



2020-2021

Facts and Figures

The “CAM-CCBC’s Facts & Figures” is a digital publication of CAM-CCBC’s most important data and practices. The report aims to promote transparency and to provide the public with concrete data, displaying an overview of CAM-CCBC’s key activities, including statistics, institutional developments, and new regulations.

CAM-CCBC
2020-2021 FACTS & FIGURES

**Center for Arbitration and Mediation of the Chamber
of Commerce Brazil-Canada**
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Message from the President

Adversities pave the path for evolution. 2020 and 2021 demanded adaptations from those who deal with Alternative Dispute Resolution (ADR) Methods and CAM-CCBC reacted promptly.

Over the last two years, we have reinforced our commitment to improve ADR methods, ever guided by our duty to social responsibility and ethical performance.

Despite physical distancing, our Secretariat remained accessible. This is all part of CAM-CCBC's core values: to deliver the best possible assistance to parties, counsels and arbitrators acting in our proceedings.

48 hours after the outbreak of the COVID pandemic, CAM-CCBC had already adapted its internal procedures to ensure remote continuity of more than 300 cases. Administrative Resolution n. 40/2020 provided for rules on remote management of proceedings.

We have fully implemented a project that had already been in progress: the complete migration to electronically conducted arbitrations and mediations, equally efficient and secure.

CAM-CCBC also reinforced its duty to promote initiatives and projects towards social change.

During the pandemic, CAM-CCBC was pleased to contribute to the University of São Paulo's Medical School, Hospital das Clínicas, the largest hospital in Latin America.

We have also expanded our academic activities virtually, organizing over 45 webinars, the VII and VIII CAM-CCBC Arbitration Congresses, in hybrid format, and the III and IV São Paulo Arbitration Week (SPAW), held entirely online. At each of these events, we encouraged donations aimed at promoting social projects.

Finally, I would like to recognize the expertise and devotion of CAM-CCBC's staff. The achievements set forth on the following pages are the result of their unparalleled dedication.

Progress is neither automatic nor inevitable. The present demands us to weave the threads for a new future.

Eleonora Coelho

President



OUR CASE MANAGEMENT

The Center for Arbitration and Mediation of the Chamber of Commerce Brazil-Canada (CAM-CCBC) is the Latin American trendsetter in International Dispute Resolution. Seated in São Paulo, Brazil, it has promoted and administered ADR proceedings since 1979.

CAM-CCBC's experience has taken shape over the years resulting in:

- I. A unique case-management formula, certified in accordance with ISO 9001 – the international standard for quality in management systems.
- II. A cutting-edge set of rules and regulations, constantly updated in accordance with international best practice standards and the needs and expectations of users.
- III. Administration of proceedings according to the UNCITRAL¹ Arbitration Rules.
- IV. Complete infrastructure in São Paulo (Brazil) without extra costs – including a state-of-the-art hearing center, mediation rooms and meeting spaces.
- V. Offices in Rio de Janeiro (Brazil).
- VI. Full-time specialized Case Managers, fluent in multiple languages and trained in CAM-CCBC's case-management style.
- VII. Arbitrator and Mediator rosters comprised of recognized experts from several jurisdictions.

All CAM-CCBC activities have been built upon five major pillars: impartiality, independence, efficiency, transparency, and the continuous improvement of management system.



The Secretariat structure has been developed to guarantee CAM-CCBC's high standard for case management, operating under a Quality Management System that evolves through constant monitoring, in which micro procedural developments are reported, analyzed and incorporated into CAM-CCBC's case management formula."

Patrícia Kobayashi
Secretary-General at CAM-CCBC

¹ United Nations Commission on International Trade Law

2020 & 2021 HIGHLIGHTS

THE FACTS

Online Mediation and Arbitration

CAM-CCBC has been working on migrating from hard copies/ in-person based cases to an online/remote format for years. At the beginning of 2020, most arbitration cases were handled electronically through e-mail, followed by the exchange of hard copies of written submissions and documents.

When the Covid-19 pandemic hit Brazil in March 2020, our Secretariat was efficient in dealing with all of its cases remotely, fully migrating them to an online case management platform in less than 48 hours.

This development resulted in cost-efficient cases and also offered a greener and more sustainable solution.

In doing away with hard copies, electronic filing has proven to be not only faster, but also cost-efficient. From March 2020 to December 2021, over 20,000 letters went unsent, representing a decrease of **99.4% in comparison with 2019**. The adjustment saved approximately BRL 720,000 in courier expenses, in addition to immeasurable benefits to the environment.



Hearings that would normally take 2 to 3 days physically, are now handled within only one”

Ana Carolina Aranha
Case Manager

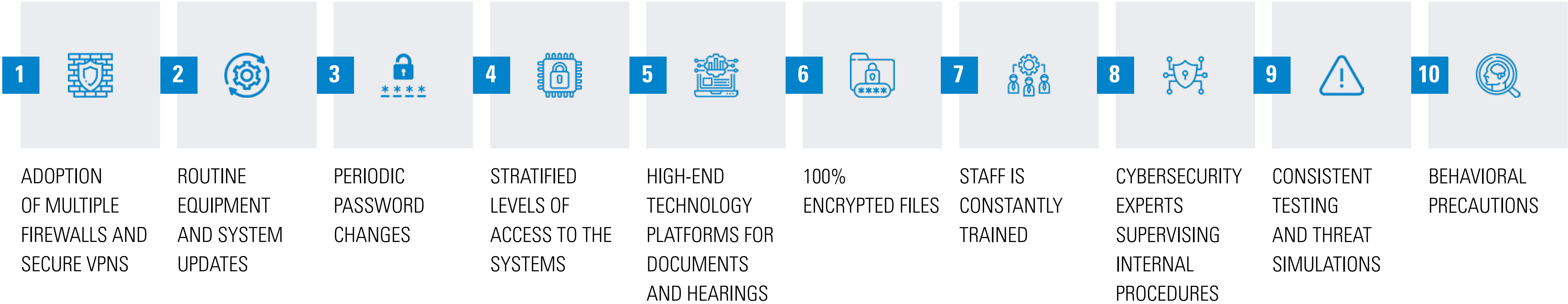


Online proceedings and remote hearings have guaranteed substantial savings in terms of time and expenses. Proceedings are faster, greener and more efficient than ever”

Patrícia Kobayashi
Secretary-General

Emphasis in Cybersecurity

CAM-CCBC implemented new cybersecurity protocols in 2020 in order to ensure its virtual activities are even safer than before. CAM-CCBC currently has top-of-the-line security measures in place, with several layers of protection that go from hardware to software, in addition to technical training of staff:



Training the Secretariat is one of our most important duties. It provides behavioral mechanisms for virtual defense, refining CAM-CCBC’s cybersecurity.”

Guilherme Pereira
Head of Information Technology

Fighting COVID-19: donation to the most prominent hospital in Latin America

At the height of the Covid-19 pandemic in 2020, CAM-CCBC, in partnership with CBAr, the Brazilian Arbitration Committee, decided to donate the International Arbitration Congress sponsorship to the University of São Paulo's Medical School, Hospital das Clínicas, the most prominent hospital in Latin America.



Hearings at CAM-CCBC

At the outset of the pandemic, CAM-CCBC took the initiative to close its physical headquarters, stop all on-site activities, prohibit face-to-face filling and in-person activities among clients, arbitrators and its own personnel.

CAM-CCBC's President issued Administrative Resolutions 39 and 40 in 2020, restricting all CAM-CCBC activities to electronic methods.

In October 2020, the Center decided to resume physical hearings on a case-to-case basis. The conduction of in-person hearings, according to Administrative Resolution 43/2020, must follow strict compliance guidelines, in line with the security protocols set out by our Secretariat.



We have rooms with the best audio and video equipment available on the market. Since October 2020, most of our physical hearings have been handled as hybrid hearings."

Guilherme Pereira
Head of Information Technology

HEARING OPTIONS AT CAM-CCBC

Adapting to the current conditions, CAM-CCBC provides parties with two hearing options:

Remote

CAM-CCBC provides parties with infrastructure for remote conferencing, document sharing platforms and break-out rooms. In addition, CAM-CCBC's case managers personally supervise all prior preparations for the hearing, instructing parties, arbitrators, counsels and each and every witness on microphone and webcam use, framing, lighting, internet connection and clerical assistance. The Secretariat also oversees and hires court reporting services and interpretation. During the hearing, both the Secretariat and the Technical Support team are fully available to assist participants. All of this is handled in-house, with no extra costs or hidden fees.

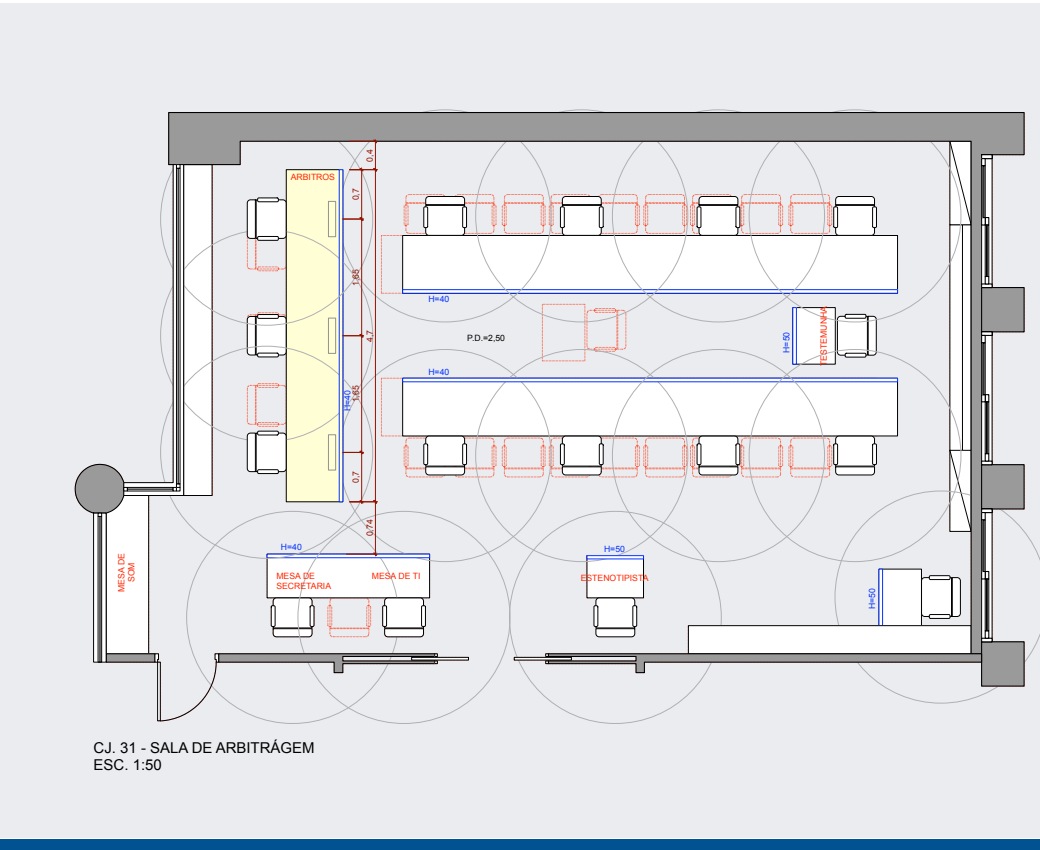
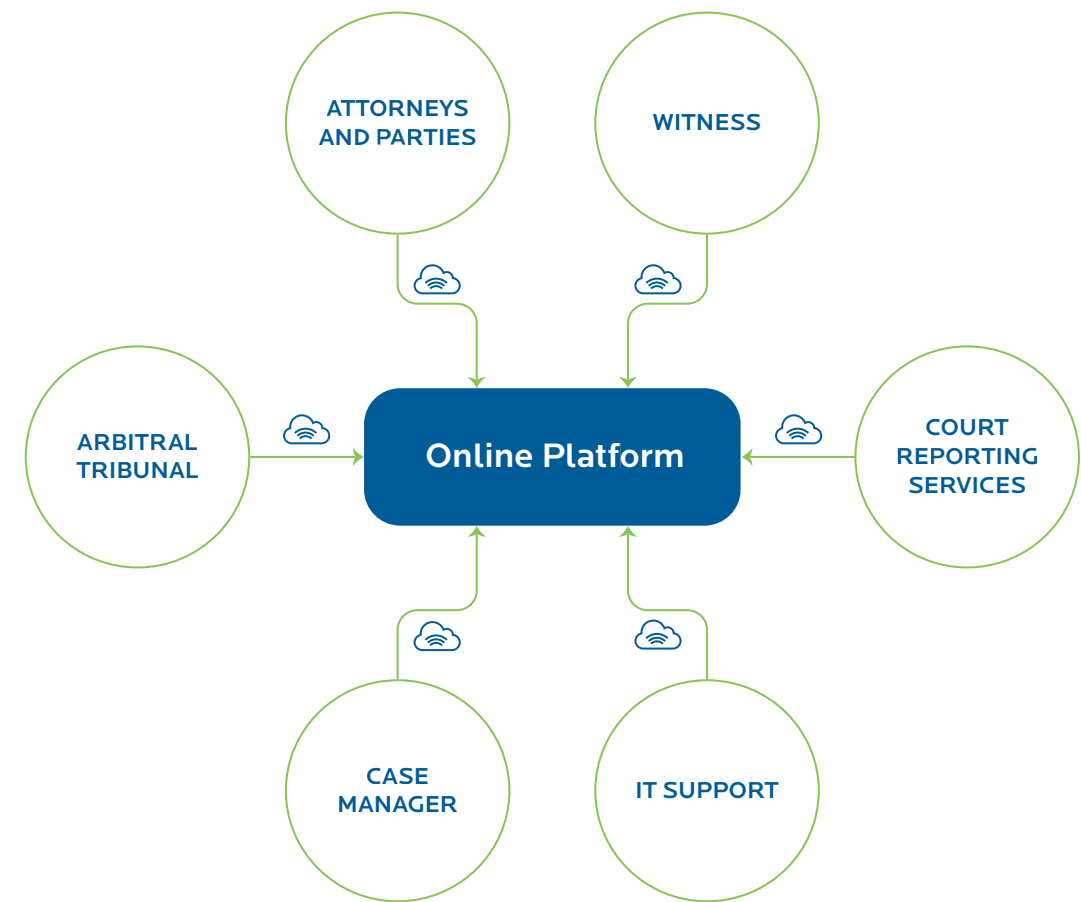
Hybrid and In-person

