

The ICC's New Brazil Office and The Success of the ICC Miami Conference: A Sign of Things to Come for ICC Arbitration in Latin America?

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There is no doubt that Latin America has generally seen a rise in the use of arbitration in the last decade. Continuing with that trend, in 2016 the International Chamber of Commerce (ICC) reported that Latin America saw a 15% rise in the number of parties participating in ICC Arbitration,^[1] with Brazil and Mexico both making it to the top ten.

This year, the opening of the new ICC Court's case management office in Brazil and the success of the 15th ICC Miami Conference on International Arbitration both suggest that the region's use of ICC Arbitration will continue to grow.

The ICC's New São Paulo Office

The ICC Court announced in April this year that it was expanding its operations in the region through the establishment of a new case management team in São Paulo, Brazil. Having a physical presence in Brazil made sense in light of the fact that *"Brazil ranks third in the top-ten list of countries with most the parties involved in ICC Arbitrations, accounting for close to 30% of all parties in the Latin American and Caribbean region in 2016."*^[2] The office started administering cases earlier this month. Brazilian parties using the Sao Paulo case management office are now able to make payments in local currency and avoid the withholding taxes that previously increased their overall cost of ICC arbitration. This new office should therefore make ICC arbitration more accessible to the Brazilian market, and in particular to medium size Brazilian companies. The next step for the ICC Court's São Paulo office will be opening a hearing center, which is likely to occur within the next few months.

The ICC Miami Conference

The growing respect for ICC arbitration was palpable this year at the ICC's 15th Miami Conference, attended by 600 delegates from at least 35 countries. This conference, which is one of the ICC's most well attended events, appears to have become the most important event of the year for the Latin American arbitration community. The Conference, which includes an annual training of the ICC World Business Law Institute, featured 50 speakers from Latin America and beyond, including leading arbitrators such as Yves Derains, Juan Fernandez Armesto, Claus von Wobeser, Karyl Nairn,

Q.C. and Pedro Batista Martins. On the eve of the Conference, the ICC Advanced Academy for Latin America held its sixth workshop, which was hosted by Squire Patton Boggs and involved the participation of over forty-five Latin American senior arbitration practitioners.

Three topics discussed at the conference this year are particularly important to the region: (i) the new expedited procedure provisions in the ICC Rules of Arbitration (in force as of March 1, 2017), which will generally affect arbitrations in which the amount in dispute does not exceed USD 2 million;^[3] (ii) the impact that corruption allegations and parallel criminal proceedings can have on arbitration disputes; and (iii) arbitration in the face of an anti-trade political atmosphere. All three of these topics will be the subject of future posts.

[1] <https://iccwbo.org/media-wall/news-speeches/icc-reveals-record-number-new-arbitration-cases-filed-2016/>

[2] <https://iccwbo.org/media-wall/news-speeches/icc-court-announces-new-operations-brazil/>

[3] <https://iccwbo.org/dispute-resolution-services/arbitration/expedited-procedure-provisions/>

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