

Fall Conference 2022 Sanctions and Their Impact on International Arbitration

Economic sanctions have an important impact on trade and financial relations. As both international transactions and economic sanctions proliferate, the number and variety of situations in which sanctions affect international contracts is constantly growing. As a consequence, the number of arbitration proceedings involving sanction issues and/or in which arbitral tribunals are called to rule on disputes arising from the effects of the sanctions is also growing exponentially. This conference explores substantive and practical questions that typically arise in the context of arbitration proceedings involving sanction issues and with which all arbitration practitioners should be familiar.

Friday 16 September 2022
Bern
12:15 - 17:00 CET

Conference Co-Chairs

Andrea Meier and Pierre-Yves Gunter

Programme

Time	Topic	Panelists
12:15- 13:20	<i>Lunch</i>	
13:20 - 13:30	Welcome Address	Pierre-Yves Gunter, Partner, Bär & Karrer Andrea Meier, Partner, Walder Wyss
13:30 - 15:00	PANEL 1: Economic Sanctions and International Arbitration Challenges at the Crossroads Between Political Strategy and Dispute Resolution Impact of Sanctions on the Administration of Arbitration Proceedings: The Perspective of the Institution International Sanctions and Their Implementation in Switzerland	Mercédeh Azeredo da Silveira Partner, AZHA Avocats Emmanuel Jolivet, General Counsel, International Chamber of Commerce Gilles Simon SECO, Bilateral Economic Relations, Sanctions sector
15:00 - 15:30	<i>Coffee Break</i>	
15:30 - 16:50	PANEL 2: Discussion of New and Recurring Sanction-Related Issues that Impact or Disrupt Arbitration Proceedings Topics include: Sanctions affecting a party's ability to pay the advance on costs or counsel's representation of its sanctions-listed client Sanctions applicable to a parent company, non-party to the arbitration, and sanctions applicable pursuant to a group policy Conflict between sanctions and counter-measures enacted by the seat prohibiting compliance with the sanctions The arbitrator's risk of being guilty of aiding and abetting money laundering if ordering the performance of an obligation notwithstanding the applicable sanctions regulations Prospects for a treaty claim by persons targeted by unilateral sanctions Binding effect of interpretative positions issued by the government of the State enacting the sanctions or by court decisions on those sanctions?	Georges Affaki (Moderator) Partner, AFFAKI Ina C. Popova Partner, Debevoise & Plimpton Nathalie Voser Partner, rothorn legal Homayoon Arfazadeh Partner, Python Xavier Favre-Bulle Partner, Lenz & Staehelin
16:50 - 17:00	Concluding remarks	Felix Dasser, ASA President and Partner, Homburger
17:00	<i>Cocktail</i>	