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# SYLLABUS

**Program: Certificate in the AIFC Legal Framework for Higher Education Institutions**

**NUR-SULTAN 2022**

**Content**

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| **Programme title:**Certificate in AIFC Legal Framework | **Programme information:****aol.aifc.kz** |
| **Period:** 12 April – 26 April 2022**Form:** Live online lectures | **Time:**Tuesday, 16:30 – 18:30 |
| **Program coordinator:** Beibut Dosmurzinov | **Contact Phone:** + 7 701 9009841 |
| **Office:** Office No. 362, 3rd Floor, Block C 3.1., Mangilik El Ave. 55/16 | **Email:** b.dosmurzinov@aifc.kz  |

**1. Programme description**

The AIFC Academy of Law has developed a special series of legal education modules designed specifically for ***the academic staff of law faculties of higher education institutions.*** The program consists of four (4) modules covering the key “foundational” subjects required for program participants to gain a comprehensive understanding of the AIFC legal system and framework.

The AIFC Legal Framework Program includes the following modules:

***AIFC General Legal Framework, AIFC Employment Regulations, AIFC Contract Regulations, AIFC Dispute Resolution Institutions.***

These series are offered from 12 April 2022 to 26 April 2022. Each module provides a total of eight hours of classroom time, ***delivered as live online lectures by AIFC employees and/or AIFC Academy of Law trained lecturers*** who are subject matter specialists. Mandatory pre-reading assignments must be completed prior to each lecture. Programme participants should expect to spend approximately three hours of preparation work for each one hour of live lectures. ***In total, the Program consists of 20 hours, 5 hours for lectures and 15 hours for pre-work reading/preparation***. Some lecturers also may assign additional post-lecture work to reinforce the learning process.

The final session for the programme consists of an ***assessment test*** whereby programme participants are given the opportunity to assess their knowledge on the topics based on their learnings, or otherwise to demonstrate their understanding of the program materials. These tests are a self-evaluation tool (optional). The results are not recorded or taken into account when issuing certificates.

**2. Modules of the programme**

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| ***2.1. AIFC General Legal Framework*** |
| ***Topic***  | ***Date & Time*** | ***Duration*** |
| **AIFC Ecosystem and Acting Law of the AIFC** | 1. Legal status the of the AIFC.2. Acting law of the AIFC.2. AIFC Bodies adopting AIFC Legal Framework Acts (AIFC Management Council; Governor of the AIFC; AIFC Authority; Astana Financial Services Authority; AIFC Court; International Arbitration Centre).3. Benefits and prospects of AIFC Law. | *12.04.2022**17:30 – 18:30* | 1-hour lecture, 3 hours of pre- reading  |
| ***Learning outcomes:*** 1. Learn the AIFC structure and its legal basis.
2. Learn the AIFC objectives.
3. Understand the functions of the AIFC Bodies and their Organisations.
4. Identify hierarchy of the Acting Law of the AIFC.
5. Understand general information about AIFC Law concept and design.
6. Understand Acting Law of the AIFC.
7. Understand adoption of the AIFC Legal Framework Acts by the relevant AIFC Bodies.
8. Identify benefits and prospects of the AIFC Law.
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| **AIFC Employment Regulations** | 1. Overview of the AIFC Employment Regulations;2. Required qualification for employment in the AIFC. | 19.04.202216:30 – 17:30 | 1-hour lecture, 3 hours of pre- reading  |
| ***Learning outcomes:*** 1. Understand the rights and liabilities of employers and employees under the AIFC Employment Regulations.
2. Understand and be able to identify the main features of the AIFC Employment Regulations.
3. Distinguish unique regulatory provisions of the AIFC Employment Regulations.
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| **AIFC Contract Regulations** | 1. The formation of contracts
2. The content of the contract
3. Performance and breach
 | 19.04.202217:30 – 18:30 | 1-hour lecture, 3 hours of pre- reading  |
| ***Learning outcomes:*** 1. Describe the essential elements of a contract and explain how a contract is formed, modified and terminated.  |

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| ***AIFC Dispute Resolution Institutions*** |
| ***Topics*** | ***Date &Time***  | ***Duration***  |
| **AIFC Court overview and practice** | 1. AIFC jurisdiction determination and judicial review.2. Implementation of common law principles in the AIFC practice and procedure.3. AIFC Court status and structure.4. AIFC Court procedure, applicable law and ADR.5. Enforcement of the AIFC Court judgements.6. AIFC Court practice (incl. case study). | 26.04.202216:30 – 17:30 | 1-hour lecture, 3 hours of pre- reading  |
| ***Learning outcomes:*** 1. Awareness of the exclusive power of the AIFC Court in the determination of its jurisdiction over the disputes between AIFC Participants and the AIFC Bodies.
2. Understand the rules of statutory interpretation which judges apply in common law jurisdiction to clarify and avoid ambiguity in the meaning of legal acts.
3. Understand the main features of the English common law standards which were implemented into the AIFC Court practice and procedure e.g. fairness, independence of judges and court, accessibility to justice, impartiality, integrity.
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| 1. Identification of the AIFC Court jurisdiction.
2. Learning the role AIFC judiciary in dispute resolution: Court, Arbitration, Mediation and difference between them.
3. Identification and implementation of the applicable law of the AIFC Court.
4. Learning the AIFC Court activities and work (proceedings and enforcement)
5. Analyse of the AIFC Court cases.
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| **Arbitration and Mediation processes** | 1. General provisions of the relevant legislation and jurisdiction of the IAC. 2. Arbitration agreement.3. Conduct of arbitral proceedings.4. Issue of the arbitral award and termination of the arbitration proceedings.5. Recognition and enforcement of the arbitral awards.6. The main principles of the mediation7. The stages of mediation procedure | 26.04.202217:30 – 18:30 | 1-hour lecture, 3 hours of pre- reading  |
| ***Learning outcomes:***1. Evaluate and apply the principles and legal requirements of arbitration.
2. Demonstrate practical skills in carrying out the tasks required in preparing for and progressing an arbitration.
3. Define what is meant by the arbitration.
4. Identify, explain and apply the legal procedural principles, rules and agreements relevant to the conduct of an arbitration.
5. The legal framework, including limitations of matters that may be legally arbitrated.
6. The range and limitations of an arbitrator’s powers and jurisdiction.
7. The rights, duties and responsibilities of a party in arbitration.
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| 1. Understand the main principles of the mediation procedure as an ADR method.
2. Explore how the mediation principles are applied and mediation procedure is conducted.
3. Understand the negotiation theories and their application within a mediation setting.
4. Explore the stages of mediation procedure.
5. Understand the main aspects of settlement agreement and the drafting skills.
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**3. Program Learning Activities**

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| **Learning Activities** | **Estimation** | **Learning Hours** |
| Lectures | 8 lectures (2 class per week, duration 60 minutes per class) | 5 |
| Reading time | 3 hours of pre-work reading x 8 lectures = 24 hours | 20 |
| **Total** |  | **25** |