CAM-CCBC provides full infrastructure for hybrid and physical hearings, with three (3) rooms in São Paulo which are fully equipped for in-person hearings, providing cutting-edge technology, high-definition dual cameras, interpretation rooms, as well as break-out and negotiation rooms. Every detail is prepared directly by CAM-CCBC's experienced staff. We believe this ensures better cost-efficiency, guarantees highly specialized technical support and confidentiality of proceedings. Unlike other arbitration institutions, CAM-CCBC offers its on-site premises at no extra costs or hidden fees.

Following the public health recommendations, hybrid and in-person hearings were held under special circumstances during the pandemic, with:

- Constant monitoring of participants temperature
- Minimum social distancing of 1.5 meters
- Mandatory use of masks
- Room disinfecting every two hours
- Hearing center operating at minimum capacity

To safeguard participants, CAM-CCBC carefully redesigned the hearing rooms following specifications from epidemiologists.








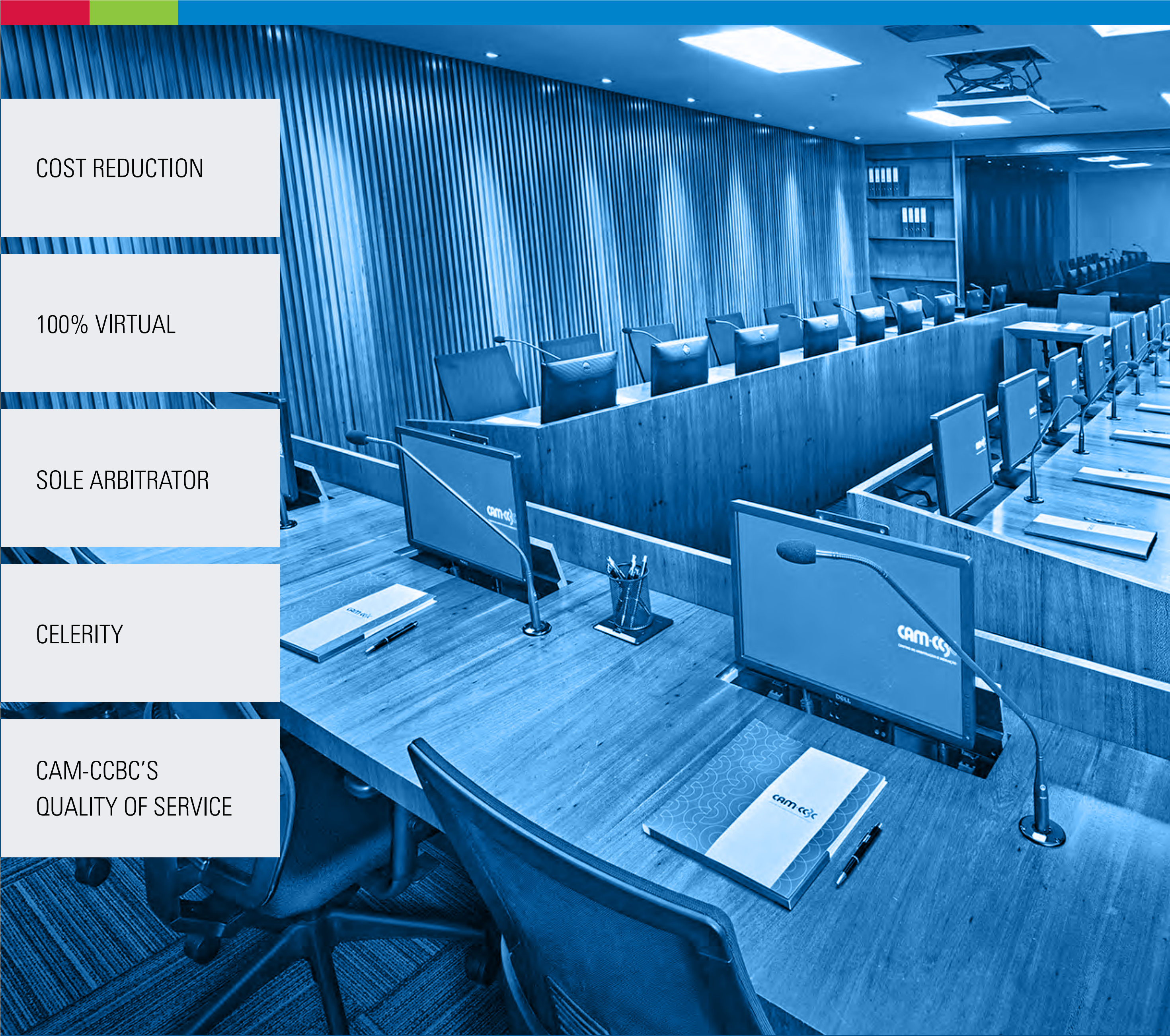
Expedited Arbitration

2021 welcomed a major technical development: CAM-CCBC launched its expedited rules for arbitration proceedings through Administrative Resolution 46/2021.

For the first time, CAM-CCBC allows for a different procedure for cases not amounting to more than BRL 3 million in dispute. Under the expedited rules, procedural deadlines may be reduced. The arbitration will follow CAM-CCBC's online case management and will be conducted preferably by a sole arbitrator. The proceeding is expected to be concluded in less than 12 months.

Cost-efficiency is a central feature of the expedited arbitration rules. Through the expedited proceedings, cases may cost 68% less in comparison with the regular rules.

	COST REDUCTION
	100% VIRTUAL
	SOLE ARBITRATOR
	CELERITY
	CAM-CCBC'S QUALITY OF SERVICE



Webinars and CAM-CCBC Arbitration Congress

One of the major goals of CAM-CCBC is to promote and develop ADRs both in Brazil and abroad. To achieve this goal and keep in touch with the ADR community, CAM-CCBC is one of the largest organizers of ADR events in Latin America. As a result, 2020 and 2021 marked an important milestone: CAM-CCBC organized more than **45 webinars**.

In total, we welcomed more than **20,000 attendees**, proving just how efficiently CAM-CCBC's virtual migration took place.

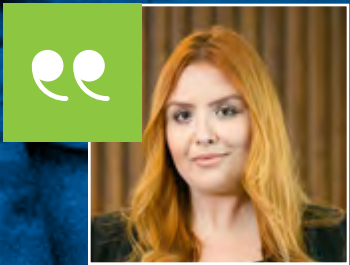
Likewise, CAM-CCBC organized two online arbitration Congresses, broadcasted directly from studios seated in São Paulo, innovating once again in the format of the event.

In 2021, the Congress was broadcasted from a 3D digital studio, raising the bar for conferences in the sector. Our carefully selected lineup and the dynamic broadcast platform created the ideal environment for a high-level debate among the most important players in the market.

The seventh and the eight editions of the CAM-CCBC Arbitration Congress brought together more than 1,800 registered attendees and 36 sponsors.

 [videos and congresses](#)





NewGen, our commission of young professionals, is one of our most promising projects. Luckily, the pandemic was not an obstacle to its development. The shift into the virtual world has in fact accelerated our initiatives to organize courses, informative events and workshops”

Luíza Kömel
Deputy Secretary-General

A leap into the future: The New Generation of ADR practitioners

2020 was also the debut for several initiatives promoted by CAM-CCBC’s New Generation Commission.

Created in 2019, the NewGen Commission is composed of young professionals aiming to innovatively promote the new generation of dispute resolution practitioners.

ABOUT NEWGEN

The group promotes worldwide integration, provides academic opportunities, and coordinates other initiatives aimed at assisting the development of the upcoming names in ADRs, focusing on cultural, regional, ethnic and gender diversity.



MISSION
Provide a platform for young practitioners to enable professional development, the exchange of information, ideas and experiences in shaping the future of dispute resolution.



VISION
Promote adequate dispute resolution methods by impacting new practitioners worldwide for the development of academic, leadership and practice skills.



VALUES
Leadership, Collaboration, Innovation, Transparency, Diversity, Evolution.

CAM-CCBC’s NewGen has already welcomed over 400 associates from diverse backgrounds.

Become a NewGener: fill out the form [here](#)

NewGen INICIATIVES IN 2020 & 2021

- NEWGEN BLOG
- NEWGEN NEWS
- CALL FOR PAPERS ON THE IMPACTS OF GDPR ON ALTERNATIVE DISPUTE RESOLUTION AND THE PUBLICATION OF THE FIRST NEWGEN E-BOOK
- NEWGEN SCHOLARSHIPS FOR PRACTICAL COURSES IN ARBITRATION
- WORKSHOP CYCLES ON BREACH OF CONTRACT, DAMAGES AND ARBITRATION
- MEDIATION WORKSHOP FEATURING KATJA KRÖLL, NATASCHA TUNKEL AND STEFAN KRÖLL
- WEBINARS FOCUSED ON THE REGIONAL DEVELOPMENT OF ADRS

Moot Court Competitions

CAM-CCBC has always prided itself on being a supporter of moot court competitions. The Center has been an annual sponsor of the Willem C. Vis International Commercial Arbitration Moot for over a decade.

We also support various moot court competitions such as: The Consensual Dispute Resolution Competition (CDRC) Vienna, CPR International Mediation Competition, LLM Competition Washington College of Law and other Latin American initiatives.

MEMBERS FROM ALL OVER BRAZIL



In 2020, the East Moot and the Vis Moot switched to a virtual set-up at the very last minute. And so, the CAM-CCBC São Paulo Pre-Moot was the last opportunity for many students to get the in-person hearing and networking experience, to interact with arbitration professionals and to meet competitors from other Brazilian and foreign teams”

Luíza Kömel
Deputy Secretary-General

36 teams from Brazil and abroad competed at the event, and 150 practitioners participated as arbitrators, providing the students with the ultimate moot experience and the highest level of training.

2021 CAM-CCBC hosted both the São Paulo and Hamburg pre-moots virtually. The online environment boosted not only the number of teams applying to participate but also enabled several international teams to compete. The São Paulo Pre-moot welcomed 40 teams from 8 nationalities and over 150 arbitrators, while the Hamburg Pre-Moot hosted 38 teams from 14 different countries.

The CAM-CCBC São Paulo Pre-Moot

Teams participating over the years:



*From 2011 until 2014 the Pre-Moot was co-organized with Veirano Advogados ('Veirano Moot Training'), but since 2015 it has been exclusively titled the CAM-CCBC Pre-Moot.

2021 & 2020 HIGHLIGHTS – THE FIGURES



CAM-CCBC's Caseload Overview

	2020	2021
ARBITRATION	105	128
EMERGENCY ARBITRATOR	-	2
DISPUTE BOARD	-	3
MEDIATION	15	14
TOTAL	120	147

New services to fit emerging needs

During 2020 and 2021 CAM-CCBC also took further steps into the diversification of ADRs proceedings administered by the center. In 2021, it appointed two emergency arbitrators and three dispute boards were initiated.

