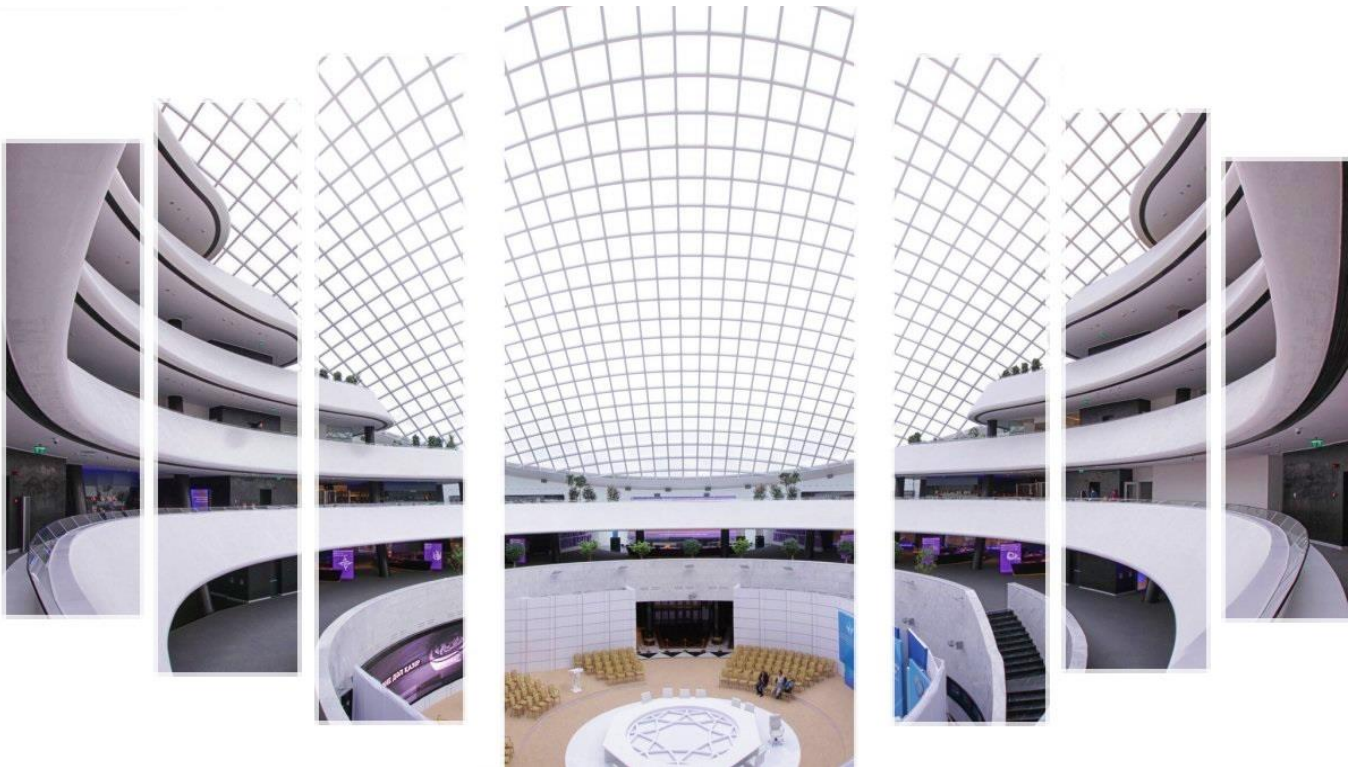




# AIFC Law Conference

Astana  
4 July 2018



NAZARBAYEV CENTRE



## ABOUT THE AIFC

The Astana International Financial Centre (AIFC) is a financial hub for Central Asia, the Caucasus, EAEU, the Middle East, West China, Mongolia and Europe. The Centre is located within central Astana and will include the EXPO 2017 site supported by modern infrastructure and the latest technology.

The AIFC operates within a special legal regime based on Common Law principles, which regulates the legal relationships between AIFC participants and third parties and is aimed at the development of the financial market.

### AIFC Management

#### AIFC Management Council

The AIFC Management Council is the supreme authority in the AIFC. Its main responsibilities include directing the development of the AIFC, coordination of the activities of the AIFC bodies, and assistance in creating favourable conditions for establishing a leading international financial centre.

