



FOUNDATION OF THE FIRST PRESIDENT
OF THE REPUBLIC OF KAZAKHSTAN - ELBASY

**FORMATION AND DEVELOPMENT
OF PRESENT STATEHOOD
OF KAZAKHSTAN**
(First-Hand Knowledge)

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This book reveals the central and strategic role of the First President of the Republic of Kazakhstan – Elbasy N.A. Nazarbayev in forming and developing present statehood of Kazakhstan.

The historical process of Kazakhstan's gaining sovereignty, the formation and further improvement of individual institutions that make up the framework of independence is analyzed.

The authors include politicians and public figures, heads of the public authorities who directly worked on translating the ideas and instructions of Elbasy into reality and made a significant contribution to the creation of relevant industries and institutions of present statehood of Kazakhstan.

The book will be useful to politicians, legislators, scientists, and the wide audience.

FOREWORD

Time after time the history of mankind proves one and the same simple truth that the strategic and current goals, tasks and areas of activity of any state differ at different times. However, among them there are those which always remain paramount for any person, nation, or country. Such unwavering values include freedom and independence.

When the Constitutional Law on the State Independence of the Republic of Kazakhstan had been adopted on December 16, 1991, our country appeared before the world community as a sovereign new state, on shoulders of which the heaviest burden of responsibility for the future of its people was fallen.

The First President of Kazakhstan, Nursultan Abishevich Nazarbayev, and the team he led, had the historic mission to start building statehood almost from scratch in the context of the all-out crisis of the Kazakh SSR and the collapse of the Soviet Union.

At the international research-to-practice conference dedicated to the 20th anniversary of the adoption of the Constitution of the Republic of Kazakhstan and held on August 28, 2015, in his speech, Nursultan Abishevich gave the following assessment of that time.

“Today we can objectively assert that by the beginning of 1995, the independence of Kazakhstan was on the brink of a precipice. The question was put bluntly: could we build a state after the collapse of the Soviet Union or not? At that moment, Kazakhstan was desperately poor and desperately limited in its actions and capabilities. We had neither the knowledge nor the experience in self-governing, and we understood very little how the modern states functioned. We knew that if we did not act quickly and decisively, we would have anarchy instead of a new and independent state. We saw that in the experience of other countries.”

So, how did Kazakhstan manage to avoid significant collapse, and then to stand on its own two feet, implement a triple modernization, create a social community called *the people of Kazakhstan*, make a quantum leap within a market economy, develop a base of social policy, and ensure the sustainability of the democratization and liberalization process? How could it then gradually build a positive potential in the life of the country and all Kazakhstanis?

Based on social harmony, political stability, success achieved within the country, and a peaceful foreign policy, the Republic of Kazakhstan has gained worldwide recognition and has become a strong and successful state, an authoritative, initiative player on the world stage which has been developing in precisely defined directions of balanced strategies.

What has been behind the victories and successes of the country of the Great Steppe?

The answer to this question can be found in the articles included in this monograph. The thoughts and opinions of people who were the originators of the formation and subsequent strengthening of the most important mainstays and supporting structures of the State Independence of Kazakhstan are summarized in these articles.

A reader is offered a unique opportunity to get to know how the most important state structures and public institutions were established directly from the words of statesmen who were pioneers. It is the opportunity to plunge into the history of the hardest period and grandiose plans, confidence and courage, actions to solve problems, and the joy of the results achieved.

In general, this book tells about the selfless and constructive labor of the First President of Kazakhstan, Elbasy Nursultan Abishevich Nazarbayev, and the work of fellow members of his team responsible for specific areas of a single epoch-making activity.

In this monography divided into 20 chapters, 22 authors describe their vision of the events that preceded the transformation of Kazakhstan into a country that overcomes any hardships and has a strong position in Top-30 World Development Leaders.

The book covers the main stages of the development of the Constitution of the Republic of Kazakhstan, establishment of presidential institutions, legislative and executive branches of government, constitutional control, courts, prosecution offices, diplomatic services, anti-corruption bodies and their subsequent evolution. The construction of the new capital of Astana, formation of foreign policy, legislation and finance, state administration and self-administration, electoral and party systems, as well as the development and implementation of effective ethno-politics and national security are shown.

We would like to pay attention only to some topics touched upon by the authors.

A special emphasis is placed on the Framework Law serving as the basic guarantee of social harmony and political stability, the most important rights and freedoms of Kazakhstanis. Due to the historical conditions of that time, the first Constitution adopted by the Supreme Soviet on January 28, 1993, was very important but could not perform its historical mission. The book exhaustively covers the objective and subjective circumstances of the situation arisen and special aspects of the constitutional process of 1990-1993. The adoption of the second Constitution on August 30, 1995 was a key event on the way of Kazakhstan and a landmark victory of Elbasy. In a nationwide referendum,

out of 8,091,715 citizens who participated in the voting, 89.14% voted for the new Constitution. Thus, the Framework Law in force is the fruit of the joint creative labor of the President of the Republic who developed the document, and the people who lent the highest legitimacy to it by their will. This is one of foundation stones of effectiveness of the Constitution “working” for almost a quarter of a century. The other one is connected with ensuring its stability and susceptibility to changes by making the required amendments to the text. The special aspects of the three constitutional reforms (carried out in 1998, 2007 and 2017) are shown.

The monograph shows how the new capital of Kazakhstan was established, grew up, and gained real status. Nursultan Abishevich Nazarbayev is justly considered to be the “chief architect” of Astana as the first capital city of independent Kazakhstan. Starting from the idea of moving the capital and receiving its approval by the Supreme Council of the Republic, including the establishment of the Architectural Council and management of its activities, inviting world-famous architects, development of a master plan and detailed planning, construction of unique buildings and residential complexes, construction of recreational zones, permanent, on-site, personal control over the execution of the works planned – this is hardly complete list of the methods used by Elbasy. Based on the spectacular example of Astana, positive trends were implemented in the economy and social development of the entire country. Consequently, it is quite natural that the capital has been named after the First President of Kazakhstan and now is called Nur-Sultan.

Another unconditional and extremely important component of the foundation of the State Independence of Kazakhstan covered in the book is the exclusive presidential model of interethnic and interfaith unity and concord. It was based on the common values of identity of Kazakhstan which consolidates the nationwide conventional wisdom. The Assembly of People of Kazakhstan became a unique authoritative state and public institution that smoothly but firmly established itself within the political system. Due to the maximally verified state ethno-politics, the activities of the Assembly headed by its Chairman Elbasy, within the period between 1996 and 2010 the fears of citizens were completely allayed about increased ethnic tensions, and now the people of Kazakhstan are moving towards greater unity.

The mastering of new functions and previously unknown types of activity by the newly independent state, establishment and evolution of each state and state-public institution took place by different methods. But they have

something in common. The common thread is that all such measures are connected with the fundamental principles of activities of the Republic stipulated by the Constitution.

The book tells about how by now the state and society have achieved unprecedented success within the framework of the implementation of state programs as a result of the constant support of people of Kazakhstan and the wise leadership of Elbasy. The book also tells about what tasks and challenges the country is facing today which identify the possibilities for further progressive development of the state.

This collection provides the reader with an opportunity not only to complement knowledge with previously unknown information, but also to look at the events of recent history through the eyes of their direct participants, to feel their experiences, and rejoice at the success achieved. And the reader can once again come to believe that no matter how difficult the past might be, there is always a chance to change the future for the better.

Every book lives its own life which cannot often be separated from the events taking place in reality. When the work of the authors was completed and the time came to send the made-up edition to the printing house, epochal events occurred in the country.

President of the Republic, N.A. Nazarbayev, according to his own will, abnegated his powers. K.K. Tokayev took up the post of the Head of the State. The Framework Law was amended and the capital of Kazakhstan renamed Nur-Sultan. The country announced early elections of the Head of the State and the election campaign began. The transformation of the supreme power takes place in strict accordance with the Constitution.

All of this further enhances the significance of the material presented in the book. After all, in the current and long-term agenda for society and the state a key factor is to maintain the continuation of the course chosen by the country, implement the strategies specified by Elbasy for developing the economy, improving the well-being of citizens, consolidating peace and stability, and increasing the achievements of Kazakhstan.

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AT THE ORIGINS OF THE STATE INDEPENDENCE

Between the second half of the 1980-s and the beginning of the 1990-s of the XX century, the forefront of global geopolitical space witnessed the sharpening of contradictions between the two systems – the capitalist and the socialist development paths. The *cold war* between them and the arms race also were at their very worst. The centrally planned socialist economy and the command and administration system of the party leadership of the Communist Party of the Soviet Union and the USSR which also included our Republic, could not withstand the competition in terms of world development. The outdated economy methods used by the party leadership was not only *stalled*, but also clearly lagged behind in terms of both technology and organization. The problems which had been accumulated for years could not be solved; the level and quality of life were falling irreversibly. The Central Committee of the CPSU used to rely on excessive centralization of power both in the party and in a complex economic system, so it tried to solve all issues using the power of authority. In the course of the years after the collapse of the CPSU and the Union, all those problems have been comprehensively analyzed *through the length and breadth* by thousands of statesmen and public figures, politicians, scientists, experts, diplomatists, journalists and others. According to most of them, the main reasons for the collapse of the USSR were the excessive centralization of economic management, limitation of the independence of the Union Republics, and ignoring of the interests of growing national identity in the national republics, as it naturally could not but dissatisfy many Union Republics, ethnicities, and ethnic groups.

Those contradictory processes deepened when M.S. Gorbachev had taken up the post of the General Secretary of the Communist Party of the Soviet Union in 1984. He proposed and initiated reforms of the entire system of economics and politics as part of *perestroika* (restructuring); those reforms were encouraging at the beginning but soon they *splattered* in endless and pointless discussions and new *strict requirements* and *instructions* of the CPSU Central Committee. As a matter of course, such *results* aggravate controversy between the Center and the Union Republics and regions. Unfortunately, Moscow used to firmly believe in the power of the *Center* thus catalyzing the protest moods at the local and region levels.

At the same time, the USSR tended to lose its influence and authority on the international stage. The Communist bloc headed by the USSR and including the countries of Eastern Europe was gradually losing its former monolithic character. And soon, in 1989, following the fall of the Berlin Wall, a new geopolitical situation made up throughout the entire territory of Europe.

In the USSR, the denouement came in August of 1991 when so-called SCSE (State Committee on the State of Emergency) had been established. Two days later it was dissolved as the President of the Russian Federation, B.N. Yeltsin, signed a decree dissolving the CPSU which was the ruling party of the Soviet Union for 74 years, in full view of the world community (all actions were broadcasted on Central Television) despite the pleading request of the General Secretary of the Communist Party of the Soviet Union, M.S. Gorbachev.

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...After the collapse of the SCSE in August 1991, the sociopolitical situation developed by unexpected aspiration.

In 1991, the main events were the dissolution of the CPSU and the denunciation of the Union Treaty of 1922.

After the dissolution of the CPSU, the President of Kazakhstan, N.A. Nazarbayev urgently convened an extraordinary congress of communists of Kazakhstan, decided to dissolve the party in Kazakhstan upon the decision of Moscow and announced the establishment of the socialist party.

Before that situation, Nursultan Nazarbayev has already brought up the questions of the need to reform the party and the USSR, taken active in preparing a new union agreement. Although the Moscow leaders of the centre accepted in mind the convincing proposals of N.A. Nazarbayev, they did not hurried to make a political decision. On 19 August 1991, Nursultan Nazarbayev informed the Central Committee that the activities of the SCSE contravened the laws and the Constitution, and he could not fulfill the instructions of that *organization*. At that, it became clear that there would be changes and the political situation would develop in a completely different way.

The President of Kazakhstan urgently and in a short time signed a decree concerning the new organization of government control and mobilization of government institutions. The Security Council of the Republic was established. The work was in full swing: all government institutions and organizations subordinated to the Union were placed under the control of the Government of Kazakhstan; decisions were made on issues of property of the CPSU, on the external independent economic activity of the Republic. It was also necessary to establish the State Defense Committee and the Ministry of Foreign Affairs,

to change the name of the Kazakh Soviet Socialist Republic to the Republic of Kazakhstan, and to resolve many other issues of vital importance.

The boldest decision of the President of the Republic which shook the society and created the impression of liberation from serious doubts and burden, was the Decree on Closing the Semipalatinsk Nuclear Test Site signed on August 29, 1991. The Decree supported by the people of Kazakhstan incurred displeasure of the central government, since the Union Government continued to exist and control despite the dissolution of the CPSU. The most influential leaders of the military-industrial complex strongly criticized the actions of the President of Kazakhstan for his willful decision-making without their consent and tried to accuse him of decreasing the national defense capability. The news of the closure of the Semipalatinsk Nuclear Test Site aroused interest at the international level. World nuclear powers, such as USA, Britain, France, spoke of the need for new treaties with the leadership of Kazakhstan and clearly expressed concerns about the future of the test site.

In the book *On the Threshold of the Twenty-First Century* N.A. Nazarbayev in his analyzing the controversial processes of that time recalled: “The *critical commentary* began when the Soviet Union was still in existence. On March 16, 1991, Secretary of State James Baker invited me to the US Embassy in Moscow. It was long past midnight when our meeting took place. J. Baker was interested in the general situation in the country, but now it seems to me that options were already being sought in the West in those days to address the nuclear arms problems. This question was posed directly during our meeting in Alma-Ata on September 16, 1991”.¹ In this book, the President of the Republic broadly and fully describes the difficulties of treaties concerning a nuclear test site and summarizes below the results which had been achieved through those negotiations: “An event of truly historic significance took place on December 5, 1994, during Budapest Commission on Security and Cooperation in Europe (CSCE) Conference: the signing of Memorandum on the Provision of Security Guarantees to Kazakhstan on the part of the Nuclear Non-Proliferation Treaty depositaries – the Russian Federation, the USA and Great Britain who in accordance with the principles of the CSCE affirmed their respect for the independence, sovereignty, and inviolability of the existing borders of Kazakhstan. The Memorandum contains important commitments on the non-use of force against the territorial integrity and political independence of Kazakhstan, and on the rejection of coercive economic measures. We regard these guarantees as an adequate response to Kazakhstan’s responsible policy

¹ N.A. Nazarbayev. *On the Threshold of the Twenty-First Century*. – Almaty, 1996. – p. 64.

in the field of disarmament. We subsequently also received similar guarantees from the governments of the People's Republic of China and France".²

It should be noted that the closure of the nuclear test site did not receive proper appraisal by the world community and international organizations back in a day and lacks it nowadays. Firstly, in general issues on disarmament and non-proliferation of nuclear weapons, no Head of the State decided on accepting such a risk before or after N.A. Nazarbayev made that decision. Secondly, the threats of nuclear and anthropogenic wars have not been mitigated for the whole human community. Thirdly, neither the heads of states nor the groups of world advanced technologies strive to minimize this danger, to find the best general agreement and solution.

In order to criticize the Head of the State, in the media some political groups have a propensity to doubts such as: "we abandoned nuclear weapons mistakenly". To address such doubts, the President of Kazakhstan says the following: "We know from our own experience what nuclear weapons are really like and what impact they have on everything living, and the problem of the Semipalatinsk test site and widespread antinuclear attitudes, of course, inclined us towards such a course of action. I think we did the right thing by declaring Kazakhstan's non-nuclear status. And it was not a question of not having the necessary vast resources and extremely highly qualified experts to maintain nuclear weapons. The fact is that possessing nuclear weapons was like sitting astride two gunpowder kegs. First, in view of the instability of post-Soviet space, these means of mass destruction presented a real threat to our security. Second, the nuclear states had Kazakhstan constantly in their sights because of the missiles deployed on our territory. And I was incensed when some people waged a campaign to retain these deadly weapons on Kazakhstan's soil. These intriguing politicians had never seen the devastated land around Semei and knew nothing about the numerous people who had been disabled or died prematurely from various forms of cancer. Some are still casting doubt on our decision to this day, and mostly for cheap political gains.

...Our land is gradually recovering from the acts of violence perpetrated against it... 459 nuclear explosions including 113 in the atmosphere were carried out at the Semipalatinsk test site. There will never be anymore".³ At that time, the Baltic and Transcaucasian republics began to declare their withdrawal from the USSR and build their state independence.

We had a slightly different situation. It could not be comparable with other union republics. There were many differences, but I would like to note some of the most distinctive aspects in this sense.

²N.A. Nazarbayev. Opere citato. – P. 76-77.

³N.A. Nazarbayev. Opere citato. – P. 77-78.

Firstly, 93 percent of basic industrial sectors, such as mining, metallurgical, chemical, non-ferrous metal, oil and gas sectors, defense enterprises and others, were directly subordinated to Moscow with all the consequences that come with it, including financial processes and personnel. After the collapse of the USSR, the former network of orders and purchases of products, of course, ceased to operate, and thousands of people employed by those enterprises found themselves without work in a short span of time; some of such people did not see prospects for themselves and quickly moved from Kazakhstan.

