

CIS Arbitration Forum

Russia- and CIS-related International Dispute Resolution



CONFERENCE

CIS-related Disputes: Treaties, Sanctions, Compliance and Enforcement

25-26 May 2021

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CIS-related Disputes: Treaties, Sanctions, Compliance and Enforcement

Overview

On 25-26 May 2021, **CIS Arbitration Forum** will bring together leading practitioners, academics and arbitrators to discuss some of the most challenging problems which lawyers face in disputes related to Russia, Ukraine, Kazakhstan and other countries of the CIS region.

Four panels will feature recognised experts presenting their views and answering questions from the audience.

The conference is an opportunity to stay on top of the most recent developments related to the region, to establish new connections and demonstrate expertise.

Topics discussed

The first panel will feature practitioners from several jurisdictions who will give an update on the most recent legislative changes and trends related to commercial and investor-state arbitration and court practice involving foreign parties.

The second panel will examine Soviet and intra-CIS BITs, an often unexplored opportunity which the parties are increasingly using to establish jurisdiction of tribunals.

The topics discussed will include the application of Soviet BITs to former Soviet Republics, arbitration under Eurasian Economic Community treaties, the applicability of the Energy Charter Treaty to intra-CIS disputes.

The third panel will discuss law and practice related to the enforcement of foreign arbitral awards and judgments in key jurisdictions.

The fourth panel will focus on sanctions how they affect dispute resolution in international arbitration and domestic proceedings.



25 May 2021

ALL TIMES BRITISH SUMMER TIME (LONDON, UK)

9:00 - 09:15 **Introductory remarks**

Prof Yarik Kryvoi, CIS Arbitration Forum and British Institute of International and Comparative Law (BIICL), London

Dr Dmitry Davydenko, CIS Arbitration Forum and MGIMO University, Moscow

9:15 - 09:45 **Keynote 1 followed by Q&A**

What makes CIS-related disputes different?

Baiju Vasani, Ivanyan and Partners, London and Moscow

9:45 - 11:15 **Panel 1. Recent developments in commercial and investment arbitration in the region**

Chair: Prof Yarik Kryvoi, CIS Arbitration Forum and BIICL, London

- **Armenia** - Sargis Grigoryan, GPartners Law, Yerevan
- **Kazakhstan** - Bakhyt Tukulov, Tukulov & Kassilgov Litigation, Almaty
- **Russia** - Konstantin Kroll, Dentons, Moscow
- **Ukraine** - Olena Perepelinska, Integrates, Kyiv
- **Uzbekistan** - Elijah Putilin, Putilin Dispute Management, Moscow

11:15 - 11:30 **Networking and marketing break with shared space**

11:30 - 13:00 **Panel 2. Soviet and intra-CIS BITs: an unexplored opportunity**

Chair: Prof Kaj Hobér, Uppsala University, Uppsala

- **CIS-related disputes under the Energy Charter Treaty**
Yuriy Pochtovyk, Energy Charter Treaty Secretariat, Brussels
- **Application of Soviet BITs to former Soviet republics**
Evgeniya Rubinina, Enyo Law, London
- **Definition of “investor” in Soviet BITs**
Ekaterina Grivnova, Allen & Overy, Paris



26 May 2021

ALL TIMES BRITISH SUMMER TIME (LONDON, UK)

9:15 - 09:45 **Keynote 2 followed by Q&A**

Russia's accession to the Hague Convention on Recognition and Enforcement of Foreign Judgments -
Ekaterina Kudelich, Ministry of Justice of the Russian Federation, Moscow

9:45 - 11:15 **Panel 3. Enforcement of foreign judgments and arbitral awards in the region**

Chair: Prof Islambek Rustambekov, Tashkent State University of Law, Tashkent

- **Enforcement of foreign arbitral awards and judgments in the CIS**
An in-house counsel perspective - Maria Gritsenko, VEON, Amsterdam
- **Enforcement of foreign judgments and arbitral awards: current trends in Russia**
Dmitry Davydenko, CIS Arbitration Forum & MGIMO University, Moscow
- **Enforcing arbitral awards in the British Virgin Islands**
Richard Brown, Carey Olsen, London & British Virgin Islands
- **Third-party funding of disputes in Russia and the CIS States and enforcement**
A funder's perspective - Jakob Huebert, Nivalion AG, Frankfurt