Emergency Arbitrator Proceedings

In 2020 CAM-CCBC published the administrative resolution 44/2020 revising its rules on Emergency Arbitration proceedings previously launched in 2018 (Administrative Resolution 32/2018).

Among the innovations brought by Administrative Resolution 44/2020 are: opt-out procedure and electronic communication.

Dispute Board

The dispute board is a mechanism that seeks to solve conflicts related to long-term contracts. In 2018, CAM-CCBC updated its Rules for the Dispute Avoidance and Adjudication Board and registered 3 requests for dispute boards throughout 2021.

Given the high complexity of the cases submitted to dispute boards, the overall amount in dispute of these three proceedings exceeds BRL 2.5 billion.

TOTAL ARBITRATION CASELOAD

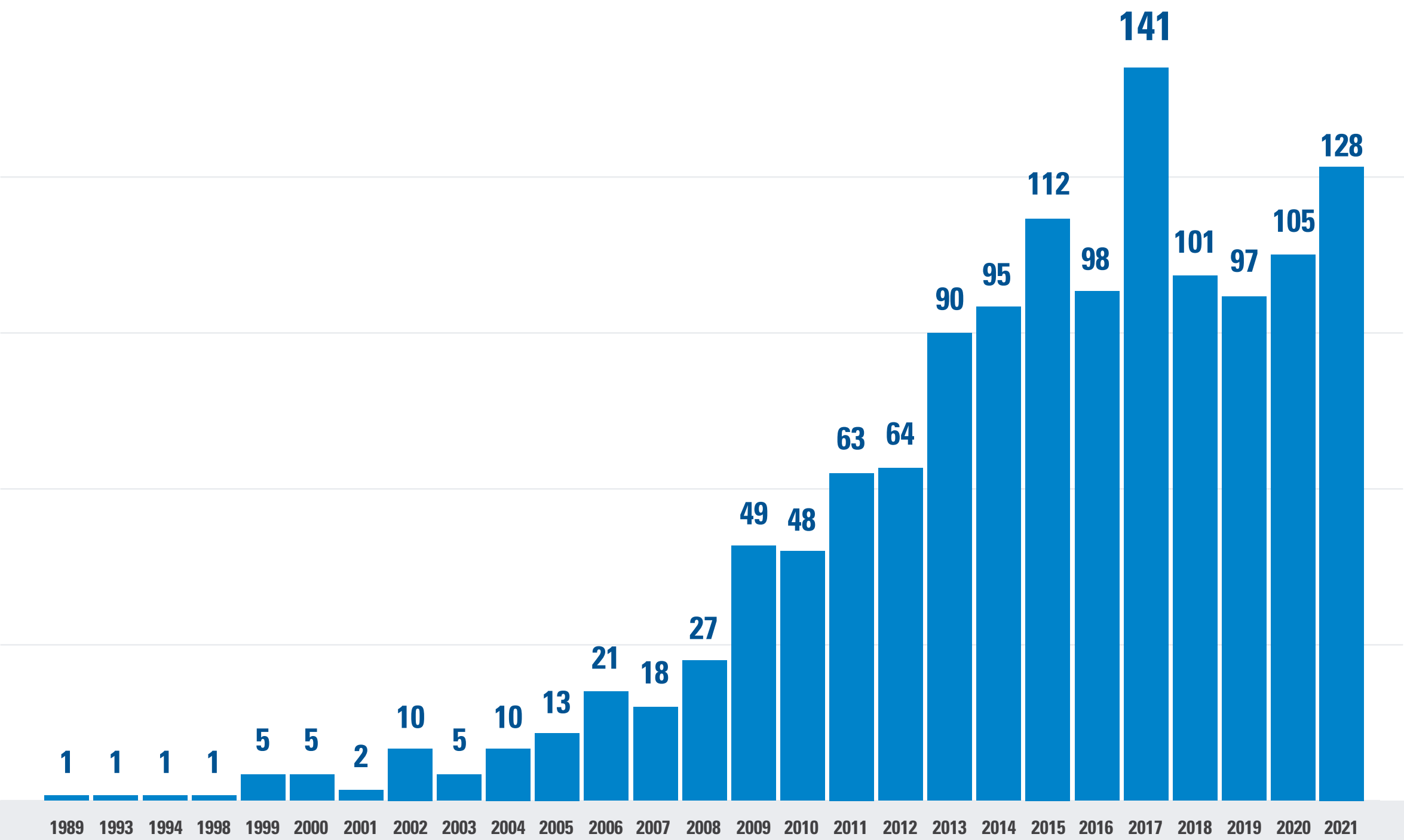
Caseload Chart

At the end of 2021, CAM-CCBC reached the landmark figure of 1,311 administered arbitrations.

105 new cases were registered in 2020, while in 2021 CAM-CCBC received 128 arbitration proceedings.

YEAR	PROCEEDINGS
1989	1
1993	1
1994	1
1998	1
1999	5
2000	5
2001	2
2002	10
2003	5
2004	10
2005	13
2006	21
2007	18
2008	27

YEAR	PROCEEDINGS
2009	49
2010	48
2011	63
2012	64
2013	90
2014	95
2015	112
2016	98
2017	141
2018	101
2019	97
2020	105
2021	128



The chart shows consistent growth in new cases per year over the last decade. This increase reflects CAM-CCBC’s expansion, focusing on Latin American-based contracts.

Over 2020, CAM-CCBC administered a total of 418 arbitration proceedings. In 2021 the number of arbitration procedures administered throughout the year jumped to 427.

Closed Cases

A total of 113 arbitration cases were terminated in 2020, of which 65 were closed with arbitral awards: 13 consent awards and 52 final arbitral awards. In 2021, numbers show a substantial increase in consent awards. 100 arbitration proceedings were terminated, of which 66 were closed with arbitral awards: 20 consent awards and 46 final arbitral awards.

90.38%² of the arbitral awards rendered in 2020 were subjected to requests for clarification. In 2021, clarifications reached the mark of 91.3%³.

	2020	2021
CLOSED BY	%	%
Arbitral Award	46.4%	46%
Award by consent	11.6%	20%
Settlement Agreement	13.4%	14%
Withdrawal	23.2%	15%
Discontinuance (e.g. lack of payment of costs, consolidation)	5.4%	5%

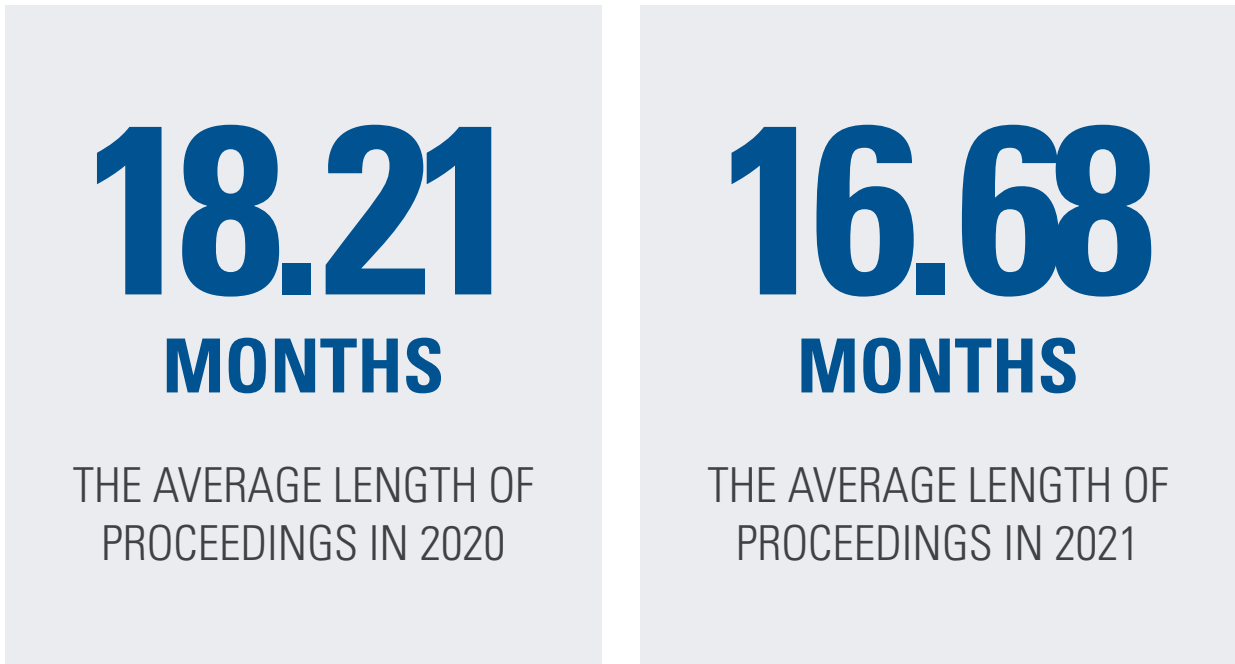
² The consent awards were excluded from this analysis. In at least one case, the arbitral award was subjected to two requests for clarification.

³ The consent awards were excluded from this analysis. In at least three cases, the arbitral award was subjected to two requests for clarification.

Average Length

The average length of proceedings closed in 2020 and initiated between 2017 and 2020 stands at 18.21 months, taking into consideration the period between the Terms of Reference and the closing of the case.

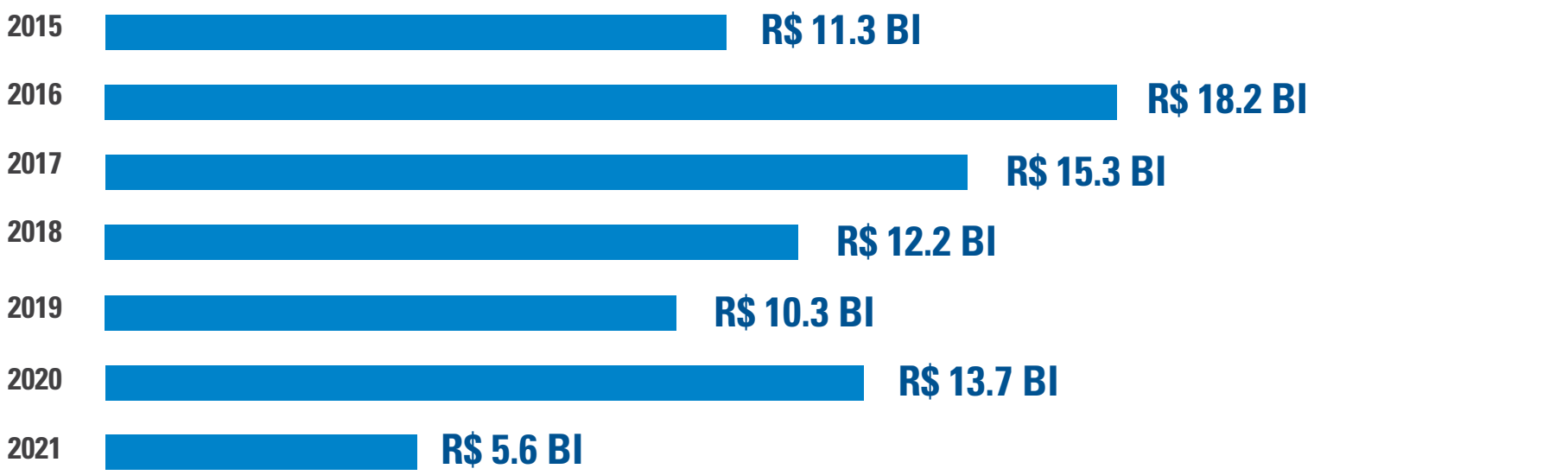
For those closed in 2021, the average length of proceedings registered a slight reduction to 16.68 months, considering arbitrations initiated between 2018 and 2021.