Secondly, such giant military-industrial complexes as the Baikonur Cosmodrome, Semipalatinsk Nuclear Test Site, missile systems located in Central and Western Kazakhstan, and other institutions were under the control of Moscow. Suffice it to say that the CAMD (Central Asian Military District) which included more than half a million people was based in Kazakhstan. Of course, people who had worked for years on a well-established elite system could not rejoice at the collapse of the former Soviet Union. The society as a whole had questionable perception concerning those political events.

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After the collapse of the Communist Party of the Soviet Union there were different moods in the society. The attitude of people to that situation was also different. The economic crisis and crisis of conscience exacerbated together.

In such circumstances, the top public official should have extraordinary instinct, political insight and a strong will.

The President of the Republic urgently submitted to the Supreme Soviet a draft Constitutional Law “On the State Independence of the Republic of Kazakhstan”.

On December 15-16, 1991, for two days the Supreme Soviet considered the draft Constitutional Law “On the State Independence of the Republic of Kazakhstan”. The XII convocation meeting of the Supreme Soviet was attended by President N.A. Nazarbayev, 360 people’s deputies, the full composition of the Government. Each article of the draft law, the national interests of the Kazakh people, especially issues on the language and interethnic and international relations were thoroughly discussed, opposing opinions, suggestions and judgments were expressed. The President of the Republic himself made a significant contribution to the adoption of a proper law by presenting a range of well-founded proposals in the course of the discussion of the draft law.

I remember the well-founded speeches of famous lawyers, scientists, representatives of culture, art, literature, public figures. Among them were the deputies of that convocation: Salyk Zimanov, Zhabaykhan Abdildin, Anuar Alimzhanov, Omirbek Zholdasbekov, Sherkhan Murtaza, Abish Kekilbayev,

Zinaida Fedotova, Sultan Sartayev, Murat Auezov, Nurlan Orazalin, Alexander Knyagin, and others. In the evening, the law was adopted and the President of the Republic congratulated the participants of the meeting and – through the deputies – all people of Kazakhstan with the State Independence achieved. We heard the old hymn. The centuries-long dream of our ancestors came true, and we were filled with joy as we grew aware of sovereignty of our state, we were excited and moved to tears. We exulted.

By order of the President, urgent telegrams were sent to all countries, to the UN and international organizations (After the coup in Moscow occurred on August 31, I was designated for a post of the Minister of Press and Mass Media as part of the newly formed first government of independent Kazakhstan). The Administration of the President of the Republic and the Administrative Office of the Cabinet of Ministers, as well as the ministries, the media, the editors, and the editorial staff worked all night long. After 11 p.m. Nursultan Abishevich called and said with a touch of joyfulness in his voice that he received a telegram from the President of Turkey, Turgut Özal, containing congratulations and recognition of our State Independence. I was very glad and congratulated the President of the Republic and thanked him for the call. Turkey was the first country to recognize our independence. The next day, congratulations were received with recognition of our State Independence from the United States and other states...

A new life began... A new era for the Kazakhs and all Kazakhstanis began. We were inspired and our thoughts were filled with enthusiasm. The first meeting of the government was presided over by the President himself. The ministers were encharged with new tasks. Every day was equal to a month, and a month was equal to a year, we worked quickly, with particular enthusiasm, with a sense of independence. The society had many problems and contradictions. The economic system of the USSR no longer functioned, production stopped, large factories and plants also did not operate, unemployment grew. The financial system slowed down, local and republican budgets were exhausted, and inflation was being on the rise.

Store shelves were empty, there were no consumer goods. The people languished, pensioners did not receive a pension in a timely manner, teachers and doctors did not receive a salary, and students did not receive a stipend. The government did not have time to pass laws, and if it did, implementation of such laws was hampered by mechanisms that had become obsolete during the era of the Soviet Union, but were not yet adapted to new circumstances. It was a common sight to see public rallies which could easily be organized by initiative groups in any organization, at enterprises, even in higher education

institutions, on the streets, and in squares. Since both the doors were open and the telephones were available, every day representatives of the Government and officials were invited to such meetings. The problems of the economy and socio-political difficulties grew, turning into a pile. Sometimes members of the Government, heads of ministries, officials spent at such meetings and rallies all day long, answered questions, explained situations, listened to problems, and continued to work on laws in the evenings until late at night.

The activity of the President of the country was continuous, organization, orders, and control were systemic. At that time, associates of N.A. Nazarbayev were younger than him, had a sort of work experience, and knew firsthand about life and situations. But they were amazed at the powerful potential and unquenchable vigorousness of the Head of the State. We barely kept pace with him, as he was always ahead in everything.

Under the President of the country and his Administration, a commission was established for reforming the legal, financial and economic, social and political foundation. The commissions included not only representatives of the Government or the authorities, but also scientists from various fields, specialists, experts, and analysts were involved. This created the conditions for the use of their capabilities. When studying the achievements of the most developed countries of the world, the President of the Republic placed emphasis on a positive experience which was close to our consciousness and spirit. He taught us to look at things from different perspectives and did not tire of learning; he met with many foreign experts who came to our country. Among them were qualified financiers, economists, politicians. He studied their experience, used their suggestions and advices to develop the strategy and tactics of the formation of our state. He invited to his homeland various Kazakhstani specialists who had worked in other countries, especially in Russia, in order to ensure rational use of their knowledge. At the same time, he solved the issues on their living conditions and mobilized their potential for forming our state.

When we achieved independence, in a short time – in just a few months – more than a hundred of states recognized our state independence and established diplomatic relations with Kazakhstan.

The President of the Republic soon declared the Foreign Policy Concept of Kazakhstan and announced the Military Doctrine. Massive reforms within the state relating to urgent questions of forming-up, continued to be implemented with no postponing. At the same time, the tasks of membership in the international community were solved; friendly mutually beneficial relations were established with foreign partners. Without a backward glance, the President

traveled around the world, looking for and finding friends and well-wishers. Kings and presidents, who previously had not heard the word *Kazakh*, could see an extraordinary person with extraordinary sense of communication, compelling speech, and charm. When our blue flag was flying next to our President and the anthem was sounding, everyone really felt pride!

Each trip of the President of Kazakhstan to another country was an important event the meaning of which might be described not in a single, but in several articles. The main purpose of foreign visits was to bring the country to the world stage. The international community believed in us; as a result, full soon foreign investments began to flow into our economy, and it was a convincing indicator of confidence in us.

Many times we have witnessed the perspicacity of Nursultan Abishevich in terms of domestic and foreign policy. One example was his speech at the 47th session of the UN General Assembly in 1992. During it, Elbasy proposed organizing the Conference on Interaction and Confidence-Building Measures in Asia (CICMA). It was no secret that in the beginning his colleagues, especially foreign ones, did not take that proposal very seriously. As a result of relentless work and undoubting and confident diplomatic work carried out for 10 years, in 2002 in Almaty, the heads of 17 Asian republics became members, and 5 states became observers of that unique Conference on the Asian continent. This was the first meeting of representatives of Asian countries held at the international level and related to confidence-building measures.

Nowadays, organizations such as the CIS, the Shanghai Cooperation Organization (SCO), the Customs Union, and the Eurasian Economic Union have achieved recognition and confidence at their level and perform their functions systemically. All of the above institutions were established at the initiative of our President. The purpose of these organizations is to work in the best interests of peaceful coexistence.

A great accomplishment of Kazakhstan's cooperation with the international community was the chairmanship of Kazakhstan in the OSCE in 2010, thus confirming that the European community recognized the political and economic reforms being carried out in the country and the great intellectual potential of the Kazakhstanis. Internationally, the intensive work of Kazakhstan to attract foreign investment in the country's economy, the modernization of production, and the introduction of new technologies aimed at improving the quality of life of the population receive high marks. The world community and heads of many states note the active work of the President of Kazakhstan and respectfully accept his specific proposals in the name of peace, harmony, and the well-being of nations.

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The Leader of Kazakhstan has a keen understanding of the most controversial processes and the ability to find the proper solutions. He is quite optimistic, however, reasonable and resolute, knowledgeable, brave, and fast in thinking. Sometimes, in the most difficult situations, he may come up with surprising solutions. One has only to think about the Message of the Head of the State to the People of Kazakhstan of 1997 in which he voiced the Kazakhstan-2030 Development Strategy. In the society and in the statements of some analysts, the phrase could be heard: *How can we talk about prosperous Kazakhstan if we cannot provide people with wages and pensions?*

The capacity of the state has become more powerful and the quality of life has been improving.

In the first years after achievement of Independence, the crisis affected not only the economy, but also the socio-political, spiritual, and humanitarian spheres of human life. Although the people of Kazakhstan suffered from the crisis, they lived with faith for a better tomorrow, the future of an independent state. At the same time, some individuals of other nationalities could not accept the fact that the Soviet Union collapsed; they *did not want to become Kazakhs* and moved.

The President of the country, at his own initiative, met with the public and frankly told about the fact that the new Kazakhstan would respect all human rights regardless of nationality, and earnestly explained a balanced policy aimed at interethnic concord. He fostered the efforts of the Government and local executive bodies to conduct the same activity. Such positions were included in the Constitutions adopted in 1993 and 1995. In order to implement those principles, the Assembly of People of Kazakhstan was established. Its powers are determined by a special law. Issues of domestic peace, political stability, and social harmony in the country have never stayed in the background for the President of the Republic.

Moreover, the Head of the State thinks that internal order and mutual understanding in the country are connected, first of all, with friendship and harmony with neighboring states. He is particularly interested in constant support of friendly projects with the bordering states: Russia, China, Uzbekistan, Kyrgyzstan, Tajikistan, and Turkmenistan. The integrative political projects of the President of the Republic are based on the free will of the people of Kazakhstan.

The highly topical task was to prevent a division of society by any principle, whether by origin, or ethnic composition, or religious convictions, or language, or any other social characteristics. In the most difficult early years of the formation of our statehood, we did not allow the adoption of any official

governmental decision which could cause discontent of both society and certain groups of people. As the Head of our State has repeatedly rightly pointed out it was the aspect of activities that was of fundamental importance in view of the multi-ethnic and multi-faith nature of our society. Each of us should have understood this sensitive issue. Therefore, it is especially valuable for the Kazakhstanis to maintain stability, tolerance, and mutually respectful relations between people. From the first days, the new government of the newly independent state had to carry out competent, professional organizational and awareness-raising activities among the population in order to explain the goals and objectives of statehood in the new era. Of course, the First President of the Republic himself played a decisive role in all of this, demonstrating through personal example the high level of professionalism in the state-building. He constantly met with the people and explained the peculiarities of the reforms that he had launched in order to overcome the crisis and to form a new statehood. He demanded from the members of the Cabinet of Ministers to perform the same intensive activities.

In the first days after the collapse of the CPSU and the Soviet Union, despite de-ideologization, society had many questions, such as *What kind of ideology will we pursue?* or *How should we dispose portraits, monuments to public figures of socialism?* etc. Demolition of a grandiose monument to the head of the Extraordinary Commission, F.E. Dzerzhinsky, was not the best example. In the republic, at the local level there were many desires of *hot heads* to start a struggle against the values of socialism, the *witch-hunt*. It was not difficult to imagine such a chaos we all would have tried, trying to identify the *white and red forces* and again slipping into the same ideological, political mistakes of the Bolsheviks. Having come to power, the Bolsheviks tried to destroy everything that was earlier and to begin the history only from their era. Thus, they did not just make a mistake but committed a crime against human civilization.

In that incandescent emotional period, Nursultan Abishevich invited both the people and the authorities not to follow ardent slogans, not to allow any kind of campaigning but to be concerned about the future of our society and state. Time should not be spent on the *struggle* against the past, as it would be buried in oblivion by itself. The President of the Republic proposed new reforms to the people the implementation of which would allow overcoming the economic and political crisis in the coming years and would create the basis for long-term economic development. The President and the Government managed to convince the population of the reality of the new reforms. But the new reforms to be implemented would require a lot of vim and vigor and, of course, first of all, the consolidation of society.

It was extremely important for the population to realize the State Independence. The issue of changing people's consciousness became as critical as it is now. The former power of the *from top to bottom* party system no longer existed; although the new parties were *quickly* established for achieving certain ambitions, they made just a few loud statements and rallies but then their activity was very imperceptible. Most of them considered themselves opposition parties and focused mainly on criticizing the past party system, as well as the new government.

As the Minister of Press and Media of the Republic of Kazakhstan, and later as the Deputy Prime Minister responsible for the social and ideological sphere in the first Government under Premier S.A. Tereshchenko, I had to deal with almost all issues of the population and to solve the general task of President N.A. Nazarbayev to ensure stability, tolerance, and harmony in society. Accordingly, we tried to implement structural changes in the Administration of the President and the Cabinet of Ministers, as well as in regional, city, district akimats. We established internal policy departments. Later, they repeatedly have undergone renaming and conversion. But we were convinced of one thing. Although we have abandoned the dictatorship of the ruling party, however, the state apparatus system should include responsible bodies, divisions and professional employee, i.e. competent government officials who were able to work professionally, talk to people, and pursue government policy.

The people addressed the question to us: "What ideology will we have now?" We confidently answered: "Reforms, the state for the people, maintenance and strengthening of our State Independence for economic well-being. Reforms and statehood will be successful if there is national consensus and the stability of society."

The President supported our proposal to develop and adopt the concept of the consolidation of society; he recalled that in his fundamental encyclopedic work *The Era of Independence*.

In the book's section *We Have Saved the Main Thing – the Peace* Nursultan Abishevich emphasized: "...In December 1992, at the Forum of Peoples of Kazakhstan, I said that not one generation of the Kazakhstanis created our main asset which was the national cohesion. And we had no right to waste that wealth. It was then that I first put forward a strategic initiative to create the Assembly of the Peoples of Kazakhstan as a key dialogue platform and a guarantor of the effectiveness of inter-ethnic dialogue. On May 11, 1993, at the republican meeting I spoke with the Ideological Consolidation of Society as a Condition of Kazakhstan's Progress program report where I tried to give my vision of the national tasks that the country had to solve during the transition period.

In my speech, I noted that achieving real independence required not only social and economic reforms, but also political, intellectual, spiritual support. And we could not do it without creating a social atmosphere that consolidates society, and it required an ideological understanding of our strategy designed for both the near and more distant future.⁴ Owing to State Independence, for the first time we had the opportunity to turn to our origins, history of our people, and state-building.

We were also able to convince society that there was no point in struggling against the *ghosts of communism*, and in general the word *struggle* is the relic of the past.

It would be much more useful to restore the historical truth of our statehood, undeservedly repressed people, and forgotten names of worthy personalities of our history. We should not *struggle* against the history of our people. In other words, we should not use destructive methods of the Bolsheviks with mass persecutions of religious figures and destruction of mosques, churches, other religious values and objects of previous periods. When building a new statehood for the younger generation, it was important to know the true story. Such an approach gained wide support and understanding in society. At the local level on the initiative of the people, Asy and other mass events were held dedicated to the memory of Abylai Khan, Zhangir Khan, Abulkhair Khan, wisemen such as Tole Bi, Kaz Dauysty Kazybek Bi, Aiteke Bi. People with special respect thought about the names of the heroes whose exploits for protecting the Kazakh lands remained in the memory of generations. With mass and active participation of the population, anniversaries and other memorable dates were celebrated associated with the well-known historical names of the batyrs such as Bogenbai, Kabanbai, Nauryzbai, Karasai, Agyntai, Yesset, Syrym, Shaksak Zhanibek, Raiymbek, Otegen, Isatai, Mahambet and others.

The first years of our State Independence also coincided with anniversaries of well-known state and political public figures that fell victim to political repressions such as Akhmet Baitursynov, Mirzhakyp Dulatov, Alikhan Bokeykhanov, Mukhametzhah Tynyshbayev, Magzhan Zhumabayev, Turar Ryskulov, Sultanbek Kozhanov, Saken Seifullin, Beimbet Mailin, Iliyas Zhansugurov, Mustafa Shokai and others. We encouraged the initiatives of scientists and public figures to hold significant events dedicated to outstanding figures of our history, state, and culture.

In May 1993, in the Ordabasy District of the South Kazakhstan (now Turkestan) region, a meeting of the heads of three states (Kazakhstan, Kyrgyzstan,

⁴N.A. Nazarbayev. The Era of Independence. Astana. – Astana, 2017. – p. 74.

and Uzbekistan) was held in order to promote the spiritual and patriotic values of our people to achieve peace and harmony. In 1726, there the great meeting of the Three Bi – Tole Bi, Kaz Dauysty Kazybek Bi, and Aiteke Bi – was held dedicated to the unification of all three Zhuz; in the course of the meeting the Commander-in-Chief of the Kazakh troops was elected in order to fight against the invasion of the Dzungars. We attached significance to the word *Unity* (Kazakh: *Бірлік*) based on the historical events of our statehood. Nursultan Abishevich invited the presidents of Uzbekistan and Kyrgyzstan to that national meeting to symbolize the friendship and unity of neighboring peoples and states. By the way, at that time there were no strict border regimes and it allowed the willing citizens of those countries to freely participate in the celebration of *Unity* in Ordabasy District. In the course of the day, it was visited by more than 150 thousand people from the nearby border regions of the three republics.