11:15 - 11:30 **Networking and marketing break with shared space**

11:30 - 13:00 **Panel 4. Sanctions and compliance: a narrow passage**

Chair: Noah Rubins QC, Freshfields Bruckhaus Deringer, Paris

- **Overview of sanctions regimes and their impact on the law governing contracts**
Viktor Rykov, Nexign, St Petersburg
- **Life after sanctions: Russian parties in search of a new arbitration forum**
Ays Lidzhanova, Egorov Puginsky Afanasiev & Partners, St Petersburg
- **Sanctions and access to justice: a discussion of recent legislation and case law in the UK and Russia**
Ben Wells, CANDEY, London

13:00 - 13:15 **Closing remarks**

Speaker biographies



Richard Brown

CAREY OLSEN, LONDON AND BRITISH VIRGIN ISLANDS

Richard is a partner practising BVI law from Carey Olsen's London office. Richard's practise encompasses all aspects of BVI commercial disputes, but with a focus on insolvency, fraud and asset recovery, shareholder disputes and contentious trust matters.

Richard has particular experience of obtaining interlocutory relief such as freezing injunctions and Norwich Pharmacal orders, often in support of foreign court proceedings or arbitrations.

Richard's location in London enables him to advise clients in the EMEA region in a convenient time zone, and he works closely with the BVI-based litigation team to provide a seamless service to clients.

Richard is a solicitor advocate and has successfully represented clients as advocate in matters before both the BVI Commercial Court and the Eastern Caribbean Court of Appeal.



Dmitry Davydenko

CIS ARBITRATION FORUM & MGIMO UNIVERSITY, MOSCOW

Dmitry Davydenko has experience as an arbitrator in the ICC and other arbitral proceedings and is listed as a recommended arbitrator of the International Commercial Arbitration Court, Maritime Arbitration Commission at the Russian Chamber of Commerce and Industry, and other reputed arbitral institutions.

Executive Secretary of the Expert Council under the ICC Russia Commission on Arbitration. Included in the list of best practitioners in arbitration in Russia as of the years 2017 – 2020 by Who's Who Legal and Global Arbitration Review (GAR).

He also acts as a Russian law expert on various matters related to international commerce.



Sargis Grigoryan

GPARTNERS LAW, YEREVAN

Sargis Grigoryan, as an Armenian - and English-qualified, Russian-speaking lawyer, has represented clients in nearly 50 arbitrations under ICSID, ICC, LCIA and UNCITRAL rules, including investment treaty disputes.

He also frequently advises clients in court proceedings and has particular experience in matters involving enforcement of arbitral awards in the CIS. His particular expertise has been in energy related disputes, involving parties from the CIS, and on shareholders' disputes.

Sargis Grigoryan has extensive experience giving evidence in foreign courts and arbitral proceedings as an Armenian law expert. He has been consistently recognized in Chamber & Partners.



Maria Gritsenko

VEON, AMSTERDAM

Maria Gritsenko is Associate General Counsel - Litigation at the Amsterdam Headquarters of VEON, a global telecommunications company operating in emerging markets.

She is also Interim Head of Legal for one of the operating companies of VEON Group, a telecom operator in Kyrgyzstan. In her role at the Headquarters Maria is involved in the assessment of legal risks and legal exposure; and she manages major disputes across the Group (international commercial and investment arbitrations as well as court proceedings).

Prior to joining VEON, Maria spent ten years with leading dispute resolution practices in London. She obtained her law degrees in France (Master In Public International law, University of Paris II) and the US (LL.M., University of Michigan). She is a member of the New York Bar and a solicitor-advocate in England & Wales.



Ekaterina Grivnova

ALLEN & OVERY, PARIS

Ekaterina is a lawyer with Allen & Overy Paris office. She has experience advising on commercial and investment arbitration cases from a broad spectrum of sectors conducted under various arbitration rules.

Ekaterina also pursues her PhD degree at Sorbonne Law School drafting her thesis on Inadmissibility of Claims in International Arbitration. She teaches International Arbitration and Comparative Law at Paris Bar School and University of Versailles.

Ekaterina is an Editorial Board Member of Arbitration.ru, arbitration journal in English and Russian by Russian Arbitration Association, and a co-chair of Paris Very Young Arbitration Practitioners (PVYAP).



Prof Kaj Hobér

UPPSALA UNIVERSITY, UPPSALA

Kaj Hobér has acted as counsel to numerous corporations and governmental agencies in general commercial and corporate law matters throughout his professional career.