Amounts in dispute

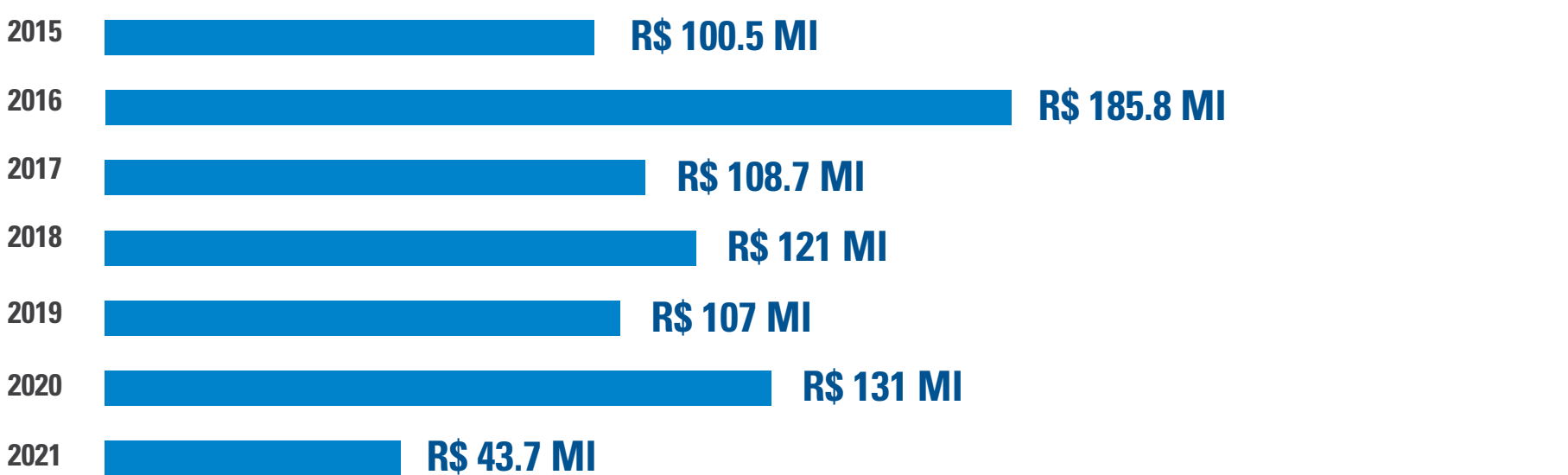
Arbitration cases initiated in 2020 amounted to BRL 13.7 billion. In 2021, it amounted to BRL 5.6 billion.

AMOUNT IN DISPUTE TOTAL



In 2020, the average amount in dispute per case stands at approximately BRL 131Mi and BRL 43.7Mi in 2021.

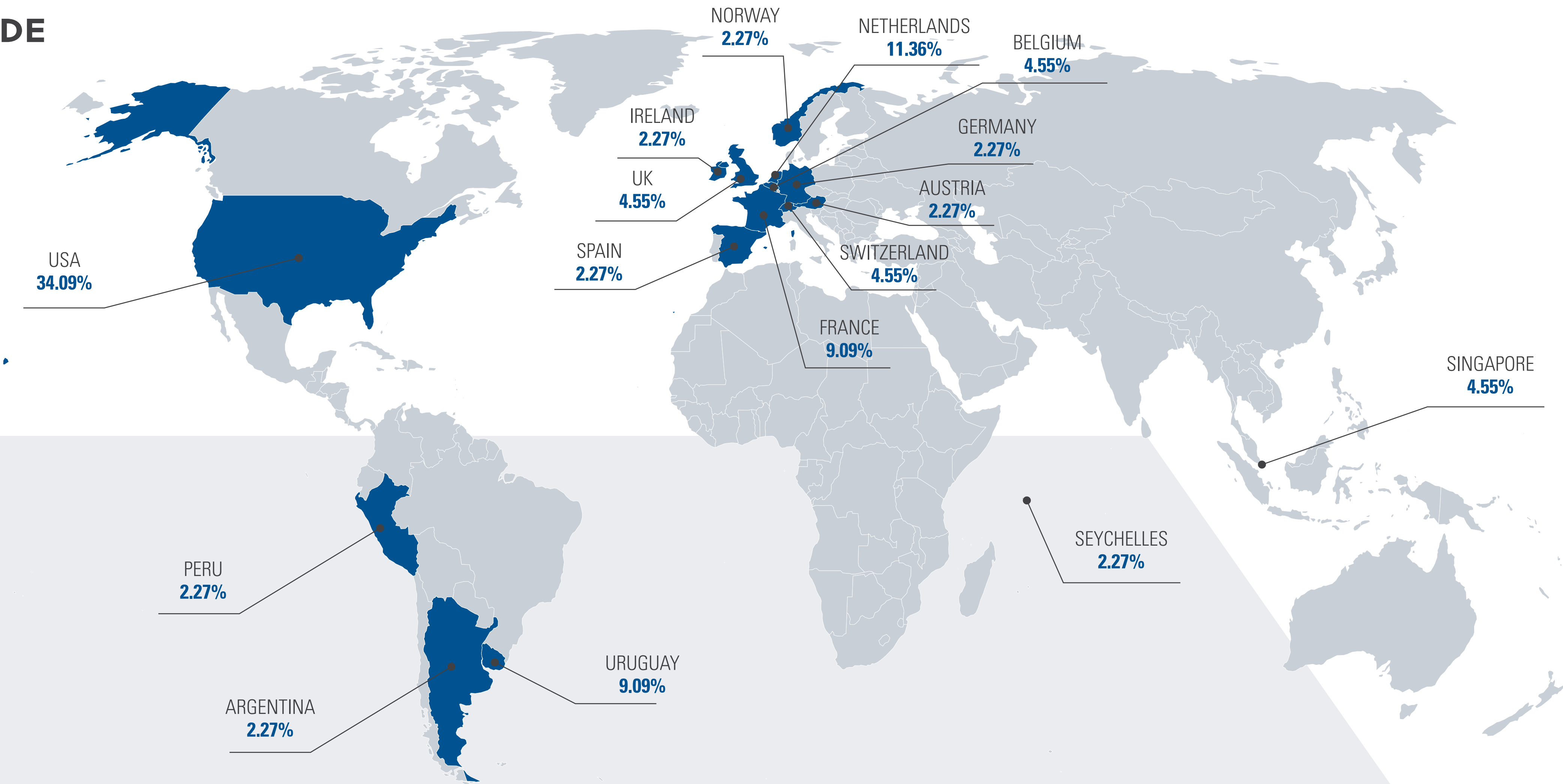
AMOUNT IN DISPUTE AVERAGE



Nationality of Parties

The CAM-CCBC registered cases **in 2020** with parties from 18 different nationalities. Brazilian parties represent over 80% of the parties and the other 17 nationalities were as follows:

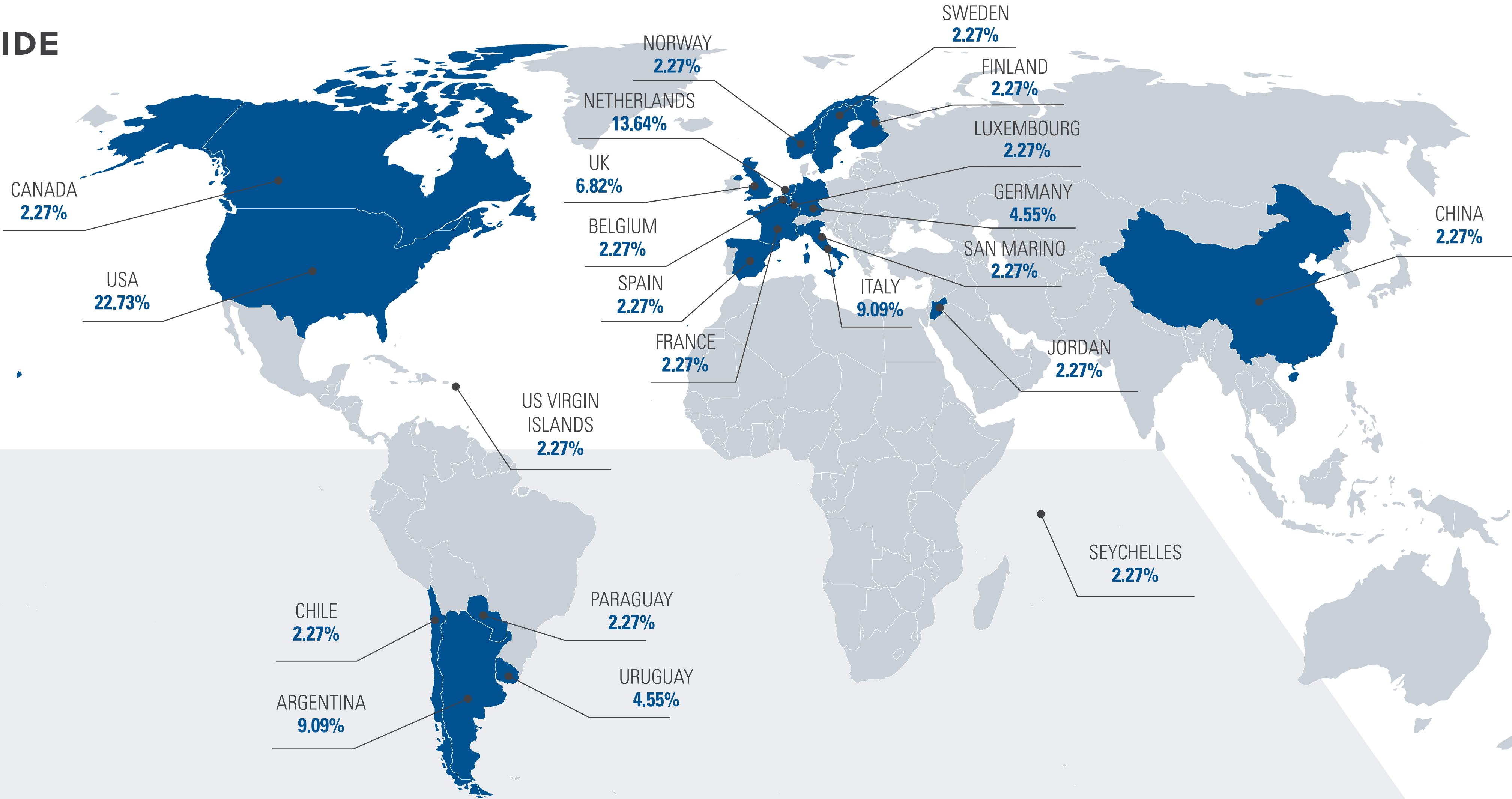
2020 WORLDWIDE REACH



Nationality of Parties

In 2021 parties from 21 nationalities initiated their arbitration proceedings at CAM-CCBC. Brazilian parties were still the vast majority, and the other 20 nationalities were represented as follows:

2021 WORLDWIDE REACH



EXPERIENCE WITH (AND WITHIN) BRAZIL

Brazilian Parties

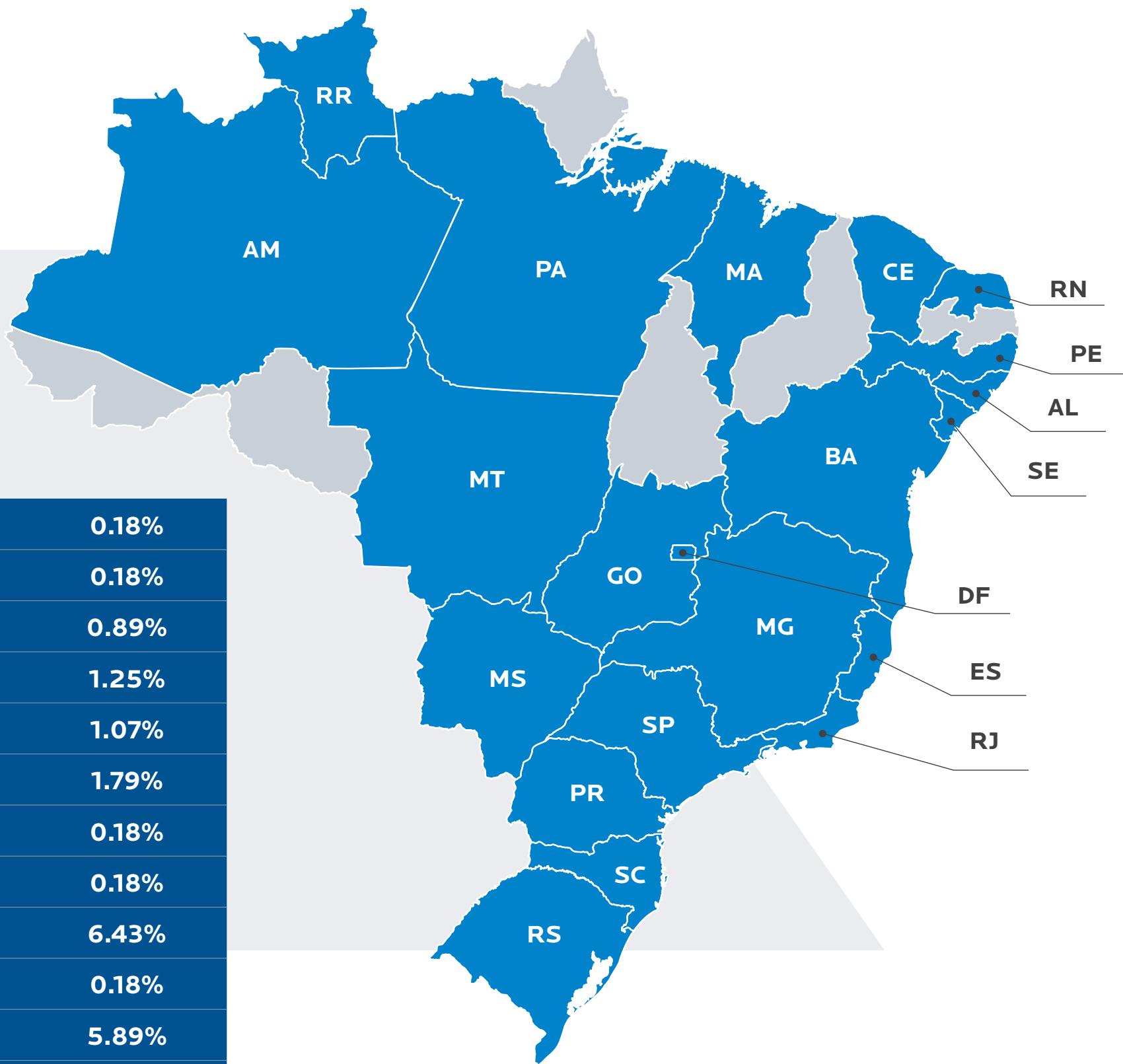
Parties come from different regions within Brazil:

