERNATIONAL
ARBITRATION by Christian Josué Leo Varelas

7 - SOME NOTES ABOUT THE ARBITRATION LEGAL REGIME
– THE GERMAN ARBITRATION ACT by Sandra Gomes Pinto

8 - MEDIATION – A EUROPEAN PROJECT
by Dr. Jur. Th.M. Margellos, Gordon Humphreys and Sven Stürmann

[INTRODUCTORY NOTE]



AMBASSADORIAL REFLECTIONS

By Clifford J. Hendel



Last year, I agreed to serve as Spanish "Ambassador" to YAR. As such, I authored the Introductory Note to issue n° 8, a reflection on the position of and prospects for arbitration and ADR in Iberia entitled "*Confidence/Confidence – Reflections on Alternate Dispute Resolution in Iberia (From the Other Side of Under 40)*".

My tenure as Ambassador has been, let's say, uneventful: on the one hand, I have enjoyed few (actually, none) of the ceremonial frills or in-kind emoluments that one typically associates with the ambassadorial function; but on the other, I have not had to discharge any typically ambassadorial duties of representation (indeed, I have had no duties at all, other than renewing my annual subscription when it expired). So, neither football viewed from the luxury boxes of the Santiago Bernabeu nor shaking of endless hands at tedious official events. All in all, a satisfactory, essentially honorific arrangement.

Or so I thought. Because two business days before this issue (n° 15) was to be sent to print, I was invited to write this Introductory Note. Unable to think of a good reason to

decline the invitation, I accepted (as gladly, and as resignedly, as any ambassador would accept a similar invitation from his head of state). I suppose I was relying (as any lawyer would) on the infallibility of celebrated American conductor Leonard Bernstein's keen observation that "*To achieve great things, two things are needed: a plan, and not enough time*".

So there I was: not enough time... but no plan at all! Greatness à la Bernstein's observation would have to wait. (Surely José Miguel Júdece and Virginia Allan had the good fortune of having big plans and little time when they prepared their respective Introductory Notes to recent issues of YAR, n.°s 10 and 9, respectively, two jewels I would heartily recommend to any reader who has not seen them previously).

But who said the Introductory Note must be a great thing? Isn't the truly great thing the very existence of YAR, the size and enthusiasm of its readership, the quality and diversity of its authors from issue to issue, and their enthusiasm for advancing the cause of international dispute resolution globally, all as exemplified in the contents of this issue?

Take a look at the authors of the articles that follow (all, or almost all, of whom of Generation “Y”, i.e., under 40), and the varied and timely subjects which they are addressing: Islamic finance and arbitration; Brazil and the Washington Convention; mediation in Europe; recent trends in England on escalation clauses, institutional rule changes at the LCIA...

Take a step back and think about where international arbitration was a generation ago and where it is today. Is there any area of law or legal practice (or indeed, of professional practice or business or non-business endeavor generally) which today brings together a more varied and more talented group of young professionals than international dispute resolution? Not that I know of. Is there any area of legal practice more enticing today to law students or entry level practitioners? Not that I know of. Is there any area of law or legal practice today in which the “under 40” movement has so successfully and prolifically mushroomed in recent years, creating a broader, more diverse leadership base for the future? Not that I know of.

Take a look at the future and think about where international dispute resolution might be a generation from now: in a world which continues to flatten and globalize, in which physical, legal and cultural borders, boundaries and differences are increasingly irrelevant, and in which hyper-connectivity requires increased international and cross-cultural competence and competitiveness. Is there any group better situated to create and promote a global culture of effective, efficient and peaceful resolution of international disputes than young practitioners in the area today? Not that I can think of. Is there any group better

situated to be the most effective “ambassadors” of this change than the readers of these pages? Not that I can think of.

This is the privilege of being a YAR Ambassador: to witness (albeit from the other side of under-40), and to the extent of one's ability, to stimulate and foster the truly “great thing” that is celebrated in these pages, issue after issue, i.e., the growth of a global group of up-and-coming practitioners with a common commitment to effective resolution of disputes, a common curiosity to learn and develop best practices in the area, and a common goal to help dispute resolution give way increasingly to dispute avoidance.

In the end, returning to Bernstein, there is a plan. Its fruits are in your hands, or on your computer screen. In the end, the privilege of sharing these lines with you has been more satisfying than a couple of hours at the Bernabeu, and the task of preparing them far less onerous than a handshaking marathon at a public ceremony of one sort or another.

Congratulations to all, keep up the good work and the great things – in terms of professional growth and the confidence that derives from helping clients keep their principal focus on their business – will continue to come! This ambassadorship isn't so bad after all....

Clifford J. Hendel

Note: Since this column is being submitted very close to printing, maybe the following quote of Abe Lincoln's will sneak past the editors and strike a chord with both the under-40 reader and with readers on the other side of under-40: “In the end, it's not the years in your life that count. It's the life in your years”.



CLIFFORD J. HENDEL

Clifford J. Hendel is a Partner in the Madrid law firm of Araoz & Rueda. Educated in the U.S., he commenced his career as judicial law clerk in the U.S. District Court for the district of Connecticut, and subsequently practiced corporate and financial law in the New York and Paris offices of a leading global firm. Based in Spain since 1997, he practices principally in the area of international transactions and international dispute resolution, including as arbitrator and mediator. A Fellow of the Chartered Institute of Arbitrators, he is an arbitrator of the Court of Arbitration for Sport (CAS), a member of CPR's Global Panel of Neutrals, an Accredited Mediator of the Centre for Effective Dispute Resolution (CEDR) and a member of the Governing Board of the Club Español de Arbitraje. He is a member of the Asociación Latinoamericana de Arbitraje (ALARB) among other professional organizations, and also moderator of ITAFOR, the ITA Foro de Arbitraje Latinoamericano. He is admitted to practice in New York (Attorney), England and Wales (Solicitor), Paris (Avocat) and Madrid (Abogado). Additional information is available on www.araozyrueda.com



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Matthew is a Partner in DAC Beachcroft's London office from where he advises and represents clients worldwide. Matthew is an experienced dispute resolution practitioner and has advised on and conducted arbitrations under the arbitral rules of several institutions including UNCITRAL, OHADA, LCIA, ICC, LMAA and LME. Matthew deals with a wide variety of areas including banking, financial markets (including ISDA transactions), fraud, contractual disputes, international sale of goods and commodities disputes; he has also undertaken regulatory and investigatory work for a range of clients. Matthew acts for underwriters, brokers and insureds on the Lloyd's, London and international markets. He has acted as coverage and defence counsel in respect of, inter alia, D&O and fidelity policies. He also has experience of bringing and defending accountants', tax advisers' and insurance brokers' negligence claims.

He speaks fluent Spanish and Portuguese. Matthew has worked for a number of clients in Latin American jurisdictions, including a major hydrocarbons transmission company and a sovereign entity.

Matthew is listed in the Chambers Guides: "an experienced litigator with a focus on financial markets. He is "excellent and a pleasure to work with," according to market commentators." "Matthew Wescott continues to impress clients with his work on insurance matters, acting for a variety of underwriters, brokers and insureds."

"Clients praised Matthew Wescott as 'efficient, clear-cut and easy to listen to'."

Matthew is also a recommended Banking Litigator in the Legal 500.

