

A conference presented by the IBA Arbitration Committee

24th Annual IBA Arbitration Day

International arbitration in a divided world: a challenge to the system's legitimacy

13–14 April 2023

Lisbon Congress Centre, Lisbon, Portugal

Topics include:

- The impact of third-party funding on investment arbitration
- The implications of sanctions for international arbitration
- Duty of disclosure: self-regulation vs statutory regulation
- Dealing with corruption in international arbitration
- Keynote speech: The perils and promise of transparency.



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WWW.IBANET.ORG/CONFERENCE-DETAILS/CONF2322

Programme

Conference Co-Chairs

Xavier Favre-Bulle *Lenz & Staehelin, Geneva; Co-Chair, IBA Arbitration Committee*
Valeria Galíndez *Galíndez Arb, São Paulo; Co-Chair, IBA Arbitration Committee*

Organising Committee Chair

Sofia Martins *Miranda & Associados, Lisbon – Chair*

Organising Committee

Sara Aranja *Al Tamimi & Company, Dubai; Secretary, IBA Arab Regional Forum*
Fernando Bedoya *Pérez-Llorca, Madrid*
Christian Camboulive *Gide Loyrette Nouel, Paris*
Miguel de Almada *Cuatrecasas, Lisbon*
Karina Goldberg *Ferro Castro Neves Daltro & Gomide Advogados, São Paulo*
Duarte Gorjão Henriques *Victoria Associates, Lisbon*
Woojae Kim *Bae Kim & Lee, Seoul*
Yasmine Lahlou *Chaffetz Lindsey, New York*
Catarina Monteiro Pires *Morais Leitão, Lisbon*
Pedro Nápoles *PLMJ, Lisbon*
Guilherme Santos Silva *Abreu Advogados, Lisbon*

Thursday 13 April

1900 – 2200 Welcome reception

SUD Lisboa, Avenida Brasília – Pavilhão Poente, 1300-598 Lisboa

The reception is open to all registered delegates. Please indicate your attendance when registering.

Friday 14 April

0800 – 1800 Registration

0900 – 0915 Opening remarks

Conference Co-Chair

Valeria Galíndez *Galíndez Arb, São Paulo; Co-Chair, IBA Arbitration Committee*

0915 – 0945 Welcome remarks

0945 – 1100 Session one

The impact of third-party funding on investment arbitration

Over the past decade, the use of third-party funding (TPF) has grown and developed, raising concerns in the field of investment arbitration about the parties' equality of arms. This panel will

discuss whether TPF really facilitates investors' claims and the measures so far proposed by the arbitral community to address the alleged imbalance brought to the system by the wider use of TPF.

Session Chair

Nigel Blackaby KC *Freshfields Bruckhaus Deringer, Washington, DC*

Speakers

Fernando Aguilar de Carvalho *Uría Menéndez, Lisbon*

Gonzalo Flores *International Centre for Settlement of Investment Disputes, Washington, DC*

Nilufar Houssain *Omni Bridgeway, San Francisco, California*

Carmen Martinez Lopez *Three Crowns, London*

1100 – 1130 Break

Headline social event sponsors

Abreu:
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Friday continued

1130 – 1245 **Session two**

The implications of sanctions for international arbitration

Economic sanctions have traditionally been imposed on individuals and companies across the world as a tool of political pressure and have recently gained global relevance in view of the war in Ukraine. For international arbitration, these sanctions represent a great challenge as they may pose numerous procedural pitfalls, which can even obstruct access to justice. This panel will explore the practical effects of economic sanctions on arbitral institutions, arbitrators and parties, and how to ensure the enforcement of arbitration agreements entered into by sanctioned countries.