Kaj is also widely regarded as an arbitrator and has been appointed to panels of large scale arbitral disputes in more than 200 international arbitrations, commercial as well as treaty based, (including many chairmanships) across a variety of tribunals which include the SCC, ICC, ICISD and the LCIA, amongst others.

During the early 1990's Kaj was deeply involved in privatization matters in Eastern Europe, primarily in the Russian Federation and the Baltic States.

Since 2016, Kaj has been Chairperson of the board of the Arbitration Institute of the Stockholm Chamber of Commerce. He was the resident managing partner of Mannheimer Swartling's in Moscow between 1997 and 2000.



Jakob Huebert

NIVALION AG, FRANKFURT

Jakob Hübert is Senior Case Manager and heads the Frankfurt office of Nivalion, a Swiss Third-Party Funder active in Continental Europe, Asia and the Americas. Before joining Nivalion, Jakob worked for almost a decade as a lawyer in the area of litigation and arbitration in several US law firms in Germany with a focus on clients from the US, Germany and Russia/CIS. Jakob is admitted as a lawyer in Germany.

In addition to a law degree from the University of Frankfurt, he also holds a degree from the University of London (LL.M.). He speaks German, English and Russian.



Konstantin Kroll

DENTONS

Konstantin Kroll is a partner at Dentons International Arbitration practice and the head of Russian Corporate and M&A practice. He has over two decades of experience advising corporate clients and financial institutions on complex cross-border transactions in Russia and the broader CIS.

Konstantin is triple qualified as a Russian advocate, solicitor of Senior Courts of England and Wales, and Irish solicitor (non-practicing). He is a fellow (FCIArb) of the Chartered Institute of Arbitrators (CIArb) in London and a Vice President of the Russian Chapter of CIArb European Branch, a member of the ICC Russia Commission on Arbitration and ICC Russia recommended arbitrator, an accredited arbitrator at the Russian Arbitration Center at the RIMA and the Arbitration Center at the RSPP (International and Investment Disputes Panel).

Konstantin is a visiting lecturer at Moscow State University, the Higher School of Economics and the Russian Presidential Academy of National Economy and Public Administration.



Prof Yarik Kryvoi

BRITISH INSTITUTE OF INTERNATIONAL AND COMPARATIVE LAW, LONDON

Professor Kryvoi is Director of the Investment Treaty Forum at the British Institute of International and Comparative Law. Before moving to academia, he practiced law with Freshfields Bruckhaus Deringer in London, Morgan Lewis & Bockius in Washington, DC and Baker & McKenzie in Saint Petersburg.

Professor Kryvoi holds law degrees from Harvard, Nottingham, Moscow and St Petersburg. He is currently engaged in a number of law reform and capacity building projects in Asia and is listed as arbitrator by several institutions, including Hong Kong International Arbitration Centre, Asian International Arbitration Centre and Shenzhen Court of International Arbitration.



Ekaterina Kudelich

MINISTRY OF JUSTICE OF THE RUSSIAN FEDERATION, MOSCOW

Ekaterina Kudelich is the acting Director of International Law and Cooperation Department in the Ministry of Justice of the Russian Federation and she is charge of various aspects of public and private international law, legal assistance in civil and criminal matters, representation of the Russian Federation in international (such as Court of Eurasian Economic Union), foreign courts and international arbitrations.

Ekaterina has more than 13 years experience in judiciary. She was deputy Director of International law and Cooperation Department in the Supreme Commercial (Arbitrazh) Court of the Russian Federation and after that - head of analytical division in the IP Court.



Ays Lidzhanova

EGOROV PUGINSKY AFANASIEV & PARTNERS, ST PETERSBURG

Ays is a Senior Associate at Egorov Puginsky Afanasiev & Partners. Ays has an extensive experience in representing global corporations as well as UHNWIs in international arbitration (ICC, LCIA, SCC, ICAC, ad hoc under UNCITRAL Arbitration Rules) and complex multijurisdictional proceedings globally (including the UK, USA, France, Sweden, Cyprus, BVI). Her industry experience spans oil and gas, banking and finance, transportation and airlines, infrastructure, and construction among others. Ays is recognised by Best Lawyers in Arbitration and Mediation, Litigation, Insolvency and Reorganisation Law.

Ays is a member of the International Insolvency Institute NextGen Program, Thought Leaders for FIRE, Asset Recovery NextGen, and YSIAC.