In July of 1993, according to the decision of the Cabinet of Ministers of the Republic of Kazakhstan, we held a historical and patriotic action dedicated to the 350th anniversary of the Battle of Orbulaq. After the scientific and historical conference held in Almaty, in the mountains Belzhailau of the Panfilov District of Almaty (Taldykorgan) Oblast a large public meeting was held. At the meeting the People's Writer of Kazakhstan, Abish Kekilbayev who served as State Counselor of the Republic of Kazakhstan, made a report called *Bowing to the Exploit of Ancestors*. The event was attended by the Prime Minister of the Republic of Kazakhstan, his deputies, ministers, scientists, workers of culture and science, writers, media workers, and the general public.

* * *

Since achieving our statehood, Kazakhstan has elected a presidential regime. And such a system actually has proved its viability. Of course, a state institution cannot operate independently, and its activity is personified by the actions of a specific person.

The history of the state of a new era and our modern achievements originates from State Independence. State Independence is the mainstay of all our life.

All the achievements of the present life such as development, progress and the revival of the nation in the new time, spiritual and economic freedom, recognition by the world community, equal and mutually beneficial partnership with the developed countries of the world, we have only as a result of Independence. Independence is the main value of our people and state. Therefore, each of us should understand and appreciate this inestimable blessing of fate and cherish it as the apple of the eye.

Now the period of the formation of an independent, sovereign state is becoming a part of history. For more than a quarter of a century, life and worldview of people have undergone fundamental transformation. The new generation that came into the world on the eve of independence, has been growing up and joining social life. Youth may take independence as a matter of course and natural process. Therefore, the duty of the older generation is to communicate to them the true processes and significance of State Independence.

Building of an independent state and the activities of the President of the Republic are inseparable concepts like twins. The period of the formation of an independent state was marked by a special public spirit, as for our ancestors independence was an impossible dream, an intimate desire. Nowadays modern generation can benefit from this great happiness. The main task is to maintain this invaluable achievement.

Declared independence can acquire real content only through building a capable state. State-building is a comprehensive and complex process that requires deep knowledge of theory and practice from its participants. In this sense, we may call our country an accomplished state for which many components and factors were important. Among them, the organization of activity of government institutions and competent, professional government of the state are brought to the forefront.

Within a short space of time, the country got out of crisis that had arisen after the collapse of the former Soviet Union. A national currency was introduced, new economic relations were established. Intensive modernization of production is being implemented, new technologies are being introduced, and a new system of personnel training is being implemented.

A new capital, Astana, has been built which has become the engine of new reforms, a symbol of the revival of statehood of Kazakhstan, and the pride of all Kazakhstanis. Reforms are being implemented within the system of education, science, culture, and health care. In order to strengthen their facilities, new schools, universities, hospitals, and clinics are being built where the most advanced equipment is installed. Kazakhstan has become recognizable in the world and its global stature has been growing from year to year.

Since the moment when an independent state was declared, all our achievements and well-being, pursuance of prosperity of a sovereign state are directly connected with the name of the First President of Kazakhstan, Nursultan Abishevich Nazarbayev, with his active, creative and comprehensive activities. The President personifies an example of selfless service of people.

Nursultan Nazarbayev indicated the difficult and estimable path of the Kazakhstanis to the New Epoch, formed the New Statehood, focused the efforts

of the people on the revival of the spirituality of the nation, civilization, and courageously joined the global process of development and competitiveness. The spiritual freedom of the people previously suppressed by the colonial and totalitarian system is being revived. The Constitution of 1995 declared the building of a democratic, legal, secular, and social state, a free civil society. For the first time, numerous events and state special-purpose programs are being implemented designed to improve the standard of living of the population and to establish a prosperous state.

In many cases, the Head of the State managed to foresee the most controversial processes occurring both in the country and abroad, and to take the necessary specific measures to assume or prevent their impact. With the tolerance and wisdom of the people, as well as a rational, balanced and fair policy of the Head of the State, an atmosphere of harmony and stability has been established in Kazakhstan.

Over the years of independence, great triumphs have been achieved which can be talked about with dignity and pride

Unfortunately, the euphoria of the first years of independence soon faced with the rules of a free economy and stiff competition and gave rise to certain negative trends. The value system was changed, and spirituality especially suffered. For many people the only goal was getting into big money through every possible means. As a rule, such people stopped at nothing, as honesty and sincerity turned into empty words for them. Being at the helm of state, some people of no scruples *captured* the key assets of production, equipment, machinery, real estate, and other property. The same people became agents of social inequality. *Wild capitalism* became the creation of the sometimes unreasonable privatization campaign carried out in the early years of the formation of our statehood. After 10-12 years, the Government started returning ownership of the buildings of children's, preschool institutions, and other social facilities that were once given away at the *rock-bottom prices*, to the state.

A quarter of a century after achieving State Independence, in his famous article *Looking to the Future: Spiritual Revival*, Nursultan Abishevich, proposed new approaches to society. The article addresses the problems of changed social consciousness in the new era of world development.

* * *

The symbol of an independent state is its state boundaries. The land of the Kazakh people was the most valuable asset for our ancestors, their great wealth which they cherished as the apple of their eye and left us a legacy. The Kazakh land originally belonged to our ancestors and had its own

borders but it was not legally fixed in accordance with the recognition and agreement with neighboring states and international organizations until modern independence was achieved.

Nursultan Abishevich set this problem along with the main primary tasks of the state and took on its implementation.

On May 11, 1995, at 5 p.m., I was invited to the President of the country. He gave me a warm reception and asked about a newly established National Unity Party. We talked about different things, but suddenly, staring at me as usually, he said: "I want to talk about the proposal which did not even come into your mind". After a short pause he continued: "You know how many new actions we have to perform that we never imagined before. We build the state and keep pace with each other. We are experiencing together. Look how many results have been achieved in recent years. Could we have ever dreamed of it when we were the part of the USSR? In our country, embassies are opened by the states which did not know that we exist, and we also have opened a lot of embassies. Could you recall the time when Russia, China, Germany, France, America talked to us on equal ground?"

"Yes it's true. You are telling the truth," I said taking advantage of the fact that Nursultan Abishevich was thinking. "You also travel the world and represent the Kazakhs."

The President further developed the subject: "From history you know that since olden times our ancestors attached considerable importance to relations with the East and the North. Abylai Khan also maintained friendly relations with them thus preserving our lands. Now is a new time and new situations. China is developing strongly. I met with the President, Jiang Zemin, at the celebration of the 50th Anniversary of the Great Victory in Moscow. We had a meaningful conversation. He said that his wish was that the position of the Ambassador to China was given to a trusted and well-known person who worked in high government positions".

Only at that point of conversation I understood the substance of the talk and got nervous, but made no sign and kept silence.

The President said: "I thought for a long time, and now I consider you to be the appropriate person for this work". He looked inquiringly, waiting for my answer. I said: "Nursultan Abishevich, I could not have even imagined this conversation, and besides, I am not a specialist in China, I don't know the language."

He said: "If you agree, a brand new life will begin. Please don't think that this post is lower than the one you occupied before, it's not lower than the position of the Deputy Prime Minister. But this is not an ultimatum. Be committed to

your work. I know that you do not speak Chinese. Officially, the ambassador will have a translator. We have to send politicians who have shown themselves in the public service and can conduct an equal dialogue with the government of any state, into a country like China. This practice does exist. At their time, the members of the Politbureau of the Central Committee of the CPSU, Polyanskyi and Tolstikov were ambassadors, one was in Japan and the other was in China. You should know that if you go to China, you will participate in three large projects in the interests of the country. The first project is our task to achieve the signing of an agreement on the state border between Kazakhstan and China. The second one is the following: 1.5 million of our compatriots live in China. We should be interested in their legal status, and if they wish, the conditions should be provided so they will be able to return to their homeland. The third one is to sign an agreement on the rational use of transboundary rivers.”

It seemed to me that he was opening his mind to me and speaking from his heart. After some time he continued: “The volume of trade and economic cooperation will expand; in the future the time will come to talk with China about oil,” he summarized the conversation.

Should I have any hesitations or doubts when the President of the country said about the interests of the nation? Of course, I agreed!

By recalling this meeting with the President of the Republic, I wanted to show, firstly, his ability to get at the root of any problem, secondly, his skill of speaking with a person, and thirdly, to emphasize his historical merit in delimitating the state boundaries of our country.

Nursultan Nazarbayev was honored to legally formalize the state boundaries of Kazakhstan with neighboring states. All those events did not come about of themselves. The signing was preceded by a great, hard work, tiring negotiations of border guards, diplomats, and other specialists. In general, the Chinese state and its people respect laws, treaties signed, and documents. In the traditional sense, this nation is law-abiding and respects the laws. From ancient times, China has not had the interest to sign treaties on the state boundaries with any of the 15 states bordering with it today. Even during the era of the Soviet Union, negotiations on the state boundaries came to a standstill with reference to *disputed areas*.

During his official visit to China, Nursultan Nazarbayev was able to *melt* the *frozen* relations during a meeting with the President, Jiang Zemin. They agreed to discuss the *disputed areas* without affecting the national interests of the parties. The heads of the two neighboring states agreed to turn the common boundary into a border of friendship. After their repeated meetings and conversations, during visit to our country the President of the People’s

Republic of China said: “Mister President, the state boundary is an important and sensitive issue. You raise it correctly and in a timely manner. We need to solve this issue without leaving our problems to the future generation.”

In September 1997 in Almaty, the first supplementary treaty was signed (on 1,300 pages); in July 1998 in Almaty, the second supplementary treaty was signed, and finally, in November 1999 in Beijing, the Communique on Full Settlement of Boundary Issues was signed between Kazakhstan and China. The problem of the state boundary with a length of 1,768 km could not have been solved for centuries and finally it was solved and legalized. That decision was legalized in the Treaties signed by the President of the Republic of Kazakhstan Nursultan Nazarbayev, President of the People’s Republic of China Jiang Zemin, Premier of the State Council of the People’s Republic of China Li Peng; the Treaties were granted the sanction of the Parliaments of both countries and approved by the UN.

Kazakhstan became the first state of 15 states bordering China that signed the full Treaty on the State Boundary.

Thereafter, in 2005-2006 the boundary with Russia with a length of 7.5 thousand kilometers was written into legislation. If we recall some provocative statements made by individual politicians with respect to the boundaries, this historical document also has great significance for us.

I think there is no need to prove the historical value of the established boundaries with the neighboring states such as Uzbekistan, Kyrgyzstan, and Turkmenistan.

Thus, the state boundaries of our country recognized by neighboring bordering states were given a legal nature for the first time. And it was the historical merit of the First President of the Republic of Kazakhstan N.A. Nazarbayev.

* * *

The great dream of many generations of our ancestors was translated into reality only in the modern age. The new era of Kazakhstan led by Elbasy, the First President of Kazakhstan, Nursultan Nazarbayev, is full of both life-changing events and unexpected challenges. This is also a test. When we achieve the strategic goals set by the President of the Republic to include Kazakhstan into 30 developed countries by 2050, it will allow us to become a competitive, developed state within the world community and will turn our land into an Eternal Country.

This is the Great Goal of the country of the Great Steppe.

THE PRESIDENTIAL GOVERNMENT IS THE LEVERAGE OF FORCED DEVELOPMENT

For a short period by historical standards which barely exceeds a quarter of a century, Kazakhstan managed to achieve meaningful results in its development: to put the economy on a market footing; to significantly raise the level of economic and social welfare of the people; to build an effective model of the political system that provides the basic standards of a democratic state; to solidify in the international community as an equitable and reputable participant.

Driven by consistent reforms, now Kazakhstan is moving from the group of countries with *catching-up development* to the category of *established states*. And the main factor for success is largely the institution of presidency.

N.A. Nazarbayev “managed... to use the opportunities of a strong presidential system in the interests of the accelerated modernization of the country. The institution of presidency has played a huge role in the accelerated implementation of political modernization through introduction of basic institutions of democracy in a short time”.⁵

As for its features, the institute of the presidency of Kazakhstani has elements of various models of presidency.

In the context of scope of the powers and independence of the President in their actions from the Parliament, the Kazakhstan model has much in common with the American system.

The French model of the presidency is similar to that of Kazakhstan due to the fact that both in Kazakhstan, and in the V Republic, the President is above all branches of government and performs an arbitration function.

In the post-Soviet space, the Russian model is the closest model as the President of the Russian Federation is elected directly by the people using a two-round majority system. He may appoint (with the consent of the lower chamber of parliament) the prime minister but the President may at their own discretion appoint all other ministers and dismiss the government at any time.⁶

Among domestic scientists, now there are a lot of opinions on how to identify the presidential government.

⁵ MB Kasymbekov, BB Temirbolat, Shaimergerenov TT. The Model of Nazarbayev. New Look on the Recorded History. – Astana, 2016. – p. 63.

⁶ ET Seilekhanov. Political System of the Republic of Kazakhstan: Development Experience and Prospects: Monograph. – Almaty. – p. 77.

In particular, A.K. Kotov believes that Kazakhstan is a presidential republic.⁷

When analyzing the Constitution of the Republic of Kazakhstan, academician G.S. Sapargaliyev concludes that “the general features of the presidential republic are reflected in it with some modifications”.⁸ According to the Kazakhstan scientist V.A. Malinovskii, “a very flexible structure established by the 1995 Constitution of Kazakhstan allows modernizing the constitutional principle of unity and separation of state power and the mechanism of checks and balances so that, the state is not obliged to follow the main requirements of the classical presidential republic but still is a republic with a *presidential government*”.⁹

In general, the establishment of the post of the President has launched a new stage for developing statehood of Kazakhstan. At the same time, in modern political and legal science the concepts of *president* and *institution of presidency* are clearly separated.

The president is defined as an elected head of the state whose specific features include electiveness and definite period of authority.

The institution of presidency is an institution of power centralizing powers in public administration which equally depend both on constitutional norms governing the functioning of the presidential government, and on the content of the political activities of the President themselves. Therefore, the concept of the institution of presidency includes not only the President as the highest official in the state, but also the constitutional norms governing the functions of the presidential government; the actual scope of authority that has formed in the course of political practice.

Establishing the institution of presidency is a long historical process. In Kazakhstan, the institute of presidency had several stages of its development.

The First Stage or Stage of Formation covered the period between 1990 and 1995 during which parliamentary government was substituted with mixed government and then the latter was transited to the presidential government.

Historically, the destiny of presidential government, its origins and further development are closely related to the Law of the Kazakh SSR of April 24, 1990 “On the Establishment of the Post of the President of the Kazakh SSR and Alterations and Amendments to the Constitution (Framework Law) of the Kazakh SSR”.

⁷ A.K. Kotov, *Constitutionalism in Kazakhstan: Experience of the Formation and Effectiveness of the Power System*. – Almaty, 2000. – p. 149.

⁸ G.S. Sapargaliyev, *Constitutional Law of the Republic of Kazakhstan: Textbook*. – Almaty, 1998. – p. 194.

⁹ V.A. Malinovskii, *Leader: Presidential Government in Kazakhstan on the Cusp of Epochs*. – Astana, 2012. – p. 107-108.

The establishment of the post of the President of the Kazakh SSR was the most important event that had a decisive influence on the formation of the political system of an independent state and ensured the continuity of state power.¹⁰

The Personal Archive of the President which is located in the Library of the First President of the Republic of Kazakhstan – Elbasy, includes a document containing a speech made by N.A. Nazarbayev at the I session of the Supreme Soviet of the Republic in which he noted: “The introduction of the institution of presidency is anything but a viewless copying of the all-Union structures. The very logic of life requires a consolidating beginning of the executive branch, ensuring a balanced and efficient operation of the entire current state mechanism. The main care of the president government is to take measures to strengthen national statehood and the political sovereignty of the Kazakh SSR.”¹¹

The post of the President was introduced due to several reasons: the internal struggle in the Central Committee of the CPSU between the *reformers* and *conservatives*; declined credibility of the CPSU and the associated disorganization of state administration with all the consequences for the economy and social life that come with it; and the search for a new form of government in the context of collapse of the Soviet system of government.¹²

However, at the initial stage, presidential government was limited naturally resulted from its existence under the conditions of the continuing Soviet state system. According to M.S. Ashimbayev, in fact, the form of state structure established was a parliamentary (quasi-parliamentary) republic in which the President was the nominal Head of the State but did not have real power.¹³

However, there was an objective need for strong power that could lead the country out of the crisis by directing it along the path of sustainable development. The agenda included the tasks of building the state institutions under conditions of independence; transiting from a socialist development paradigm to a liberal one; reforming social and economic relations; strengthening national security; and joining the world community. Under such conditions, only the presidential branch of power could really fulfill such tasks to the maximum.

