

Presented by



Institute for
**TRANSNATIONAL
ARBITRATION**



2018
5/3 - 5/4

1st ITA-ALARB Joint Conference on International Arbitration

Arbitrating Disputes in Natural
Resources

THE RITZ-CARLTON HOTEL, SANTIAGO
SANTIAGO, CHILE



ITA is an Institute of

**THE CENTER FOR AMERICAN
AND INTERNATIONAL LAW**

Highlights

- Keynote Speaker Doak Bishop (King & Spalding, Houston)
- Oral History luncheon interview of Yves Derain (Derains & Gharavi, Paris)
- Conference Co-Chairs: Andrés Jana (Bofill Mir & Álvarez Jana, Santiago) and Eduardo Zuleta (Zuleta Abogados Asociados, Bogotá)
- Young Lawyers Roundtable, Welcome Reception and Conference Dinner at Oporto Restaurant
- The program will be presented with simultaneous translation in English and Spanish

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5/3 - 5/4

1st ITA-ALARB Joint Conference on International Arbitration

Conference Co-Chairs

Andrés Jana,
ITA Americas Initiative
Chair and ALARB Vice
Chair, Bofill Mir & Álvarez
Jana, Santiago

Eduardo Zuleta,
ALARB President and
ITA Vice Chair, Zuleta
Abogados Asociados,
Bogotá

Supported by **Santiago Arbitration and Mediation Center (CAM Santiago) of the Santiago Chamber of Commerce, ICC International Court of Arbitration - Chile and Colegio de Abogados de Chile**

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Disputes related to natural resources have increased substantially and represent a significant percentage of international arbitrations today. This is particularly true for the Latin American Region. Disputes range from investment disputes for expropriation or other alleged violations of international treaties in extractive industries to commercial disputes on JOAs and association agreements. These disputes present particular features reflected in different aspects of the case, including among others damages assessment, the role of local communities, environmental concerns, and policy issues that arise in the overall relationship between private parties, public entities, and the state. Industry and arbitration experts will address these issues and others that are specific to investment and commercial arbitration involving natural resources.

THURSDAY, MAY 3

**2:00-3:00 ITA Americas Initiative /
ITAFOR Luncheon Meeting**

3:00 Registration

**4:00 Welcome and Introduction to the
Joint Conference**

- **Abby Cohen Smutny**, ITA Chair, White & Case, Washington, DC
- **Eduardo Zuleta**, ALARB President, Zuleta Abogados Asociados, Bogotá

YOUNG LAWYERS ROUNDTABLE

Presented by

ALARB Comité de Jóvenes Profesionales en el Arbitraje
Young ITA

4:10 Environmental Disputes in International Arbitration

The speakers will address the impact that environmental disputes with the community and changes in environmental regulations may have on commercial and investment arbitrations. The panelists will discuss among other issues how to cope with the public relations and social considerations, the applicability of “uniform” environmental standards, and recent developments in the region.

Moderator:

- **Maria Inés Corra**, M&M Bomchil Abogados, Buenos Aires

Panelists:

- **Soledad Díaz**, Ferrere, Montevideo
- **Ben Love**, Freshfields Bruckhaus Deringer, New York

SCHEDULE

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Freshfields Bruckhaus Deringer

5:10 Coffee Break >

5:30 Annulment of Awards

Decades ago, the annulment of awards was considered a side effect of the “growing pains” in a relatively young area of law. As arbitration is becoming more mature, cases are argued and decided by sophisticated, specialized practitioners and arbitrators. Yet, decisions by well-respected arbitrators are still annulled. What causes annulment committees and courts to annul an award? Are there any common trends in the region? Are awards under a higher scrutiny?

Moderator:

- **Alegría Jijón-Andrade**, Pérez Bustamante & Ponce, Quito

Panelists:

- **Valeria Galíndez**, Valença Galíndez, São Paulo
- **Ignacio Minorini Lima**, Bruchou, Fernández Madero & Lombardi, Buenos Aires
- **José María de la Jara**, Bullard Falla Ezcurra +, Lima

6:30-7:30 Welcome Reception >

Sponsored by: **GARRIGUES** **PELEGRINI & CIA** **GRUPO VIAL SERRANO**
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8:00 Conference Dinner at Oporto Steak Bar (optional) >

Please indicate on the registration form if you wish to attend. Ticket price: \$75 USD per person.

FRIDAY, MAY 4

7:45 ALARB Annual Meeting

8:45 Welcome Back

- **Sergio Urrejola Monckeberg**, President, Centro de Arbitraje y Mediación Santiago (CAM), Santiago
- **Andrés Jana**, ITA Americas Initiative Chair, Bofill Mir & Álvarez Jana, Santiago

9:00 Keynote Address: Framing the Issues

From private disputes to indigenous issues to regulatory issues to expropriation, the range of possible energy disputes arbitrated in Latin America is broad and the scope of possible remedies intriguing. This introduction will set the stage for a wide array of presentations from practitioners expert in these areas throughout the Americas.

- **Doak Bishop**, King & Spalding, Houston

9:30 Relevant Issues in International Commercial Arbitration

A view from the perspective of the arbitral institutions, arbitrators, counsel and the industry on the issues at stake in international commercial arbitration related to natural resources.