Ays is recognised by Best Lawyers in litigation, arbitration and mediation, insolvency and reorganization.



Olena Perepelynska

INTEGRITES

Olena Perepelynska is a Partner and Head of the CIS Arbitration Practice at INTEGRITES. She has acted as counsel in about 90 arbitrations under the Arbitration Rules of the ICC, SCC, LCIA, SCAI, ICAC and MAC at UCCI, ICAC at CCIRF, GAFTA, FOSFA, LMAA, UNCITRAL and others. She has also acted as arbitrator in about 50 arbitrations seated in Almaty, Bishkek, Kyiv, London, Minsk, Paris and Stockholm.

Olena Perepelynska is President of the Ukrainian Arbitration Association, Member of the ICC International Court of Arbitration in Paris, Member of the TIAC Court of Arbitration, Board Member of the Arbitration Court “Chamber of Arbitrators” in Minsk and Member of the Global Steering Committee of the ERA-PLEDGE.



Yuriy Pochtovyk

ENERGY CHARTER TREATY SECRETARIAT, BRUSSELS

Yuriy Pochtovyk (LLB, LLM) joined the Energy Chartered Secretariat, a permanent support body under the Energy Charter Treaty (ECT), in 2018.

In his current role as Junior Legal Assistant, he provides legal support to the Energy Charter Conference, its subsidiary bodies, and the Secretariat’s Conflict Resolution Centre. Yuriy’s specialisation is international law, investment policy and investor-State dispute settlement.

Yuriy is involved in overseeing investor-State disputes under the ECT and is a member of the Secretariat’s core team assisting in the ongoing negotiations of the modernisation of the Treaty.

Based in Moscow, Dr Davydenko is the Director and a co-editor of the CIS Arbitration Forum. He is an associate professor at the Moscow State Institute of International Relations (MGIMO University), Department of Private International and Civil Law, and Higher School of Economics.



Elijah Putilin

PUTILIN DISPUTE MANAGEMENT

Elijah Putilin is an Adjunct Professor of International Dispute Resolution at several universities in Central and South-East Asia and a founder of Putilin Dispute Management (PDM), a dispute resolution and public international law practice. Mr Putilin represented and advised clients in over a hundred disputes before SCAI, SCC, LCIA, ICC, ICDR and ICAC (Russia) tribunals, foreign and domestic courts of all levels, including the RF Supreme Courts, and international trade tribunals.

In addition to his counsel work, Mr Putilin regularly sits as an arbitrator and acts as an expert consultant on arbitration reforms in Central and South-East Asia. Mr Putilin is a Member of the Tashkent International Arbitration Center's Court of Arbitration and a Fellow of the Chartered Institute of Arbitrators.



Evgeniya Rubinina

ENYO LAW, LONDON

Evgeniya Rubinina is a partner at Enyo Law LLP specialising in international commercial and investment arbitration. She has acted as advocate in international commercial disputes under LCIA, ICC and SCC rules and has represented both investors and states in investment treaty cases. She has been included in the Legal 500 International Arbitration Powerlist UK, and is recognised by Legal 500 as a 'Next Generation Lawyer' and by Who's Who Legal as a 'Future Leader', both in international arbitration.

In addition to being admitted to practise in England & Wales as a solicitor-advocate, Evgeniya is admitted in New York and Russia.

Evgeniya joined Enyo Law after ten years at Freshfields in Paris and London. She has also worked for the World Bank Group's International Centre for Settlement of Investment Disputes and the Permanent Court of Arbitration in The Hague. Evgeniya holds degrees from the Moscow State Institute of International Relations (MGIMO-University) (bachelor and specialist), the University of Oxford (MJur and MPhil in Law) and Harvard Law School (LLM). She speaks English, French and Russian.



Noah Rubins QC

FRESHFIELDS BRUCKHAUS DERINGER, PARIS

Noah Rubins QC is the head of the international arbitration group at Freshfields Bruckhaus Deringer's Paris office and also leads the firm's CIS/Russia Dispute Resolution Group. Noah has advised and represented clients in arbitrations under ICSID, ICSID Additional Facility, ICC, AAA, SCC, LCIA, ICAC, and UNCITRAL rules.