#### AIFC Authority

The AIFC Authority was established on December 28, 2015. The founder and sole shareholder of the AIFC Authority is the National Bank of Kazakhstan. Its shares are transferred to the trust management of the Ministry of Finance of the Republic of Kazakhstan.

The main activities of the AIFC Authority include but are not limited to, formulating the overall development strategy, promotion of the AIFC in the global markets, attraction of potential participants to the AIFC and the recruitment of foreign experts with financial centre experience to the AIFC management.

#### AIFC Court

The AIFC Court is independent and entirely separate from the judicial system of the Republic of Kazakhstan. The AIFC Court does not have jurisdiction in respect of criminal and administrative proceedings and has exclusive jurisdiction in relation to hearing and adjudicating any disputes between AIFC participants, the AIFC Bodies and/or their foreign employees; hearing and adjudicating on any disputes relating to operations carried out in the AIFC and regulated by the law of the AIFC; hearing and adjudicating on any disputes transferred to the AIFC Court by agreement of the

parties. The AIFC Court applies the most up to date and efficient case management practices.

#### International Arbitration Centre (IAC)

Parties can access arbitration, mediation and alternative dispute resolution at the IAC, providing privacy and more control by the parties over the appointment of arbitrators and the procedures that will be applied to assist with the resolution of their disputes. IAC arbitration awards will be recognised and enforceable in Kazakhstan and internationally.

#### Astana Financial Services Authority (AFSA)

The AFSA is the legal entity which regulates financial services and operations related to financial services in the territory of the AIFC.

The AFSA, within the limits of its competence as defined by the AIFC Constitutional Law and the Applicable Law, is independent of other bodies of the AIFC, state bodies, organisations, executive officials and individuals, and is accountable solely to the AIFC Management Council and the Governor of the AIFC.

#### AIFC Legal Advisory Council (LAC)

The LAC was established with the objective of ensuring the implementation of the legal and regulatory framework of the AIFC to comply with the best international practices and standards. Representatives of global leading law firms and barristers' chambers are members of the LAC, and include Baker McKenzie, Herbert Smith Freehills, Hogan Lovells, Michelmores, Norton Rose Fulbright, White & Case, and 3 Verulam Buildings.

The objectives of the LAC are to define the AIFC General Legal Framework, the strategy for the development of that Framework, the methodology and stages of the development of the relevant AIFC Acts, as well as the preliminary approval of each AIFC Act as proposed by one or more of the AIFC bodies. The LAC also reviews existing AIFC legislation as and when required.



## Words of Welcome

**Kairat Kelimbetov** - the Governor of the Astana International Financial Centre

Dear Guests of the AIFC Law Conference,

On behalf of the Astana International Financial Centre, I would like to welcome you to our Law Conference. We are grateful that representatives of a variety of international companies, embassies, leading law firms and universities, professors and lawyers are here, in Astana. We look forward to the discussions of the dispute resolution perspectives at the AIFC Court and International Arbitration Centre. Moreover, a special legal framework based on the principles, legislation, and precedents of the law of England and Wales and the standards of leading global financial centres, which has been elaborated under the guidance of the AIFC Legal Advisory Council, will also be discussed.

The aim of this Conference is not only to introduce the AIFC Bodies and their services on dispute resolution, but it is also an open platform to discuss contemporary issues and recent trends in litigation and legislative procedures. Moreover, it gives an opportunity to share knowledge, experiences, and future perspectives in dispute resolution.

The panels of discussions will cover contemporary issues in resolving disputes, such as in Intellectual Property Law and international arbitration. Furthermore, distinctive features of the AIFC Jurisdiction and the main goal of establishing a sustainable legal regime with an appropriate legal framework will be also presented and discussed.

I hope you will enjoy this Conference and find it interesting and informative, as the topics will be presented by distinguished judges of the AIFC Court and IAC as well as by international experts.

I would like also to add my personal thanks to our judges and external experts, and to our special guests for their contribution.

I am sure that this Conference promises to be a wonderful event, and your attendance is truly appreciated.

Yours sincerely,

Kairat Kelimbetov  
Governor of the AIFC



## Words of Welcome

### **The Rt. Hon. The Lord Woolf CH - Chief Justice of the AIFC Court**

I am delighted to warmly welcome you to the AIFC Law Conference on behalf of the AIFC and my colleagues at the AIFC Court and its separate International Arbitration Centre, with Barbara Dohmann QC as its Chairman.