Unfortunately, the Constitution adopted in 1993 was not able to solve the problems either. It resulted in the voluntary dissolution of the Supreme Soviet

¹⁰ M.B. Kasymbekov, *Institute of Presidency as a Tool of Political Modernization*. – Astana, 2002. – p.139.

¹¹ Speech made by the President of Kazakhs SSR N.A. Nazarbayev at the I session of the Supreme Soviet of the Republic, when he accessed to the presidency – 24.04.1990. – Personal Archive of the President of the Republic of Kazakhstan. – Register No. 3. – C. 133. – 23p.

¹² E.T. Seilekhanov. *Political System of the Republic of Kazakhstan: Development Experience and Prospects: Monograph* – Almaty, 2009. – p. 78.

¹³ M.S. Ashimbayev, *Political Transit: From Global Measurement to the National One*. – [http://www.kisi.kz/ Parts/booksIO-23-02.Ashimbaev.html](http://www.kisi.kz/Parts/booksIO-23-02.Ashimbaev.html).

in late 1993 and the delegation of legislative powers to the President became a political reality. Since that moment, he concentrated in his hands practically all power in the country.

The established presidential government was legally formalized in the 1995 Constitution. The Decree of the President of the Republic of Kazakhstan dated September 6, 1995 “On the Constitution of the Republic of Kazakhstan” stipulated the following: “The President of the Republic of Kazakhstan proposed, and the people of Kazakhstan adopted a new Constitution of the Republic of Kazakhstan at a republican referendum on August 30, 1995”. In connection with the official publication of the republican referendum results and the entry of the Constitution into force on September 5, 1995, the Head of the State ordered to publish the Constitution of the Republic of Kazakhstan.¹⁴

After its adoption, the President of the Republic focused on fulfilling the functions of a guarantor of the unity of the people and state power, the inviolability of the Framework Law, the rights and freedoms of citizens, the consolidation of society and ensuring of political stability.

The Second Stage or Stage of Transformation of the Presidential Government to the Super-Presidential Government covered the period between 1995 and 2007. During the period specified, a set of measures was taken with respect to transition from a planned economy to a market one, formation of the institutional and legal framework for market relations, and liberalization of the economy within the framework of the Kazakhstan-2030 Strategy. It is very important that economic reforms were socially-oriented. Such an approach allowed Kazakhstan to avoid political crises and confrontations between different social groups and segments of the people, provide support to institutions of state power being formed, and maintain stability in society.

The Third Stage or Stage of Liberalization covered the period between 2007 and 2016. It was connected with the constitutional reform of 2007 and was marked by the increased role of the Parliament. In such a way, the 2007 Constitution entrenched measures to further redistribute the powers from the President to the Parliament by providing new control mechanisms in relation to the Government and expanding its representative and legislative functions. The powers were partially redistributed in favor of local representative bodies called *maslikhats*.

¹⁴ On Constitution of the Republic of Kazakhstan. Decree of the President of the Republic of Kazakhstan. – 06.09.1995. – Personal Archive of the President of the Republic of Kazakhstan. – Doc. 428. – 1 p.

An important consequence of the 2007 constitutional reform was also the strengthening of the party-based institution of presidency. In particular, a norm was excluded from the Constitutional Law of the Republic of Kazakhstan dated December 26, 1995 “On the President of the Republic of Kazakhstan”, which stipulated that the Head of the State should suspend their activities in a political party for the period of performing the presidential powers. As a result, N.A. Nazarbayev was elected President and Chairman of the Nur Otan Party.

The Forth Stage was connected with the constitutional reform of 2017 the main thrust of which is the transition to the presidential-parliamentary system.

On January 25, 2017, the Head of the State stated the Message to the People of Kazakhstan on the redistribution of powers between branches of the government. In his speech, N.A. Nazarbayev emphasized the importance of strengthening the role of Parliament in the formation of the Government, increased responsibility of the Cabinet of Ministers to the deputy corps, and the participation of the party that won the parliamentary elections in the formation of the Government.¹⁵

A strong presidential system was needed to overcome the enormous difficulties in the course of formation of the state. It proved its value at that time. All our results were achieved due to that very system. The same reform is aimed at increasing the efficiency of the management system”, the President summarized.¹⁶

As proposed by N.A. Nazarbayev, the draft law “On Amendments and Alterations to the Constitution of the Republic of Kazakhstan” was brought up for a nationwide discussion and, as a result, was adopted on March 10, 2017.

Speaking at the ceremony of signing the Law “On Amendments and Alterations to the Constitution of the Republic of Kazakhstan”, the President noted that “amendments and alterations to the Constitution introduce a new stage of our sovereign political history”.¹⁷

As a result, 26 amendments were made to 19 Articles of the Framework Law which cover the following aspects.

¹⁵ Address of the President of the Republic of Kazakhstan on the Redistribution of Powers between Branches of the Government. – http://www.akorda.kz/ru/speeches/internal_political_affairs/in_speeches_and_addresses/obrashchenie-prezidenta-respubliki-kazahstan-po-voprosam-pereraspredeleniya-polnomochii-mezhdu-vetvyami-vlasti. – 25 January 2017.

¹⁶ Loco citato.

¹⁷ Speech of the President of the Republic of Kazakhstan N.A. Nazarbayev at the ceremony of public signing the Law On Amendments and Alterations to the Constitution of the Republic of Kazakhstan. – www.zakon.kz.

1. Powers of the President of the Republic

For the Head of the State, the strategic functions were prioritized such as the role of the ultimate arbiter in relations between the branches of government, foreign policy, protection of the Constitution, national security, and defense capabilities of the country.

According to the Constitution, the President of the Republic, upon the recommendation of the Prime Minister, may determine the structure of the Government; form, abolish and reorganize the central executive bodies that are not included in the Government; appoint and dismiss members of the Government; and appoint ministers of foreign affairs, defense, internal affairs, and justice. The Government is endowed with a significant part of the presidential powers in the social and economic sphere established by law. In such a way, according to the results of the 2017 constitutional reform, the Head of the State does not approve a unified system of financing and remuneration of public sector employees. This function has been transferred to the Government.

The state programs are also no longer approved by the President, as now the Government shall accept and ensure their implementation, although upon agreement with the Head of the State. However, henceforth, presidential decrees that have the force of law will not be issued, and the Head of the State will act as the Chairman of the meetings of the Government on especially important issues only *if necessary*.

The President may remove any maslikhat only upon consultation with the Prime Minister and the Chairmen of the Chambers of Parliament.

As for the akims of regions, cities of republican status and the capital, the current situation is that earlier they were appointed by the President upon the recommendation of the Prime Minister but now the Head of the State exercises this function with the consent of the maslikhats of the relevant regions, cities of republican status and the capital.

The severization of requirements for candidates for presidency in the Republic of Kazakhstan is justified, in particular the introduction of the requirement for higher education (Clause 5 of Article 1 of the Law). The regulatory statute of the Constitutional Council of April 9, 2004 clarified that the requirements of the Constitution for citizens of the country exercising eligibility to vote are much higher than for the other voters, since they have to bear the burden of legislative work and policy decisions.¹⁸

¹⁸ II Rogov, Constitutional Reform is the Basis for Progressing Development of the Country. – [http:// www.kazpravda.kz/articles/view/konstitutsionnaya-reforma-osnova-dalneishego-postupatelno-go-razvitiya-strani2/](http://www.kazpravda.kz/articles/view/konstitutsionnaya-reforma-osnova-dalneishego-postupatelno-go-razvitiya-strani2/)

2. Powers of the Parliament

Amendments to the Constitution are designed to increase the role of the Parliament.

Thus, Clause 1 of Article 49 provides that the Parliament shall exercise legislative power (previously “legislative functions”). This fundamental provision is supported by the exclusion from the competence of the Head of the State of the authority to issue laws and decrees that have the force of laws; to exercise legislative powers if they are delegated by the Parliament to the President; as well as to give instructions to the Government on introducing a bill in the Mazhilis of the Parliament (Clause 2 of Article 45, Clause 2 of Article 61 of the Constitution, Paragraph 3) of Article 44 of the Constitution).

At the same time, the President shall retain the right of legislative initiative and the right to determine the priority of review of draft laws; it means that such laws should be adopted by the Parliament as a matter of priority within two months (Clause 2 of Article 61 of the Constitution).

The role of the Mazhilis of the Parliament has been expanded with respect to the formation of the Government. Upon consultation with the Mazhilis of the Parliament, the Prime Minister shall make recommendations to the Head of the State with respect to the candidates for the Government. An exception is provided for the ministers of foreign affairs, defense, internal affairs, and justice who are appointed and removed by the President at their own discretion (new version of Paragraph 3) of Article 44 of the Constitution).

The control powers of the Parliament and its chambers have been significantly strengthened with respect to the activities of the Government and its members. Now the Prime Minister shall report on the main areas of activity of the Government and its most important decisions not only to the President, but also to the Parliament. Therewith, the Chambers of the Parliament shall be empowered to accept an appeal to the President on dismissal of the minister in case of failure to comply with laws, if the hearing a report of a member of the Government results in such a decision made by a majority of not less than two-thirds of the total number of deputies.

A fundamental novation is the norm that establishes the Government’s resignation before the newly elected Mazhilis of the Parliament (amendment to Clause 1 of Article 70 of the Constitution), and it is quite logical as the Government is formed with the active participation of political parties represented in the Mazhilis.

Article 86 of the Constitution introduces a new requirement according to which the powers of maslikhat may be removed by the President upon

consultation with the Prime Minister and the Chairmen of the Chambers of the Parliament. This means that such decisions are made on a collective basis to ensure their legality and validity.

3. Powers of the Government

According to the amendments, the powers of the Head of the State shall be transferred to the Government with respect to approving the state programs, developing the main directions of the social and economic policy of the state, its defense, security, public order, and organization of their implementation.

The Government is also entitled to form, abolish and reorganize the central executive bodies not included in it, as well as to appoint and dismiss their heads.

Therewith, the President's right to cancel or suspend the acts of the Government and the Prime Minister has been abolished, thus increasing both independence and responsibility of the Government.

4. Judicial System

The activities of the law enforcement and judicial systems have been improved, thus allowing strengthening the constitutional basis of the system of checks and balances within the political system of Kazakhstan.

Thus, the new edition of Article 81 of the Framework Law has clarified the functions of the Supreme Court. Instead of the provision on supervising the activities of local and other courts, it has been determined that the Supreme Court may review the cases which are subject to its jurisdiction only if required by law.

According to the approved wording of Clause 1 of Article 83 of the Constitution, the prosecutor's office shall supervise the observance of the law in the limits and forms established by law; it has been also explicitly stated that the prosecutor's office shall act for the state in court and shall conduct criminal prosecution on behalf of the state. Thus, this Clause has defined better the contours of prosecutor's supervision the limits of which will be determined by law. In substance, this norm makes it possible to control the scope of powers of the prosecutor's office without need to amend the Constitution at every turn.

5. Issues of Citizenship

In order to protect the constitutional rights of citizens to security, a norm was introduced allowing the deprivation of citizenship of Kazakhstan by a court decision for the commission of terrorist crimes, as well as for *causing*

other grave harm to the vital interests of the Republic of Kazakhstan (Clause 2 of Article 10).

This norm is consistent with constitutional criteria and the grounds for restricting the rights and freedoms of the person and of the citizen (Clause 1 and the new version of Clause 3 of Article 39 of the Constitution), as well as with international acts adopted by the UN. The Convention on the Reduction of Statelessness dated August 30, 1961 provides that the state may retain the right to deprive a person of his nationality for causes as provided by the law, in particular, if such person has conducted himself in a manner seriously prejudicial to the vital interests of the state (Article 8).

6. Constitutional Values and Status of the First President of the Republic of Kazakhstan

The list of specially protected constitutional values has been extended to include the following: “The independence of the state established by the Constitution, the unitarity and territorial integrity of the Republic, the form of the Republic’s government as well as the fundamental principles of the Republic which were laid down by the Founder of independent Kazakhstan, the First President of the Republic of Kazakhstan – Elbasy, and its status are unchanged” (Clause 2 of Article 91). Thus, the Constitution confirms the historical mission of the Leader of the Nation who made a decisive contribution to the formation and development of sovereign Kazakhstan through his constitutional status and personal qualities.¹⁹

7. Independence, Unitarity, and Territorial Integrity

The constitutional provisions have been improved with respect to independence, unitarity, and territorial integrity. Clause 2 of Article 91 provides that “The independence of the state established by the Constitution, the unitarity and territorial integrity of the Republic, the form of the Republic’s government as well as the fundamental principles of the Republic which were laid down by the Founder of independent Kazakhstan, the First President of the Republic of Kazakhstan – Elbasy, and its status are unchanged”.

¹⁹ I.I. Rogov. Opere citato.

8. Potential of the State to Advocate Human Rights

The amendments significantly strengthened the potential of the state to advocate human rights. Empowering the President with the right to appeal to the Constitutional Council to review a law or other legal act that has entered into force for constitutionality is related to the interests of protection of the rights and freedoms of the person and the citizen, ensuring of national security, sovereignty, and integrity of the state, which is implied by the constitutional status of the Head of the State provided for in Article 40 of the Constitution.²⁰

In addition, on initiative of the Head of the State, Clause 4 of Article 73 of the Constitution which provided for the President's right to object to the decision of the Constitutional Council was excluded.

9. Issues of Interethnic and Interfaith Concord

In accordance with the innovations, unconstitutional actions, along with actions that can violate interethnic concord, also include actions directed against interfaith concord.²¹

Thus, the 2017 constitutional reform is aimed at forming a trinity including a strong President, a responsible Government and an authoritative Parliament. The redistribution of the powers between the political institutions is the next stage in the forced development of society in Kazakhstan.

The world community, political and public figures, scientists and experts consider the constitutional reform in Kazakhstan as evidence of the visible progress towards democracy.

“At the 110th plenary session, the European Commission for Democracy through Law of the Council of Europe (Venice Commission) adopted a conclusion that underlined that the constitutional changes in Kazakhstan represented a step forward in the process of democratization of the state. According to the Commission, the increasing role of the Parliament in general and the Chambers of the Parliament in particular, the transfer of a number of functions of the President to the Government, strengthening of the mechanisms of the President's accountability and controllableness to the Parliament are a positive change which is consistent with the context of the previous constitutional reforms carried out in 1998 and 2007.”²²

²⁰ I.I. Rogov. Opere citato.

²¹ The final wording of amendments to the Constitution of the Republic of Kazakhstan. – <https://informburo.kz/cards/kak-vy-glyadyat-popravki-v-konstituciyu-rk-v-okonchatelnoy-redakcii.html> March 27, 2017.

²² I.I. Rogov. Opere citato.

In general, the analysis conducted allows us to draw some conclusions and make predictive assessment.

Firstly, if the 2007 constitutional reform was implemented under the slogan of democratization and focused on strengthening the powers of the legislative branch of power and improving the party and political field, the 2017 changes are more likely to be institutional in their nature, so that the powers of all branches of power are constitutionally normalized and, consequently, new reserves are used to improve the effectiveness of the state apparatus.²³

If in 2007 the President was granted 10 direct and indirect powers, this time he has not received new powers. Moreover, the Head of the State refused legislative functions and the possibility of receiving them, the right to cancel or suspend acts of the Government and the Prime Minister, etc.; these actions prove significant progress towards decentralization of the political system.

Secondly, the constitutional reform did not review the basic principles of the institution of presidency in Kazakhstan, and it made sense, since it was a strong presidential government that guaranteed political stability and the smooth functioning of the state apparatus.

Maintaining the strong institution of presidency at this stage is due to the fact that Kazakhstan has not yet overcome the critical development level: the task of diversifying the economy is crucial; threats of socio-political destabilization are growing in the context of political transit; there are high risks of scaling-back the processes of liberalization and democratization due to the immaturity of civil society and its institutions; problems remain in the social sphere; factors of adverse external impact are increasing (regional instability, threat of external interference in the internal affairs of the state, etc.).

Thirdly, it is fair to say that the presidential government allowed Kazakhstan to achieve significant success on the international stage through successful joining the world community as a state for which modernization forms the basis of strategic development.

Present Kazakhstan is organically integrated into international processes, has entered the main financial and economic institutions, has attracted many billions of foreign investments, and is a recognized engine of regional integration. The vigorous international activity of the republic is confirmed by the holding of the EXPO-2017 International Specialized Exhibition, the 1st OIC Summit on Science and Technology, and other large forums.

²³ E.A. Saltybayev, 2017 Constitutional Changes are the Tool of Modernization and Improvement of Effectiveness of the State Institutions. – <http://iwep.kz/ru/kommentariy-eksperta/2017-03-10/konstitucionnye-preobrazovaniya-2017-goda-instrument-modernizacii-i-povysheniya-effektivnosti-gosudarstvennyh>.