He specialises in investment arbitration, particularly under the auspices of bilateral investment treaties and the Energy Charter Treaty and has also practiced law in New York, Washington, Houston, and Istanbul. He has served as arbitrator in over 40 cases, including two investment treaty disputes adjudicated under the UNCITRAL Rules and one under the ICSID Rules.

Noah has published widely in the field of arbitration and is a frequent conference speaker. His publications include *Investor-State Arbitration* (2nd edition, with D. Wallace and B. Sabahi) and *International Investment, Political Risk and Dispute Resolution: A Practitioner's Guide* (2nd edition, with T. Nektarios Papanastasiou and S. Kinsella).



Prof Islambek Rustambekov

TASHKENT STATE UNIVERSITY OF LAW, TASHKENT

Vice-Rector of the Tashkent State University of Law, Doctor of Law, Professor of the Private International Law Department.

He specializes in private international law, international investment law, international commercial and investment arbitration, mediation, recognition and enforcement of decisions of foreign courts and arbitration awards.

He is designated member of the arbitration panel of the International Center for Settlement of Investment Disputes (ICSID) from the Republic of Uzbekistan. He is listed in the list of arbitrators of the Tashkent International Arbitration Centre (TIAC), Hong Kong International Arbitration Center (HKIAC), Ukrainian Arbitration Association (UAA), the Asian International Arbitration Center (AIAC), the Independent Arbitration Institute in Delos, and International Arbitration at the World Intellectual Property Organization (WIPO).



Viktor Rykov

NEXIGN, ST PETERSBURG

Supporting international projects of the Russian IT company supplying core software for the “Big three” telecom operators. Supervising international tenders with counterparties from Middle East, Africa and CIS, participating in sanctions compliance.

Involved in the IDR-related academic activities: publishing on sanctions and arbitration, coaching and arbitrating for the Vis Moots. LLM 2018 in Transcultural Business Law, Finland. PGDip 2020 with distinction in International Dispute Resolution, UK.



Bakhyt Tukulov

TUKULOV & KASSILGO LITIGATION

Bakhyt is consistently named among top Dispute Resolution lawyers in Kazakhstan according to Chambers & Partners. Chambers assigned Bakhyt with an individual rating. He is also recommended by Legal 500. Bakhyt’s practice primarily focuses on commercial litigation/arbitration and insolvency.

Bakhyt was involved in a large number of high-profile civil cases in Kazakhstan. He has significant experience acting as an arbitrator in Kazakhstan’s arbitration institutions. He acted as an expert and drafted expert opinions on numerous litigation and arbitration proceedings conducted in England, Cyprus, Germany, and Russia.

Bakhyt worked for eight years at Kazakhstan’s largest law firm, and led its Dispute Resolution Practice over the past five years. Earlier, Bakhyt worked for several years at SALANS (currently, Dentons Kazakhstan).



Baiju Vasani

IVANYAN AND PARTNERS, LONDON AND MOSCOW

For nearly 20 years, Baiju has focused exclusively on international arbitration matters. He has served as counsel and arbitrator (sole, wing, and chair) in international arbitrations involving ICSID, ICC, LCIA, ICDR, SIAC, HKIAC, UNCITRAL Rules, bilateral investment treaties (BITs), the Energy Charter Treaty, NAFTA, DR-CAFTA, and public international law. He has also advised states on the negotiation and drafting of investment treaties, and investors on the (re) structuring of their investments for maximum treaty protection consonant with tax and corporate governance strategies.

Baiju is a Senior Fellow of SOAS, University of London, a Fellow of the Chartered Institute of Arbitrators, and sits on the panel of several arbitral institutions, including ICSID.



Ben Wells

CANDEY, LONDON

Ben Wells is a Solicitor Advocate and a fluent Russian speaker. The majority of his work is focused on Russian-speaking clients.

Ben advises his clients on international arbitration and dispute resolution related to cross-border disputes. Ben has a particular focus on sanctions, contentious trusts, asset-tracing, enforcement and recovery. Ben also assists clients to decide contentious issues in relation to commercial contracts, trading, investments, banking, company and shareholder disputes, international civil fraud and matrimonial issues.

Ben is the chairman of RusFor a group that hosts conferences for its professional members. He is also an executive committee member of the British-Kazakh Law Association, holds rights of audience at the AIFC and is listed as an international arbitrator with the Russian Arbitration Centre and RSPP.

Ben writes articles which have been published in CIS Arbitration Forum and Arbitration.ru and is a guest lecturer the St Petersburg State University of Economics.