Session Chair

Hamid Gharavi *Derains & Gharavi, Paris*

Speakers

Sae Youn Kim *Kim & Chang, Seoul*

Pirkka-Marja Pöldvere *LEADELL Põlv Advokaadibüroo, Tallinn*

Jacomijn van Haersolte-van Hof *Director General, LCIA, London*

Dário Moura Vicente *Professor, Faculty of Law - University of Lisbon, Lisbon*

1245 – 1415 **Lunch**

1415 – 1445 **Keynote address: The perils and promise of transparency**

Keynote Speaker

Fernando Mantilla-Serrano *Latham & Watkins, Paris*

1445 – 1600 **Session three**

Duty of disclosure: self-regulation vs statutory regulation

'The development of international arbitration in the last decade has given rise to debates regarding the extent of the arbitrators' duty of disclosure and how cultural background may affect the way national courts interpret this notion.

This panel will look at recent case law on the matter, as well as national legislative initiatives, to analyse the real need for further regulating the duty of disclosure.

Session Chair

João Bosco Lee *JBLee Advogados, Curitiba*

Speakers

Cecilia Carrara *Legance Avvocati Associati, Rome*

Louis Flannery KC *Mishcon de Reya, London*

Michael Martinez *Senior Vice President & Associate General Counsel, Marriott International, Washington, DC*

Claudia Salomon *President, ICC International Court of Arbitration, New York*

1600 – 1630 **Break**

1630 – 1745 **Session four**

Dealing with corruption in international arbitration

With the increasing intricacies of the cases involving corruption allegations, the solutions applied so far by arbitral tribunals with respect to the effects produced by parallel proceedings, plea bargains and standard of proof are being revisited. This panel will discuss what should be a realistic and practical approach for corruption allegations.

Session Chair

Mohamed Abdel Wahab *Zulficar & Partners, Cairo*

Speakers

Olivier Caprasse *Caprasse Arbitration, Brussels*

José Ricardo Feris *Squire Patton Boggs, Paris*

Itweva Nogueira *Dentons, Luanda*

Anke C Sessler *Skadden, Frankfurt*

1745 – 1800 **Closing remarks**

Conference Co-Chair

Xavier Favre-Bulle *Lenz & Staehelin, Geneva; Co-Chair, IBA Arbitration Committee*

The IBA, its officers and staff accept no responsibility for any views expressed, presentations or materials produced by delegates or speakers at the Conference.

Associate conference sponsor



Conference luncheon sponsor



Exhibitor



Information

Date

13 – 14 April 2023

Venue

Lisbon Congress Centre
Praça das Indústrias 1,
1300-307 Lisbon, Portugal

Language

All working sessions and Conference materials will be in English.

By registering for the conference you agree to the following delegate code of conduct, the host country's local and/or national requirements and venues restrictions and precautions:

- You will not attend the conference if you are displaying any Covid symptoms
 - Should you develop any Covid symptoms during your attendance at the conference you inform a member of IBA staff by email (confs@int-bar.org) and you agree not to attend any further conference sessions or related events
 - comply with all local and national restrictions
- You travel at your own risk, and you agree that the IBA cannot be held responsible if you contract Covid during the conference or after returning from the conference
- You agree to the extent permitted by law that you shall not hold IBA responsible for: any travel costs incurred for travelling to and from the conference; any travel costs that may be irrecoverable due to the cancellation or postponement of the conference; any losses or liabilities associated with contracting Covid whether on the way to, during or after the conference.
- You agree that, if asked by the relevant local or national authorities, the IBA has permission to pass on your personal information and contact details to those authorities should contact tracing be required.

Fees

Online registrations received:

	on or before 27 March	until 4 April
IBA member	€795	€885
Non-member *	€930	€1020
Young lawyers (under 30 years)	€595	€1020
Academics/judges (full-time)	€595	€1020
Public lawyers	€595	€1020
Corporate counsel **	€715	€1020

After **4 April** registrations must be received in hard copy at the IBA office.

How to register

Register online by 4 April 2023 at www.ibanet.org/conference-details/CONF2322 and make payment by credit card to avail of the ten per cent online registration discount or complete the attached registration form and return it to the Conference Department at the IBA together with your proof of bank transfer payment. You should receive an email confirmation of your registration within five days; if you do not, please contact confs@int-bar.org.

