



SANCTIONS & LACK OF JURISDICTION

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Asters

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SANCTIONS: NOTION

- Sanctions are coercive measures imposed by the states or international organizations to persuade a target state ('sanctioned state') to change its policy/ comply with its international obligations.
- Samples:
 - Diplomatic measures;
 - Restrictive measures (assets freezing and visa bans);
 - Measures targeting sectoral cooperation (bans on cash and technology transfers; embargo on import & export of goods; funds/financing restrictions).

SANCTIONS and JURISDICTION

- Issues to consider when arbitrating sanction affected/related disputes:
 - **Public policy:**
sanctions as overriding mandatory rules vs. encouraging resolution of private disputes by means of arbitration.
 - **Sanctions application:**
part of governing law, overriding mandatory rules or elements of facts.
 - **Nullity of contracts vs. separability of agreement to arbitrate.**

SANCTIONS and OTHER RELATED ISSUES

- Other potential sanction-related effects on arbitration:
 - Seat or place of arbitration;
 - Nationality of arbitrators;
 - Nationality of legal counsels and location of law firm;
 - Enforceability of award.

- Diversification of arbitration services market (West vs. East).

CONCLUSIONS

- Sanctions do not affect jurisdiction of arbitral tribunal.
- Some “administrative” issues may arise while arbitrating disputes in sanctioning state.
- Sanctions may trigger diversification of arbitration services market.

Asters: Key Facts

- Founded in 1995, Asters is now among the leading law firms in Ukraine with one of the longest track records on the country's legal market.
- With 15 partners, 75 lawyers and over 100 employees, Asters is one of the largest and most capable Ukrainian law firms.
- The name Asters is derived from the Greek and Latin word for "stars" and inspired the firm's motto: "Reaching the stars for our clients".
- Asters is a long-standing member through corporate or individual membership of numerous professional associations, such as:



Anna Tkachova



- **Education:**

Institute of International Relations, Kyiv National Taras Shevchenko University, Master Degree, 2014

- **Professional career (2012 – present):**

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- **Professional experience:**

Ms. Tkachova primarily focuses on dispute resolution matters (international arbitration, commercial litigation). Anna also deals with various issues of international law, including investments protection.

- **Languages:**

Ukrainian, English, Russian.

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