Kazakhstan chaired such credible international organizations as the OSCE, OIC, EAEU, SCO, CIS, CSTO, CICMA, the Turkic Council and the UN Security Council.

Kazakhstan initiated the regular Congress of Leaders of World and Traditional Religions; joined the WTO; effectively intermediates in resolving conflict situations; initiated the adoption by the UN General Assembly of the Universal Declaration for the Achievement of a Nuclear-Weapons-Free World; became a non-permanent member of the UN Security Council for 2017-2018, etc.

Fourthly, from the moment of gaining independence the fundamental value of Kazakhstan is domestic political stability with progressing social and economic development. This determines the balanced and consistent approach of the Head of the State to reforming of the political system.

Fifthly, due to the initiatives and active work of the institute of presidential power, the Republic of Kazakhstan is successfully pursuing the chosen course for industrialization and elimination of raw material dependence. In Kazakhstan, the second five-year plan of the industrial and innovative development program is being implemented in full swing, having a significant impact on the structure of the economy in the country. Within its framework, the appearance of industry has been fundamentally updated.

Sixthly, it is logical to assume that as the institutions of democracy strengthen in the country, the role of the presidential government will transform towards strengthening the role of the Parliament and Government. The President will retain strategic functions that determine the further development of the state.

On March 19, 2019, in Kazakhstan **a new stage in the evolution of the presidential government started due to the transformation of the supreme power.**

The President of the Republic N.A. Nazarbayev announced his voluntary resignation. In accordance with the Constitution, for the remaining term the powers of the Head of the State were transferred to the Chairman of the Senate of the Parliament. K.K. Tokayev was sworn in before the people of Kazakhstan and took office as President of the Republic of Kazakhstan.

By edict of K.K. Tokayev, the early elections of the President of the Republic of Kazakhstan were scheduled to be held on June 9 and the election campaign began in the country.

The First President of the Republic – Elbasy N.A. Nazarbayev has a special personal constitutional status, leads the Security Council of the country and the Assembly of People of Kazakhstan, is the Chairman of Nur Otan Party, is

a member of the Constitutional Council. The Leader of the Nation guarantees the constitutional security of the state and society at the highest level. He is involved in the development and carrying out of major policy decisions (he initiates, approves, agrees, accepts, coordinates and supervises performers), as well as their implementation through the Front Office of the First President of the Republic – Elbasy, state and public institutions.

The acting Head of the State exercises the functions and powers provided for by the Constitution and laws in close cooperation with Elbasy, relying on his unwavering authority, exhaustless wisdom, and vast experience. He is involved in the principle of separation of powers and the mechanism of checks and balances.

The *joints* of the powers of the acting President of the Republic and the Leader of the Nation, organizational forms of their implementation, are enshrined in law, thus excluding the competitiveness of these two institutions.

During this very responsible, historical period of time, such an approach allows to reinforce the monolith of the presidential government, national and state sovereignty at the highest level of social and state administration, the continuity of the values and strategies of State Independence, joint, complementary work with respect to the most important areas of life of society and the state for the common good of people and the future of the country of the Great Steppe.

All this confirms that the evolution of presidential government is the engine of the forced development of Kazakhstan. At each and every stage, the logic of its transformation was reasonably required and made it possible to address the challenges and threats to the newly independent state.

In summary, the path chosen by Kazakhstan to establish, operate, and reform the institution of presidency not only ensured the forced development of Kazakhstan, but also made a critical contribution to the world treasury of political and social and economic practice as a whole.

**COORDINATING ROLE OF THE ADMINISTRATION
OF THE PRESIDENT OF THE REPUBLIC IN
IMPLEMENTING AMBITIOUS REFORMS**

One of the determinants of the successful progress of Kazakhstan along the path of building and strengthening independence was the implementation of a system of state administration and authorities both at the central and local levels. In many respects, the establishment of a capable and effective government ensured a rather seamless recovery from the deep crisis caused by the collapse of the Soviet system, development of the domestic economy based on market principles, transition of the newly independent state to a new socio-political formation, as well as the formation of a multi-vector foreign policy.

It should be noted that the socio-political request for reformatting the system of state power in Kazakhstan had matured for a long time. For that reason, after his election in June 1989 to the post of First Secretary of the Central Committee of the Communist Party of Kazakhstan, Nursultan Abishevich Nazarbayev immediately included this issue to the agenda as one of the priorities. While being the head of the Soviet of Ministers of the Kazakh SSR, he repeatedly made actual the need to change the relationship between the center and the Union republics, to correct imbalances in management and eliminate gross errors in the existing planning and distribution mechanism, and to change not only forms and methods, but also the whole system of power within the republic.

Meanwhile, in Kazakhstan the political situation was changing every day. In April 1990, the Supreme Soviet of the then Kazakh SSR established the post of the President of the Republic. On the same day, April 24, N.A. Nazarbayev was elected as the President. On December 1, 1991, he smoked the competition in the first popular elections of the President of Kazakhstan.

As is widely known, in Białowieża Forest, Belarus, the heads of three republics (Russia, Ukraine, and Belarus) announced the dissolution of the Soviet Union. Consequently, on December 10, having realized that the Soviet empire had collapsed, the newly elected President signed the Law on renaming the Kazakh SSR to the Republic of Kazakhstan. On December 16, 1991, the State Independence of the Republic of Kazakhstan was declared.

At the same time, Nursultan Abishevich understood the catastrophic consequences of the rapid collapse of a single country; overcoming the mistakes

and resistance of the heads who had made the said decision in Białowieża Forest, Nazarbayev held consultations with the heads of all union republics, the central Moscow management, as well as the leaders, experts, and political figures of Kazakhstan. As a result, on December 21, 1991, a historic event took place in Alma-Ata as the heads of 11 former Soviet republics signed a declaration to establish the Commonwealth of Independent States (CIS).

The new historical reality poses a question with great force concerning the need to establish a new state administration system. In pursuing these aims, on June 28, 1991, the united Administration of the President and the Cabinet of Ministers of the Kazakh SSR (later the Republic of Kazakhstan) was established in place of the Administration of the President of the Republic.

The new institution was tasked with building a state administration system, adapting the legislative framework, and developing short-term and long-term plans to develop the newly independent state.

As a result, in a short time a number of fundamental structural reforms were implemented which made it possible to put into practice one of the fundamental principles of state-building such as the separation of powers into legislative, executive, and judicial branches based on the system of checks and balances.

During the period between 1991 and 1994, the previous planning and distribution system was also removed.

In such a way, large-scale privatization started. In 1991-1992, more than 5 thousand facilities were privatized. What is more, its first and main direction was the privatization of housing, and it was clearly associated with a thorough reform of the housing-and-municipal complex. Later, privatization covered small and medium-sized businesses and then large enterprises, most of which were on the verge of collapse and shutdown.

In April 1992, price liberalization was announced. Prices for almost all types of products became open. The open space was provided for private entrepreneurship.

In 1993, the National Bank was established, in November of that year, the national currency, tenge, was introduced ensuring the possibility to tame hyperinflation and regulate cash flow in 1994-1995.

During the same period, a reform of the pension system, housing and housing and utilities infrastructure was put in place. A number of important laws were prepared and adopted aimed at forming brand new social relations and implementing reforms. The Civil, Civil Procedure, Tax, Customs, Land, Budget Codes, as well as a number of economic laws were introduced.

All those most important events were implemented within the Strategy of Establishment and Development of Kazakhstan as a Sovereign State for 1992-1994.

In light of this, a new Framework Law was necessary as the breath of one's nostrils, which would correspond to the chosen course and goals set and ensure the implementation of transformations.

Seemingly, we had considerable experience in developing constitutions; it was enough to recall that in Kazakhstan constitutions were adopted in 1926, 1937, and 1978. But all said constitutions reflected only the next step *on the way toward communism*.

In that regard, Nursultan Abishevich once remarked: "Even the Alash government program implemented in Kazakhstan in 1917-1919, was more functional than all the constitutions of the Soviet modification. It included the provision that Russia should become a democratic federal republic within which each individual state should be autonomous and have exactly the same rights as Russia and any constituent territory of the Federation."

As early as in December 1990, the President of the Republic initiated the development and adoption of the first Constitution of Independent Kazakhstan. But the Supreme Soviet delayed the consideration of the draft under various contrived excuses since it did not psych itself up for it.

The phenomenon of the Supreme Soviet was that it was a complex mixture of representatives of the old political class and people who entered the path of public policy for the first time ever. As in the Soviet era, sessions of the Supreme Soviet were held twice a year only. So, to a large extent, it remained only a mechanism for voting and legitimizing the laws developed not by it.

Many of the drafts that the deputies took under consideration under the public pressure were badly behind the times by the time of their implementation. There was no more talk about professionalism. Nonetheless, it was the Supreme Soviet that should approve the new Constitution.

However, after protracted disputes and robust discussions with deputative party factions and groups, the Constitution was finally adopted on January 28, 1993, although it involved cuts, significant changes and even distortions of the content.

The work on the Constitution clearly demonstrated the failure of the Supreme Soviet to operate under new circumstances. However, since the next elections to the Supreme Soviet should be held only in June 1994 in accordance with the then laws, the early resignation of powers by deputies was the only way to solve the situation. Fortunately, most of them had the sanity to adequately assess the situation, and in December 1993 they voted for voluntary dissolution.

Elections of the Supreme Soviet were scheduled for March 7, 1994 and were held on time. However, the confrontation of the deputy corps and the executive power was almost immediately observed due to rejection by the deputies of measures that were extremely necessary for moving forward but unpopular among the people. In a short period of its activity, that team was able to adopt only a few laws, while the economic reform was literally suffocating due to the lack of the civil and tax codes, laws concerning bankruptcy, foreign enterprises and many others. In brief, a complete isolation of the people's representatives from life was plain to see.

At the same time, after the 1994 elections, one of the deputy candidates who had not got enough votes in his election division complained to the Constitutional Court of the Republic of Kazakhstan and the Administration of the President of the Republic and reported violations of the law committed during the election campaign. In the course of proceedings, it turned out that similar violations occurred in several other divisions. In early March 1995, on the eve of the first anniversary of the election, a verdict was announced. Having acknowledged that the persons responsible for the preparation of the elections failed to hold them in strict accordance with the law, the Constitutional Court adjudged that a number of acts of the Central Election Commission of the Republic of Kazakhstan had contravened the Constitution. In accordance with applicable law such a decision resulted in declaring the entire parliament illegitimate. As a result, the Supreme Soviet terminated its powers.

The urgent question came up: who should initiate and adopt legislative acts in case of the absence of parliament? The answer was included in the same decision of the Constitutional Court: the Head of the State whom the law gave additional powers should deal with lawmaking. Without evading that responsibility, the President then received additional authority for a period until a new parliament would be organized. All structural divisions of the Administration of the President received the relevant instructions.

It was then that during an unprecedentedly short period, a total of 136 decrees were issued aimed at promoting reforms, first of all, in the economic sphere. Subsequently, all of them were adopted by the new two-chamber Parliament and obtained the status of laws of the Republic of Kazakhstan.

At that time, it was also important not to allow the existing political stability to be disrupted; the economic and intellectual potential of Kazakhstan to be wasted on arguing on national, religious or any other grounds. For that very reason, during the same period the initiative of the Association of National

Cultural Centers of the Republic on the creation of the Assembly of the Peoples of Kazakhstan was supported. Being an elected advisory body under the Head of State, the Assembly brought together the most influential and authoritative representatives of various nationalities.

On December 5 and 9, 1995, elections were held for the new two-chamber professional Parliament (for the Senate and the Mazhilis, respectively) which finalized the third stage of the constitutional reform. Actually, it was the start of the law-making activity which could already be qualified as competent. Gradually, that activity, as well as the activities of the Government, the Administration of the President, local authorities, entered a constructive path and began to be carried out fully within legal boundaries in which it was already possible to live and work in comfort.

But, turning a little back, it should be noted that since the beginning of 1995 meticulous work was being carried out on the draft of a new Constitution which was the second constitution in the history of sovereign Kazakhstan. The process involved employees of the state legal division of the Administration of the President, the best Kazakhstani lawyers, and later experts from Russia, the UK, USA, and other foreign countries. It should be pointed out that Nursultan Abishevich himself was worked on not only each article, but also each formula, phrase and term of the draft.

Soon he realized that the work was progressing well, and after holding a public discussion of the document he announced that a popular referendum would be held in August with respect to the adoption of the new Constitution of Kazakhstan. Such a measure ensured that every Kazakhstani could feel their personal involvement and responsibility for the constitution and its implementation.

The new Constitution has best resolved the issue of the nature of our statehood. Let me remind you that the 1993 Framework Law stated: "As a form of statehood of a self-identified Kazakh nation, the Republic of Kazakhstan ensures the rights of all its citizens". The Constitution provided that "Kazakhstan is a state created on the ancestral Kazakh land by its people". The fundamental principles of the activity of the Republic were "public concord and political stability; economic development for the benefit of all the nation". Remaining a state, the backbone of which was the Kazakh ethnic group, the Republic of Kazakhstan now evinced the interests of the entire population regardless of ethnicity. That very new essence of the state was enshrined in the 1995 Constitution. Moreover, one should always remember the most important thing: *We are the people of Kazakhstan*. This is written in the Constitution of the

Republic of Kazakhstan. The Administration of the President may fully consider itself a participant in the complex process of developing the Framework Law of the country.

Most significantly, the national currency, tenge, was introduced in Kazakhstan. Actually, it was from this that the full-scale reform of the country's economy began.

Metaphorically speaking, the Russian ruble used to suffer dramatic disasters even before the collapse of the Soviet Union. The analyzes carried out by the administration and financial institutions showed that ruble depreciated in the shortest time, did not reflect the real value of goods and services produced, raw materials extracted or labor put in.

At the beginning of January 1992, without any preliminary consultations with or at least notifications of neighboring countries, Russia deregulated the prices. This was an element of the so-called shocking therapy and spread panic and roaring consumer demand in Russia. It resulted in surge in prices at rapid-fire pace. For some types of goods, the prices increased tenfold during a week.

Unsuspecting Kazakhstan used fixed prices, so it immediately suffered huge economic damage since go-getters from neighboring Russian regions literally devastated our northern regions by buying up all goods and products in stores.

It is no longer a secret that Nursultan Abishevich forecasted a similar trend of events and took proactive measures while continuing to conduct political and diplomatic maneuvers with the Russian leaders. When the ruble price collapse took place, he already knew (including from Russian sources) that Russia intended to carry out a currency reform that would make the ruble a national Russian currency only.

He decided: if such situation was destined to be, it was necessary to get guarantees that Kazakhstan would enter the ruble zone. Otherwise, at least we should be timely notified by the Russia of its planned steps and then Kazakhstan could introduce its own currency with minimal losses for the economy of the country. For that reason, he persistently required from the Russian leaders to keep us informed. He received one and the same answer that in all cases Kazakhstan and Russia would *synchronize their watches*.

But while gaining such commitments, Nursultan Abishevich was almost sure that no one would fulfill them. Therefore, in early 1992, he issued a secret decree to develop Kazakhstan own national currency. By mid-1992, the development of the currency called tenge had been completed. An agreement was concluded with Thomas De La Rue, British company which turned out to be a reliable and conscientious partner. When samples of new banknotes

of various denominations were prepared and approved by the President of the Republic, he asked the company to print a quarter of the total number of required banknotes and keep them in London until they were needed.

The fears of our President were well-founded. Following the statement of the Central Bank of Russia concerning the exchange of the national currency, ruble chaos began. Millions of Soviet rubles which were no longer valid in Russia flooded Kazakhstan, devastated our store shelves and severely undermined our economy.

Sometime after that, Nursultan Abishevich commented the said situation quite rightly: “Russia has treated Kazakhstan unfairly. Of course, in any case, we would introduce a national currency since it was impossible to build our own statehood and fully reform the economy without it. But I understood that such a step needed a certain transition period, and I hoped right to the end that our two countries would develop their monetary systems in coordination as is customary between good friends. In addition, even then there was an urgent need to regulate and bolster economic ties between Kazakhstan and Russia. As the future showed, Kazakhstan needed Russia as an economic partner just as Russia needed Kazakhstan. It is unfortunate that Russian leadership came to this understanding too late. We both suffered innumerable losses.”

In fact, this launched the forced operation to introduce the tenge. In mid October 1993, four IL-76 transport aircrafts flew from Almaty to London out of any schedule. The people who were in them were entrusted with a task of special importance – to export from England several tens of tons of Kazakhstan’s currency manufactured there.

New money should have been introduced in Kazakhstan from November 15 to replace the ruble that has finally been discredited. The day before introduction of the tenge, N.A. Nazarbayev honestly but privately notified of such an intention the leaders of neighboring states Islam Karimov, Askar Akayev and Saparmurad Niyazov. On November 10, Nazarbayev and Karimov held a press conference in Almaty where they announced cancellation of the ruble and introduction of own currencies of the countries.

