



**ARDAK IDAYATOVA**  
**Partner, Head of Dispute Resolution,  
Infrastructure & PPP**

**AEQUITAS Law Firm**  
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**Practice Areas**  
[Dispute Resolution](#)  
[Infrastructure & PPP](#)  
[Construction  
& Real Estate](#)

**Languages Spoken**  
English, Russian, Kazakh

**Professional  
Qualifications**  
Lawyer, Kazakhstan

Ardak Idayatova specializes in contract, dispute resolution, public-private partnership, construction and real estate legislation.

She has extended expertise in rendering all-round support to major infrastructure projects, primarily representing foreign investors, international development banks and foreign contractors. During the past years, Ardak acted as one of the key counsel for the international development banks (EBRD, EDB and IsDB) in connection with financing (US\$585 mln) of the first Kazakhstan concession project of special significance involving construction of the Big Almaty Ring Road (BAKAD).

Moreover, Ardak represents and renders expert assistance to clients in foreign commercial arbitrations mainly in connection with construction disputes arising out of different contracts based on FIDIC models (among others, on Red Book, Yellow Book and Pink Book). Ardak participated in arbitrations seated in Stockholm, Paris and London under the ICC, UNCITRAL, LCIA and SCC rules, including local arbitrations. For several years, Ardak has been ranked by The Legal 500 as the "rising star" and the "next generation partner" in the construction and dispute resolution areas.

Ardak's clients are EBRD, IsDB, EDB, Salini Costruttori S.P.A., Todini Costruzioni Generali S.p.A., Exxon Mobil, VTB Bank, Punj Lloyd, Johnson&Johnson and others.

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## Memberships

Kazakhstan Bar Association  
Co-Chairman of the Commission to Exercise Control over the Bar Members' Activities

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## Experience

2007-present    AEQUITAS Law Firm – Partner  
1999-2007       Private companies – Lawyer

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## Education

1999              Kainar University, LLB, Kazakhstan

## Awards / Recognition



[Rising Star, Next Generation Partner](#) in Dispute Resolution; [Recommended Lawyer](#) in Dispute Resolution, Real Estate & Construction and Tax & Customs (The Legal 500 2023);

[Band 4](#) in Dispute Resolution (Chambers 2023).

*"Ardak Idayatova has great potential."* The Legal 500 EMEA 2022

## Representative Projects

### Infrastructure and PPP

- Legal support to the first Kazakhstan's concession project of special significance on construction and operation of Big Almaty Ring Road (BAKAD) financed by international development banks (EBRD, EDB and IsDB).
- Advice to the world largest manufacturer of steam turbines on a wide range of issues relating to construction of a power plant in Kazakhstan.
- Advice to one of the leading manufacturers of wind turbines on a wide range of issues associated with the construction of a wind power plant in Almaty Oblast.
- Advice to a Chinese investor on a wide range of issues involving construction and operation of a solar power plant in Kyzylorda.

### Construction Disputes

- Participation as a co-counsel and representation of a renowned Italian construction company in international arbitration under the International Chamber of Commerce (Paris) v. Ministry of Industry and Infrastructural Development of the Republic of Kazakhstan in connection with a dispute arising out of performance of a construction contract (FIDIC Pink Book) entered into with the Government of the Republic of Kazakhstan and financed by the European Bank for Reconstruction and Development.
- Participation as a co-counsel and representation of a famous construction company in international arbitration under the Stockholm Chamber of Commerce in connection with a dispute arising out of a construction contract (FIDIC Red Book, 1999) entered into with the Government of the Republic of Kazakhstan and financed by the European Bank for Reconstruction and Development.
- Representation of a local subsidiary organization of a major Indian company active in the sphere of design and construction (as a contractor under a contract with Agip Kazakhstan North Caspian Operating Company N.V.) in a number of judicial disputes relating to different contracts for construction (including design and procurement) of an oil and gas export pipeline as part of a pilot program of the Kashagan field development.
- Advice to an international diversified company specializing in the sphere of management and design on a number of disputes relating to the construction of a

large multifunctional complex in Astana (Kazakhstan) under a contract based on the FIDIC Yellow Book (1999).

- Advice to a leading world supplier of electromechanical equipment for hydroelectric power stations in connection with a dispute arising out of a contract for supply and installation of electromechanical equipment under a contract based on the FIDIC Yellow Book (1999).

