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RESOLUTION NEWS



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Coordinadora: María Alejandra Quintana Gallardo
Colaboradores: Rommel Abilio Infante Asto
Santiago Caro Dunin-Borkowski

Año II, N° 10, enero de 2021

Dispute Resolution News (DRN) es el informativo mensual de nuestra Área de Solución de Controversias y Litigios, ámbito de práctica que, por lo general, recibe un enfoque meramente procesal o procedimental. Nuestro eje de trabajo es la anticipación del conflicto, es decir, la negociación, la preparación de un eventual proceso arbitral o judicial, y la defensa en estos cuando ello sea inevitable. Así, nuestro DRN es una herramienta para el práctico del Derecho, pero igualmente para el académico, dada nuestra misión de llevar a sus manos las últimas tendencias nacionales e internacionales sobre esta importante materia.



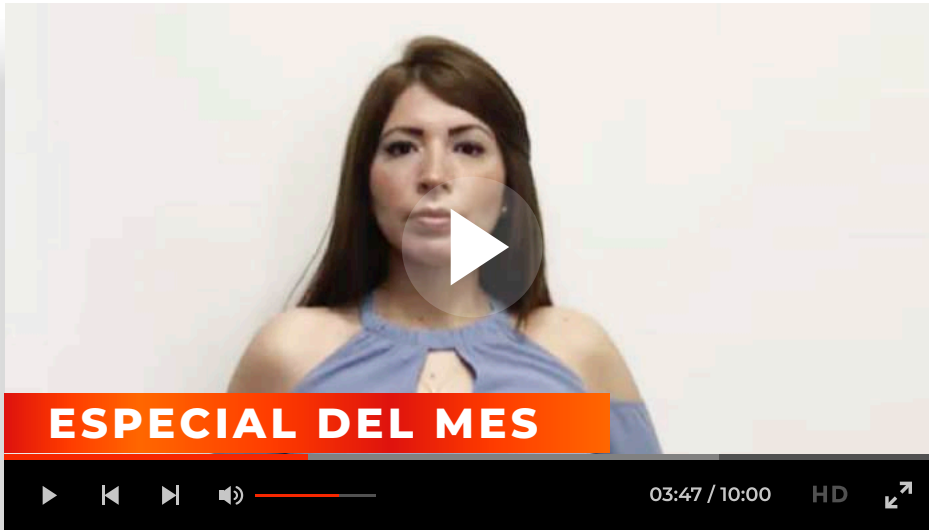
ESPECIAL DEL MES

DISPUTE RESOLUTION NEWS - ENERO 2021

NUEVAS REGLAS DE ARBITRAJE DE LA INTERNATIONAL CHAMBER OF COMMERCE (ICC)

VER VIDEO





María Alejandra Quintana Gallardo

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VER VIDEO

[in COMPÁRTELO](#)

[+ I. PUBLICACIONES](#)

LIBROS

Palao, Guillermo (2020) “**Arbitraje en Contratos Internacionales de Transferencia de Tecnología**”. Editorial Tirant Lo Blanch, España.

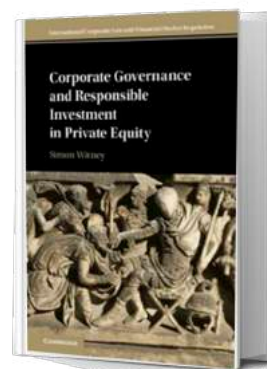
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[in COMPÁRTELO](#)


Whiney, Simon (2021) “**Corporate Governance and Responsible Investment in Private Equity**”. Cambridge University Press, Reino Unido.

VER MÁS



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ARTÍCULOS DE INTERNET

Kluwer Arbitration Blog 

ARBITRATION INSTITUTIONS, ARBITRATION INSTITUTIONS AND RULES, ICC, ICC ARBITRATION, ICC GUIDANCE NOTE, ICC RULES, THIRD PARTY FUNDING

Third-Party Funding Finds its Place in the New ICC Rules

Jonathan Barnett, Lucas Macedo, Jacob Henze (Nivation AG) / January 6, 2021 / Leave a comment

Third-party funding (TPF) has come a long way from its humble beginnings at the fringes of various jurisdictions, where it was historically a tort and even a crime. Today, the doctrines of champerty and maintenance have been decriminalized and in most jurisdictions no longer fall foul of public policy considerations. TPF is now perceived as one of the key instruments to provide access to justice. In 2013, former President of the UK Supreme Court Lord Neuberger observed that funding is “the life-blood of the justice system” which “helps maintain our society as an inclusive one”.

