



**OECD - Kazakhstan Country Programme**  
**International seminar**  
***Commercial and investment disputes resolution mechanisms in domestic***  
***jurisdictions***  
**Astana, 11 October 2018**

**Background**

In the context of the extended OECD- Kazakhstan Country Programme in the area of public governance, the OECD is conducting an overview of the current governance and justice sector reforms undertaken in Kazakhstan in the past several years. On the justice side, the programme aims to strengthen the accessibility of justice in Kazakhstan for citizens and business through more effective commercial and investment dispute resolution mechanisms and the review of the proposed draft administrative justice code and procedural law.

Kazakhstan is currently undertaking extensive reforms to strengthen the access to and trust of citizens and businesses in justice services and increase the quality of justice service delivery in line with international standards. In 2015, President Nursultan Nazarbayev presented several measures to “ensure the Rule of Law”, as part of his Action Plan “100 concrete steps”.

Effective access to justice in commercial and investment matters is a core component of good governance, sound investment climate, inclusive growth and the rule of law. Commercial and investment-related justice is crucial in determining the economic performance of a country, notably by protecting investors and enforcing government obligations. Kazakhstan has taken further steps to strengthen the performance of its domestic justice system in investment matters, by developing mechanisms tailored specifically to and investor and businesses’ legal needs. For instance, the Civil Procedure Code has been amended to provide for a special jurisdiction over disputes in investment-related matters; the rights of investors can also be protected by the Investment Ombudsman Office established in 2014.

**Purpose**

This seminar seeks to facilitate policy discussions and exchange of good international practices on various dimensions of investment and commercial domestic dispute resolution mechanisms and frameworks including investment-related procedures, investment law and the organisation of dispute settlement processes. Therefore, discussions will aim at ensuring the implementation of sound commercial and investment policies and effective, commercial and investment-related justice institutions in Kazakhstan.

**Participants**

Supreme Court, Kazakhstan’s judges, governmental stakeholders, OECD, international experts, foreign investors, media.

**Venue**

Ritz Carlton

## 9.30 – 09.40 Welcoming remarks – Introduction of Participants

This session will outline the objectives of the seminar and their relevance for improving performance of the justice sector focusing on commercial and investment justice in Kazakhstan in line with OECD practices.

- **Zhakup Kazhmanovich Assanov**, Chair, Supreme Court, Kazakhstan
- **Tatyana Teplova**, Senior Counsellor, Head of Division, OECD Public Governance Directorate

## 9.40 - 10.30 Session 1. Investment disputes and dispute settlement mechanisms in Kazakhstan

### *Presentations*

- **Zhakup Kazhmanovich Assanov**, Chair, Supreme Court, Kazakhstan
- **Marat Bakytzhanovich Beketayev**, Minister of Justice, Kazakhstan  
*"The participation of private judicial experts in the resolution of commercial disputes"*
- **Kairat Nematovich Kelimbetov**, Manager, Astana International Financial Center  
*"Tools for effective legal protection in the AIFC "*

*Discussion (10 min)*

## 10.30 - 11.00 Coffee break

## 11.00 - 13.00 Session 2. Commercial and Investment litigation in domestic courts - Experiences from OECD countries

This session will highlight the features and problems associated with investment and commercial disputes from an investor point of view. Mechanisms, guarantees of the rule of law and an independent judiciary, monitoring the execution of court decisions will also be discussed

*Moderator:* **Zhakup Kazhmanovich Assanov**, Chair, Supreme Court, Kazakhstan

### *Presentations*

- **Saparbek Kurakbayevich Tuyakbayev**, Chairman of the Board, JSC "NC" Kazakh Invest  
*"Measures taken to protect the rights of investors in Kazakhstan"*

### OECD Delegation

- **Francisco Cardona**, Senior Justice Expert to the OECD
- **Lotte Wetterling**, Vice President, Maritime and Commercial High Court, Denmark
- **Robin Knowles**, Judge, Commercial Court, Queen's Bench Division, High Court, England and Wales, UK
- **Vincent Fabié**, Judge, Commercial Court, France
- **Young Gi Kim**, Judge, National Court Administration, Korea
- **João Paulo Raposo**, Judge, High Council of the Judiciary, Portugal

*Discussion (30 min)*

13.00-14.30 Lunch

14.30 - 16.30 Session 3. Investor-state and investor-private party disputes: ADR Focus

This session will highlight common OECD methods regarding the use of Alternative Dispute Resolution (for example, arbitration, conciliation). Discussions will be aimed at ensuring the implementation of a reliable investment policy and effective investment institutions in Kazakhstan. It will also consider disputes before the AIFC.

*Moderator:* **Zhakup Kazhmanovich Assanov**, Chair, Supreme Court, Kazakhstan

*Presentations*

- Ministry of Justice, Kazakhstan
- **Anthony Mahon**, Head, Tax Working Groups, American Chamber of Commerce in Kazakhstan
- **Elvira Shamilyevna Yausheva**, Head of Public Relations, AIFC Court  
*“The mechanism of resolution of commercial disputes in the Court and the International Arbitration Center of the AIFC”*

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*Discussion (30 min)*

16.30 – 16.35 Concluding remarks