### Commercial Disputes

- Representation of one of the leading Kazakhstan banks in international arbitration in London under the UNCITRAL rules in connection with a dispute arising out of a services agreement and involving issues under English, US and Kazakhstan laws.
- Advice to a Turkish bank acting as a creditor on intricate cross-border restructuring of debts of a major local bank.
- Advice to a Singaporean company on the issues of invalidation of transactions and tort obligations under Kazakhstan law in connection with a dispute considered by English court, which arose under a fraud claim, and invalidation of transactions involving illegal sale of assets in Kazakhstan by the former company management.
- Advice to a famous litigation financing fund on certain Kazakhstan law matters in connection with the fund's financing of a local group of companies in a litigation considered in the High Court of London under the fraud claims against the former management of the group of companies.
- Legal support to a company being a member of the Eurasian Natural Resources Corporation in connection with a claim from one of minority shareholders under a loan agreement with a complicated security mechanism.
- Representation of a major grain trader in a local court in connection with enforcement of a foreign arbitral award issued under the rules of Grain And Feed Trade Association (GAFTA).

### Construction and Real Estate

- Advice to a large Swiss oil service company in connection with the preparation of a contract for the construction of facilities at a major Kazakhstan's oil and gas field and adjustment of the FIDIC model contract (Red Book, 1999) to the local legislative requirements.
- Drafting of a contract for the construction of a gas pipeline for operation of lubricating oil production plant for a major Russian oil company. Development of a complicated scenario of legal relations among the customer, general contractor and subcontractors, whereby direct control over the subcontractors' work could be exercised by the ordering customer.
- Advice to an international architectural company regarding performance of contractual obligations related to the construction of facilities in the Burabay resort zone.
- Advice to a major foreign investor regarding legal regulation of the acquisition of rights to agricultural-designation land plots and possibility of their recovery in the framework of bankruptcy and enforcement proceedings and issues of entering into joint operating agreements with peasant farms and associated risks.
- Advice to a number of South Korea major construction companies and banks on a wide range of issues involving construction and financing of the APPLE TOWN residential complex in Almaty.

- Advice to a local company in connection with a ski resort construction in Ile-Alatau national park near Almaty, including matters of transferring lands from the "specially protected" category to other categories for the purposes of resort construction.
- Conducting due diligence and advising METRO Cash & Carry in connection with its acquisition of immovable property in Kazakhstan, as well as trade, logistics and supply matters.

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## Publications

- Shaikenov V., Idayatova A., Iminov F. Kazakhstan Chapter: International Arbitration 2021 Global Practice Guide // Chambers and Partners – August 2021 [Read](#)
- Shaikenov V., Idayatova A. Kazakhstan: Recognition and Enforcement of Foreign Arbitral Awards // Recognition and Enforcement of Foreign Arbitral Awards in Russia and Former USSR States, ed. Roman Zykov – Wolters Kluwer – June 2021
- Tleulina L., Idayatova A. Litigation and enforcement in Kazakhstan: overview // Thomson Reuters. – April 2021
- Sholanov N., Idayatova A. Certain Issues of Applying Kazakhstan Legislation in Concession Projects // [www.zakon.kz](http://www.zakon.kz) – 2021.02.19. [Read](#)
- Tleulina L., Idayatova A. Litigation and enforcement in Kazakhstan: overview // Thomson Reuters. – February 2020
- Idayatova A. Peculiarities of FIDIC Contracts Adaptation to the Kazakh Legislation. // Petroleum. – 2019. – № 6.
- In 2019, Valikhan Shaikenov and Ardak Idayatova have co-authored a 43-pages long chapter on Kazakhstan in the book published by the Russian Arbitration Association on the application of the 1958 New York Convention of Recognition and Enforcement of Foreign Arbitral Awards in Russian and Former USSR Republics. The chapter has become 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.
- Tleulina L., Idayatova A. The Guide to Challenging and Enforcing Arbitration Awards: Kazakhstan // Global Arbitration Review. – June 2019
- Tleulina L., Idayatova A. Litigation and enforcement in Kazakhstan: overview // Thomson Reuters. – February 2019
- Shaikenov V., Idayatova A. Issues of Construction Guarantee Period Regulation under Kazakh Civil Legislation // The Legal 500. – June 2016.
- Shaikenov V., Idayatova A., The Choice of Law Governing Arbitration Procedure and Arbitration Agreement in the Context of the Kazakhstan Legislation // Chambers and Partners. – April 2017.
- Shaikenov V., Idayatova A. Enforcement in Kazakhstan of interim measures taken by Russian courts: reconsideration of Minsk Convention and Kiev Agreement // Legal Insight – 2016. – No. 9 (55).

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