

VIAC – Questionnaire for Arbitrators

1. Name (First, Family): **Valikhan Shaikenov**

2. Citizenship: **Kazakhstan**

3. Contact information:

Work addresses:

- **Schwedter Str. 244, 10435, Berlin, Germany;**
- **47 Abai Avenue, Office 2, 050000, Almaty, Kazakhstan**

Telephone: +49 160 903 560 98 (Berlin)

E-Mail: v.shaikenov@aequitas.kz; v.shaikenov@gmail.com

Website: www.aequitas.kz

4. Current position:

Partner, Head of Dispute Resolution and Arbitration

5. Education:

Martin-Luther-Universität Halle-Wittenberg

Visiting Scholar

September 2018 – present
Halle, Germany

Achievements: German Academic Exchange Service (DAAD),
Bi-nationally Supervised Doctoral Fellowship

Academic supervisors: Prof. Dr. Kulyash M. Ilyasova (Kazakhstan),
Prof. Dr. Christian Tietje (Germany), Jun.-Prof. Dr. Azar Aliyev
(Germany)

Academy of Jurisprudence "ADILET" of Caspian University

Doctoral Candidate

September 2017 – present
Almaty, Kazakhstan

Georgetown University Law Center

Master of Laws in International Legal Studies

Washington, D.C.
May 2012

Awards and Honors: Edmund S. Muskie Graduate Fellowship
(full scholarship of the U.S. Department of State)

Academy of Jurisprudence "ADILET" of Caspian Social University

Bachelor of Jurisprudence (J.D. equivalent) with High Honors

Almaty, Kazakhstan
May 2008

Awards and Honors: Student of the Year (2005-2006); Top 5% of graduating class

6. Practiced experience in arbitration

- How many arbitrations have you participated in (domestic/international); under which Rules?

I have participated in various capacities (as an arbitrator, counsel, and expert) in more than 20 international commercial and investments arbitrations under the SCC, LCIA, ICC, UNCITRAL, ICSID Rules, and the Rules of the Arbitral Center of the National Chambers of Entrepreneurs of the Republic of Kazakhstan.

- How often have you acted as Chairman? – **Never.**
 - How often have you acted as Sole Arbitrator? – **Not acted yet.**
 - How often have you acted as Co-Arbitrator? – **Three appointments (by the SCC, in one *ad hoc* arbitration under the UNCITRAL Rules, and by the Arbitral Center of the National Chambers of Entrepreneurs of the Republic of Kazakhstan under its own Rules), two of which proceeded to the award delivery stage.**
 - How often have you acted as Counsel? – **Acted very often in international dispute resolution matters (including various litigation proceedings, commenced in support of arbitration).**
 - How often have you acted in a different function (e.g. Administrative Secretary)? – **None.**
7. Publications and other activities in arbitration (e.g. training sessions, seminars, conferences, articles and others):

RECOGNITIONS

Personal rankings in Who's Who Legal: Arbitration 2020, 2021 (Global Guide), Chambers & Partners, Legal 500 (as a Leading Individual), AsiaLaw Profiles, and IFLR1000

Chambers & Partners, Dispute Resolution Team (led by me), Kazakhstan – Band 1 (2014 and 2018)

Legal 500, Dispute Resolution Team (led by me), Real Estate & Construction Team (contributed by me), Kazakhstan – Tier 1 (2017, 2018, 2019, and 2020)

PUBLICATIONS

- *Valikhan Shaikenov, Ardak Idayatova*: Chapter on Kazakhstan in the Book entitled “Recognition and Enforcement of Foreign Arbitral Awards in Russia and former USSR States” under the editorship of Roman Zykov, due to publication by **Kluwer Law International**.
- *Valikhan Shaikenov, Lyailya Tleulina, Ardak Idayatova*: The Guide to Challenging and Enforcing Arbitration Awards: Kazakhstan, **Global Arbitration Review**, June 2019.
- *Valikhan Shaikenov, Ardak Idayatova*: Chapter on Kazakhstan in the Book “Recognition and Enforcement of Foreign Arbitral Awards in Russia and the Countries of the Former USSR,” ed. R.O. Zykov, Russian Arbitration Association, 2019 [**Moscow, Russia**] (Note: The chapter is one of the very few profound analytical texts in the Kazakh scholarly literature to elaborate on many legal problems in the field of international commercial arbitration in Kazakhstan, with a detailed analysis of controversies in Kazakh law and court practice.)
- *Valikhan Shaikenov, Ardak Idayatova*: The Choice of Law Governing Arbitration Procedure and Arbitration Agreement in the Context of the Kazakhstan Legislation, *Vestnik instituta zakonodatel'stva Respubliki Kazakhstan*, 1 2017, 46 [**Astana, Kazakhstan**]
- *Valikhan Shaikenov, Arman Shaikenov*: Is the AIFC Constitutional and Will the Amendments to the Constitution Help?, *Forbes Kazakhstan*, March 2017 [**Almaty, Kazakhstan**]