The AIFC Court is a Common Law Court. It operates to the highest international standards to resolve civil and commercial disputes involving the AIFC. It can adjudicate on all claims arising out of activities involving the operations of the AIFC and other claims in which all parties to disputes have agreed the AIFC Court should have jurisdiction.

It is separate and independent from the Courts of the judicial system of the Republic of Kazakhstan. It includes a Court of Appeal whose decisions are final. It has its own procedural rules and a fast track for small claims. Its decisions are supported by a robust system of enforcement. Its judges have reputations for absolute independence, impartiality and integrity. It will be supported by the latest electronic and digital case management methods. It will promote the Rule of Law in all its aspects.

The AIFC Court is part of a Dispute Resolution system which includes an international arbitration centre. Together the Court and the International Arbitration Centre will provide the latest initiatives in economic, efficient and effective dispute resolution.

Everyone involved in the AIFC Court and International Arbitration Centre looks forward to participating with you at this conference and hearing your views.

The Rt. Hon. The Lord Woolf CH  
Chief Justice, AIFC Court



# PROGRAMME

4<sup>th</sup> July 2018  
NAZARBAYEV CENTRE

13.00 – 14.00	Registration & Welcome Coffee
14.00 – 14.25	<b>Opening Proceedings</b>
	<b>Welcome by:</b>
14.00 – 14.05	<b>Gulshara Abdykalikova</b> , Secretary of State of the Republic of Kazakhstan
14.05 – 14.10	<b>Kairat Mami</b> , Chairman of the Constitutional Council of Kazakhstan
14.10 – 14.15	<b>Igor Rogov</b> , Doctor of Laws, Member of the European Commission for Democracy through Law (Venice Commission), Deputy Executive Director of the Foundation of the First President of Kazakhstan – Elbasy
14.15 – 14.20	<b>The Rt. Hon. The Lord Woolf</b> , Chief Justice of the AIFC Court
	<b>The opening of the Conference by:</b>
14.20 – 14.25	<b>Kairat Kelimbetov</b> , Governor of the AIFC
14.25 – 15.25	<b>Panel on the AIFC Court</b>
	This panel will focus on AIFC dispute resolution based on common law principles and recent trends concerning intellectual property as well as developments in contemporary litigation. The panellists will cover the advantages of the AIFC Court and explain the benefits for those considering the AIFC Court as a place for dispute resolution. <b>Session Moderator:</b> <b>The Rt. Hon. The Lord Woolf</b> , Chief Justice of the AIFC Court <b>Speakers:</b>
14.25 – 14.40	<b>Lord Faulks QC</b> , Justice of the AIFC Court “Independence of the Judiciary and the AIFC Court”
14.40 – 14.55	<b>Sir Robin Jacob</b> , Justice of the AIFC Court “Resolving Intellectual Property Law disputes in emerging markets”
14.55 – 15.10	<b>Sir Stephen Richards</b> , Justice of the AIFC Court “Contemporary litigation and its future”
15.10 – 15.25	Q&A
15.25 – 15.45	Coffee break
15.45 – 16.55	<b>Panel on the AIFC International Arbitration Centre</b>
	This panel will cover alternative dispute resolution of the AIFC based on the best international arbitration and mediation practice. The panellists will