CASES REGISTERED IN 2020

AL	1.01%
AM	0.76%
BA	5.82%
CE	2.78%
DF	1.01%
ES	4.05%
GO	0.25%
MA	0.25%
MG	8.61%
MT	0.51%
PA	0.25%
PE	3.80%
PR	4.30%
RJ	12.41%
RS	4.81%
SC	4.81%
SE	0.25%
SP	44.30%

CASES REGISTERED IN 2021

AL	0.18%
AM	0.18%
BA	0.89%
CE	1.25%
DF	1.07%
ES	1.79%
GO	0.18%
MA	0.18%
MG	6.43%
MS	0.18%
MT	5.89%
PA	0.71%
PE	0.89%
PR	3.21%
RJ	7.68%
RN	0.54%
RR	0.71%
RS	3.39%
SC	6.25%
SE	0.36%
SP	58.04%



Brazilian State and State-Owned Enterprises

In line with the best doctrine and practices, in 2015 the Brazilian Arbitration Act reaffirmed the possibility of participation of Brazilian State and State-Owned Enterprises in arbitral proceedings.

Over those years of development, CAM-CCBC had already guaranteed a solid foothold in this promising sector.

In 2020, CAM-CCBC registered 6 new cases involving Brazilian State and State-Owned Enterprises, 5 arbitrations and 1 mediation. There

were 41 ongoing arbitral proceedings⁴ involving Brazilian State and State-Owned Enterprises, showing signs of growth of arbitration in the public sector.

Throughout 2021 CAM-CCBC registered 10 new cases involving Brazilian State and State-Owned Enterprises, 9 arbitrations and 1 dispute board. There were 42 ongoing arbitral proceedings featuring parties from various levels of the Brazilian public administration.

⁴ In 2020 alone, 3 new cases were registered with CAM-CCBC involving a state enterprise or state-controlled company.



PROFILE OF DISPUTES

The arbitration proceedings initiated in 2020 and 2021 registered disputes that took on average over 4 years, from the execution of the underlying agreement signed by the parties until the request for arbitration was filed.

Types of Disputes

In 2020, the most common disputes submitted to arbitration under the CAM-CCBC rules concerned Corporate Disputes involving shareholders’ agreements and share purchase agreements. It amounted to roughly a third of all 2020 cases. Construction projects and the sale of goods also had a relevant impact in the 2020 caseload, representing a quarter of all disputes.

TYPE OF DISPUTE	%
Corporate	50,48
Infrastructure, Construction and Energy	21,90
Sale of Goods and Supply of Services	14,29
Franchise	4,76
Insurance	3,81
Assignment of Credits	1,90
Banking and Finance	1,90
Entertainment	0,95

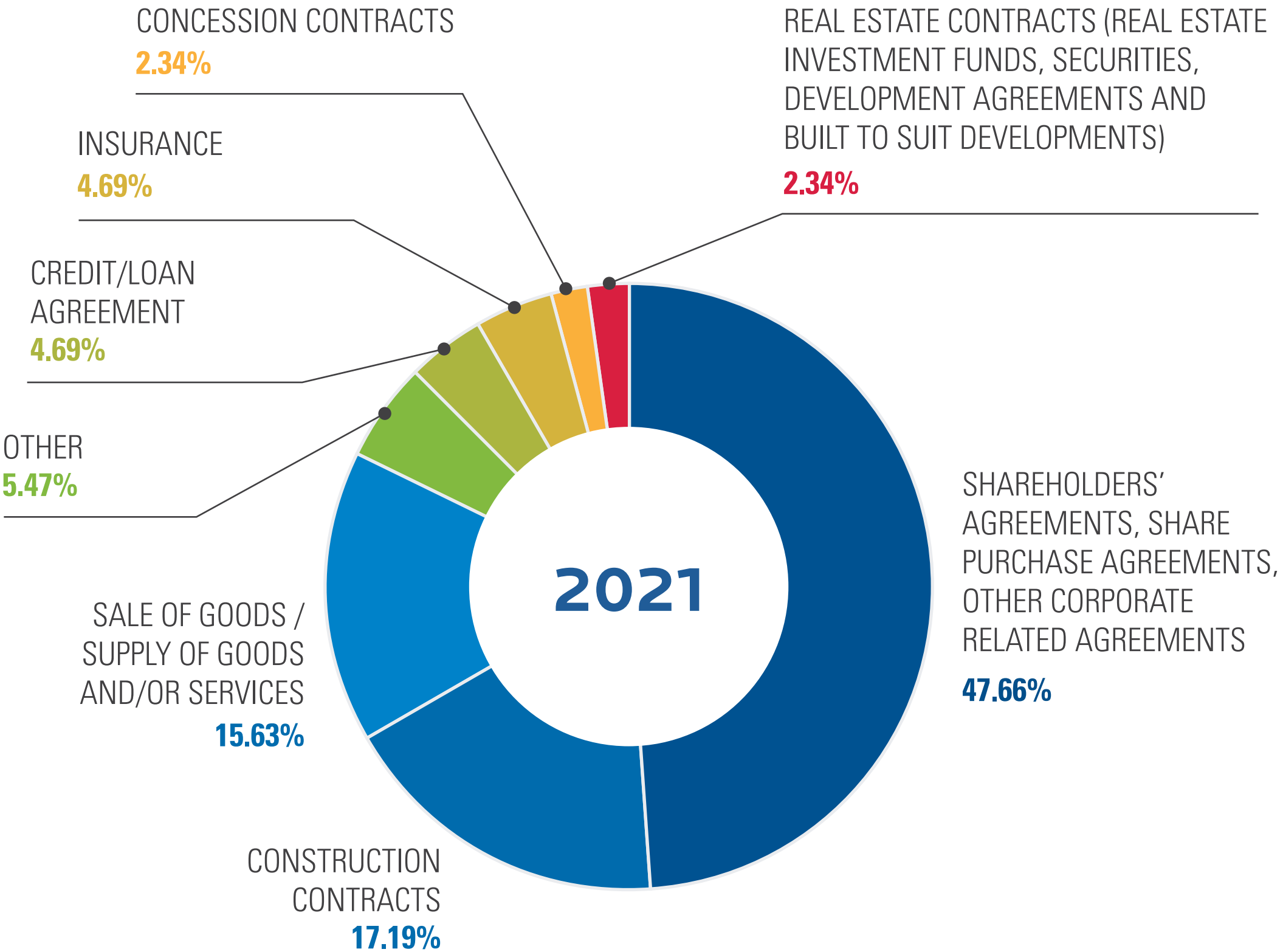
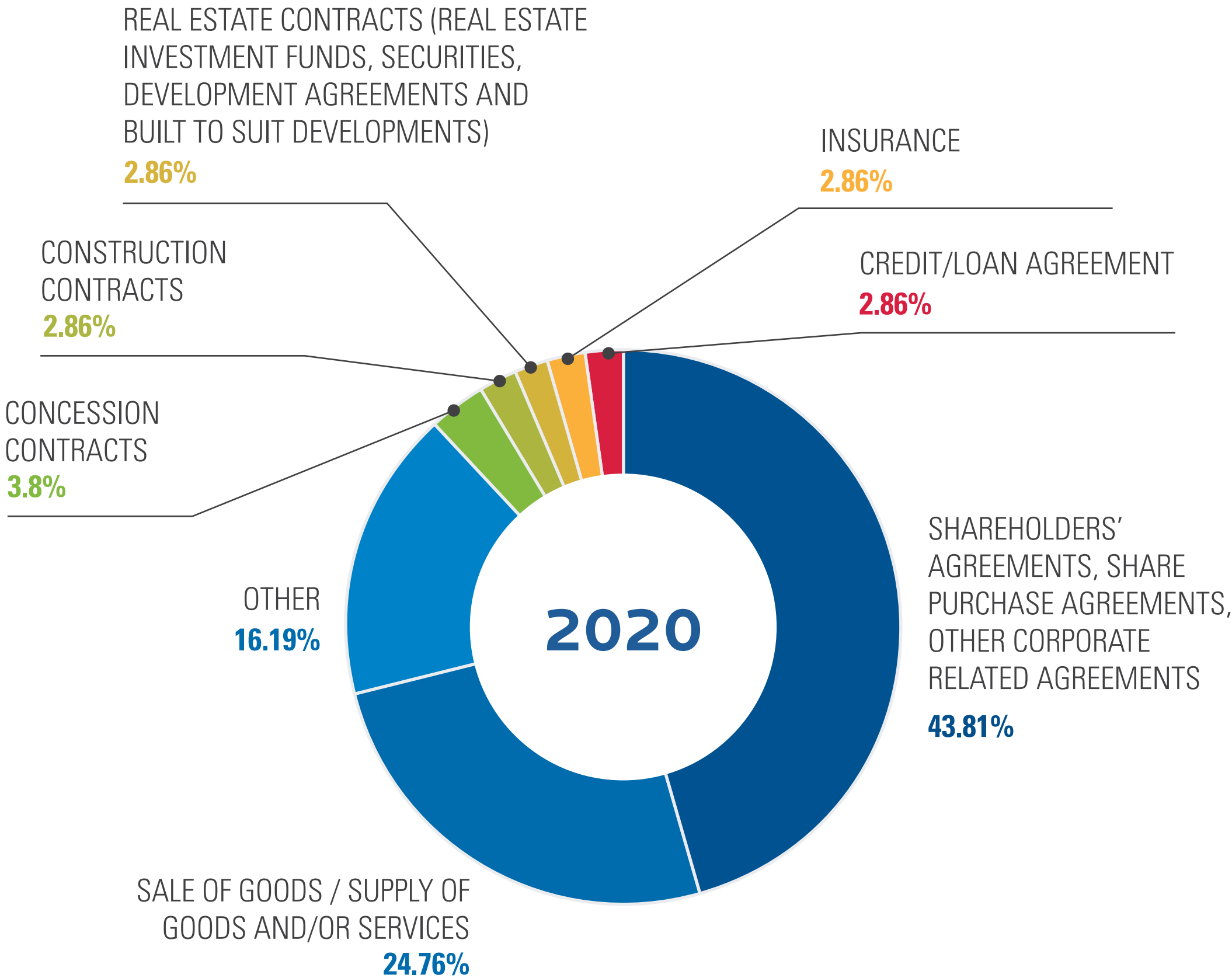
2021 followed the same pattern, having Corporate as the most common disputes submitted to arbitration at CAM-CCBC. The other categories suffered a slight variation:

TYPE OF DISPUTE	%
Corporate	46,09
Infrastructure, Construction and Energy	21,88
Sale of Goods and Supply of Services	17,97
Banking and Finance	4,69
Insurance	3,13
Assignment of Credits	3,13
Franchise	1,56
Real Estate	1,56



Nature of the Underlying Agreements

Disputes related to different types of contracts have been submitted to arbitration under CAM-CCBC rules.

