

## OLGA BOLTENKO

Partner

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### PRACTICE AREAS

INTERNATIONAL ARBITRATION, INVESTMENT  
PROTECTION AND PUBLIC INTERNATIONAL LAW

Ms. Boltenko is an investment and trade lawyer with over ten years of experience in public international law and investor-State dispute resolution. She has acted as legal counsel in investor-state disputes under the auspices of the Permanent Court of Arbitration, the ICSID, the SCC, the ICC, the LCIA, and as tribunal secretary in dozens of commercial disputes in a wide array of industries including oil and gas, mining, infrastructure, construction, telecommunications and pharmaceuticals, across Asia and beyond.

Ms. Boltenko teaches a master of laws degree in arbitration and ADR with a focus on Belt & Road investment law at The University of Hong Kong. She is also a professor of law at the Royal University of Law and Economics in Phnom Penh, Cambodia, where she teaches a course in investment law at the dual degree program with the Free University of Brussels.

Ms. Boltenko is listed as an arbitrator on the panels of the HKIAC, SIAC, AIAC, CIETAC, AFSA (Arbitration Foundation of Southern Africa), XAAC (Xi'An Arbitration Commission) and RSPP (Russian Union of Industrialists and Entrepreneurs).

### REPRESENTATIVE MATTERS AND CASES

- Advising a Chinese shareholder in a shareholders dispute relating to a JV in Hong Kong with main assets in the mainland China
- Advising a Chinese shareholder in a shareholders dispute relating to an acquisition of a technology business in Europe

- Representing a Chinese State-owned enterprise in investor-State negotiations of a dispute arising out of a large-scale nationalisation of an infrastructure investment project in Africa
- Representing a European investor against a sovereign State in set aside proceedings before Hong Kong courts with respect to a Hong Kong-seated treaty arbitration
- Representing a Russian individual in a dispute over bitminers and other cryptocurrency equipment in Hong Kong
- Representing Armenia against a US national in an ICSID dispute under the US-Armenia BIT arising out of Armenia's alleged breach of the BIT's full protection and security standard
- Representing AFK Sistema an ICSID arbitration against Turkmenistan arising out of Turkmenistan cancellation of mobile telecommunication licences
- Representing Ukraine in ICSID Case ARB/06/18 Joseph Charles Lemire v Ukraine. Representing Ukraine in ICSID Case ARB/09/11 Global Trading Resources Corp. and Globex International, Inc. v Ukraine
- Representing a Ukrainian state agency in a dispute under the PCA Environmental Rules over the implementation of the Kyoto Protocol in the Ukraine
- Acting as a PCA legal counsel in a set of ECT arbitrations against the Russian Arbitration over the expropriation of the Yukos Oil Company
- Advising a major Russian bank on strategic issues of a large-scale transnational debt recovery effort
- Representing a Japanese vehicle manufacturing company in a Brussels based ICC arbitration in a dispute arising out of a FIDIC construction contract
- Representing a French construction company in a Stockholm based ICC arbitration in a dispute over a FIDIC construction contract
- Representing a French Michelin star restaurant group in an IP dispute against a Hong Kong entity over multiple breaches of a licensing agreement

## **OTHER INFORMATION**

### **Education**

- Moscow State Institute (University) of International Relations of the Ministry of Foreign Affairs of the Russian Federation: specialist in public international law, cum laude, 2005
- Paris-1 Pantheon-Sorbonne: LLM in French and EU Law, 2006

- Beijing Language and Culture University: Mandarin Chinese studies, 2014

### **Professional Qualification**

- Admitted to practice law in the Russian Federation
- Admitted to the roll of solicitors in Hong Kong SAR

### **Work Language**

- Fluent English, Russian, and French
- Working German and Norwegian
- Some knowledge of Mandarin Chinese

### **Presentations/Speeches**

- Ms. Boltenko is a frequent speaker at conferences in Asia and beyond. She has published prolifically on issues of international trade law and dispute resolution. Ms. Boltenko's publications include:
- Olga Boltenko, "Umbrella revolution: The umbrella revolution: State Contracts and umbrella clauses in contemporary investment law", Handbook of International Investment Law and Policy, ed. J Chaisse, L Choukroune, S Jusoh, 2020
- Olga Boltenko, Howard Chan, Ziwei Wong, "Setting Aside Jurisdictional Findings by Tribunals and the Ad Hoc Admission of Counsel in Singapore and Hong Kong", Asian Dispute Review, April 2020
- Olga Boltenko, Reza Mohtashami QC, "Coup d'etat and failed States: investment in crisis", Hong Kong Lawyer, January 2020
- Olga Boltenko, "The Rise of the RCEP: Regional Multilateralism and its impact on the EU-China BIT", Sixty Years of European Integration and Global Power Shifts, ed. by J Chaisse, February 2020
- Olga Boltenko, "Arbitration in Russia: Investment Law – Inception and Evolution", International Arbitration: Issues, Perspectives and Practice, Liber Amicorum Neil Kaplan, January 2019
- Olga Boltenko, Peter Yuen, Matthew Townsend, "Court Binds Third Party to Arbitration Agreement", Hong Kong Lawyer, April 2019
- Olga Boltenko, Peter Yuen, Helen Shi, Damien McDonald, Matthew Townsend, "Hong Kong and Mainland China agree upon Bilateral Arrangement Regarding Interim Measures for Arbitration", Kluwer Arbitration Blog, April 2019
- Olga Boltenko, "Investment Protection in China's SEZs: Lee Jong Baek Case