The next day, the President of Kazakhstan addressed the people via TV and announced the date for the introduction of the tenge – November 15. By mutual agreement, in Uzbekistan the introduction of a new currency was announced on the same day and hour. Uzbekistan did not have time enough to make the necessary circulation of fully functional banknotes called so‘ms, so the transitional currency called So‘m-Kupon was firstly introduced.

In May 1995, we in cooperation with our British partners commissioned a new factory to issue our own banknotes and coins directly in Kazakhstan. In doing so, we achieved full monetary independence of our state and eliminated one of the most difficult obstacles to fundamental reforms in the economy, social sphere, and, in fact, in all spheres of activities of the newly independent state.

One of the most spectacular examples of the activities of the Administration of the President is the comprehensive informational, organizational and legal support for promoting one of the most important initiatives of Nursultan Abishevich with respect to integration in Eurasia. Moreover, the case immediately touched on a fundamentally new type of integration, i.e. the economic cooperation of equal partners based on market principles. This was especially important from its inception and had great common sense, especially in the face of the rather low efficiency of the CIS. Back at the time, everyone – workers and businessmen, pensioners and housewives – concerned about the future of the Commonwealth. Every day, while reading the letters addressed to him, the President again and again became convinced that people were concerned about the deepening interstate dissociation as much as about searching for their daily bread. In addition, letters were sent not only from cities and villages of Kazakhstan, but also from neighboring countries, i.e. from different regions of the former Union.

Among many letters we all very well remembered a letter which was a telling message from Minsk; it was even published. The veterans of the guerrilla movement asked Nursultan Abishevich and even demanded to do everything to bring the countries and peoples closer together! “You are known as a consistent integrator,” they wrote, “therefore, it is from you that we expect a real and balanced integration program. If Moscow, Minsk, and Kiev are silent, let Almaty say its word.”

Veterans wrote the things which Elbasy himself thought of. The world was striving for integration, conjugation of efforts, and reasonable regulation of its relations with its close and distant neighbors. We saw the experience of the European Union, the League of Arab States, interstate associations in Latin America and the Asia Pacific region. All these organizations were established to deepen and build up relations, as well as search for a mutually acceptable solution to political and economic problems.

And N.A. Nazarbayev assumed a voluntary commitment and mission to try to establish an integration project which would be effective enough. This work took him quite a lot of time and required an analysis of the complex of then political, social, and economic processes in the CIS countries. He studied a lot

of documents, mainly legislative and regulatory and executive acts adopted in post-Soviet states, as well as agreements concluded at the level of heads of states and governments within the Commonwealth. And only after that he started developing his initiative and substantiating a program to improve stability and security throughout the post-Soviet space and to ensure the socioeconomic modernization of new states using a brand new integration platform. In such a way the project of establishing the Eurasian Union was developed.

In the President's idea, it should have been based on the former Soviet republics or, initially, some of them. He believed that it was quite achievable since they have a powerful congregative potential accumulated over the centuries, and it seemed fair to say that Eurasianism had always been an integral part of the existence of their peoples. The project provided that the prerequisites for EAU membership were compliance with the adopted interstate agreements, mutual recognition of the state and political institutions of the member countries, their territorial integrity and inviolability of borders, the renunciation of any form of pressure with respect to interstate relations, as well as the termination of hostilities between them.

In his opinion, the relatively quick and coordinated transition of our states to the market relations could be greatly facilitated by the common economic space, if any. This might be considered an axiom that hardly anyone could dispute. But conversations about its establishment would remain conversations if appropriate mechanisms were not formed. Therefore, such structures as the commission on economics, raw materials, interstate financial and industrial groups and joint ventures, the fund for economic and technical cooperation, and interstate arbitration were included in the EAU project. This should have actively used the strong capacity of science, culture, and education, which had been created by all states but later turned out to be divided between sovereign states and to a large extent lost its functions of the engine of social progress.

On March 29, 1994, the more detailed project for the establishment of the EAU was submitted this time to the faculty members of M.V. Lomonosov Moscow State University.

Most of the participants immediately supported the project, but there were many opponents either. Not long after submission in Moscow State University, some Commonwealth newspapers caused a ruckus. They stated that deeper integration threatened the newly independent states with the loss of their sovereignty and that intentions of Nazarbayev were nothing but the restoration of the empire.

However, on October 10, 2000, in Astana Belarus, Kazakhstan, Russia, Tajikistan, and Kyrgyzstan signed the Treaty on the Establishment of the Eurasian Economic Community which entered into force on May 30, 2001. In May 2002, at the request of the highest-level leaders of Moldova and Ukraine, these states got the status of observers at the EAEC. Later, Uzbekistan also followed it.

In 2006, it was decided to establish the Customs Union of three states that were ready to do it – Belarus, Russia, and Kazakhstan. After its establishment, in December 2010, at the EAEC summit, settlements were made concerning the creation of the Eurasian Economic Union which was based on the Common Economic Space and included Belarus, Kazakhstan and Russia.

On October 10, 2014, in Minsk the heads of Russia, Belarus, Kazakhstan, Kyrgyzstan, and Tajikistan signed documents to dissolve the Eurasian Economic Community (EAEC) due to the start of the functioning of the Eurasian Economic Union (EAEU) beginning from January 2015. Now within this association, active work is being carried out to strengthen and regularize economic relations and to develop acceptable solutions for all emerging issues. Today it includes Russia, Kazakhstan, Belarus, Armenia, and Kyrgyzstan. In substance, an objective and historically inevitable process is going on which is a step-by-step implementation of the Eurasian project hard won by N.A. Nazarbayev.

One can recall many other global initiatives and projects of the President of Kazakhstan that were historically, politically, and socially significant and were developed as early as in first years of Independence. To date, work is going on in terms of general nuclear disarmament initiated by the Decree on Closing the Semipalatinsk Nuclear Test Site and Denuclearization of the Country signed by our President on August 29, 1991.

It is also important to point out the relocation of the capital of Kazakhstan from Almaty to Astana as a great victory of the Head of State, the Leader of the Nation, Nursultan Abishevich Nazarbayev. Over the past years, it has not only mastered all the functions of the capital, but has also become the most beautiful city of the country, a recognized center of Eurasianism, and has become widely known as a city where many international events are held. Such events include, for example, the EXPO-2017 International Specialized Exhibition the main theme of which was Energy of the Future. Astana has become an international peace-making platform to resolve the Syrian crisis. It attracts more and more foreign investments. The main creation of the Head of the State amazes with the unique architecture and monumental buildings.

The President's intention to build a city of the future was realized, and Astana continues to boggle the imagination of its citizens and guests. In 2018, the capital of Kazakhstan celebrated its 20th anniversary and since 2019 it is rightly named after Elbasy and now is called Nur-Sultan.

One can speak of many realized ideas, initiatives and specific actions of the President which continue to be implemented up to the present day, and within which his administrative structure ensures that his activities are carried out in accordance with his authority and mission.

In October 1995, by Decree of the President, the government body called Administration of the President of the Republic of Kazakhstan was established in accordance with the new Constitution (full name: State Institution Administration of the President of the Republic of Kazakhstan). The Administration of the President and the Cabinet of Ministers of the Republic of Kazakhstan have become history (the Administration of the President of the Republic of Kazakhstan). In the Government, the Front Office of the Prime Minister of the Republic of Kazakhstan has been established which performs its inherent functions.

In the same way as before, the mission of the Administration is high-quality and timely information and analytical, legal, ceremonial and organizational, documentary and other support for the activities of the President of the Republic. The Administration is also entrusted with the support of the activities of the State Secretary of the Republic of Kazakhstan, the Assembly of People of Kazakhstan and advisory boards under the President. The Administration is designed to solve any other tasks established by law and (or) determined by the President.

However, from time to time, the provision on the Administration undergoes some changes; various adjustments are made with respect to its staff, directions and working methods. The point is that by default, administrative reform cannot be fully completed. The state administrative mechanism must permanently be improved and modernized in order to reflect actual situation, which usually changes dynamically, is not always favorable, always requires the constant analysis of expected trends in its development, forecasts of the future, and, of course, well-established strategies and tactics.

This is especially important for the Administration of the President of the Republic, since it should always remain a key element of the system of state authority. The cardinally changing geopolitical situation in the world and rapidly changing financial and economic architecture of the world have made the country to face other challenges that are in stark contrast to the challenges

of the period of forming independence. In order to address them, we should permanently restructure the activities not only of the Administration, but also of the whole system of public service; update the managerial elites in the economy, domestic political sphere and the administrative apparatus itself.

The time has come to clearly distinguish the periods of struggling for survival, overcoming crises, and restoring and transiting the economy to the market relations from the coming time for transiting to a brand new stage of development. It is necessary due to inevitable coming of the new world order, new economic relations, and new level of interaction between the countries of the world community. Hence, new requirements and conditions are needed for domestic politics, other approaches to the adaptation of citizens, their preparation for the future. So, the modernization declared by the President of the country should begin with the presidential staff.

It should be noted that in its work, the Administration of the President always takes into account the features of a changing world. It courageously enters the period about which Nursultan Abishevich once figuratively said in reaction to the arguments of some doubters: “The world is not collapsing, the world is changing. We do not live in an era of changes, but are experiencing a change of eras.”

In point of fact, our country has confidently entered the historical process of the third modernization in its development. When declaring it in his Address to the People, the Head of the State pointed out that “this modernization is not a plan to combat current global challenges, but a reliable bridge to the future towards the goals of the Kazakhstan-2050 Strategy.”

It is pertinent to note that Kazakhstan became one of the first states in the post-Soviet space to switch to a model of long-term strategic planning. Back in 1997, the Head of the State developed and proposed the Strategy of Country Development until 2030. When he was asked how he imagined Kazakhstan in 33 years’ time, he said: “Our newly independent state will grow and mature and along with it our children and grandchildren will grow. They will be responsible, healthy, well-educated people and active representatives of their generation. They will be ready to work under the conditions of a modern market economy and be equally fluent in the Kazakh, Russian and English languages. They will be patriots of their peaceful, prosperous, and rapidly developing country that will be well-known and respected country worldwide.”

Today we can once again fully realize the ingenious wisdom of the Leader of the Nation, our President. Due to the fact that the absolute majority of the parameters of the Kazakhstan-2030 Strategy have been implemented, and the

country has faced new challenges, the new Kazakhstan-2050 Strategy has been adopted.

The President proposed a powerful intellectual mega-project as a specific component of this strategy: The *100 Concrete Steps for Further State Building* nation's plan, within which five popular reforms should be implemented. This is a novel political innovation created by our President and the Leader of the Nation N.A. Nazarbayev and reflecting the unique managerial style of this politician and strategist.

Five systemic strategic reforms include establishment of a modern state for all people; consolidation of the rule of law; industrialization and economic growth; formation of a nation of a united future; establishment of a transparent accountable state.

The Address of the Head of State to the People of Kazakhstan (made in January 2018) in its essence clearly indicated the significant stage in the country's entry into a new era of development under the conditions of the fourth industrial revolution. This strategic document not only provides an accurate, frank assessment of the current economic, social and political situation in the country and the world, an understanding of the current challenges and threats, indicates global trends in world development, but also offers sound systemic measures to ensure a brand new powerful engine to move or, in fact, break through into the future.

It is absolutely evident that it is a huge sphere of activity for the whole Kazakhstani society, all power structures and, first of all, the Administration of the President. Ten basic tasks are defined to be orienting points that may be qualified as super tasks, since they cover a vast range of economic, social and, one can say, cultural and civilizational problems of the development of modern society and state. These include a solution to the problems of the new industry and the agro-industrial complex, raw materials potential, improvement of the transport and logistics sector, construction, and communal services. The tasks also cover a *reset* of the financial sector, the formation of effective state administration, consolidation of the rule of law and anticorruption efforts, the implementation of intelligent programs for building *smart* enterprises, firms, corporations and cities. As the President specified, modernization is based on comprehensive increasing and improving the quality of human capital in all its forms such as healthcare, education, and culture, and in the aggregate and basically improving the quality of life and the welfare of the people, the competitiveness of the country and each and every its citizen.

This document explicitly and unequivocally determines that this path is possible only if we set our goal to ensure integration of advanced digital technologies and innovations into each of these areas. Digital transformation is a global task not only for the sectors of informatization, industry, and agriculture, but also for all spheres of management, services, and living of the state and population.

As part of solving these problems, almost all state, entrepreneurial, social structures, and the scientific and engineering community of the country should be covered. These activities will also reflect the systemic reforms specified in the Kazakhstan-2025 Strategic Development Plan, either.

Organizational, scientific and technological support and ground will also have to be provided for all five major social initiatives and initiatives which are particularly significant for society, proposed by the President in his Address made on March 5, 2018 at the plenary meeting of the Chambers of our Parliament.

Today the agenda, first of all, includes clarification of the set of goals, tasks, and functions of the administrative apparatus, objective assessment of the quality of the human and intellectual potential of the public service, its professionalism, qualifications, legal consciousness and culture, as well as the implementation of a coordinated mechanism for attracting, strengthening, and promoting a new generation of staff within the management system, cultivation of responsibility, and development of state thinking.

This is particularly important at the present moment as the reform announced by the President of the Republic on the redistribution of powers between the state authority branches and aimed at improving the effectiveness of the governance system in the country, has started to be implemented. The subject matter is that the President delegated a number of his powers to the parliament and government. Elbasy noted: “We needed a strong presidential vertical in order to overcome the extreme difficulties of building a state. At that time, it proved its value. All our results were achieved just that system was functioning. This reform is designed to increase the effectiveness of the management system.” He also pointed out that the world is changing in a quite noticeable way, and the speed and complexity of public processes is growing in Kazakhstan either.

Under the new circumstances, the President of Kazakhstan prioritizes the strategic functions and the role of the ultimate arbiter to control relations between the branches of the government. The Head of the State will also concentrate on foreign policy, national security, and defense capabilities

of the country. This activity will be carried out in two key directions. Firstly, a large part of the President's statutory powers for regulating social and economic processes will be transferred to the government and other executive bodies.

A more difficult task is to ensure the balanced relations between the branches of government at the constitutional level. It is particularly important to increase the role of the Parliament in terms of forming of the Government, to increase the responsibility of the Cabinet of Ministers to the deputy corps. The government has been transferred the right to approve state programs, for which it will take full responsibility. In addition, now it is entitled to form and remove central executive bodies that are not included in it.

The role of the Parliament has been increased in relation to local executive bodies. Moreover, the measures have been taken to improve the activities of the Constitutional Council, judicial system and prosecutor's office. For all that, the guarantees of the invariable constitutional system are absolute.

Additionally, in the course of this reform, the Government is offered to transfer 1,598 functions from the existing 2,444 to the central executive bodies. This separation will facilitate decrease of load of the government with increasing the powers and responsibilities of the central public authorities in the sectors they supervise.

The strategic initiatives proposed by the President of the Republic have formed the basis for the vision of modernizing Kazakhstani society and strengthening statehood of our country in the new world conditions. The very change of the historical tasks which Kazakhstan and the world are facing now, requires reinterpretation of the mission of power, the entire state apparatus and, first of all, its highest echelons, primarily the Administration of the President. The latter should master and confidently use new management technologies based on modern information and communication capabilities.

The main goal now is to bring the activities of the Administration of the President in line with present-day developments; strengthen its organizational and political component; increase its influence on all areas of progress in Kazakhstan; enhance social and economic development; form civil society in the country; and further develop the democratic reforms.

In the course of the ongoing modernization, one of the priorities is to train a qualified political class of managers that will meet modern requirements. The goal is set to form a brand new generation of state managers capable of effectively solving the tasks of accelerated industrial and innovative

development and social modernization. Staff development should be organized in a whole new way both in general and in the Administration itself. It is necessary not only to create a powerful intellectual potential, but also to lay a sound basis for its future development.

For that purpose, as is well known, the Administration is actively working to find and educate a young generation of public servants from among promising youth such as honors students; winners of scientific and creativity competitions and Olympiads; and Bolashak scholarship holders. A *Talent Pool* program is being implemented. It is proposed to set a mandatory requirement to have work experience at each level as one of the important conditions for ensuring succession in public service.

At the next stage, it will be more important than ever for everyone, first of all, for public servants, to understand that the Administration of the President is a constitutional state body, organizational, legal, and social institution, solid and unified mechanism designed to solve, first of all, global and hugely complicated issues, address the most serious challenges of our age, while paying proper attention to operational and on-going issues.

Doing this in a modern, professional and efficient manner is possible only through consolidating the efforts and intellectual potential of the entire Administration and associated structures. At the present stage, the main task is to create conditions for a convincing demonstration of the political will of the Head of the State to implement modernization in strengthening the course in accordance with strategic priorities. It must penetrate all spheres such as economic, social, cultural and humanitarian, international spheres, as well as national security issues.

Today, in the context of the transformation of the supreme power, it is essential to establish business relations between the Administration of the President of the Republic and the Front Office of the First President of the Republic – Elbasy. Public servants of both state institutions shall clearly understand that they are doing one and the same thing and shall help each other to achieve common goals.