	<p>discuss opportunities and advantages of services offered by the AIFC International Arbitration Centre and recent arbitration and mediation trends.</p> <p><b>Session Moderator:</b></p> <p><b>Barbara Dohmann QC</b>, Chairman of the AIFC International Arbitration Centre</p> <p><b>Speakers:</b></p>
15.45 – 16.00	<p><b>Barbara Dohmann QC</b>, Chairman of the AIFC IAC “An introduction to the IAC”</p>
16.00 – 16.15	<p><b>Randy Holland</b>, Member of the IAC Arbitrator Panel, Senior Counsel of Wilson Sonsini Goodrich &amp; Rosati “History of International Arbitration”</p>
16.15 – 16.30	<p><b>Andrew White QC</b>, Member of the IAC Arbitrator Panel, Head of Atkin Chambers “Oil &amp; Gas Arbitration in the Eurasian Region”</p>
16.30 – 16.40	<p><b>Sheikh Bilal Khan</b>, Member of the IAC Arbitrator Panel, Member of AIFC Advisory Council on Islamic Finance “Islamic Finance and Arbitration in the AIFC market”</p>
16.40 – 16.55	Q&A
<b>16.55 – 17.55</b>	<b>Panel on the AIFC Legal Framework</b>
	<p>This panel provides a forum for those interested in the statutory law and practices of the Astana International Financial Centre to exchange views on the current and future approaches of the AIFC General Legal Framework. This panel will offer perspectives from present AIFC Legal Advisory Council members on recent developments, challenges, and opportunities in this area, and the impact of English law and the laws of other leading financial centres on the AIFC General Legal Framework.</p> <p><b>Session Moderator:</b></p> <p><b>Michael Blair QC</b>, Chairman of AIFC Legal Advisory Council, Leading Counsel in 3 Verulam Buildings</p> <p><b>Speakers:</b></p>
16.55 – 17.10	<p><b>Michael Blair QC</b>, Chairman of AIFC LAC, Leading Counsel in 3 Verulam Buildings “Unique features of the AIFC Jurisdiction”</p>
17.10 – 17.25	<p><b>Michael Thomas</b>, Member of the AIFC LAC, Partner, Hogan Lovells “Presentation on the AIFC General Legal Framework”</p>
17.25 – 17.40	<p><b>Andrew Oldland QC</b>, Member of the AIFC LAC, Senior Partner, Michelmores LLP “What does ‘in the AIFC’ mean?”</p>
17.40 – 17.55	Q&A
<b>17.55 – 18.00</b>	<p><b>Closing remarks by:</b></p> <p><b>Igor Rogov</b>, Doctor of Laws, Member of the European Commission for Democracy through Law (Venice Commission), Deputy Executive Director of the Foundation of the First President of Kazakhstan – Elbasy</p>

## The Rt. Hon. The Lord Woolf CH

Chief Justice, AIFC Court

(Moderator on the AIFC Court Panel)



Lord Woolf CH is the Chief Justice of the AIFC Court. He is one of the most influential judges in recent British legal history and a global figure on the common law, courts and dispute resolution, and legal education.

He was called to the Bar of England and Wales (Inner Temple) in 1955. He was appointed as a Judge of the High Court of England and Wales in 1979 and held the two most senior judicial appointments in England and Wales as Master of the Rolls and Lord Chief Justice. He was the first Lord Chief Justice to be President of the Courts of England and Wales. He was a Non-Permanent Judge of the Court of Final Appeal of Hong Kong and the first President of the Qatar Financial Centre Civil and Commercial Court.

He is Patron of the Woolf Institute on Interfaith Relations at Cambridge University. He has held honorary fellowships at numerous academic institutions and has been Chairman of the Council and a Visiting Law Professor at University College London, Chairman of the Open University of Israel, and Chairman of the Institute of Advanced Legal Studies.

He has authored or co-authored leading law publications including De Smith's Judicial Review (2016, Sweet and Maxwell) and The Pursuit of Justice (2008, OUP). He has been awarded numerous honours, including in 2015 appointment as a member of the Order of the Companions of Honour (CH) by Her Majesty Queen Elizabeth II, and the Gold Bauhinia Star by the Chief Executive of Hong Kong.

He was educated at University College London, where he graduated with an LLB in Law in 1954, and there he became a Fellow in 1981. He has received academic honours from 21 universities including Oxford, Cambridge, and University College London.





## The Rt. Hon. The Lord Faulks QC

Justice, AIFC Court

(Speaker on the AIFC Court Panel)



Justice Lord Faulks QC was called to the Bar (Middle Temple) in 1973 and was appointed a Queen's Counsel in 1996. He was created a life peer member of the UK House of Lords in 2000 and was appointed Minister of State at the UK Ministry of Justice between 2013 and 2016. He was appointed a Recorder in 2000 and a Bencher of Middle Temple in 2002.

His specialist expertise includes commercial law, arbitration, and professional negligence law. He was Chairman of the Professional Negligence Bar Association between 2002 and 2004 and was appointed Special Advisor to the UK Government Department for Constitutional Affairs on compensation culture between 2005 and 2006. He is a member of the Chartered Institute of Arbitrators. He is an Honorary Fellow at Jesus College, Oxford University.