- Study”, International Economic Law and the Challenges of the Free Zones, ed. By J. Chaisse and Jiaxiang Hu, 2019
- Olga Boltenko, “Investment Protection in China’s Special Economic Zones: Lee Jong Baek Case Study”, Hong Kong Lawyer, January 2019
  - Olga Boltenko, “The Protection of Foreign Investment in Mongolia: A Bumpy Ride for Overseas Mining Investors?”, Asian Dispute Review, 2019
  - Olga Boltenko, “China’s Rising Trade Multilateralism: Hong Kong to shield China’s Greater Bay Area”, Hong Kong Lawyer, August 2018
  - Olga Boltenko, “Hong Kong’s Role in Contemporary Treaty-Making Practice, Treaty-based Environmental Carve-outs”, Hong Kong Lawyer, June 2018
  - Olga Boltenko, “The Rise of the RCEP: Regional Multilateralism and its Impact on the EU-China BIT”, March 2018
  - Olga Boltenko, “Political Risk Insurance on the Rise along the Belt & Road: A viable alternative to investment arbitration?”, Hong Kong Lawyer, October 2017
  - Olga Boltenko, “Political Risk Insurance along Belt & Road”, Asian Dispute Review, December 2017
  - Olga Boltenko, “A Russian roulette: the future of Russian investment law”, Offshore Investment, October 2017
  - Olga Boltenko, “Resolving Disputes Along the Belt and Road: Are the Battle Lines Drawn?” Asian Dispute Review, November 2017
  - Olga Boltenko, Nanxi Ding, "Risky business: political risk insurance in the OBOR jurisdictions – Report on the 4th CMS-HKIAC Investment Law Lecture", Kluwer Arbitration Blog, July 2017
  - Olga Boltenko, Nanxi Ding, Lakshanthi Fernando, "PCA Award Trapped in the Confines of the Singapore State Immunity Act", Kluwer Arbitration Blog, May 2017
  - Olga Boltenko, Sam Luttrell, "'Mercantile Adventurers' Making Their Way to Hong Kong and Singapore: A Blessing or a Curse?" Hong Kong Lawyer, September 2016
  - Trans-Pacific Partnership Agreement (TPP): Final text released, November 2015, Client Briefing
  - The TPP of the Iceberg - TPP Signals New Approach to Trade Liberalisation, October 2015, Client Briefing
  - Worldwide Mareva injunctions in Singapore: Issues to consider following Bouvier v Accent Delight, October 2015, Client Briefing
  - Olga Boltenko, Priscilla Lua, “Prakash J of the Singapore High Court decides

the arbitration “chicken and egg” dilemma”, Kluwer Arbitration Blog, September 2015

- Olga Boltenko, Kabir Singh, “Enforcement of Treaty Awards against Russia in Asia: A safe Haven for Russian Assets?”, Kluwer Arbitration Blog, September 2015
- Olga Boltenko, Neil Kaplan CBE QC SBS, “A secret tool for winning an arbitration case”, Asian Dispute Review, July 2015
- Olga Boltenko, "The Rise of Russia's Far East is Likely to Prompt Changes in Arbitration Geography", Kluwer Arbitration Blog, July 2015
- Olga Boltenko, "Cambodia's Arbitration Centre sets off on its First Flight", Kluwer Arbitration Blog, June 2015
- Olga Boltenko, Karen Tan, “Arbitrating with Russia – ways to minimize sanctions-related risks”, Corporate Disputes, April 2015
- Olga Boltenko, Neil Kaplan CBE QC SBS, “The dangers of neglect: governing law of arbitration agreements”, Chartered Institute of Arbitrators Liber Amicorum
- Olga Boltenko, “Enforcement of Foreign Arbitral Awards in Russia and China”, Asian Dispute Review, January 2015
- Olga Boltenko, "Hong Kong: Lord Hoffmann's rule of law musings", Global Arbitration Review, December 2014
- Olga Boltenko, “Hong Kong emerges as Russia’s Refuge while the EU Sanction Cripple Major Russian Businesses”, Kluwer Arbitration Blog, November 2014
- Olga Boltenko, Yves Fortier, “Hong Kong – ‘Trouver le pot aux roses’”, Asian Dispute Review, October 2014
- Olga Boltenko, “Stop ignoring the Elephant in the Room!”, Kluwer Arbitration Blog, June 2014
- Olga Boltenko, "The Permanent Court of Arbitration: Procedural Rules and the Importance of Early Procedural Agreement”, Asian Dispute Review, April 2013

### **Professional Background**

Prior to joining Fangda Partners in Hong Kong, Ms. Boltenko practiced with major international law firms in Singapore, Moscow, and Paris.