Fees

Hard copy registration forms and fees received:

	on or before 27 March	after 27 March
IBA member	€880	€980
Non-member *	€1030	€1130
Young lawyers (under 30 years)	€660	€1130
Academics/judges (full-time)	€660	€1130
Public lawyers	€660	€1130
Corporate counsel **	€795	€1130

* By paying the non-member fee, we welcome you as a delegate member of the IBA for the year in which this Conference is held, which entitles you to the following benefits:

- 1) Password access to certain parts of the IBA website.
- 2) Receipt of IBA E-news and access to online versions of IBA Global Insight.
- 3) Pay the member rate for any subsequent Conference registrations for this calendar year.

** A reduced rate is offered to IBA Corporate Group Members. Please contact confs@int-bar.org to obtain a 25 per cent discount on the IBA Member fee.

If you would like to become a full or general member of the IBA, which includes membership of one committee or more – and inclusion in and access to our membership directory – we encourage you to do so now in order to register for this Conference at the member rate. You can find full details of how to join at www.ibanet.org.

A reduced rate is offered to lawyers who are over the age of 65, have been an IBA member for more than 20 years and are no longer practising law.

Full payment must be received in order to obtain your Conference documentation.

Fees include:

- * Attendance at all working sessions
- * Access to the Conference materials from the IBA website (www.ibanet.org), including any available speakers' papers submitted to the IBA before 31 March.
- * Access to live delegate search
- * Lunch on Friday
- * Tea and coffee during breaks
- * Welcome reception
- * VAT at 23%

Please note that registrations are not transferable.

List of participants

In order for your name to appear in the list of participants, your registration form must be received by 4 April at the latest.

Live delegate search

Delegates are able to use the live delegate search via the IBA website, in order to use this function delegates will need to be logged into their MyIBA. This will allow search access to up-to-date attendance lists.

Registration confirmation

Upon receipt of your payment for the Conference a confirmation email will be sent to you which contains information regarding your attendance at the Conference. You will also be able to view and download your payment information and manage your registration via your My IBA profile on the IBA website.

Photography and filming

Certain sessions and/or social functions may be photographed and/or filmed and some of this content may be used for future IBA marketing materials, member communications, products or services. Should you have any concerns about this, or do not wish to be featured in any of these materials please contact the IBA Marketing Department at ibamarketing@int-bar.org.

Payment of registration fees by bank transfer or BACS payment

Registration forms received without proof of payment will NOT be processed until proof of payment has been received.

Euro: by bank transfer to the IBA account at the National Westminster Bank, St James's & Piccadilly Branch, 208 Piccadilly, London W1A 2DG, United Kingdom.

SWIFT address NWBKGB2L, IBAN GB58NWBK60721106570631

Please ensure that a copy of the bank transfer details is attached to your registration form.

[[Use the exchange rate prevailing at the time of registration.]]

Online credit card payments: by Visa, MasterCard or American Express. No other cards are accepted.

PLEASE ENSURE THAT YOUR NAME AND '[CONF2322]' APPEAR ON ANY TRANSFER OR DRAFT.

No deductions or withholdings

All fees payable to us by you in accordance with the terms contained in this 'Information' section shall be paid free and clear of all deductions or withholdings whatsoever.

Cancellation of registration or social functions

If cancellation is received in writing at the IBA office by 31 March fees will be refunded less a 25 per cent administration charge. Refunds will be made minus any monies owed to the IBA. We regret that no refunds can be made after this date. Registrations or social function bookings received after 31 March will not be eligible for any refund of fees.

Should you have difficulties in obtaining your visa and are not able to attend the Conference this cancellation policy will still apply.

Upon submission of your completed Conference registration form to the IBA you are considered 'registered' pending payment.

Book with confidence

- If the IBA needs to reschedule the event, your registration will be automatically transferred to the new date and no additional fees will be charged. If this date is not convenient for a delegate, a refund of the cost of the conference place will be available on request to the IBA.
- If the IBA is unable to reschedule the conference within 12 months of the original scheduled date, a full refund of the cost of the conference place will automatically be made to all delegates.
- Please note that the IBA will not provide refunds for any costs incurred including any travel costs.

Please note, these terms are subject to any more restrictive or different local requirements and may be altered and amended from time to time to reflect any changes to restrictions or government requirements.