- *Valikhan Shaikenov, Ardak Idayatova*: Enforcement of Injunction Measures Taken by Russian Court in Kazakhstan, *Legal Insight*, 9 2016 [**Moscow, Russia**]
- *Valikhan Shaikenov, Ardak Idayatova*: Issues of Construction Guarantee Period Regulation under Kazakh Civil Legislation, *Expert Kazakhstan*, 9 2016. [**Almaty, Kazakhstan**]
- *Valikhan Shaikenov*: Impediments to Arbitration Development in Kazakhstan or Why the Effectiveness of Economic Dispute Settlement Suffers, *Expert Kazakhstan*, 47 2015, 22–23. [**Almaty, Kazakhstan**]
- *Olga Chentsova, Valikhan Shaikenov, Lyailya Tleulina*: International Arbitration 2016 (Kazakhstan), *Chambers Country Practice Guide*, 2015, 357–368. [**London, UK**]
- *Valikhan Shaikenov, Yekaterina Khamidullina*: Awarding Attorneys' Fees by Kazakh Courts: Some Ambiguities, *Investors' Voice*, 58 2014, 18–21. [**Almaty, Kazakhstan**]
- *Tatyana Suleyeva, Semion Issyk, Sanema Gorodetskaya, Valikhan Shaikenov*: Project Finance in 38 Jurisdictions Worldwide, *Getting the Deal Through*, 2010, 113. [**London, UK**]
- *Olga Chentsova, Natalya Braynina, Valikhan Shaikenov*: Rules of the Game in Subsoil Use, *Neftegazovaya Vertikal*, 20 2009. [**Moscow, Russia**]
- *Olga Chentsova, Natalya Braynina, Valikhan Shaikenov*: Oil Regulation in 28 Jurisdictions Worldwide, 2009, 75–81. [**London, UK**]
- *Tatyana Suleyeva, Semion Issyk, Valikhan Shaikenov*: Kazakhstan, *Project Finance in 38 Jurisdictions Worldwide*, 2010, 113–119. [**London, UK**]
- *Valikhan Shaikenov*: Legal Nature of Economic Evaluation of Damage to Environment, *Materials of Scientific and Practical Conference dedicated to the memory and 85th anniversary of Professor Yu. G. Bassin (Maydan K. Suleimenov ed.)*, 2008, 344. [**Almaty, Kazakhstan**]
- *Valikhan Shaikenov*: Legal Nature of Participation Interest in Business Partnership, *Materials of the VI Interregional Scholar-Practitioner Conference “Business, Management, and Law” (Vladimir Belykh, ed.)*, 15 2008. [**Yekaterinburg, Russia**]
- *Valikhan Shaikenov*: Review of the Amendments to the Republic of Kazakhstan Civil Code (General and Special Parts), 6, 7 *De Jure* 2007. [**Almaty, Kazakhstan**]
- *Valikhan Shaikenov*: The Concept and System of Law in the Doctrine of Gabriel Shershenevich, *Collected Student Papers: From the History of Legal and Political Doctrines (Sergei F. Udartsev ed.)*, 2006, 199. [**Almaty, Kazakhstan**]
- *Valikhan Shaikenov*: The Improvement of Constitutional Procedure, *Scientific Papers of ADILET [Nauchnie Trudi ADILET]*, 2 2006. [**Almaty, Kazakhstan**]
- *Valikhan Shaikenov*: The Notion of “Action” in Roman Civil Law and Modern Continental Legal System, *Scientific Papers of ADILET [Nauchnie Trudi ADILET]*, 2 2005. [**Almaty, Kazakhstan**]

SEMINAR PRESENTATIONS

- 23 May 2019, London: Chartered Institute of Arbitrator's London Branch/Anglo-Russian Law Association seminar: Arbitration and Mediation in Russia and CIS – **Theoretical and Practical Issues of Commercial Arbitration in Kazakhstan**
- 28 February 2019, Frankfurt, German-Russian Bar Association/German Arbitration Institute (DIS): Dispute Resolution in CIS-Related Business Transactions – **Challenges of Recognition and Enforcement of Foreign Arbitral Awards and Court Decisions in Kazakhstan**
- 23-24 January 2019, Vienna: UN Commission on International Trade Law (UNCITRAL)/Martin Luther Halle-Wittenberg University seminar for German and Austrian students – **Due Process and International Commercial Arbitration: Key Theoretical Questions**

