

A conference presented by the IBA Arb40 Subcommittee



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IBA Arb40 Symposium

13 April 2023

Cuatrecasas, Lisbon, Portugal

Panel topics:

- When investment and commercial arbitration collide
- Wishful thinking or true possibilities: enforcement of awards against sovereign and environmental concerns



FOR MORE INFORMATION AND TO BOOK ONLINE VISIT
WWW.IBANET.ORG/CONFERENCE-DETAILS/CONF2351

Programme

Conference Co-Chairs

Agnès Bizard *King & Spalding, Paris; Co-Chair, IBA Arb40 Subcommittee*

Juan Felipe Merizalde *Adell & Merizalde, Bogota; Co-Chair, IBA Arb40 Subcommittee*

Thursday 13 April

0800 – 1240 **Registration**

0900 – 0910 **Welcome remarks**

Conference Co-chair

Agnès Bizard *King & Spalding, Paris; Co-Chair, IBA Arb40 Subcommittee*

0910 – 0930 **Keynote speech**

Mariana França Gouveia *PLMJ, Lisbon*

0930 – 1030 **Panel one**

When investment and commercial arbitration collide

This panel will analyse recent collisions between investment and commercial arbitrations and propose alternatives to anticipate and overcome this situation. Among others, panellists will consider instruments such as waivers and fork-in-the-road clauses, as well as procedural and institutional solutions like anti-suit injunctions, consolidation, lis pendens, and stay of the proceedings. This panel will aim to determine whether two separate and distinct tribunals can peacefully coexist or whether this conundrum should be avoided.

Moderator

Emilio Bettoni *Arblit, Milan*

Panellists

Miguel de Almada *Cuatrecasas, Lisbon*

María Angélica Burgos *Independent Practitioner, Bogota; Membership Officer – Young Lawyers, IBA Business Human Rights Committee*

Sofía de Sampaio Jalles *Armesto & Asociados, Madrid*

1030 – 1045 **Coffee/ tea break**

1045 – 1230 **Panel two**

Wishful thinking or true possibilities: enforcement of awards against sovereign and environmental concerns

Organised as an Oxford debate, our panellists will address two current problems in international arbitration. Some panellists will be invited to defend a motion, while the others will attempt to debunk it. The first motion will confirm or deny whether enforcing awards against sovereigns has become a highway to hell. The second motion will discuss if the arbitral community is doing enough (or not) to support greener arbitrations.

Moderator

Alipak Banerjee *Nishith Desai Associates, New Delhi*

Panellists

Isabela Lacrete *Mayer Brown, Paris*

Timothy Mayer *Therium Capital Management Limited, London*

Gabriele Ruscalla *Liedekerke, Brussels*

Isabel San Martin *Lalive, London*

Michaël Schlesinger *Archipel, Paris*

Filipe Vaz Pinto *Morais Leitao, Lisbon*

1230 – 1240 **Closing remarks**

Conference Co-Chair

Juan Felipe Merizalde *Adell & Merizalde, Bogota; Co-Chair, IBA Arb40 Subcommittee*

1240 – 1400 **Networking lunch**

kindly provided by Cuatrecasas

1900 – 2200 **24th Annual IBA Arbitration Day**

Opening Reception

SUD Lisboa

Avenida Brasília – Pavilhão Poente

1300-598 Lisboa

The reception is open to all registered delegates.

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

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.

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How to register

Register online by **4 April 2023** at www.ibanet.org/conference-details/CONF2322 and make payment by credit card. You should receive an email confirmation of your registration within five days; if you do not, please contact confs@int-bar.org.

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:

until 4 April

Young lawyers (under 30 years) €60

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

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

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

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.

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.

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.

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.

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.

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.

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. 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 provide visa invitation letters to support your visa application.

Disabled access

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

Social programme

Thursday 13 April

1900 – 2200 24th Annual IBA Arbitration Day Opening 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



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 Arb40 Subcommittee

This Subcommittee was established for younger arbitrators aged 40 or below and reflects the Arbitration Committee's aim of engaging more actively with the younger members of the arbitration community. It is led by a Steering Committee focused on thought leadership for the next generation of arbitration practitioners. Through this thought leadership the IBA Arb 40 Steering Committee has produced a series of reports and is actively involved in organising workshops and symposia for younger arbitration practitioners. All expressions of interest in becoming involved in the work of this Subcommittee should be directed to the officers.

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