Promotional literature

Please note that no individual or organisation may display or distribute publicity material or other printed matter during the Conference, unless by prior arrangement with the IBA. Organisations and companies wishing to discuss promotional opportunities should contact the IBA Sponsorship Department at sponsorship@int-bar.org.

If any deductions or withholdings are required by law to be made from any fees payable to us by you under the terms contained in this 'Information' section you shall pay such sum as will, after the deduction or withholding has been made, leave us with the same amount as we would have been entitled to receive in the absence of any such requirement to make a deduction or withholding. If we obtain the benefit of any tax credit or other relief by reference to any such deductions or withholdings, then we shall repay to you such amount as, after such repayment has been made, will leave us in no worse position than we would have been had no such deductions or withholdings been required.

Conference sell-outs

The IBA places its conferences in venues of a suitable size for each event; however, there are times when our conferences may sell out. Should this happen, prospective delegates will be informed, and a waiting list will operate. The waiting list will function on a 'first come, first served' basis, subject to receiving registered delegate cancellations. The waiting list for a conference will close once it has reached ten per cent of the conference venue capacity, as it is very unlikely a place will become available. The IBA will not be liable for any travel or accommodation expenses incurred by an individual who travels to a conference without a confirmed place at the event.

Please note that the cancellation terms and conditions as indicated will apply as soon as your registration is received.

Provided you have cancelled your registration to attend an IBA Conference in accordance with the terms of the 'cancellation of registration' clause included in the 'Information' section of the relevant Conference programme, you must then confirm to us in writing at the IBA office as soon as possible, but in no event later than one year (12 calendar months) from the date of any such Conference, all necessary details to enable any reimbursement owed to you to be paid. We regret that no refunds will be made after the date that is one year (12 calendar months) after the date of the relevant Conference.

Travel arrangements and visas

Participants are responsible for making their own travel arrangements. It is recommended that you check your visa requirements with your local embassy or consulate. **We are unable to dispatch visa invitation letters to support your visa application prior to receipt of your registration form and full payment of registration fees.**

Please apply for your visa in good time.

Disabled access

The venue is wheelchair accessible. Please notify us if you require special assistance.

Hotel accommodation

Below is a list of hotels located near Lisbon Congress Centre. Please contact the hotel of your choice directly to find out rates, availability and to make your reservation.

Hyatt Regency Lisbon

R. da Junqueira 63,
1300-343 Lisboa,
Portugal
Tel: +351212411234
https://www.hyatt.com/en-US/hotel/portugal/hyatt-regency-lisbon/lishr?src=corp_lclb_gmb_seo_lishr

Pestana Palace Lisboa

R. Jau 54,
1300-314 Lisboa,
Portugal
Tel: +351213615600
<https://www.pestanacollection.com/en/hotel/pestana-palace>

The Emerald House Lisbon, Curio Collection by Hilton

R. das Janelas Verdes 130,
1200-690 Lisboa,
Portugal
Tel: +351211506110
https://www.hilton.com/en/hotels/lisemqq-the-emerald-house-lisbon/?SEO_id=GMB-EMEA-QQ-LISEMQQ

Unauthorised accommodation agents

It has been brought to our attention that there are multiple companies contacting past attendees, claiming to represent the IBA, offering 'assistance' with registration and hotel bookings.

They are operating by cold-calling and spamming companies whose names have appeared on previous List of Participants, Programmes and Sponsorship recognition. The **only** Accommodation Agent the IBA works with is Judy Lane ICS. Judy Lane ICS do not contact delegates on behalf of the IBA without delegates making initial contact. Please ignore any communication that does not come directly from the IBA or Judy Lane ICS.

Social programme

1900-2200 **Thursday 13 April**

Welcome reception

SUD Lisboa
Avenida Brasília – Pavilhão Poente
1300-598 Lisboa

The reception is open to all registered delegates.