- 5-7 September 2018, Almaty: Europe-Caucasus-Asia Forum, International Bar Association –Forum’s co-chair and program coordinator
- 27 April 2018, Almaty: Kazakhstan Forum on Dispute Resolution – **Theoretical Problems of Recognition and Enforcement of Foreign Arbitral Awards Under the 1958 New York Convention**
- 6-8 September 2017, London: Europe-Caucasus-Asia Forum, International Bar Association –Forum’s co-chair, moderator of the session "**Planning and resolving construction disputes in the ECA region**" (panelists: Gerlando Butera, Addleshaw Goddard; Alfonso Pelosi, Salini – Impregilo; Adriana Spassova, EQE Control; Tomas Vail, White & Case)
- 22 September 2017, Minsk: Forum on Dispute Resolution in Eastern Europe – **Proof of Proper Service of Documents at the Stage of Recognition and Enforcement of Foreign Arbitral Awards**
- 29 August 2017, Almaty: PwC Kazakhstan seminar on arbitration reform in Kazakhstan – **Unresolved Conflict of Laws Issues in Kazakhstan Arbitration; Issues of Unilateral Withdrawal from Arbitration Clauses under the Kazakhstan Arbitration Law**
- 30 November 2016, Astana: Kazakhstan Petroleum Lawyers' Association/Kazakhstan Bar Association/Ministry of Justice of the Republic of Kazakhstan seminar on Current Challenges of Arbitration Development in Kazakhstan – **Problems of Regulation of the Arbitration Agreement**
- 15-18 June 2016, Kiev, Lviv: Europe-Caucasus-Asia Forum, International Bar Association – Forum’s co-chair, moderator of the session "**How to make investment treaty arbitration available to small claim investors, including those in emerging markets**" (panelists: Emmanuel Jacomy, Shearman & Sterling; Christer Söderlund, Magnusson; Duncan Speller, WilmerHale; Baiju Vasani, Jones Day; Maria Gritsenko, Bryan Cave)
- 31 on May 2016, Almaty: Law Society of England and Wales/Kazakhstan Bar Association/British Chamber of Commerce in Kazakhstan: English Law Day – **Constitutional Law Impediments to Establishing the Astana International Financial Center**
- 17 July 2015, Almaty: Panel discussion with the Chairman of the Constitutional Council of the Republic of Kazakhstan Igor Rogov on Constitution and Private Business – **Constitutionalism in the Light of Judicial Practice in Kazakhstan**
- 1 on July 2015, London: Law Society of England and Wales: Central Asia Trade Mission and International Marketplace – **Pitfalls of the 2015 Kazakhstan Law on Arbitration**
- 19 June 2015, Tbilisi: CIS Local Counsel Forum – **The Choice of the Seat of Arbitration** (other panelists: Nikolaus Pitkowitz , Graf & Pitkowitz ; Mariam Gotsiridze , Ministry of Justice of Georgia, Beka Injia , GIAC; Jennifer Younan , Shearman & Sterling)
- 29 June 2014, Vienna: CIS Local Counsel Forum – **Conflicts of Laws Issues in International Commercial Arbitration** (other panelists: Nikolaus Pitkowitz, Graf & Pitkowitz ; Christopher Coffin, Withers; Manfred Heider, VIAC; Natalia Petrik , SCC)

8. Membership in arbitral institutions / functions in arbitral institutions/organizations:

- **Advisory Board Member, Caspian Arbitration Society, Geneva, Switzerland**
- **Member, Georgetown International Arbitration Society, Washington, D.C., USA**
- **Recommended Arbitrator, the Kazakhstani International Arbitrage, Almaty, Kazakhstan**
- **Recommended Arbitrator, the Arbitral Center of the National Chambers of Entrepreneurs of the Republic of Kazakhstan, Astana, Kazakhstan**

9. Languages

Mother tongue: **Russian**

Working languages (i.e. languages in which you have both a spoken and written command so that you may conduct arbitral proceedings in this language): **English**

10. In which legal systems have you trained?

Kazakhstan law; civil law;

some knowledge of common law (LLM, Georgetown, Washington, D.C.)

11. What is your main jurisdiction of practice?

Kazakhstan

12. In which jurisdictions are you admitted to the bar?

Kazakhstan

13. Special expertise or specializations (please list a maximum of five):

1) Construction disputes (with special experience in FIDIC contracts, including Red, Yellow, and Pink Books);

2) Shareholder disputes;

3) General contract law;

4) Private Intern. Law (Conflict of Laws);

5) Energy / Oil & Gas

14. Date of birth: **16 October 1986**

VIAC offers arbitration practitioners the possibility to present themselves on its website. VIAC reserves the right to publish any presentations submitted and to remove it as the case may be. Parties are free to nominate an arbitrator of their choice and so is the VIAC Board when appointing an arbitrator. These presentations do not constitute recommendations but may assist the parties in choosing an arbitrator willing to conduct proceedings according to the Vienna Rules. The fact that an arbitration practitioner appears on this list, does not authorize this person to use the title "VIAC-arbitrator".

X I have completed this questionnaire to the above to the best of my knowledge and believe they are accurate.

X I hereby consent that the data provided in this questionnaire may be processed for the appointment of arbitrators and published by VIAC. This includes in particular publication on the website of VIAC as well as use in any presentations, etc. This consent may be withdrawn at any time by contacting VIAC at our general contacts, in particular by email addressed to office@viac.eu. The consequence of any such withdrawal will be that my data will no longer be processed by VIAC. For further information, see our privacy statement at <http://www.viac.eu>.

7 October 2020, Berlin