

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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# Programme

## Conference Co-Chairs

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

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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

### 0715 – 1800 Registration

### 0730 – 0845 IBA Mediation Committee breakfast

### A conversation with Ambassador Douglas Scott Proudfoot on use of mediation to resolve international conflicts

Our session will consider the Arbitration Day theme from another dynamic: how mediation serves as an evergreen, legitimacy-enduring platform, one that is central to maintaining international relations and resolving conflict. Expect an engaging conversation with our guest, Ambassador Douglas Scott Proudfoot, as he informs and regales us with experiences from his rich career at the highest levels of diplomacy.

### Speakers

Gary Birnberg *JAMS, Miami, Florida; Member, IBA Mediation Committee Advisory Board*

Jalal El Ahdab *Bird & Bird, Paris; Member, IBA Mediation Committee Advisory Board*

Ambassador Douglas Scott Proudfoot *Interim Permanent Representative of Canada, The International Civil Aviation Organization, Montreal, Quebec*

### 0900 – 0915 Opening remarks

#### Conference Co-Chair

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

### 0915 – 0945 Welcome remarks

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# Friday continued

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**

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** *LEADLL Pilv 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**

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### Conference luncheon sponsors



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### Exhibitor



# Friday continued

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*

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