The organisers may at any time, with or without giving notice, in their absolute discretion and without giving any reason, cancel or postpone the Conference, change its venue or any of the other published particulars, or withdraw any invitation to attend. In any case, neither the organisers nor any of their officers, employees, agents, members or representatives shall be liable for any loss, liability, damage or expense suffered or incurred by any person, nor will they return any money paid to them in connection with the Conference unless they are satisfied not only that the money in question remains under their control but also that the person who paid it has been unfairly prejudiced (as to which, decision shall be in their sole and unfettered discretion and, when announced, final and conclusive).

Continuing Professional Development/Continuing Legal Education

For Conference delegates from jurisdictions where CPD/CLE is mandatory, the IBA will provide a Certificate of Attendance for the Conference. Subject to CPD/CLE requirements, Conference delegates can use this to obtain the relevant number of hours' accreditation. The number of CPD/CLE hours available may vary depending on the rules applied by the members' bar association/law society on time recording criteria.

A Certificate of Attendance is available to Conference delegates on request. Please ask at the IBA Conference registration desk for information on how to obtain the certificate.

IBA Harassment Policy

IBA conferences provide unrivalled professional development and network-building opportunities for international legal practitioners and their professional associates. The IBA values the participation of every delegate and member of the IBA and wants all attendees to have an enjoyable and fulfilling experience. Accordingly, all Conference attendees are expected to show respect and courtesy to other attendees, IBA staff and those involved with hosting the events throughout the Conference and at all Conference events, receptions, and parties, whether officially organised by the IBA or others. All delegates, guests, attendees, speakers, exhibitors, staff and volunteers at any IBA event are required to conform to the IBA Harassment Policy.

See www.ibanet.org/iba-harassment-policy

Registration form

24th Annual IBA Arbitration Day

13 –14 April 2023, Lisbon Congress Centre, Portugal



Please read the 'Information' section before completing this form and return it together with your proof of bank transfer to the Conference Department at the address below.

REGISTER ONLINE AT WWW.IBANET.ORG/CONFERENCE-DETAILS/CONF2322 TO MAKE IMMEDIATE AND SECURE PAYMENT BY CREDIT CARD AND OBTAIN A TEN PER CENT DISCOUNT ON THE FEES BELOW

PERSONAL DETAILS *(Please attach your business card or write in block capitals)*

Title _____ Given name _____ Family name _____

Name and country to be shown on badge *(if different from above)* _____

IBA Membership number *(if applicable)* _____ Date of birth _____

Firm/company/organisation _____

Address _____

_____ Country _____

Tel _____ Email _____

SPECIAL DIETARY REQUIREMENTS

If you have special dietary requirements, due to allergen intolerances, medical, religious reasons or a life choice, please specify the requirement below. The IBA is unable to cater for dietary requirements other than for the above reasons.

Please tick box if you have allergen intolerances and specify _____

Please state all other dietary requirements clearly, i.e. I am a vegetarian.

Disclosure of dietary information denotes you have agreed to the IBA sharing this information with relevant third parties who are providing catering on our behalf.

TO OBTAIN A TEN PER CENT DISCOUNT ON THE FEES BELOW,
PLEASE REGISTER BY **4 APRIL** ONLINE AT WWW.IBANET.ORG/CONFERENCE-DETAILS/CONF2322
IBA MEMBERS CAN REGISTER ONLINE BY **27 MARCH** FOR **€795**. PLEASE SEE 'INFORMATION' FOR FURTHER
ONLINE REGISTRATION DETAILS.

HARD COPY REGISTRATION FORMS AND FEES RECEIVED:	on or before 27 March	after 27 March	amount payable
IBA member	€880	€980	€
Non-member*	€1030	€1130	€
Young lawyers (under 30 years)	€660	€1130	€
Academics/judges (full-time)	€660	€1130	€
Public lawyers	€660	€1130	€
Corporate counsel **	€795	€1130	€

Social function

Welcome reception – Thursday 13 April

I will attend

I will not attend

TOTAL AMOUNT PAYABLE €

*JOIN THE IBA TODAY AND REGISTER FOR THIS CONFERENCE AT THE IBA MEMBER RATE. PLEASE FIND THE MEMBERSHIP APPLICATION FORM AT WWW.IBANET.ORG.