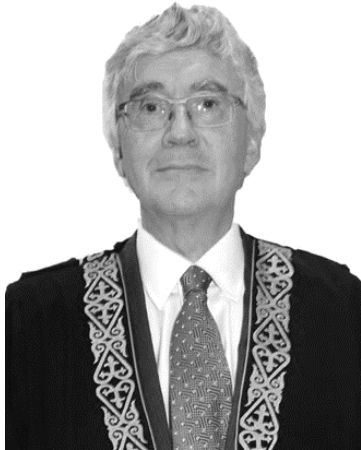
He was educated at Jesus College, Oxford University, where he graduated with an MA.



## The Rt. Hon. Sir Stephen Richards

Justice, AIFC Court

(Speaker on the AIFC Court Panel)



Justice Sir Stephen Richards was called to the Bar of England and Wales (Gray's Inn) in 1975. He was appointed as a High Court Judge of the High Court of England and Wales in 1997. He was the Presiding Judge for Wales between 2000 and 2003. He was appointed as Lord Justice of Appeal in the Court of Appeal of England and Wales in 2005. He was Deputy Head of Civil Justice between 2013 and 2015.

Before he became a Judge, he was the First Junior Treasury Counsel between 1992 and 1997, a prestigious legal appointment to represent the British Government known as the 'Treasury Devil'. He was the Standing Counsel to the Director General of Fair Trading (the UK competition authority at that time) between 1987 and 1991, and he has specialist expertise in competition law and regulatory law. He is an Honorary Fellow of St. John's College at Oxford University.

He was educated at St. John's College, Oxford University, where he read Literae Humaniores (Classics) and graduated in 1972, and he read Jurisprudence and graduated with a BA in 1974 and an MA in 1977.



## The Rt. Hon. Sir Robin Jacob

Justice, AIFC Court

(Speaker on the AIFC Court Panel)



Justice Sir Robin Jacob was called to the Bar of England and Wales (Gray's Inn) in 1965 and was appointed a Queen's Counsel in 1981. He was appointed as a High Court Judge in the High Court of England and Wales in 1993, and he was a Supervising Chancery Judge. He was appointed Lord Justice of Appeal in the Court of Appeal of England and Wales in 2003 and retired from the Court of Appeal in 2011 but continued to sit in the Court of Appeal occasionally until 2016.

He has specialist expertise in intellectual property law and commercial law. He was admitted to the Intellectual Property Hall of Fame in 2006. He is currently the Hugh Laddie Professor of Intellectual Property Law and Director of the Institute of Brand and Innovation Law at University College London. He has extensive experience in mediation and arbitration.

He was educated at Trinity College, Cambridge University, where he read Natural Sciences and graduated in 1963. He also read the LLB in Law at the London School of Economics and graduated in 1967, having simultaneously read for the Bar.



## Barbara Dohmann QC

Chairman of the AIFC International Arbitration Centre

(Speaker and Moderator of the AIFC International Arbitration Centre Panel)



Barbara Dohmann QC is the Chairman of the International Arbitration Centre at the AIFC. She has been one of the UK's leading commercial barristers and an international arbitrator for many years.

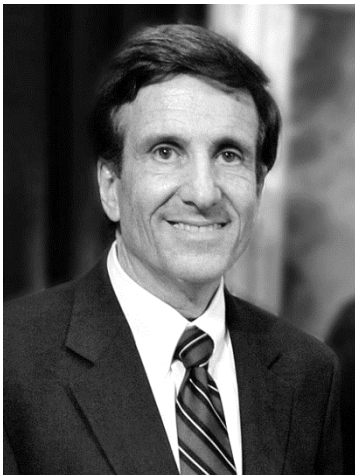
She began practice at the Bar of England and Wales in 1973 and was appointed Queen's Counsel in 1987. She is a member of the London Court of International Arbitration. She has been appointed as an arbitrator at the LCIA, at the London Metal Exchange (where she is an Arbitration and Arbitration Appeals Panel member), at the Paris International Chamber of Commerce, and at the Hong Kong International Arbitration Centre. She is a CEDR accredited Mediator.



## Randy J. Holland

Member of the IAC Arbitrator Panel, Senior Counsel of Wilson Sonsini Goodrich & Rosati

(Speaker on the AIFC International Arbitration Centre Panel)



Randy J. Holland previously a Delaware Supreme Court justice for more than 30 years and its Chief Justice, is recognised as an expert on corporation law, corporate governance, appellate practice, and state constitutional law. He has written more than 700 reported opinions, which include many seminal corporate law decisions.