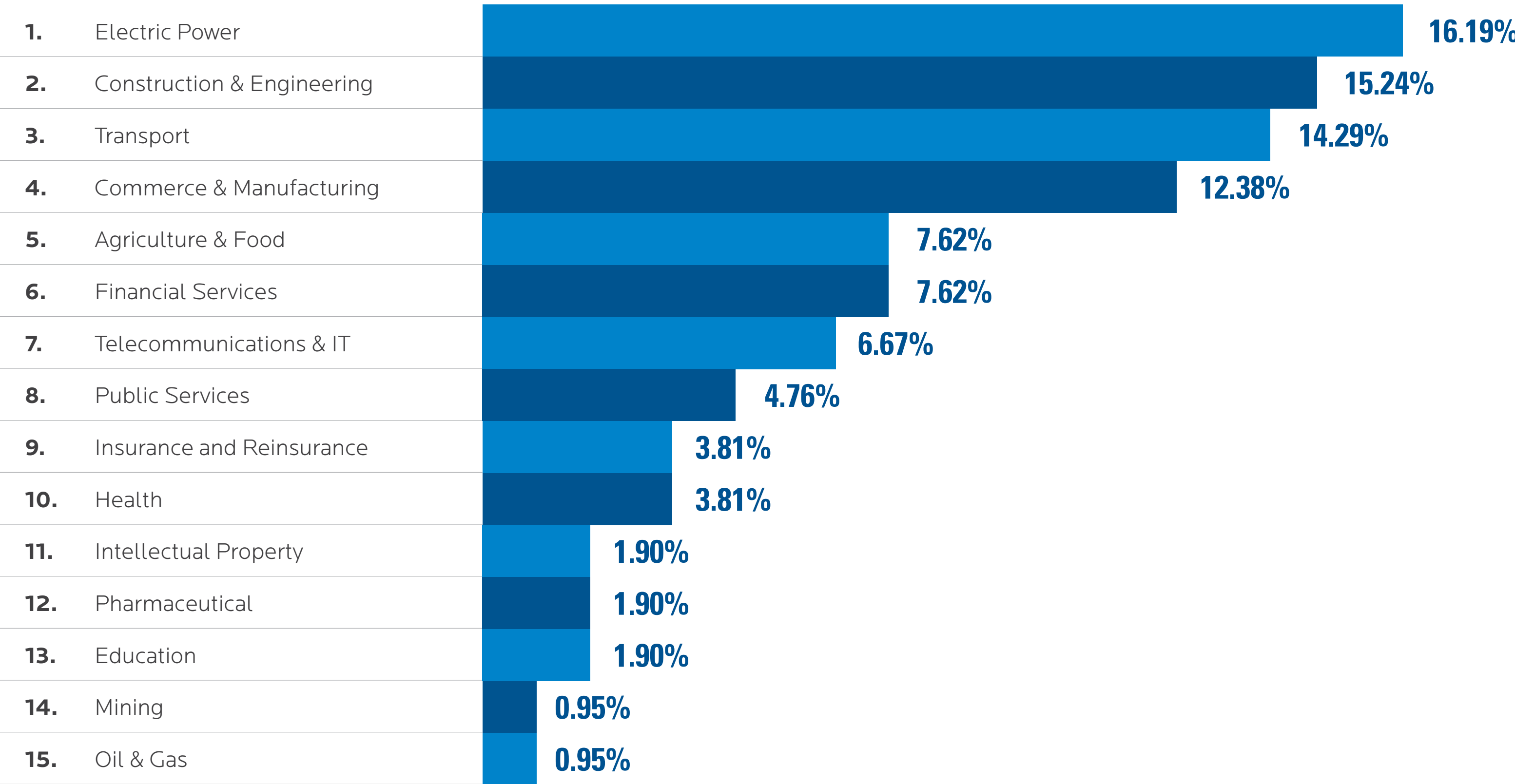


Business sectors

CAM-CCBC administers disputes from a wide variety of business sectors. The secretariat manages complex cases that may arise from deep-sea drilling activities to banking or biochemical transactions.

In 2020 and 2021, CAM-CCBC registered cases involving a plethora of industries:

2020



Multi-Party

In 2020, **64.8%** of the new cases involved multiple parties as Claimants and/or Respondents. The 2020 cases involved a total of **439** Claimants and Respondents.

64.8%

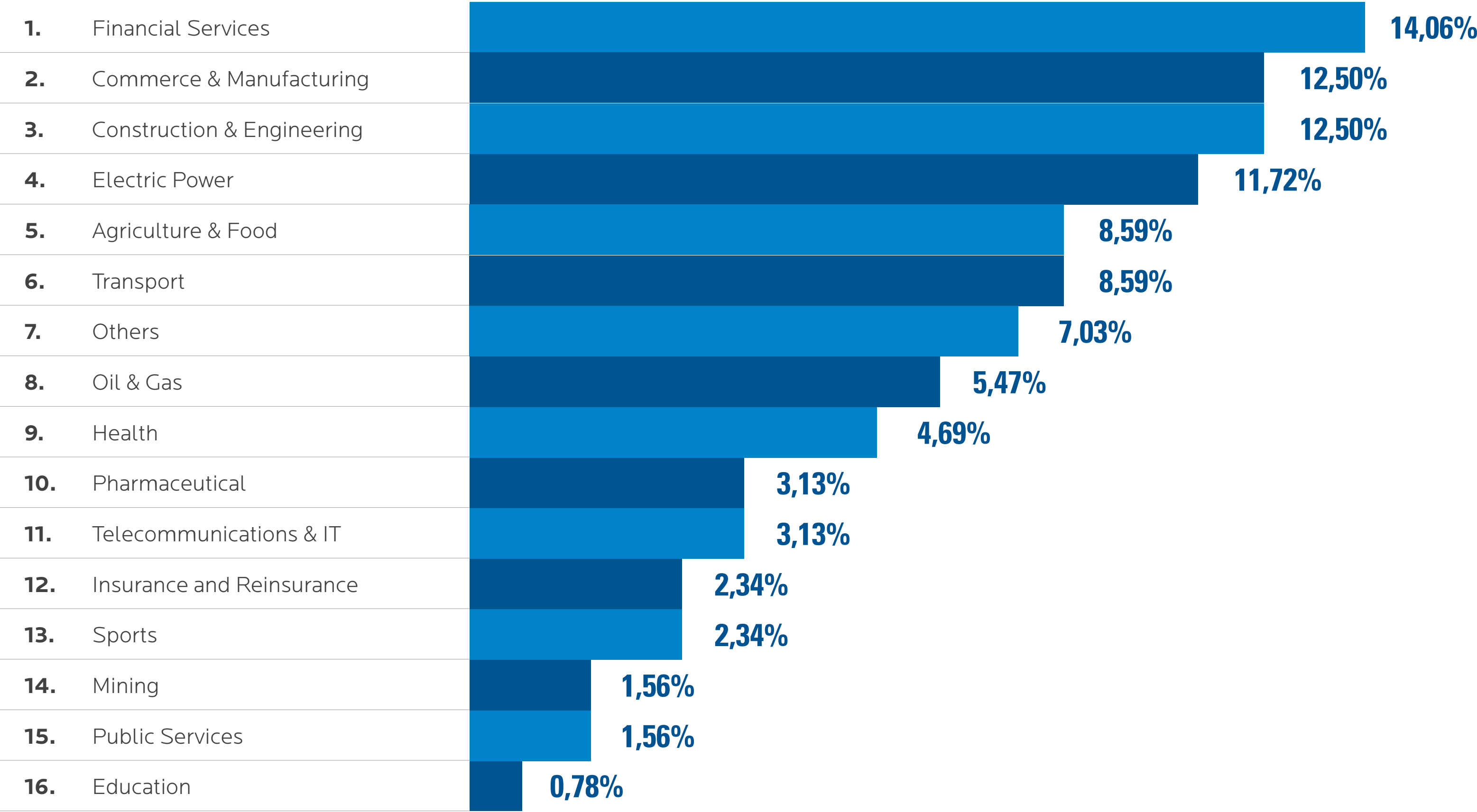
OF NEW CASES
INVOLVED MULTIPLE
PARTIES AS CLAIMANT
AND/OR RESPONDENT

439

TOTAL OF CLAIMANTS AND
RESPONDENTS

Business sectors

2021



Multi-Party

Among the 128 arbitration proceedings initiated in 2021, **62.5%** involved multiple parties as Claimants and/or Respondents. The overall number of parties involved in these proceedings was **604**, an increase of 37.6% in comparison with 2020.