Moderator:

- **Deva Villanua**, Armesto & Asociados, Madrid

Panelists:

- **Ana Serra e Moura**, Deputy Secretary General, ICC International Court of Arbitration, Paris
- **João Bosco Lee**, Lee Taube Gabardo, Curitiba
- **Mónica Jiménez González**, Secretary General, Ecopetrol S.A., Bogotá

11:00 Coffee Break >

11:30 Relevant Issues in Investor State Arbitration

A view from the perspective of the arbitral institutions, arbitrators, counsel and the industry on the issues at stake in investment cases involving natural resources.

Moderator:

- **José Emilio Nunes Pinto**, José Emilio Nunes Pinto Advogados, São Paulo

Panelists:

- **Martin Doe Rodríguez**, Senior Legal Counsel, Permanent Court of Arbitration, The Hague
- **Ignacio Suarez Anzorena**, Clifford Chance LLP, Washington, D.C.
- **Abby Cohen Smutny**, White & Case LLP, Washington, D.C.
- **Mairée Urain-Bidegain**, Team Leader/Legal Counsel, International Centre for Settlement of Investment Disputes (ICSID), Washington, D.C.

1:00 Conference Luncheon >

2:15 Oral History Interview

This interview is the latest in a series organized by the ITA Academic Council to record the evolution of modern international arbitration in the words of those who have led it.

A Conversation with

Yves Derain

Derains & Gharavi, Paris

With

Eduardo Zuleta

President, Asociación Latinoamericana de Arbitraje (ALARB)

Vice Chair, Institute for Transnational Arbitration

Zuleta Abogados Asociados, Bogotá

3:00 Coffee Break >

3:15 Mock: Cross-Examination of a Damages Expert

What is the role of damage experts? Assist the Tribunal? Support the case of the party? Both? How should an expert be cross-examined? Leading practitioners and experts will conduct a live hearing session devoted to the cross examination of an expert.

- Counsel for Claimant: **Rafael Llano**, White & Case LLP, Mexico City
- Counsel for Defendant: **Dietmar Prager**, Debevoise & Plimpton, New York
- Expert: **Pablo T. Spiller**, University of California, Berkeley, and Compass Lexecon, New York
- Tribunal Chair: **Guido Tawil**, M. & M. Bomchil and Univ. of Buenos Aires
- Claimant-Appointed Arbitrator: **Deva Villanua**, Armesto & Asociados, Madrid
- Respondent-Appointed Arbitrator: **Christian Albanesi**, Linklaters, Paris

Panel Discussion

Audience Q&A

4:15 Coffee Break >

4:45 Future Perspectives and Proposals

Looking in to the future. Will arbitration remain as we know it today?

Moderator:

- **Macarena Letelier Velasco**, Secretary General, Centro de Arbitraje y Mediación Santiago (CAM), Santiago

Panelists:

- **David Arias**, Arias SLP, Madrid
- **Eduardo Silva Romero**, Dechert LLP, Paris

6:15 Closing Remarks

- **Eduardo Zuleta**, ALARB President, Zuleta Abogados Asociados, Bogotá



Institute for
**TRANSNATIONAL
ARBITRATION**

Established in 1986 as part of The Center for American and International Law (CAIL), ITA provides advanced education for arbitrators, advocates, judges, business executives, government officials and other professionals concerned with transnational arbitration of commercial and investment disputes. Through its programs, scholarly publications and membership activities, led by many of the top global experts and supported by many of the world's most actively engaged corporations, law firms and individual practitioners, ITA has become an important global forum on contemporary issues in the field of transnational arbitration.

For more information, visit cailaw.org/ita.



ALARB was created in 2010 by a group of practitioners dedicated to international arbitration in Latin America. United by the conviction that arbitration is one of the most adequate methods for resolving international disputes involving Latin American parties or interests, this group decided to create ALARB as a forum for the free exchange of ideas, knowledge, and initiatives regarding the development of international arbitration.

For more information, visit www.alarb.org.

REGISTRATION

1ST ITA-ALARB JOINT CONFERENCE ON INTERNATIONAL ARBITRATION

May 3-4, 2018

The Ritz-Carlton Hotel, Santiago • Santiago, Chile

Registration includes the Conference and course materials. All prices are in US dollars.

Check applicable box:	Received by 4/18/18	Received after 4/18/18
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- \$0 - I will attend the ITA Americas Initiative / ITAFOR Meeting on May 3.
- \$75 - I will attend the Conference Dinner on May 3.
- \$75 - I wish to bring a guest to the Conference Dinner on May 3.**
- \$0 - I will attend the ALARB Annual Meeting on May 4.

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GENERAL INFORMATION

CANCELLATION POLICY: Tuition less a \$50 cancellation fee will be refunded upon receipt of written cancellation received by April 18, 2018. Email kjohnson@cailaw.org. After this date, no refunds, but substitution of attendees for this program will be permitted. Registrants not entitled to a refund will receive the course materials.

NONDISCRIMINATION POLICY: The Center for American and International Law does not discriminate on the basis of race, color, sex, religion, national origin, age, disability, veteran status or any other protected status in educational activities, scholarship programs or admissions.

HOTEL INFORMATION: The cost of housing is not included in tuition. However, rooms (in limited number) have been reserved at the Ritz-Carlton Santiago Hotel, El Alcalde 15, El Golf, Las Condes, Santiago, Chile. To get this very special rate, you must make your reservations [online](#). The last day to obtain this special rate is April 18, 2018 or until the room block is exhausted, whichever comes first, so make your hotel reservations promptly.

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1st ITA-ALARB Joint Conference on International Energy Arbitration

May 3-4, 2018

The Ritz-Carlton Hotel, Santiago
Santiago, Chile

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