He retired from the Delaware Supreme Court in March 2017. He was appointed to the court in 1986 by Governor Michael N. Castle, making him the youngest person to serve as a Delaware Supreme Court justice. In 2009, he became the longest-serving justice in Delaware history. Two years later, Randy was reappointed by former Governor Jack A. Markell and was unanimously confirmed by the Delaware Senate for an unprecedented third 12-year term. Prior to his appointment and confirmation in 1986, he was a partner at Morris, Nichols, Arsht & Tunnell.

He has written, co-authored, or edited nine books and has published several law review articles, primarily focused on corporate law, judicial ethics and legal history. He has taught corporate governance, appellate practice, and state constitutional law as an adjunct professor for many years. In 2009, he co-authored a law school casebook from the perspective of all 50 states entitled *State Constitutional Law: The Modern Experience*. In 2010, with Randy's encouragement, the Conference of Chief Justices passed a unanimous resolution recommending that all law schools offer courses on state constitutions. He also taught appellate practice for 25 years as an adjunct professor and co-authored a law school casebook entitled *Appellate Practice and Procedure*. He continues to teach corporate governance classes at several law schools.



## Andrew White QC

Member of the IAC Arbitrator Panel, Head of Atkin Chambers

(Speaker on the AIFC International Arbitration Centre Panel)



Andrew White QC is a specialist in domestic and international civil engineering and building disputes, shipbuilding and ship conversion disputes, rail and rolling stock disputes and oil and gas projects (including contracts for the sale and purchase of oil and gas). He also has considerable experience in the professional indemnity, information technology, telecommunications and procurement fields.

During the past few years, he has handled many large and complex cases representing contractors, governments, private employers, manufacturers and their professional advisers all over the world.

He regularly appears as counsel in English High Court litigation, mediations, expert determinations and international and domestic arbitrations. Most of his work is international in nature and in recent years he has advised on disputes in Europe, the Middle East, North and South America, Australia and across Asia. He has appeared as counsel in the Court of Appeal, in Gibraltar, in the High Court of Hong Kong and in arbitrations in Brussels, Dubai, Singapore, Hong Kong and Gibraltar.

He has also been appointed to sit as sole and party-appointed arbitrator in UNCITRAL, ICC and ad hoc arbitrations in England, New Zealand and New York.

He was appointed a Bencher of Lincoln's Inn in 2003.



## Sheikh Bilal Khan

Member of the IAC Arbitrator Panel, Member of AIFC Advisory Council on Islamic Finance

(Speaker on the AIFC International Arbitration Centre Panel)



Sheikh Bilal Khan is a Panel Member of the AIFC International Arbitration Centre where he sits as the only Shariah and English law arbitrator along with senior British and international judges and Queens Counsel for cross-border commercial legal disputes. He is also Member of the AIFC Advisory Council on Islamic Finance and Secretary General of Malta Islamic Finance Association and Co-Chairman of London-based Dome Advisory.

He is uniquely positioned as an award-winning international Shariah Scholar and a Solicitor of the Senior Courts of England & Wales after qualifying as an English lawyer from a 'Magic Circle' English law firm in the City of London.

He is a special adviser to several presidents' and prime ministers' offices and serves on multi-lateral, government and quasi-government advisory boards. He is a Freeman of the City of London and has received numerous awards as well as featuring in TV documentaries like the series 'Secrets of Success' which is now showing on British Airways.



## Michael Blair QC

Chairman of the AIFC Legal Advisory Council, Leading Counsel in 3 Verulam Buildings

(Moderator and Speaker on the AIFC Legal Framework Panel)



Michael Blair QC is the Chairman of the AIFC Legal Advisory Council and practices in 3 Verulam Buildings. He is a specialist on financial services and financial services regulation. His practice is mainly advisory. He joined 3 Verulam Buildings Chambers in 2000 after serving as General Counsel to the Board of the (then) Financial Services Authority from 1998-2000, and as head of the legal function in its predecessor body, the Securities and Investments Board, from 1987-97. Before that he had served from 1982 to 1987 as an Under Secretary in the home civil

service, latterly taking responsibility for the criminal and civil legal aid schemes in England and Wales as well as for the higher courts and matters affecting the legal profession.

