Executive Summary

On 20 May 2015, the President of Republic of Kazakhstan Nursultan Nazarbayev announced his plan to create the Astana International Financial Centre (AIFC) to “achieve the improvement of the local financial system, human and technological capital, and cementing Astana as the financial & logistics hub of the Eurasian region”.

The AIFC aims to attract foreign investment, open up the banking sector in Kazakhstan and facilitate business opportunities. This initiative could potentially attract leaders in financial services, promote the development of best practices, and boost Kazakhstan’s economic stability. Set to officially launch in 2018, the AIFC is expected to establish a legislative system based on English Common Law principles, create an independent court with highly qualified international judges, and constitute an arbitration centre for commercial and civil cases. Until national expertise is developed, some transitional plans are already in place that endeavour to capitalise on the expertise.

In 2016, the AIFC entered a discussion for a judicial training programme for judges and senior court staff from Kazakhstan. The world-renowned City Law School, in consultation with the Law Society for England & Wales, subsequently designed a bespoke judicial training programme which was approved in December 2016.

The training, led by the City Law School was successfully delivered in the UK from the 10th of April through to the 22nd of September 2017. Over 1,000 hours of direct training were delivered as part of this project, in addition to the time invested in the design and preparation of the project, necessary to ensure its successful delivery. In addition, the collaboration benefitted from invaluable good will and enthusiasm generated by all involved.

The academic component was delivered in conjunction and in partnership with INTO City as well as 11 law firms, 14 barristers’ chambers and the judicial office. Furthermore, six legal and non-legal institutions contributed their time and organised activities on a voluntary basis to host the participants during their practical placements.

Methodology

The project was tailored to the needs of the 14 participants with the intention of building confidence, recognising and capitalising on their existing experience, and facilitating the critical examination of their own insights through judicial analysis. It introduced the delegates to English Common Law principles, including judicial independence and the rule of law. The goal was to build the capacity and to further develop the skills of a select group of Kazakhstan judges and senior clerks which are necessary for the successful implementation of the aims and objectives of the AIFC and the Supreme Court of Kazakhstan.

The methodology enabled a safe and inclusive environment so that all participants could discuss complex and contentious issues amongst themselves and with members of the UK legal sector. Through applied examples, combined with formal and informal training, it aimed at increasing knowledge through practical exercises, discussions, and observation on the chosen topics. The judicial training programme model had six main components:

1. Legal English terminology training
2. Academic training
3. Practical placements at key institutions
4. Evening seminars
5. Self-reflection sessions
6. Monitoring and evaluation

“...I strongly believe that the experience obtained from this project will have an impact not only in helping to establish a common law jurisdiction in Kazakhstan; but also in improving our national legal system on advocacy, civil procedure, court practice, independence of judges and the legal profession, and the rule of law.

I consider this project to be very successful and very unique in its delivery. There were some notable benefits: (a) the knowledge was very accessible to participants; (b) there was a diversity of methodologies employed, which encouraged learning; (c) there was a variety of subjects covered, which allowed exposure to numerous legal topics; (d) there was direct access to all relevant legal institutions (courts, law firms, barristers’ chambers, and the judicial college); (e) the practical approach was wonderful; and (f) the project offered strong and relevant networking opportunities with legal practitioners and academics.”

Madiyar Balken, Judge, Supreme Court of Kazakhstan