62.5%

OF NEW CASES
INVOLVED MULTIPLE
PARTIES AS CLAIMANT
AND/OR RESPONDENT

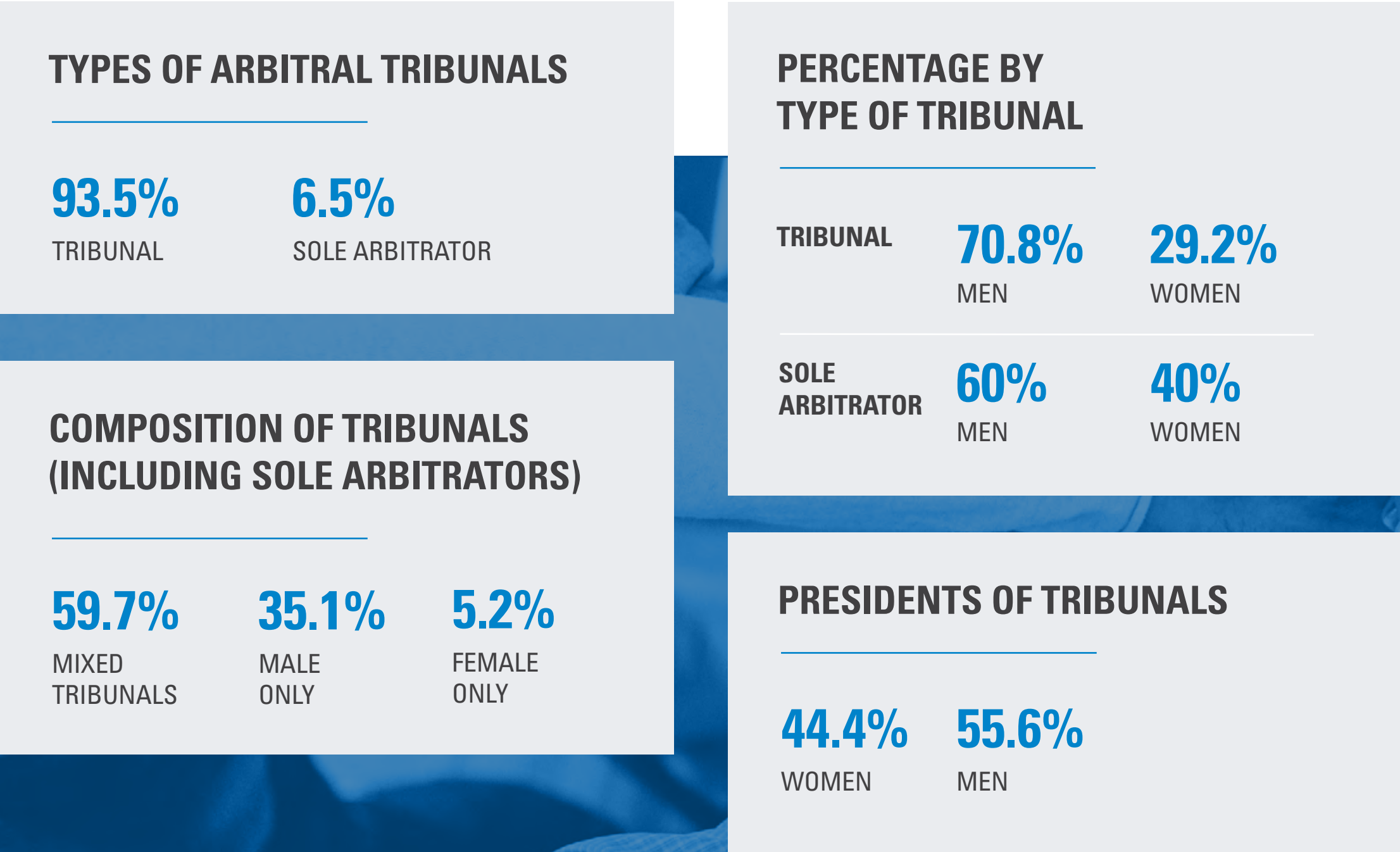
604

OVERALL NUMBER
OF PARTIES

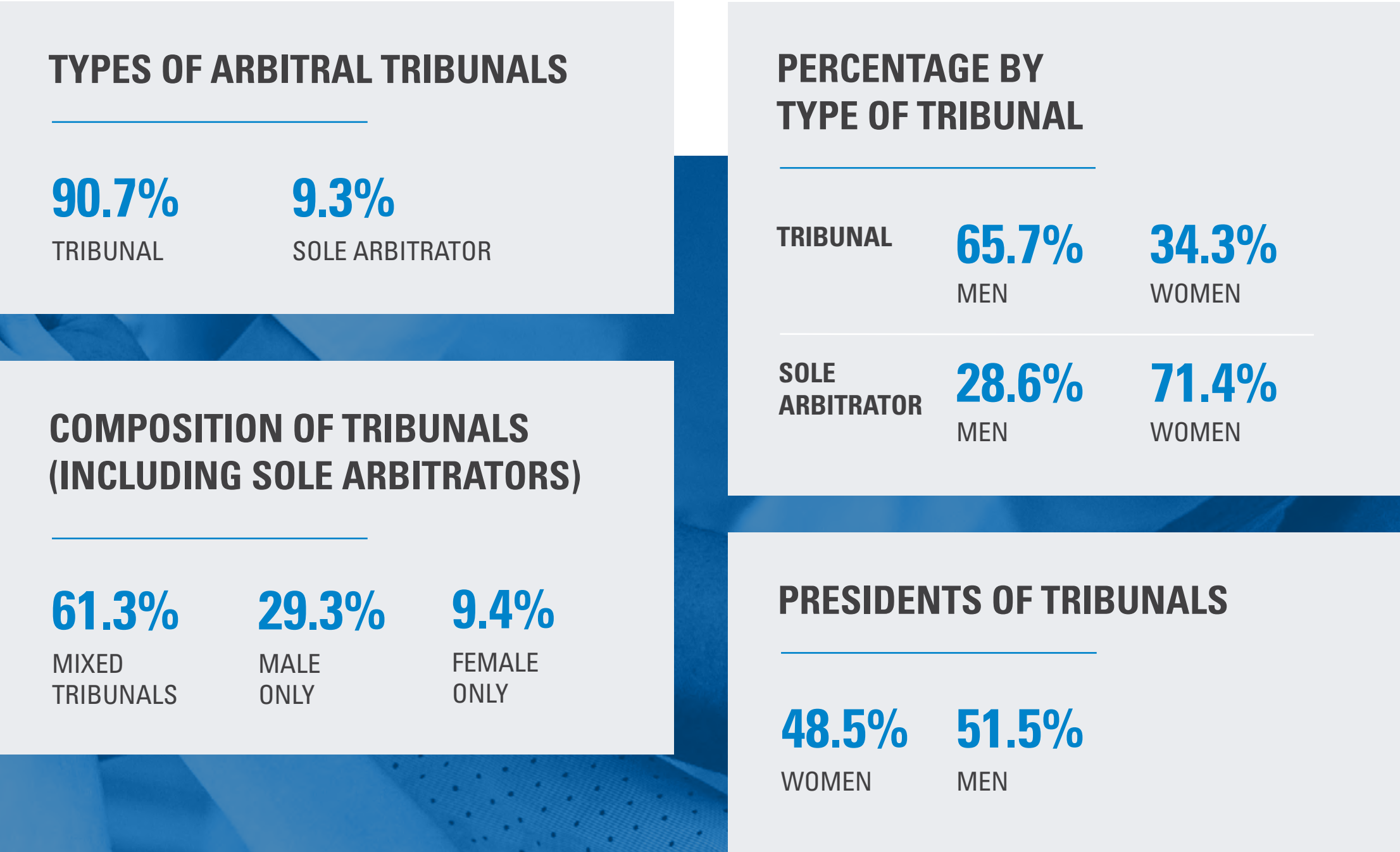
Arbitral Tribunals constituted in 2020 and 2021

In 2020, 77 Terms of Reference were signed, and 221 arbitrators were appointed. In these cases, CAM-CCBC appointed 3.6% of the arbitrators, while parties and co-arbitrators were responsible for the remaining 96.4% appointments. The following year 75 Terms of Reference were signed, and 211 arbitrators were appointed. CAM-CCBC was responsible for 4.7% of those nominations, whereas once again the majority of the arbitrators (95.3%) were appointed by the parties and the co-arbitrators.

Gender statistics 2020



Gender statistics 2021



Gender Diversity

The number of mixed-gender tribunals went from 55% in 2018 to 59.7% in 2020. In 2021, the number of mixed-gender tribunals reached 61.3%

The number of women presiding over these tribunals went from 38% in 2018 to 44.2% in 2020. In 2021 we are proud to announce gender parity among those appointed as chairperson or sole arbitrator.⁵

Despite the good news regarding presidents of the arbitral tribunals or sole arbitrators constituted in 2021, it is important to mention that women make up for only 27.2% of co-arbitrators appointed in that same year.

CAM-CCBC’S EFFORTS TO PROMOTE GENDER EQUALITY

CAM-CCBC is dedicated to promoting gender equality and representation. This commitment has been reflected in the cases in which CAM-CCBC has acted to appoint arbitrators. In 2020 alone, 50% of CAM-CCBC’s direct appointments promoted and spotlighted female arbitrators. In 2021 the number of CAM-CCBC female appointees rose to 60%.

While CAM-CCBC’s appointments take gender diversity as a fundamental criterium, true changes over the long-term may only be made possible by a whole-hearted shift in mindset by everyone involved.

In 2020, the number of female arbitrators in the Center’s list reached the 33% mark. Female participation reached its highest rate in CAM-CCBC history and has exceeded the target set by Administrative Resolution 30/2018 which set the parameters for equal opportunities for women within the scope of arbitration.

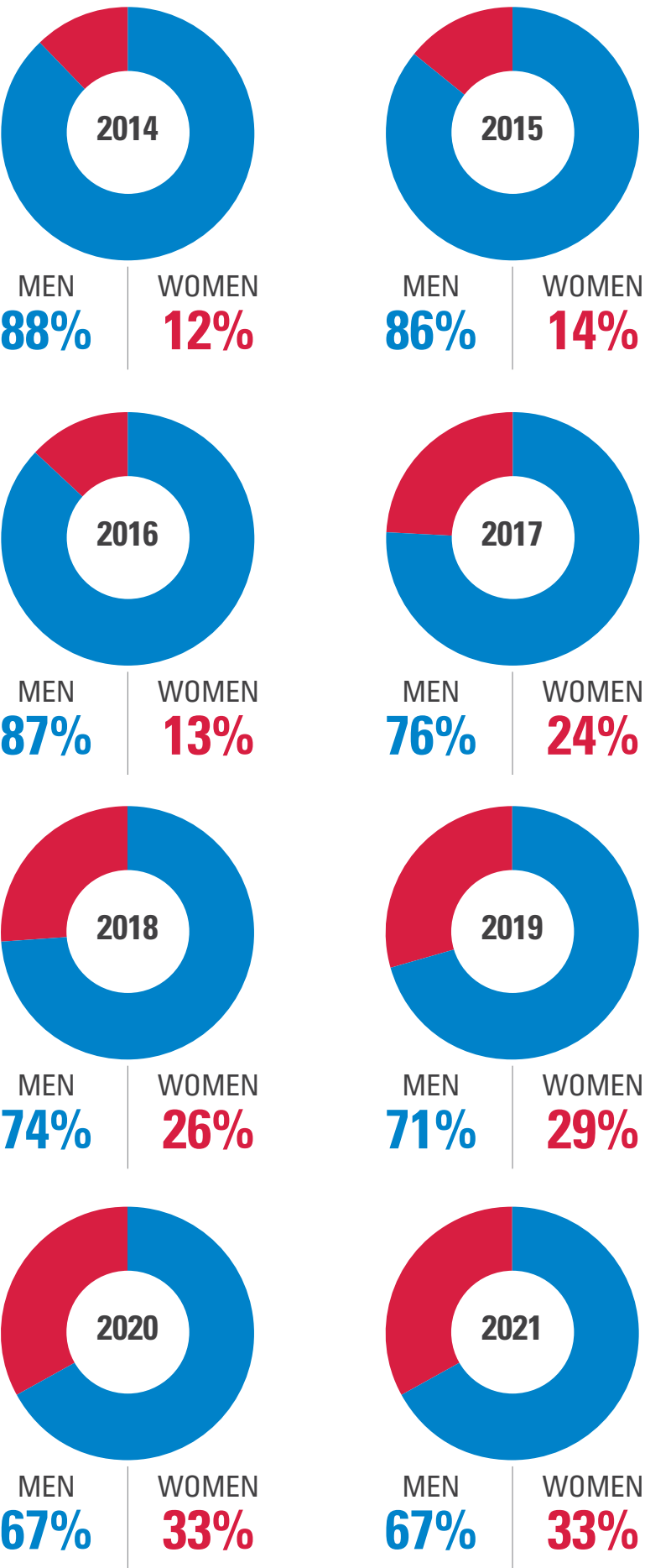


Promoting equality is a CAM-CCBC policy that has been deeply rooted in our range of activities by all our personnel”

Victoria Romero
Case Manager at CAM-CCBC

This positioning extends equally to events organized, supported or sponsored by CAM-CCBC. Since 2018, at least 30% of the speakers are slated to be female. In practice, this innovative policy has led to advances with the participation of 50% of women among the speakers at the VI, VII and VIII Arbitration Congress in 2019, 2020 and 2021.⁶

Percentage of women in CAM-CCBC’s List of Arbitrators over the years.



⁵ Data considering the number of female arbitrators appointed as president in arbitral proceedings that signed its terms of reference in 2021.
⁶ By means of comparison, the first edition of the event in 2014 had 15% of female participants as speakers, and in that same year of 2014, the percentage of female arbitrators on the Center’s roster stood at just 12%.

Arbitrator Challenges

- IN 2020, WHILE CAM-CCBC ADMINISTERED 418 ARBITRATION CASES, ONLY 4 SPECIAL COMMITTEE DECISIONS ON CHALLENGES OF ARBITRATORS WERE REGISTERED, LESS THAN 1% OF TOTAL CASES. 3 OUT OF THE 4 DECISIONS RENDERED REMOVED THE ARBITRATORS.

- IN 2021, OUT OF 427 ONGOING CASES, ONLY 3 SPECIAL COMMITTEE DECISIONS WERE RENDERED. IN 2 OF THOSE CASES THE SPECIAL COMMITTEE DECIDED ON THE CHALLENGE OF TWO MEMBERS OF THE ARBITRAL TRIBUNAL AND IN ALL 3 CASES THE ARBITRATORS WERE NOT REMOVED.

- HISTORICALLY⁷, UNDER 50% OF THE SPECIAL COMMITTEE DECISIONS REMOVED THE CHALLENGED ARBITRATOR.

⁷ Data from 2015-2021, 36 decisions analysed.



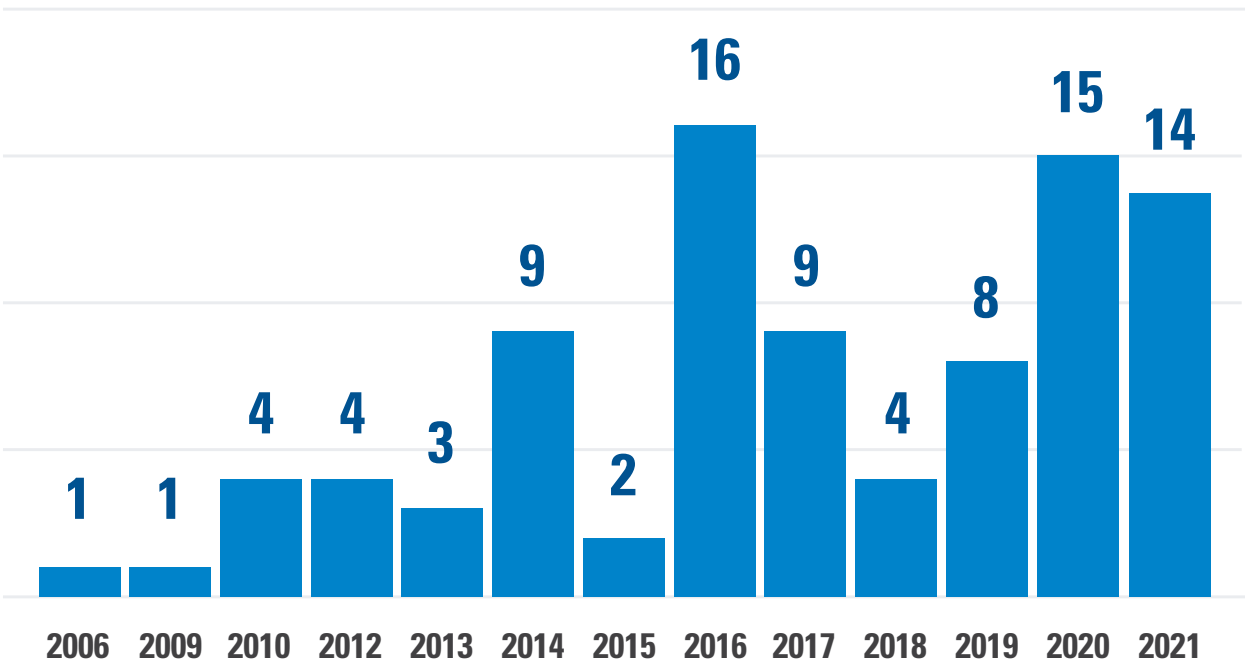
TOTAL MEDIATION CASELOAD

The Years of Mediation: An Overview

From 1998 to 2021, CAM-CCBC oversaw a total of 93 mediation proceedings. In 2020 alone, there were 15 requests for mediation, and a total of 19 proceedings were administered by the Center.

