

# Kluwer Arbitration Blog

## 2022 Year in Review: “Wake Up, The War Has Begun”

Oksana Karel, Daryna Hrebeniuk (Hogan Lovells) · Wednesday, January 18th, 2023

On 24 February 2022, people in Ukraine woke up at approximately the same time. There was no coffee or kisses from the loved ones. There were explosions. Bombs being dropped on heads of Ukrainians. Missiles destroying Ukrainian cities and taking people’s lives. Each Ukrainian will always remember his or her “Wake up, the War has begun”. Each Ukrainian will never forget that early morning.

What followed? Many went into the military service. Many started volunteering. A lot of people fled their homes with single small backpacks on their shoulders containing all their lives.

What united all Ukrainians was that on that horrid 24 February the time stopped.

Usual work stopped. Usual education stopped. Usual leisure and hobbies stopped. The routine issues that bothered people the previous day did not exist anymore.

Law firms in Ukraine mostly went into remote work, but effectively [for many firms this was a stoppage of usual work](#) as their employees were either evacuating into safer places, oftentimes abroad, or in the bomb shelters with little to no internet connection. Many employees began volunteering or went into army service.

### **The Impact of the First Weeks of The Full-Scale Invasion for Arbitration in Ukraine**

Needless to say, arbitration in Ukraine for the most part stopped as well.

In the first weeks of the full-scale invasion, pending arbitration cases in which Ukraine and Ukrainian state entities were parties – commercial and investment alike – were suspended. There was likely only one exception to such suspensions or cessations: cases where Russia or Russian companies were respondents.

To the best of our knowledge, arbitration proceedings in which Ukrainian businesses were parties followed the same path. Under Russian missile attacks and shelling, pending dispute resolution simply disappeared from the agenda.

On 24 February 2022, due to the declaration of martial law in Ukraine, two Ukrainian arbitration institutions – the International Commercial Arbitration Court (“*the ICAC*”) and the Maritime

Arbitration Commission (“*the UMAC*”) at the Ukrainian Chamber of Commerce and Industry [suspended operations until further notice](#). Moreover, the ICAC and the UMAC [expelled](#) Russian and Belorussian arbitrators from the recommendatory lists of arbitrators.

The Ukrainian Arbitration Association [joined the urgent call for action](#) and the appeal of Ukrainian lawyers to the international community to prevent the genocide of Ukrainians by Russia.

### **Global Stand and Response of International Arbitration Community**

Since the first weeks of the war, Ukraine and Ukrainian people received unprecedented support from the international community. The borders of Ukraine’s neighbouring states were flooded with volunteers providing food and water, sanitation, places to get warm and to sleep, shuttles to various parts all around Europe and beyond. Ukrainian people were welcomed like family and supported like best friends.

Both individual law firms and global professional networks issued multiple guides and launched support centres to [provide legal advice to Ukrainians abroad](#). They covered various matters starting from crossing the border without a passport and getting registered in the hosting country and ending with opening bank accounts and obtaining medical treatment.

The international arbitration community was not an exception – the contribution of arbitration practitioners, and in particular female arbitration practitioners, was tremendous. One of the remarkable initiatives which started from and still continues with immense involvement of international arbitration community is [United For Ukraine](#), initially launched as an emergency relief platform a few days after the outbreak of the full-scale war. It aimed to address the housing and legal advice needs of Ukrainians fleeing the war and seeking shelter outside Ukraine. Gradually, the platform grew to cover a wide variety of needs of Ukrainians. This includes information, organisational and financial support in immigration, housing, education, employment, healthcare, childcare, pet care, and many others. The initiative ultimately grew into an NGO supported by Google, AirBnB, and International Rescue Committee, to name a few. It is incorporated in Switzerland, but its representatives and services are spread across more than 20 countries in Europe.

And of course, international and local law firms opened their doors for the Ukrainian legal practitioners, particularly international arbitration practices, which were already used to and ready to accommodate foreign-qualified lawyers. Law firms around the world opened numerous positions for Ukrainian lawyers, both in the format of temporary secondments as well as permanent employment or other arrangements. Many law firms combined employment offers with free accommodation. These opportunities were not limited in availability to experienced professionals only. Multiple, if not greater, opportunities opened to young lawyers and students who are only at the beginning of their professional careers.