**THE FIRST CONSTITUTION OF KAZAKHSTAN OF 1993:
STANDING AT THE CROSSROADS OF THE EPOCHS**

In the course of the years of Independence, Kazakhstan has accumulated its own experience in the implementation of constitution-making and formation of Kazakhstan's constitutional identity. This experience is unique and instructive to a great extent for countries being in a state of social modernization.

During the period between 1990 and 1995, activity aimed at forming the basic structures of statehood was one of the main directions for the First President of the Republic – Elbasy N.A. Nazarbayev. It maintained the same status at all subsequent stages of evolution of the country.

On August 28, 2015, in his speech at the international scientific and practical conference dedicated to the 20th anniversary of the current Constitution, the Head of the State described the final decade of the last century which was the country's most difficult period, as follows.

“Today we can objectively say that by the beginning of 1995, the independence of Kazakhstan was at the abyss. The question was put bluntly: To be or not to be a state after the collapse of the Soviet Union?

...My vision and suggestions aimed at overcoming a difficult situation ran into a wall of misunderstanding of the then parliament. We could observe that many CIS countries have already faced such scenarios accompanied by conflicts and civil wars. For our newly independent and multi-ethnic state, this was unacceptable and equal to disaster. We saw that the building of a new statehood was tragic and bloody in many countries. In this context, the recent history of Kazakhstan may teach a valuable lesson to many new states.”²⁴

In the above objective and accurate assessment made by Nursultan Abishevich, reflected the quintessence of social and political conditions under which the constitutional process had started and the methodology and methods of constitutional reform of society and the state began to be created and strengthened. Nowadays, many of their components can rightfully contribute to the world experience in ensuring constitutionalism and be cited as cautionary examples in textbooks relating to constitutional law.

²⁴ Speech by the President of the Republic N.A. Nazarbayev at the international scientific and practical conference dedicated to the 20th anniversary of the adoption of the Constitution, August 28, 2015, Astana. – Materials of the international scientific and practical conference called Constitution: Unity, Stability, Prosperity dedicated to the 20th anniversary of the Constitution of the Republic of Kazakhstan. August 28-29, 2015. – Astana. – P. 14.

Let us turn to the chronicle of the development of the first Constitution of the Republic of Kazakhstan.

Since October 25, 1990 when the XII Supreme Soviet adopted the Declaration on State Sovereignty of the Kazakh SSR, the ways of constitutional law-making have been intensely discussed. By the end of autumn 1990, after long consultations with experts and politicians, a fundamental political decision was made to start the development of the draft of the first Constitution of independent Kazakhstan.

In accordance with the resolution of the Supreme Soviet the Constitutional Commission was formed consisting of 35 members under the leadership of the chairman of the Supreme Soviet. The core of the Commission included deputies of the XII Supreme Soviet (all members of the Presidium of the Supreme Soviet, chairmen of all its committees and some ordinary deputies), as well as individual jurists, representatives of public associations and mass media.

The conceptual provisions of the future Framework Law have been determined for much of 1991.

On December 16, 1991, the Supreme Soviet adopted the historical Constitutional Law “On the State Independence of the Republic of Kazakhstan” as a *pre-constitution* or *small constitution*. In terms of content (it established traditional constitutional relations) and legal force (all other laws, including the 1978 Constitution as supplemented and amended, were in force as they did not contradict the Constitutional Law), it replaced the outdated Constitution of the Kazakh SSR of 1978 *de jure*.

On December 1, 1991, the first direct presidential elections were held. By the will of the people N.A. Nazarbayev was empowered to determine and implement the policy on behalf of all Kazakhstanis. Accordingly, by the resolution of the Supreme Soviet dated December 15, 1991, N.A. Nazarbayev, the President of the country elected by the people, was appointed to a position of the chairman of the Constitutional Commission.

By order of the Head of the State, in order to prepare the Framework Law a working party was formed which included well-known Kazakhstani lawyers. The general supervision of the working party was performed by Z.L. Fedotova, then working as Deputy Chairman of the Supreme Soviet. The scientific component was assigned to the corresponding member of the Academy of Sciences of Kazakhstan, an outstanding specialist in public law G.S. Sapargaliev.²⁵

²⁵ Being the member of the working party of the Constitutional Commission, the author of this article participated in the constitutional process at almost all stages.

The working party was given a specific task: to prepare a draft Framework Law which could then be submitted for consideration of the Constitutional Commission. Later, another team was formed in order to carry out a legal examination of the draft Constitution of the Republic of Kazakhstan; the team was headed by S.Z. Zimanov, master of jurisprudence and academician of the Academy of Sciences of Kazakhstan.

About twenty drafts prepared collectively or individually were presented at the competition announced by the working party.

In his speeches, N.A. Nazarbayev has repeatedly pointed out that the Constitution is being developed in the center of which should be a person, regardless of their ethnicity; it should unite peoples but not separate them. Moreover, the last word should not be said by politicians, but by a specific person living in multinational Kazakhstan. Only in such a case the Constitution would be truly for the people.

After discussing all versions, the most acceptable document was approved by the Constitutional Commission.

“Shortly, the first version of the draft Constitution was completed, and its discussion began at the meetings of the Constitutional Commission which were rather tense... They [members of the commission, i.e. deputies (VM)] were not ready to conduct a candid dialog and discuss alternative proposals. It became clear that further progress would be complicated.”²⁶

On January 6, March 3, and April 14, 1992, the meetings of the Constitutional Commission were held, during which the detailed language and conceptual issues of legal provisions were discussed very intensively.

In the book *The Era of Independence*, Elbasy wrote: “In order to prevent a dangerous careen sometimes we had to defend almost every article of the draft Constitution. Sometimes I joked bitterly that I spent the whole working day in the Supreme Soviet and came to my work only at night to do the equally important current affairs of the country which required urgent decisions.”²⁷

And this was under circumstances when apart from intensive work at the legislative level the President of the Republic should constantly and everywhere *combat the fire* of the all-round crisis!

It was the period during which N.A. Nazarbayev solved one of the fundamental and difficult tasks of restoring the country’s controllability, which was to form the vertical structure of the executive branch.

²⁶ N.A. Nazarbayev. *Kazakhstan Way* – Karaganda, 2006. – P. 55.

²⁷ N.A. Nazarbayev. *The Era of Independence*. – Astana, 2017. – P. 42.

The Law “On Amendments and Additions to the Law of the Kazakh SSR On Local Self-Government and Local Soviets of People’s Deputies of the Kazakh SSR” dated January 13, 1992, provided the post of head of the local administration (predecessor of the current akim) who should be appointed by the President of the Republic from the heads of local administrations in the manner of the subordination according to which they were accountable to the Head of the State and controlled by the relevant Soviets of People’s Deputies. For the first time, at the local level the executive bodies of general power were removed from the accountability to local representative bodies.²⁸

The process of consolidation of the entire executive branch under the leadership of the Head of the State resulted in the Decree of the President “On Improvement of the Organization and Activities of the Government of the Republic of Kazakhstan in the context of Economic Reform” dated February 7, 1992. For the first time, a single system of executive and administrative bodies from the President of the Republic to the heads of local administration and its bodies was established, as well as the functional duties and powers of the bodies and officials (Vice-President, State Councilor); the list of ministries, state committees, and departments; the obligation of the Cabinet of Ministers on the operative management of the activities of the heads of local administration and some other key issues.

On May 29, 1992, at the VIII session of the XII Supreme Soviet, the Head of the State gave the report *On the draft Constitution of the Republic of Kazakhstan*. After a thorough public discussion by deputies (which was broadcasted via TV throughout the country) held on June 2, the document was approved in the first reading and a week later it was published in republican and regional newspapers for nationwide discussion.

²⁸ In early December 1991, I had the opportunity to participate in a meeting at the Almaty Higher Party School under the Central Committee of the Communist Party of Kazakhstan, which was attended by more than one hundred chairmen of district and city Soviets. The event was moderated by the Chairman of the Committee on the work of the Soviets of People’s Deputies, the development of management and self-government of the Supreme Soviet, Y.A. Klochkov. As soon as we got our seats, the chairman was asked by the audience in a harsh tone about the planned innovations in the organization of local authorities. Yurii Alekseevich fended that the senior assistant to the State Law Department of the Office of the President and Government V.A. Malinovskii. I briefly explained the concept of bills, but after a short time a tsunami of replicas was flushed. The friendliest ones were: “Does the President know what his apparatus is doing?”, “What is your education, Mr. Malinovskii?” And just a few days after the meeting, on December 10, 1991, a solemn ceremony of assuming the post of the President of the country who had been elected by the people, took place. In his inaugural speech, Nursultan Abishevich clearly specified the direction to strengthen and personify the executive branch at the regional and local levels through the establishment of the post of a head of the local administration. On the sidelines of the Palace of the Republic one of the most active participants in the recent meeting at the Higher Party School came to me and apologized; she said: “Please excuse us, we overreacted, but now everything is clear.” And this was only one little episode which illustrated quite adequately the eventful period of epoch-making changes, which undoubtedly included the constitutional process.

On October 28, 1992, at a regular meeting of the Constitutional Commission, the results of a nationwide discussion were summed up, in which over 3 million people took part. Z.L. Fedotova reported on the proposed amendments and pointed out that, while revising the draft Constitution, the working party, of course, took into account the fact that it had been adopted by the Supreme Soviet in the first reading. “This is the main thing that guided us. At the same time, we have striven to improve the draft without going beyond fundamental issues far beyond the first reading,” she said.²⁹

When concluding the meeting, N.A. Nazarbayev highlighted a number of fundamental issues related to the organization of state administration at the central and local levels, individual components of the institutions of the President of the Republic, the Supreme Soviet, and courts, as well as the status of languages.

On November 5-6, the revised draft Constitution was considered by the Presidium of the Supreme Soviet, approved by it taking into account the views expressed, and submitted to the X session of the Supreme Soviet.

At the same time, a keen discussion of the document continued in society.

On November 10, the President of the Republic gave a report on the draft Constitution at the republican meeting of heads of administrations and chairmen of Soviets of People’s Deputies of districts, cities and regions. In particular, N.A. Nazarbayev said that the Constitutional Commission was guided in its work not only by the striving to develop a truly democratic Constitution which would be consistent with international law, but also by the need to have a Constitution that would unite people.

“No clause of the Constitution should cause conflicts, undermine the situation in society, or provoke confrontation. It is necessary to openly discuss any urgent issues and find solutions to them that will be consistent with our principled policy which provides for the equality of all people in a multinational state. All our achievements in terms of transforming society are based on the unity of all Kazakhstanis, harmony and peace.”³⁰

The Head of the State determined the range of positions on which no agreed decisions had been found in the Commission.

Shortly, on December 10, 1992, the President of the Republic presented the draft Constitution with the results of its discussion at the IX session of the

²⁹ Shorthand notes of the meeting of the Constitutional Commission. October 28, 1992. – Archive of the President of the Republic of Kazakhstan.

³⁰ Shorthand notes of the speech of the President of the Republic of Kazakhstan N.A. Nazarbayev at the republican meeting of heads of administrations and chairmen of local Soviets of People’s Deputies concerning the new Constitution. – Archive of the President of the Republic of Kazakhstan.

XII Supreme Soviet and during all next days also participated in the discussion with the deputies.

On January 7, 1993, the Chairman of the Constitutional Commission held its final meeting. The draft Framework Law of the country submitted for final adoption by the Supreme Soviet was presented which reflected the amendments proposed by the conciliation commission and the working party.

On January 18, at the IX session of the Supreme Soviet N.A. Nazarbayev warned that the reform would die if respect for the Constitution and strict observance of the Framework Law were not ensured from top to bottom. “Only constitutionality can confront the main enemy of reforms which is political and legal chaos and localism.”³¹

On January 25-28, N.A. Nazarbayev participated in the session for the final discussion and adoption of the Constitution.

On January 28, 1993, through the voting by roll call the Supreme Soviet almost unanimously (out of 312 deputies 309 deputies voted for the Constitution, abstained – 1, against – 2) adopted the first Constitution of sovereign Kazakhstan.

“When the voting results appeared on the electronic panel in the meeting room of the Supreme Soviet, the audience broke into applause,” recalls Nursultan Abishevich. “Cries of admiration were heard in the room: “Long live Kazakhstan!”, “Long live the Constitution!” I noticed tears of joy in the eyes of some deputies.

It was really a historical event in the life of the Kazakh people entered on the path of independent development. The Constitution adopted under the circumstances of 1993 was a compromise between that part of society that opposed the implementation of socio-economic and political reforms, and the other part that understood the necessity and inevitability of the transformation of the Kazakh SSR into a democratic civilized state. It allowed taking the first steps on the path of reform which we needed so much,” Elbasy wrote.³²

In his speech at the session, the President of the Republic, having congratulated all Kazakhstanis on the adoption of the first Constitution of the Republic of Kazakhstan, pointed out that thereby we laid the foundation of a legal framework to establish statehood, transit to a brand new stage of ensuring national independence, actual guarantees of civil rights and

³¹ Shorthand notes of the IX session of the Supreme Soviet of the Republic of Kazakhstan. Morning meeting. 18 January 1993. – Archive of the President of the Republic of Kazakhstan.

³² N.A. Nazarbayev, *Kazakhstan Way*. – p. 61-62.

freedoms, practical implementation of promising ideas in the course of building a democratic society and a country with the rule of law.

The Constitution consists of 131 main articles and 13 transitional articles.

It includes the preamble, *Fundamentals of the Constitutional Order*, four sections: I *Citizen, Their Rights and Duties*, II *Society, the Fundamentals of Its Organization*, III *The State, Its Bodies and Institutions*, IV *Guarantees of Observance of the Constitution*, as well as *Transitional Provisions*.

The President of the Republic considered the Constitution as a stabilizing factor; he mentioned it on January 28, 1993 in his speech on the occasion of its adoption. At the same time, he realized that in a transition period of society, the Framework Law could not be long-term.

Elbasy continued to disagree with some provisions of the Framework Law. These included the nature of statehood, status of languages, equality of citizens regardless of their nationality, land ownership, and consistent implementation of the principle of separation of powers.

Later, on June 30, 1995, at the II session of the Assembly of the Peoples of Kazakhstan N.A. Nazarbayev said: “Kazakhstan is the result of state self-determination... of representatives of all nationalities living in our country.”³³

The Kazakh language was given the constitutional status of a state language absolutely properly and fairly. But the status of the Russian language as the language of interethnic communication (the eighth provision of the foundations of the constitutional system) remained unsettled in terms of its legal definition.

The first provision of the foundations of the constitutional system was questionable, since it defined the Republic of Kazakhstan as *a democratic, secular and unitary state*. Firstly, the proclaimed two characteristics should be supplemented by legal and social ones. And, secondly, the 1993 Constitution seemed to take as a premise the fact that the state had already reached a democratic level, although it still had a difficult path to affirm itself as such.

Article 45 of the Constitution reasonably proclaimed the revolutionary principle for that time: “The economy of the Republic of Kazakhstan is based on various forms of property. The state shall ensure equality of all subjects of property before the law.” It was declared that private property should not be infringed upon, and the state guaranteed the freedom of private entrepreneurial activity and ensured its protection and support (Articles 47 and 48). However, in the absence of the same constitutional guarantees for state property, equal protection for it remained only a good wish.

³³N.A. Nazarbayev, *Five Years of Independence*. – Almaty, 1996.

Land, along with subsoil, waters, flora and fauna, and other natural resources, were the exclusive property of the State (Article 46).

The supremacy of the Constitution over international legal acts was not provided (Article 3).

The price for the proclamation of some provisions in the Framework Law (or, on the contrary, the absence of a number of pressing issues in the text) was the growing concern of citizens of non-indigenous nationality for their future, increasing mistrust of foreign investors, as well as hindered market changes.

Serious contradictions arose with respect to the organization of state power in general and to the form of government and the status of the highest state bodies in particular.

The Constitution turned out to include duality of power. Such duality of power was based on the fourth provision of the foundations of the constitutional system that “the right to speak on behalf of the people of Kazakhstan belongs only to the Supreme Soviet and the President of the Republic in accordance with their constitutional powers”. The sixth provision provided that “In the Republic of Kazakhstan state power is based on the principle of its separation into legislative, executive and judicial ones. In accordance with it, public authorities are independent within their powers and interact with each other using a system of checks and balances”.

The absence of an essential consolidating principle of the state gave rise to two institutional centers that did not have rational balances to regulate their relations.

“Settlement of urgent, vital problems of the country’s social development was restrained and permanently changed by the hogging of the power blanket between the Supreme Soviet and local Soviets of People’s Deputies, while the deputies of the executive bodies totally criticized them.”³⁴

Only the Supreme Soviet had the authority to adopt the Constitution, introduce amendments and additions thereto (Articles 64, 72, and 129).