In 2021, the Center received 14 requests for mediation and administered 23 proceedings throughout the year.

2006	1
2009	1
2010	4
2012	4
2013	3
2014	9
2015	2
2016	16
2017	9
2018	4
2019	8
2020	15
2021	14



This steady growth is the result of CAM-CCBC’s efforts to promote mediation as an effective, cost-efficient dispute resolution method.

MEDIATION IN 2020 & 2021

15

REQUESTS FOR
MEDIATION IN
2020

14

REQUESTS FOR
MEDIATION IN
2021

DISPUTE

CORPORATE
SALE OF GOODS AND
SERVICES
ASSIGNMENT OF
CREDITS

BUSINESS SECTOR

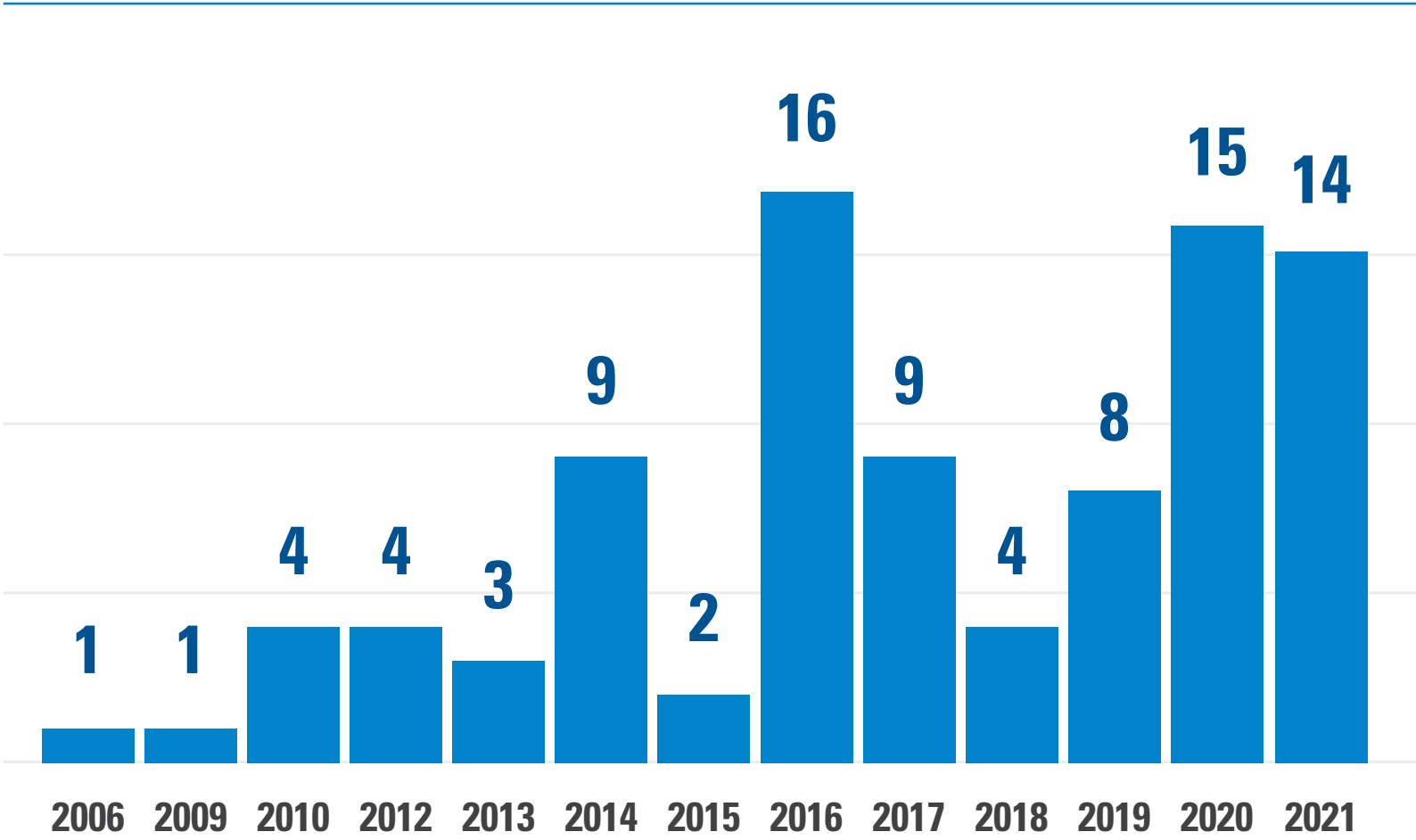
CONSTRUCTION &
REAL ESTATE
HEALTH
TRANSPORT
FINANCIAL SERVICES
ENERGY

PROCEDURAL ASPECTS

BILINGUAL CASES
THIRD PARTY FUNDING
STATE-OWNED
COMPANIES
CO-MEDIATION

Number of proceedings

NUMBER OF REQUESTS



Amount in dispute

In 2020, CAM-CCBC recorded the highest absolute value in the amount in dispute in mediation cases, reaching roughly BRL 6Bi. For perspective, while 105 arbitration cases amounted to BRL 9.7Bi that year, a total of only 15 mediation cases were valued at BRL 5.9Bi. This shows how mediation at CAM-CCBC has gained prominence, primarily for large, complex disputes.

Apart from 2 multi-billion Brazilian Reais cases, the average amount in dispute for mediations initiated in 2020 was BRL 102Mi.

In 2021, the mediations initiated registered an average of BRL 60Mi.

Number of parties

Although the number of mediation proceedings initiated are low in comparison to arbitrations administered by CAM-CCBC, the Center often handles mediations with multiple parties in highly complex multi-contractual disputes.

YEAR OF MEDIATION REQUEST	PARTIES			
	AVERAGE	MAXIMUM	MINIMUM	TOTAL
2020	4.6	15	02	69
2021	6.2	20	02	87

For perspective, arbitration proceedings in 2020 and 2021 had a minimum of 2 parties and a maximum of 36, and an average of 4.5 parties per case.



Average Length of mediation proceedings

For mediation proceedings started in 2019-2020 and ending in 2020 in which a mediator was appointed and the parties had the opportunity to negotiate their dispute, the average length of the mediation was of **5.1** months.

Surprisingly, for mediations started between 2020-2021 which ended in 2021, **three times** more often disputes were in fact negotiated between the parties in the presence of a mediator. In those cases, mediation lasted for **5.7** months, in average.

Starting a mediation

YEAR OF MEDIATION REQUEST	NO CLAUSE	MED-ARB CLAUSE	ARBITRATION - ONLY CLAUSE
2020	9	3	3
2021	3	6	5

Since 2015, when Brazil’s Mediation Act officially went into effect, there has been an upward trend in the number of mediations arising out of med-arb clauses.

Nearly half the mediations which ended in settlement in 2020-2021 (3 out of 7) refer to disputes in which there were no mediation or arbitration clauses agreed between the parties prior to the dispute. In 1 case, there was no indication of mediation, but arbitration would be administered by the CAM-CCBC. In another case, there was no indication of mediation and an arbitration proceeding would be administered by a different institution. In 1 case there was a proper med-arb clause established between the parties and, finally, in 1 case there was solely a mediation clause (no reference to arbitration).

Taking into account mediation requests presented in 2020 and 2021, in around 60% of the cases the parties proceed to a negotiation stage guided by a mediator. In 2020, a mediator was appointed in 9 cases out of the 15 received and in 2021, a mediator was appointed in 8 out of 14. That means, conversely, that in 40% of the cases a party presents a request for mediation but, upon receiving CAM-CCBC’s notification, the counterparty either does not respond or explicitly refuses to initiate the mediation proceeding.

TO SETTLE OR NOT TO SETTLE

Now if we look at the mediation cases which ended in 2020 and 2021:

8 MEDIATIONS WERE CLOSED IN 2020:

- **IN 4 CASES, THE PROCEEDING ENDED BEFORE A MEDIATOR WAS APPOINTED**
- **IN 4 CASES A MEDIATOR WAS APPOINTED:**
 - **3 RESULTED IN SETTLEMENT**
 - **1 ENDED WITHOUT SETTLEMENT**

16 MEDIATIONS WERE CLOSED IN 2021:

- **IN 7 CASES, THE PROCEEDING ENDED BEFORE A MEDIATOR WAS APPOINTED**
- **IN 9 CASES A MEDIATOR WAS APPOINTED:**
 - **4 RESULTED IN SETTLEMENT**
 - **5 ENDED WITHOUT SETTLEMENT**

While numbers varied between those years, there is still an overall tendency that in more than 50% of cases submitted to mediation the parties end up with a settlement.

That number is even higher if we observe instances in which the parties present a **joint** request for mediation. A joint request for mediation was presented in 7 cases closed in 2020 and 2021. In 6 of those cases (86%), the parties settled at the end of the mediation proceeding.

Another noticeable number from 2020-2021 was that mediations with more than 4 parties are harder to settle: in 9 instances, only 3 mediations (33%) resulted in settlement and they had 5 or 6 participants. As for the other 6 cases (66%), in which there were between 7 to 20 participants, a settlement could not be reached or the proceeding ended even before a mediator was appointed.

Med-Arb and Arb-Med-Arb discounts

In January 16, 2019, Administrative Resolution n. 36/2019 (“AR 36/19”) was issued entitling discounts on the administrative fees charged in connection with a CAM-CCBC mediation.

When the parties, following a mediation proceeding, commence an arbitral proceeding at the CAM-CCBC, a discount of 100% of the administrative fee will be granted. If parties decide to start mediation after an arbitral proceeding has been initiated, then a discount of 50% of the administrative fee will be granted.

Discount is, therefore, higher for a previous attempt at mediating in order to encourage parties to seek to resolve their dispute in a consensual manner prior to initiating arbitral proceedings.

Since AR 36/19 was issued, there were at least 6 instances in which these discounts were applied from 2019 to 2021. Even when it is not directly enforced, the discount is still an important measure to be regarded by the parties, since 42% of the mediations ended in 2020-2021 (10 out of 21) were closely connected to a previous or subsequent arbitration proceeding.

The Resolution itself is a distinctive incentive from CAM-CCBC: providing for the so-called “mediation windows”, which are opportunities for the parties to seek mediation during an arbitral proceeding, whether to try an amicable solution to their dispute, or at the very least, to negotiate out part of their claims.



CAM-CCBC



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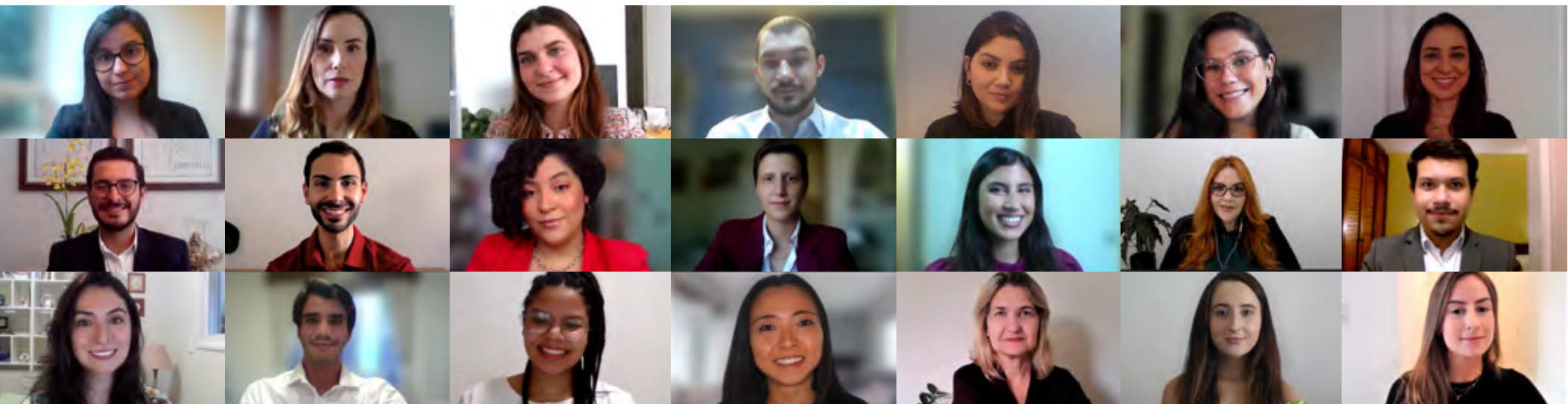


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