

# WORLD ARBITRATION & MEDIATION REVIEW

## WEB SITE

The *World Arbitration and Mediation Review* (WAMR) is available on the internet at [www.cailaw.org/ita-wamr](http://www.cailaw.org/ita-wamr) and through its Publisher, Juris Publishing, at [www.jurispub.com](http://www.jurispub.com). WAMR's web sites are valuable resources that include information supplementary and complementary to the journal, as well as helpful links to other organizations and products.

## SUBMISSION OF MANUSCRIPTS

The *World Arbitration and Mediation Review* actively seeks articles, comments and case notes of high quality addressing current issues in international arbitration and mediation. Manuscripts should be submitted to the Managing Editor, accompanied by an assurance that the article has not been previously published or accepted elsewhere, or an explanation as to how this submission differs from that previously published (e.g., entails an excerpt from a previous publication or includes material not previously included).

Authors are requested to submit all manuscripts by email correspondence to the Managing Editor at [LHarhay@cailaw.org](mailto:LHarhay@cailaw.org). No hard copy is required. Manuscripts should be in a recent version of Word for Windows and range from 15-30 pages in length, with 1.5 line spacing. For further specifications, authors are invited to contact the Managing Editor to request WAMR's style sheet, or can obtain this and other information at [www.cailaw.org/ita-wamr](http://www.cailaw.org/ita-wamr).

## SUBSCRIPTIONS

A subscription to the *World Arbitration and Mediation Review* comprises four (4) issues per year, including one (1) issue providing the transcripts and commentary from the Institute for Transnational Arbitration's Workshop held annually in Dallas. Subscription rates can be obtained and registration completed through Juris Publishing, at [subscriptions@jurispub.com](mailto:subscriptions@jurispub.com). Previous issues of WAMR can also be obtained through Juris Publishing.

## PERMISSIONS

To request permission to reproduce any article or information contained in this journal, please contact JurisNet, LLC, 71 New Street, Huntington, NY 11743, USA Tel: (631) 350-2100, Fax: (631) 673-9117.

ISSN 1934-3310. For reference, this issue may be cited at *World Arb. & Med. Rev.*, 2012, Volume 6:1.

Printed in the United States of America, by JurisNet, LLC, Huntington, New York.

© JurisNet, LLC 2012. All rights reserved under the U.S. Copyright Act. No part of this publication may be reproduced, reprinted, stored in a retrieval system, transmitted in any form or by any means, including but not limited to digital, electronic, mechanical, recording, or photocopying without prior written permission or a license permitting restricted use from the Publisher.

INSTITUTE FOR  
TRANSNATIONAL ARBITRATION



THE CENTER FOR AMERICAN  
AND INTERNATIONAL LAW

# WORLD ARBITRATION & MEDIATION REVIEW

---

---

VOL. 6

2012

No. 1

---

---

## LIBER AMICORUM ABASCAL PART I

INTRODUCTION AND DEDICATION TO LIBER AMICORUM JOSÉ MARÍA ABASCAL	<i>Luis Enrique Graham</i> <i>Pilar Perales Viscasillas</i> <i>Aníbal Sabater</i>	1
---	---	---

## UNCITRAL RULES AND MODEL LAW

GENERALIZING ABOUT THE VIRTUES OF SPECIFICITY: THE SURPRISING EVOLUTION OF THE LONGEST ARTICLE IN THE UNCTIRAL MODEL LAW	<i>James Castello</i>	7
<i>Ad Hoc</i> INTERNATIONAL ARBITRATIONS – THE WAY OF THE FUTURE?	<i>C. Mark Baker</i> <i>Efrén C. Olivares</i>	35

## INTERNATIONAL ARBITRATION IN MEXICO

FROM THE ABSTRACT TO REALITY: CHALLENGES IN RECOGNIZING AND ENFORCING COMMERCIAL ARBITRATION AWARDS IN MEXICO	<i>Luis Omar Guerrero Rodríguez</i> <i>Ximena Suárez Enríquez</i>	51
THE MEXICO CITY NATIONAL CHAMBER OF COMMERCE COMMERCIAL ARBITRATION AND MEDIATION COMMISSION	<i>Yanett Quiroz Valdovinos</i>	79
MEXICO'S AMENDMENT TO FACILITATE JUDICIAL COOPERATION IN ARBITRATION	<i>Rodrigo Zamora</i>	97

## EQUITY AND CULTURE: ANALYZING PERSPECTIVES

<i>EX AEQUO ET BONO</i> ARBITRATION	<i>Gerardo Lozano Alarcón</i>	105
"CULTURAL CONFLICTS" IN INTERNATIONAL ARBITRATION: MYTHS, MISUNDERSTANDINGS, AND LESSONS FROM DEALING WITH THE UNUSUAL	<i>Aníbal Sabater</i>	125

## INSOLVENCY PROCEEDINGS: INTERNATIONAL LAW'S ANSWER TO A WORLD CRISIS

UNCITRAL ON INSOLVENCY LAW: THIRD ACT – FIRST SCENE	<i>David Morán Bovio</i>	139
ARBITRATION AS A TOOL IN SUPPORT OF INSOLVENCY PROCEDURES ( <i>CONCURSO MERCANTIL</i> )	<i>Thomas S. Heather</i>	161

**LIBER AMICORUM ABASCAL****PART II\*****INVESTOR STATE ARBITRATION**FRAMING THE WORK OF ICSID ANNULMENT COMMITTEES *David D. Caron*THE NEW ICC RULES IN CASES INVOLVING STATES AND STATES-ENTITIES *Ignacio Torterola***INTERNATIONAL RULES PROCEDURES**GOOD FAITH IN INTERNATIONAL ARBITRATION *Bernardo Cremades*A COMMENT ON THE ARBITRATION REGIME IN THE ROTTERDAM RULES: A BALANCED ONE *Rafael Illescas Ortiz***PRACTICAL CONSIDERATIONS IN INTERNATIONAL ARBITRATION**THE SELECTION OF THE RIGHT ARBITRATOR: PRACTICAL CONSIDERATIONS *Luis Enrique Graham*UNCITRAL IN FAVOR OF USING ELECTRONIC MEANS IN ARBITRATION *Agustín Madrid-Parra*THE ARBITRAL TRIBUNAL'S DECISION TO SUSPEND THE ARBITRATION *Claus von Wobeser***RIGHTS IN INTERNATIONAL ARBITRATION: INVESTOR AND ARBITRATOR**INVESTMENT PROTECTION RIGHTS: SUBSTANTIVE OR PROCEDURAL? *Francisco González de Cossío*WHAT ARE THE RESPONSIBILITIES OF AN ARBITRAL TRIBUNAL FACED WITH A BREACH OF INTEGRITY OF ONE OF ITS MEMBERS? *Eduardo Siqueiros T.***ARBITRATION IN SPAIN**COMPANY ARBITRATION IN SPANISH LAW *Manuel Olivencia*ARBITRATION IN SPAIN: AN INTERNATIONAL PERSPECTIVE ON THE MODIFICATIONS INTRODUCED BY LAW 11/2011 *Pilar Perales Viscasillas*


---

\* Part II will appear in World Arb. & Med. Rev., 2012, Volume 6:2.