

# AN INDEPENDENT APPROACH TO ARBITRATION - ARMESTO & ASOCIADOS

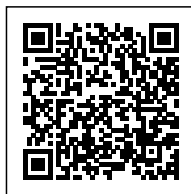
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**Juan Fernández-Armesto**

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The rapid international expansion of Spanish businesses over the past decade is now reflected in the use by companies of arbitration in cross-border disputes, although domestic arbitration continues to play “catch-up” says Juan Fernández-Armesto, of Armesto & Asociados, one of Spain’s most prominent arbitrators.

La expansión internacional de las empresas españolas se está notando en el aumento de los arbitrajes transfronterizos; sin embargo, el recurso al arbitraje a nivel nacional sigue siendo muy inferior, dice Juan Fernández-Armesto, de Armesto & Asociados.

“The number of Spanish companies engaged in international arbitration is now concomitant to the country’s economic weight – there has been a very significant engagement with the process as cross-border business has become more important to many of them.”

Spanish companies now feature prominently among the parties in commercial cases before institutions such as the ICC but are also increasingly prominent in investor state disputes before bodies such as ICSID, he notes.

"This is a significant change but which is a truer reflection of both the scale of the business being done and the importance of places such as Latin America, as well as inevitably the challenges that may face companies internationally."

The situation outside of Spain contrasts with many companies' lack of enthusiasm for domestic arbitration, notes Fernández-Armesto. In part, because of a traditional lack of commerciality among some arbitration institutes as well as those who have led them.

"Change is happening structurally and among institutions' leadership, which seem to be finally listening to the concerns of users. More effort is clearly apparent in increasing the transparency of decision-making, institutions' efficiency and arbitrators' independence."

Significant in this regard is the "professionalisation" of the arbitrator role, says Fernández-Armesto. There has been a rise in the number of Spanish professionals with both a credible legal and commercial background.

"This may be more of an evolution than a revolution but there is a clear momentum in the right direction. There is a focus not only on being independent but on demonstrating this independence. It is an issue that goes to the heart of the significance of arbitration, at every level."