** A REDUCED RATE IS OFFERED TO IBA CORPORATE GROUP MEMBERS. PLEASE CONTACT CONFS@INT-BAR.ORG TO OBTAIN A 25 PER CENT DISCOUNT ON THE IBA MEMBER FEE.

A REDUCED RATE IS OFFERED TO LAWYERS WHO ARE OVER THE AGE OF 65, HAVE BEEN AN IBA MEMBER FOR MORE THAN 20 YEARS AND ARE NO LONGER PRACTISING LAW. PLEASE CONTACT THE IBA OFFICE FOR FURTHER INFORMATION.



FULL PAYMENT MUST BE RECEIVED IN ORDER TO PROCESS YOUR REGISTRATION.
PLEASE NOTE THAT REGISTRATIONS ARE NOT TRANSFERABLE.

METHODS OF PAYMENT

By credit card

Register online at www.ibanet.org/conference-details/CONF2322 and make immediate and secure payment by credit card

Note: please do not send your credit card details on the registration form or within an email or fax.

By bank transfer or BACs payment

Registration forms received without proof of payment will NOT be processed until proof of payment has been received.

Euro: by bank transfer to the IBA account at the National Westminster Bank, St James's & Piccadilly Branch, 208 Piccadilly, London W1A 2DG, United Kingdom.

SWIFT address NWBKGB2L, IBAN GB58NWBK60721106570631

Please ensure that a copy of the bank transfer details is attached to your registration form.

WHERE DID YOU FIRST HEAR ABOUT THIS CONFERENCE?

- | | | | | |
|---|---|---|-----------------------------------|--|
| <input type="checkbox"/> IBA CONFERENCE | <input type="checkbox"/> OTHER CONFERENCE | <input type="checkbox"/> DIRECT MAIL | <input type="checkbox"/> INTERNET | <input type="checkbox"/> ADVERTISEMENT |
| <input type="checkbox"/> EMAIL | <input type="checkbox"/> EDITORIAL | <input type="checkbox"/> RECOMMENDATION | <input type="checkbox"/> OTHER | |

Please provide further details, quoting code (if applicable)

The International Bar Association would like to keep in touch with you about relevant news, events, publications and membership. You can opt out of receiving information at any time by emailing member@int-bar.org or by logging into My IBA and updating your preferences. Your details will be included in the list of participants. If you do not want your details to be included in the list, please email confs@int-bar.org.

For further details on how your data is used and stored: www.ibanet.org/privacy-policy

PLEASE SEND THE COMPLETED FORM TO INTERNATIONAL BAR ASSOCIATION:

Conference Department

5 Chancery Lane, London WC2A 1LG, United Kingdom

Email: confs@int-bar.org www.ibanet.org

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VICTORIA
ASSOCIATES

International Disputes



International Bar Association

the global voice of the legal profession

The International Bar Association (IBA), established in 1947, is the world's leading organisation of international legal practitioners, bar associations, law firms and law societies.

The IBA influences the development of international law reform and shapes the future of the legal profession throughout the world. It has a membership of more than 80,000 individual lawyers and more than 190 bar associations and law societies spanning over 170 countries.

Inspired by the vision of the United Nations, the IBA was founded in the same spirit, just before the Universal Declaration of Human Rights was proclaimed in 1948.

The IBA covers all practice areas and professional interests, providing members with access to leading experts and up-to date information, enabling them to better represent their clients' interests.

Through its various committees, fora and task forces, the IBA facilitates the exchange of information and views among its members as to laws, practices and professional responsibilities relating to the practice of law around the globe.

IBA Arbitration Committee:

The IBA Arbitration Committee focuses on laws, practice and procedures relating to the arbitration of transnational disputes. Through its conferences, publications and projects, the Committee seeks to share information about international arbitration, promote its use and improve its effectiveness.

Become a member of the Committee to benefit from networking opportunities, the opportunity to read and write IBA publications and discounts on conferences and webinars. You can also get involved with the work of the Committee.

Contact information

International Bar Association

5 Chancery Lane, London WC2A 1LG, United Kingdom

Tel: +44 (0)20 7842 0090

Email: member@int-bar.org

www.ibanet.org