[Safe Harbor 4 UA Students](#) is another initiative spearheaded by the international arbitration community. It came into existence in the first days of the war and started evacuating students within days. The initiative is open to Ukrainian law students that were former or current international moot court participants and whose studies were affected by the war. The initiative leveraged connections and access to a large network of law firms with arbitration practices to support Ukrainian law students in finding internships across Europe. The opportunities offered

varied from remote internships for those students who could not travel outside Ukraine (primarily male students who cannot leave Ukraine under the martial law) to on-site internship “packages” that included the internship opportunity itself combined with accommodation, travel logistics assistance, and remuneration to cover living expenses of the student. The initiative gained wide support with the internships offered by many law firms, companies and institutions, the [German Arbitration Institute \(DIS\)](#) being one of many.

Universities all over the world issued scholarships for Ukrainian students seeking to continue their studies, while the war in Ukraine disrupted them. Oxford launched its scholarship scheme for graduates displaced by the war in Ukraine in May 2022 – [the scheme received funding to continue](#) for the academic year 2023/24. The University of Pittsburgh School of Law instituted the [Ukrainian Legal Assistance Project](#), part of which included scholarships for Ukrainian law students to earn their LLM degree at the Centre for International Legal Education. Scientific community launched a separate initiative [#ScienceForUkraine](#) to bring together and share the scattered information about various available support opportunities at the university, national, and international level for Ukrainian researchers and students.

The above list is only a tiny portion of tangible support that Ukrainians received from the professional community across the world. No printing space will ever be enough to list everything.

And above all, people across the world made huge efforts to raise awareness. To make their communities know and take action, when governments were sometimes hesitant to take decisive steps.

The International Bar Association [spoke out](#) and condemned the Russian invasion of Ukraine. The IBA [invited the President of Ukraine](#) to speak at the opening ceremony of the IBA Annual Conference in Miami last year.

The International Chamber of Commerce (ICC) [issued a statement](#) condemning Russia’s breach of international law in the strongest possible terms on the first day of the large-scale war. The ICC further launched the [ICC Centre of Entrepreneurship for Ukraine](#) to strengthen the resilience of Ukrainian SMEs and support refugees.

The American Bar Association joined the world community in condemning the actions of Russian President Vladimir Putin in Ukraine and launched [Ukraine Response Project](#) offering pro bono legal support.

The Chartered Institute of Arbitrators [condemned](#) in the strongest terms Russia’s invasion of Ukraine in breach of the protective principle of International Law prohibiting the use of threat of force against another State.

International Association of Young Lawyers was one of the most active organisations in supporting Ukrainians in their struggle against Russia. At the beginning of the invasion, AIJA members created a special TaskForce collecting money and donations, offering job opportunities to Ukrainian lawyers and their families. Since then, AIJA got engaged in multiple new initiatives, including documenting atrocities and building cases against perpetrators of war crimes in cooperation with TRIAL International and with Warsaw Bar Association ([Project Sunflowers](#)).

The fly in the ointment was the “hesitating” position of some international organisations bringing together international dispute resolution practitioners as well as the bitter debate about Russian

delegations at such international moot courts as Frankfurt Investment Arbitration Moot Court, Willem C. Vis Arbitration Moot Court, and Philip C. Jessup International Law Moot Court.

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During the first weeks of the Russian full-scale invasion Ukrainians showed resilience and undertook efforts to encourage and engage the international community, including the arbitration community, to raise their voices, take action and support Ukraine and Ukrainians. The contribution and response of the arbitration community was palpable.

Many more arbitration-related developments followed the immediate response, later in 2022 – the discussions about setting up Russia-Ukraine claims commission, debates on the issues of the jurisdictional immunity and proper notification of the Russian Federation in court proceedings, to name a few. We will discuss these subsequent developments in an upcoming blog post.

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