He was invited in 2002 to help set up the Dubai International Financial Centre and became a Board Member of the Dubai Financial Service Authority in 2003. He chaired the DIFC Legislative Committee for a number of years and remains a member of it following his retirement from the DFSA Board in 2013.

He is the President of the Panel of Senior Decision Makers appointed by the Guernsey Financial Services Commission, and the Chairman of the Disciplinary Panel of the London Metal Exchange. He was the Treasurer of his Inn of Court, the Middle Temple, in 2008, the Chairman of SWX Europe Ltd (the former Swiss equities exchange in London) (2008 - 2009) and a member of the Board of the Chicago Mercantile Exchange's London Subsidiary (2013 - 2017). He was a Member of the Competition Appeal Tribunal from 2000 until 2016 and has been involved in some of the leading cases decided there.





## Michael Thomas

Member of the AIFC Legal Advisory Council, Partner in Hogan Lovells International LLP

(Speaker on the AIFC Legal Framework Panel)



Michael Thomas is a Member of the AIFC Legal Advisory Council and Partner in Hogan Lovells International LLP.

Michael has spent his career advising all types of financial institutions on a wide range of matters. The core of Michael's practice is the provision of financial services regulatory advice. Michael advises firms on how financial services regulation will apply to them from their initial set-up, to their on-going business, and in relation to key events such as corporate transactions or outsourcing arrangements. In addition to regulatory advice, Michael advises financial institutions on commercial transactions, such as major outsourcing arrangements and distribution deals. He has a particular focus on governance and systems and controls issues, and he can help firms to determine how to ensure that they structure their governance arrangements in a manner that the regulators consider being prudent. He has extensive knowledge and experience in the complex field of market infrastructure, advising trading venues, clearing houses and data repositories, together with the firms accessing their services. This has included advising on the launch of two European clearing houses in recent years. His financial services team at Hogan Lovells came second at the Lawyer Awards 2015 in the category of Corporate Team of the Year, for their work in the launch of LME Clear, the new clearing house for The London Metal Exchange. Michael has authored a wide range of articles on regulatory matters relating to clearing, blockchain, EU regulation and Brexit.



## Andrew Oldland QC

Member of the AIFC Legal Advisory Council, Senior Partner in Michelmores LLP

(Speaker on the AIFC Legal Framework Panel)



Andrew Oldland QC is a Member of the AIFC Legal Advisory Council and is the Senior Partner of Michelmores. He is the first barrister to hold this role within a Top 100 law firm.

Andrew was an original member of the initiative created under the MOU between AIFC, EBRD and City UK in 2016. He specialises in financial regulation and financial crime, including anti-corruption, anti-money laundering, market abuse and offences under the UK Companies Acts. His non-contentious work includes complex compliance advice on FinTech

products.

Andrew is an experienced advocate and was previously standing counsel to HM Revenue and Customs and a member of the 'A' lists of counsel for the Attorney-General and the Serious Fraud Office. He was appointed a Queen's Counsel in 2011 and sits as a part-time judge (Recorder) trying criminal and civil cases.

He read Economics at the London School of Economics and has a Diploma in Law from the City University.



## John Leahy

External Expert of the AIFC Authority

(Participant of the AIFC Legal Framework Panel)



John Leahy is an Australian barrister and solicitor. With some 40 years varied legislative drafting experience, he has a particular interest in improving access to the law (including through clear language drafting), the development of legislative systems and frameworks, and legislative drafting capacity building. John was Principal Legislative Counsel at the Office of Parliamentary Counsel (Canberra, Australia), Legislative Counsel and Director at Qatar Financial Centre Regulatory Authority, and he held various senior positions in Australian Parliamentary Counsel

Offices (including as Queensland Parliamentary Counsel and Australian Capital Territory Parliamentary Counsel).



## Contact Details:

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Registration for the Conference: [www.astanafindays.org](http://www.astanafindays.org)

Please visit our website for more information about the AIFC:

[www.aifc.kz](http://www.aifc.kz)

the AIFC Court:

<http://aifc-court.kz/>

the AIFC International Arbitration Centre:

<http://aifc-iac.kz/>

the AIFC Legal Framework:

<http://laws.aifc.kz/>