



**British Institute of
International and
Comparative Law**

Event: 'Unlocking Investment in Ukraine - UK Ministry of Justice (MOJ) and the British Institute for International and Comparative Law (BIICL) Project'

Date: 24th April 2024

Place: Charles Clore House, 17 Russell Square, London WC1B 5JP

Format: Hybrid event (Offline and Online) |

Time: 9:00 – 18:30

Background: The aim of the project 'Unlocking Investment in Ukraine - UK Ministry of Justice (MOJ) and the British Institute for International and Comparative Law (BIICL)' is to inform key stakeholders on the advantages and options for, and provide recommendations and best practice on, enhancing dispute resolution mechanisms to encourage, support and protect commercial investment in Ukraine by fortifying dispute resolution options for investors.

Objectives of the round table meeting:

- Discuss issues facing business when investing in Ukraine
- Discuss the current challenges facing the Ukrainian judicial system
- Create a dialogue between the Ukrainian and UK judiciary, as well as governments, to assist with capacity building for the Ukrainian judiciary in dealing with commercial dispute resolution
- Outline best international practices of international dispute resolution
- Discuss project recommendations with an expert group of Ukrainian and UK senior officials, judges, experts and other stakeholders
- Discuss possible solutions suitable for implementation in Ukraine.

Programme

9:00 – 9:30 | Registration

9:30 – 9:50 | Opening remarks

Moderator: The Right Honourable Lord Neuberger of Abbotsbury, BIICL President, former President of the UK Supreme Court

- Welcome from The Right Honourable Lord Neuberger of Abbotsbury
- Remarks by Lord Chancellor and Secretary of State for Justice of the United Kingdom, the Rt Hon Alex Chalk KC MP
- Remarks by Iryna Mudra, Deputy Head of the Presidential Office (Online)
- Remarks by Denys Maliuska, Minister of Justice of Ukraine (Online)

9:50 – 10:20 | Overview of the project recommendations and outline of the issues for discussion

Moderator: Spyros Maniatis, Director BIICL

Speakers:

- Maria Tymofienko, Project Lead and Head of Projects, Ukraine International Law Response, BIICL
- Helen Dodds, OSTJ, International Expert and Honorary Senior Fellow, BIICL

10:20 – 11:00 | Perspective from Business and State

Views from business on the main issues facing those investing in Ukraine from the rule of law perspective, and possible solutions to address these issues. This discussion will be joined by senior representatives from Ukraine who will comment on steps Ukraine is taking to address investor concerns.

Moderator: Helen Dodds, OSTJ, International Expert and Honorary Senior Fellow, BIICL

Speakers:

- James Hart, Partner, Hilmont Partners
- Roman Waschuk, Business Ombudsman and Former Canadian Ambassador to Ukraine (Online)
- Iaroslava Savastieieva, Deputy Director, Operations, European Business Association (Online)
- Response from Denys Maslov MP, Head of the Parliamentary Committee on Legal Policy of the Verkhovna Rada

11:00 – 11:30 | Q&A

11:30 – 11: 50| Coffee break

11:50 – 12:30 | Dispute resolution in Ukraine: *status quo* and main challenges

This session will include a discussion on available commercial dispute resolution mechanisms in Ukraine, identifying any gaps and required improvements, including the capacity of the courts and access to arbitration. This panel will be joined by representatives of Ukrainian judiciary and practitioners.

Moderator: Professor Tetyana Antsupova, former Supreme Court Judge of Ukraine

Speakers:

- Olena Kibenko, Judge of the Supreme Court, Ukraine
- Konstantin Pilkov, Judge of the Supreme Court, Ukraine
- Ivan Mishchenko, Judge of the Supreme Court, Ukraine
- Tetiana Ohnevyuk, Dobrosud (Online)
- Olga Shenk, Partner, CMS Cameron McKenna LLC (Online)

12:30 – 13:00 Q&A

13:00 – 14:30 | Lunch

14:30 – 15:10 | International experience and best practice

Discussion of international experience and best practices of commercial dispute resolution, particularly focussing on the role of English law, international arbitration centres and international investment courts.

Moderator: The Rt. Hon. Lord Neuberger of Abbotsbury

Speakers:

- Sir Robin Knowles CBE, Judge of the High Court of England & Wales
- Andrew Oldland KC, Partner, Michelmores, and member of the Legal Advisory Council to the Astana International Financial Centre and leading specialist in AIFC law

- The Rt. Hon. Dame Elizabeth Gloster, a former Judge of the Court of Appeal of England and Wales and Vice-President of the Civil Division of the High Court of England & Wales, acting Judge of ADGM Courts
- Jonathan Wood, President of the Chartered Institute of Arbitrators, Chair of the London Chamber of Arbitration and Mediation, Chair of International arbitration at Reynolds Porter Chamberlain

15:10 – 15:40 | Q&A

15:40 – 16:00 | Coffee break

16:00 – 16:40 | Big ideas and potential solutions for Ukraine

Exploration of various scenarios and solutions and their potential impact. Feasibility and practicality of proposed solutions.

Moderator: Maria Tymofienko

Speakers:

- Lord Thomas of Cwmgiedd, former Lord Chief Justice of England & Wales, President of the Qatar International Court
- Jason McCue, Senior Partner, Jason McCue Jury and Partners
- Timur Khromayev, Former Chairman of the National Securities and Stock Market Commission (NSSMC) (Online)
- Andrii Nyzhnyi, Senior Partner at Hillmont Partners
- Dr Olena Orliuk – Director, Ukrainian National IP Office (Online)
- Response from Sergii Ionushas MP, Head of Law Enforcement Committee of the Verkhovna Rada (Online)

16:40 – 17:00 | Q&A

17:00 – 17:30 | Closing remarks

- Remarks by Mike Freer MP, Parliamentary Under Secretary of State for the Ministry of Justice
- Remarks by Mr Eduard Fesko, Charge D’Affairs, the Embassy of Ukraine in the United Kingdom of Great Britain and Northern Ireland

Drinks Reception 17:30 – 18:30