We are currently seeing the emergence of an ever-growing body of domestic legislation and regulation, e.g. in [Hong Kong](#) and [Singapore](#), as well as rules of arbitral institutions, e.g. [CAM-CCBC](#), [CIETAC](#), [HKIAC](#), [ICSID \(Ishik Rules\)](#), [Mitsui Chamber of Arbitration](#) and [SIAC](#) that acknowledge the existence of and the requirements for transparency regarding TPF. The presumption has now shifted – there remain only a few leading institutional rules that do not explicitly address TPF.

Provisions on TPF can also be found in recently concluded international agreements such as [the Comprehensive Economic and Trade Agreement \(CETA\) between Canada and the European Union](#), and soft law, e.g. [2014 IBA Guidelines on Conflicts of Interest in International Arbitration](#).

Consistent with this trend, the [2021 ICC Arbitration Rules](#) expressly focus on TPF, thereby incorporating into the Rules what was earlier addressed in the ICC’s various iterations of its [Note to Parties and Arbitral Tribunals on the Conduct of the Arbitration under the ICC Rules of Arbitration](#).

Third-Party Funding Finds its Place in the New ICC Rules. Por Jonathan Barnett, Lucas Macedo y Jacob Henze. 
Fecha: 05/01/2021.
 COMPÁRTELO

Springer 

A Conceptual Framework on the Effects of Apology on Psychological Aggression in Construction Dispute Negotiation

Authors: [Liuying Zhu, Chiu Yin Ho, Sai On Cheung](#)

Liyang ZHU, Chiu Yin HO, Sai On CHEUNG

Conference paper
First Online: 23 December 2020 

Part of the [Lectum Notes in Civil Engineering](#) book series (LNCE, volume 102)

Abstract

Most construction projects end with major disputes. Resolving dispute consumes considerable resources that would have better deployed for the benefits of the project. Almost all construction industries across the globe are seeking ways to minimizing the occurrence of disputes. In July 2020, the Hong Kong Government enacted an Apology Ordinance as part of the campaign in promoting use of mediation to resolve civil disputes. Construction disputes appear to be the inevitable destiny of construction projects. An Apology may suppress aggressive behaviour that is quite common in heated arguments. This study examines the effect of apology on psychological aggression. It was found that the apology has the effect to (1) reduce the expected liability; (2) repair conflict in a damaged relationship and (3) determinatn the willingness to forgive in aggression.

Keywords

Aggression; Apology; Construction dispute negotiation

This is a preview of subscription content, [log in](#) to check access.

A Conceptual Framework on the Effects of Apology on Psychological Aggression in Construction Dispute Negotiation. Por Liuying Zhu, Chiu Yin Ho y Sai On Cheung. 23/12/2020. 
 COMPÁRTELO



Los principios informadores de la Mediación.

Deja un comentario / Autor del artículo, Mediación / Por Jaime Ibáñez



Los principios informadores de la Mediación

Tras la aparición de la pandemia el Ministerio de Justicia alarga por los sistemas ADR (Alternative Dispute Resolution) o RESUMEN/ABSTRACT

Tras este último año tan complicado e inestable los sistemas alternativos de resolución de conflictos se han estado viendo fortalecidos y potenciando los tribunales estatales, por lo que esta vía alternativa, que es más barata y rápida que el litigio, es más atractiva.

After this year so unprecedented and unstable, Alternative Dispute Resolution (ADR) systems have emerged as other to state courts, so this alternative route, which is cheaper and responsibly etc. it is being promoted by the Justice

PALABRAS CLAVE/KEYWORDS

Los principios informadores de la Mediación. Por Jaime Ibáñez. 04/01/2021. 
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VIDEOS



1:22/11:43 

“THE INTERNATIONAL ENDORSEMENT OF CORPORATE SETTLEMENTS IN FOREIGN BRIBERY CASES”.
Fecha: 06/01/2021
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+ II. NORMATIVA

INTERNATIONAL COURT OF ARBITRATION® | INTERNATIONAL CENTRE FOR ADR | LEADING DISPUTE RESOLUTION WORLDWIDE

ARBITRATION RULES

In force as from 1 January 2021

MEDIATION RULES

In force as from 1 January 2014

ICC Arbitration Rules,
publicado el 01/12/2020. [↓](#)[in](#) COMPÁRTELO

+ V. EVENTOS



"... LA NEGOCIACIÓN ES CASI SIEMPRE EL MEJOR MECANISMO PARA LA RESOLUCIÓN DE CONFLICTOS."

Web Seminar "Litigating Ridesharing Cases: Recent Development and Trends in Theories of Liability, Ridesharing Regulations, and Insurance Requirements"

Fecha: 09 de febrero de 2021

Formato: Virtual

Organizado por: ABA (American Bar Association)

[↓](#) Más información

[in](#) COMPÁRTELO

Web Seminar "What The Rules Don't Tell You - Part II - Swiss Chambers' Arbitration Institution (SCAI)"

Fecha: 16 de febrero de 2021

Formato: Virtual

Organizado por: ABA (American Bar Association)

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