The President of the Republic should address the people of the Republic of Kazakhstan and its Supreme Soviet, submit annual reports to the Supreme Soviet concerning the situation in the republic and periodically inform it about the most important issues of the domestic and foreign political activity of the Republic of Kazakhstan (Paragraph 10) of Article 78).

³⁴ At that time, that tendency was permanently reflected at the level of ordinary laws. In such a way, in 1991-1993, the laws “On Alterations and Amendments to the Constitution (Framework Law) of the Kazakh SSR”, “On the Procedure for Conclusion, Execution and Denunciation of International Treaties of the Republic of Kazakhstan”, “On the Control Chamber of the Supreme Soviet of the Republic of Kazakhstan”, “On the Prosecutor’s Office of the Republic of Kazakhstan” and some other laws included norms that significantly expanded the powers of the Presidium of the Supreme Soviet up to replacing the deputy corps itself and making it a governing body which controlled over the branches of power.

Duality was also in terms of the announcement of a nationwide vote. According to Paragraph 7) of Article 64, the Supreme Soviet shall decide to hold a referendum, whereas, as provided for by Paragraph 7) of Article 78, the President of the Republic “after consultations with the Supreme Soviet shall make a decision on holding a referendum”.

One case was stuck in my memory. In the spring of 1992, at a meeting of the Constitutional Commission it was proposed to introduce a two-chamber Parliament in Kazakhstan, as well as institutions to early terminate the powers of the Parliament and impeachment of the President. The reaction of many deputies of the Supreme Soviet was very quick and negative. Counterarguments were expressed, starting with the question “What can be done without a single chairman of the parliament?”, including the remark “Kazakhstan has always been a testing site for experiments such as Semipalatinsk, Aral. And now the two-chamber Parliament is proposed”... and ending with the statement “It is impossible to elect a bad president, deputies in Kazakhstan and it is unacceptable to turn the Constitution into a Criminal Code against the President”.

Just political objections of a like nature deprived the Constitution of the mechanisms for overcoming crises in the highest echelons of power. Among others, they pursued to protect the XII Supreme Soviet from re-election by any means, may be, up to blocking the adoption of the Framework Law, which, in turn, cast doubt on the objectivity of the adoption of the Constitution by the deputy corps.

Strategically, with all its increased political significance as an important milestone on the path of Kazakhstan’s constitutional building, the 1993 Constitution was conflicting.

“The gaps and inconsistencies, involuntary compromises that we had to make in order to introduce the 1993 Constitution, subsequently put the country in a legal and political dead end in some circumstances... Having got stuck midway between the socialist past and the market future, the Constitution inevitably became an eclectic combination of different and conflicting provisions which deprived it of consistency and unity.”³⁵

It seems that the key problems highlighted by the President of the Republic in terms of the contents of the 1993 Constitution, basically had, on the one hand, external reasons caused by the eventful period, and, on the other hand, specific internal reasons stemming from the procedure for drafting and adoption of the Constitution by the *socialist parliament*.

³⁵ Speech of N.A. Nazarbayev at the II session of the Assembly of the Peoples of Kazakhstan. – Almaty, June 30, 1995.

The Constitution of the Kazakh SSR of 1978 which was in force at that time, provided the adoption of the new Constitution exclusively through the parliament.

“Therefore, the Supreme Soviet kept a significant part of its decisive authority, while presidency was still at the nascent stage at that time. Under such circumstances, it was necessary to seek compromise solutions in order to prevent a split in society and the state, maintain peace and stability in the newly-emerging state and multi-ethnic society. In summation, the need to maintain domestic political stability prevailed over the task to find a brand-new and irrevocable solution to key problems of the country.

... It happened that it was not the people who adopted the Constitution, but the Supreme Soviet established in accordance with Soviet laws, and the bureaucracy that granted it to themselves and the people too,” the Head of the State said.³⁶

In general, the constitutional process was characterized by a long, almost two-year period, and would-be democracy. But it was burdened by considerable political nature, collision of positions of various government bodies, and underachievement in many important directions.

The situation was deteriorated by the fact that at the final stage, when the decision-making center moved to the offices of the Supreme Soviet and its Presidium, some oddities began to occur with the draft Constitution, which might have influenced its content.

Several social movements and political parties of Kazakhstan reacted strongly against the draft and appealed to report it out. Moreover, they debarred the Supreme Soviet formed in Soviet times, for which a third of deputies were elected from public organizations which no longer existed by 1993, the moral right of adoption of the Constitution of a new sovereign state.

It should be noted that not all deputies of the XII Supreme Soviet agreed with the destructive actions of some leaders of the Supreme Soviet and its Presidium, as they realized the actual consequences such measures fraught with.

In January 1993, the *Kazakhstanskaya Pravda* newspaper published a deputy's request and the answer to it provided by the Chairman of the Constitutional Court M.T. Baymakhanov.³⁷

³⁶ N.A. Nazarbayev. *Kazakhstan Way*. – P. 61-62.

³⁷ The Constitutional Court recognized gross violations of laws by parliamentary leadership. – *Kazakhstanskaya Pravda*, January 29, 1993. See also: A Fuss made about the Framework Law. What Draft Constitution Will Be Discussed by the Deputies? Interview with a member of the working party, representative of the Constitutional Court of the Republic, Candidate of Legal Sciences V.A. Malinovskii. – *Kazakhstanskaya Pravda*, January 9, 1993.

In their appeal to the Constitutional Court, the people's deputies D.E. Abdrakhimova, S.A. Abdrakhmanov, S.V. Drozhzhin, S.K. Mukanov, V.V. Chernyshev, V.Yu. Romenskii and V.A. Fedoryakin raised the issue of cases related to the violation of the rights of deputies, violation of the competence established by the Constitution by the Presidium and substitution of the Supreme Soviet by it. "It also came to light that individual members of the Presidium had blocked the Constitutional Court from fulfilling its functions of verifying the constitutionality of the introduction of the draft Constitution for consideration by the current session." The deputies considered it necessary to hear an answer to their request prior to adoption of the Constitution of the Republic of Kazakhstan.

The answer of the Chairman of the Constitutional Court M.T. Baimakhanov to the request of deputies contained the following information.

"Upon the application of the Council of the Democratic Committee for Human Rights, in November 1992, the Constitutional Court began to verify compliance with the requirements of the Constitution and legislation in the course of development of the new draft Constitution. In the opinion of the party making the application, possible violations of the legislative process could include making changes on the main provisions of the draft approved by the Supreme Soviet in the first reading; inserting of ideas that were not contained in the proposals and comments expressed by citizens, to the text of the document under the pretence of considering results of the nationwide discussion; adopting a resolution by the Presidium of the Supreme Soviet on November 5 in violation of established forms and working procedures; making amendments to the draft text recommended on November 5; changing the draft text by officials and bodies not authorized by the Supreme Soviet and the Constitutional Commission. However, having discussed the request of the Constitutional Court, the Presidium of the Supreme Soviet did not submit the documents requested by the Constitutional Court, in violation of the Law On the Constitutional Court of the Republic of Kazakhstan and Article 111 of the Constitution."

The questions that were raised by social activists and deputies received no response, and the Constitution was adopted with a lot of doubts.³⁸

Generally speaking, the will of the Kazakhstanis shown during the nationwide discussion was distorted by the visions of the majority of deputies

³⁸ This issue has been raised by other media too. See, for example: The Constitutional Court does not have the Right to Conduct an Investigation to Find Those Responsible for Falsifying Laws. This Should Be Done by the Supreme Soviet, but Who Wants to Become a *Non-Commissioned Widow?* – Express, May 29, 1993.

manifested in the final document. It was natural enough that it resulted in the lack of understanding and rejection of the Constitution by certain groups of Kazakhstan's population and foreign partners.

"The present is not able to change the past, but can learn from it," Elbasy noted, introducing the new draft Constitution at the II session of the Assembly of the Peoples of Kazakhstan on June 30, 1995.

Important conclusions were drawn from the process of the development and adoption of the 1993 Constitution. With great confidence, they can be defined as the Kazakhstan's principles of constitutionalism which were laid down by the founder of Independent Statehood N.A. Nazarbayev at that time. Let us again turn to the direct address of Elbasy, his numerous speeches, including later ones, in which the assessment was given with respect to 1993 Constitution.

Here is his opinion about the highest significance of the Constitution for the life of Kazakhstan society and the need to treat it with the utmost respect, attention, and responsibility.

"We are developing a new Constitution, we are taking responsibility for it before the people for the future" (at the meeting of the Constitutional Commission held on October 28, 1992).

"We have proceeded with the most important document that will determine the life of the 17-million population of our newly independent state... You must be very responsible. I just urge you to move away from polemics that is usually in Parliament when we pass laws, even the ones related to budget. It requires composure, calmness and, first of all, the mind, and all the time we must remember that we are responsible for 17 million people. I ask you to listen to each other carefully, to weigh each word, not to be excited or let your emotions run away with you. This very document should be considered in a calm manner. This requires us to be accountable to our state, to the future of our state, and to our people. Thank you!" (at the session of the Supreme Soviet held on January 25, 1993).

The development of the Constitution should lay a cornerstone of Kazakhstani constitutional patriotism, be created while respecting unconditionally the interests, historical and socio-cultural characteristics of Kazakhstan.

The 1993 Constitution "did not define goals and priorities in community development, failed to establish a solid legal framework for systemic transformations, and it did not legitimate constitutional means and tools to achieve the goals set" (at a ceremonial meeting dedicated to the first anniversary of the adoption of the new Constitution of the Republic of Kazakhstan held on August 29, 1996).

“One should always take into account that Kazakhstan has specific features. We have just come to this society after decades of totalitarianism, we have just felt the delicate perfume of democracy, and we are just taking steps towards a market economy... Let’s ensure the order in Kazakhstan. What is our mentality; what kind of people; in what society do we live? Why do we walk after anyone all the time and follow them treading exactly in footsteps, tell me?” (at the meeting of the Constitutional Commission held on October 28, 1992).

Elbasy repeatedly reminded: “Today we should not strive to develop a Constitution designed for centuries. That is not the problem. The new Constitution should become the solid basis of our movement forward in the context of a difficult and painful transition period, a reliable orienting point for the consistent building of truly sovereign, stable, and prosperous Kazakhstan” (at the 9th session of the XII Supreme Soviet held on December 9, 1992).

“Soon after the entry of the Constitution into force, it became apparent that it was completely detached from reality and was not able to serve as the legal framework for state-building. The Supreme Soviet which voted for this Constitution, once again demonstrated a fatal discordance with the new epoch” (in *The Era of Independence* book).

“The collective efforts of the Constitutional Commission have been completed; you have the submitted draft on your hands. But, as I know from the conversations held with many deputies on the eve, there are still a lot of doubts. I doubt too. In view of this, I regard it as my duty to share my doubts with you. Don’t take this the wrong way, but if I reported to the Constitutional Commission only and not expressed my vision of some problems, I would be wrong and not quite sincere not only towards you, but towards all Kazakhstanis. I start on the basis that as a President elected by the people, I personally liable to the entire population of the republic for its future, for implementation of the chosen course, principles of the presidential platform supported by voters. I also have my own vision in terms of the consecution of actions and mechanisms which we shall use to do this. And this vision is not a secret for anyone, as I permanently express it in all my speeches and translate it into practical activities” (at the IX session of the XII Supreme Soviet held on December 9, 1992).

“Preparation of the 1993 Constitution could not avoid lobbying pressure. At that moment, everyone who was involved in development of the Constitution tried to make the future Framework Law convenient for them keeping in mind the position that they held: deputies sought to provide more powers for the legislative authorities, government officials – for the executive authorities, etc.

Only a few thought about the need to make a document not for themselves, but for the country” (in the *Kazakhstan Way* book).

“For example, we always refer to old concepts, you see, it is due to the fact that we never had democracy. We always lived under the Secretary General, lived under the khan, under the king, and under the governor general. Therefore, people often have an association in this regard” (at a meeting of the Constitutional Commission held on October 28, 1992).

Numerous and most contentious debates were on issues of state structure. The President of the country repeatedly convinced that the Constitution should establish a framework for a democratically organized and effective state power.

“In order to create the institutions of democracy, power is needed... Power is needed in order to establish democratic institutions; power is needed to ensure publicity and freedom of press. Who makes them? So, do you want to make the collapse gradually under the guise of democracy? Or do we want to build democracy?” (at a meeting of the Constitutional Commission held on October 28, 1992).

“The question of power... I’m for any shiftings or you may call them buttons and sew everything you want to. But let’s make sure that the representative power has clear constitutional restrictions and the executive branch has a clear name for its authority with no overlapping of authorities with each other. No one denies the controlling role of the parliament over the executive branch.

Please understand, I’m only committed to ensure that the executive branch functions. If the executive branch which should implement laws, decrees, etc., is lying on the road, there will be nothing – neither representative authority, nor judicial authority, and then criminals will come and disperse everything with ease...” (at a meeting of the Constitutional Commission held on October 28, 1992).

N.A. Nazarbayev was not just expressed all above and other key issues before audience, using pre-written texts. Those thoughts were incubated, cogitated, declared in all kinds of forums, and defended if at all possible, starting from the first meeting of the Constitutional Commission until the days of itemized voting carried out in the Supreme Soviet on January 25-28, 1993.

All that is left to do is to regret that the words of the President of the Republic were not heard, understood and accepted by all those who decisively determined the activities of the XII Supreme Soviet and its Presidium.

As a real strategist, the First President of the Republic – Elbasy understood perfectly well that some severe language, as well as issues that were put aside

in the interests of preserving stability in society and the highest echelons of power, oriented towards future proposals, would be discussed in the country and would require follow-up revision of the 1993 Constitution some day or other.

Echoes of negative public sentiments spilled out at the first session of the XIII Supreme Soviet elected in April 1994. A number of deputies initiated the resumption of the constitutional process, and they had objective prerequisites for it.

The estimates and concerns expressed during the preparation of the draft and the adoption of the Constitution were proved out. The warnings of N.A. Nazarbayev came true.

In the autumn of 1993, the system of local Soviets of People's Deputies collapsed, followed by the early termination of powers of the XII Supreme Soviet on December 10.

In the early summer of 1994, sharp disagreement arose between the newly elected XIII Supreme Soviet and the then Cabinet of Ministers. On initiative of the Head of the State to overcome the crisis, on September 20, 1994, a draft Agreement was developed on ensuring interaction and coordinated work between the legislative and executive authorities. As a result of the meeting of the President of the Republic of Kazakhstan and deputies of the Supreme Soviet, this Agreement was signed by the Head of the State and the Chairman of the Supreme Soviet.³⁹

Some deputies criticized the said Agreement (the Supreme Soviet aptly called the *non-aggression agreement*) from a legal perspective. However, in the context of the absence of a constitutional mechanism (for which sand was thrown in the wheels during preparation of a draft Framework Law) for resolving disagreements between the highest bodies of state authority, it was hardly justified to demand constructive political decisions from them while ensuring strict formal compliance not only with the spirit, but also with the language of the Constitution. Otherwise, the non-adoption of an unconventional act could lead to global violations of the Constitution.

“The 1993 Constitution became a legal obstacle to the improvement of the state structure, further development of socio-economic and political reforms. Facing such numerous *gaps* in the legislation every day, we realized that the 1993 Constitution could not be the legal basis for building sovereign Kazakhstan... The need to establish a clearer and more consistent power structure, to address

³⁹ Kazakhstanskaya pravda. September 21, 1994.

issues of a fundamental economic nature and great socio-political significance at the constitutional level, was obvious.”⁴⁰

As early as on July 14, 1994, by order of the President of the Republic of Kazakhstan, a working party was established to draft the Constitutional Law “On Amendments and Additions to the Constitution of the Republic of Kazakhstan”. The Minister of Justice N.A. Shaikenov was appointed its leader. The working party also included the State Councilor to the Republic of Kazakhstan K.Sh. Suleimenov, First Deputy Executive Officer of the Cabinet of Ministers Yu.I. Obryadin, First Deputy Prosecutor General A.V. Konstantinov, Deputy Head of the Department of Legislative Initiatives and Legal Expertise of the Administration of the President of the Republic A.N. Kotlov, Personal Representative of the President in the Supreme Soviet M.K. Rayev, two judges of the Constitutional Court, a number of deputies of the Supreme Soviet, and chairmen of relevant committees of the Supreme Soviet.

One version of the draft Constitutional Law “On Amendments and Additions to the Constitution of the Republic of Kazakhstan” was proposed to be supplemented with 41 amendments, including a change in the name and content of the entire chapter 12 *ЖАРҒЫ МӘЖЛІС – ЗАКОНОДАТЕЛЬНОЕ СОБРАНИЕ (Legislative Assembly)*.

And again heated disputes arose and sometimes opposing views clashed. Subsequently, that situation was clarified by Nursultan Abishevich himself.

The ongoing debate on methods for reforming the 1993 Constitution began to gain momentum and splashed out into the mass media.

So, for example in November 1994, the Panorama newspaper placed an interview with the rector of the State Law Institute E.K. Nurpeisov and the article of the deputy of the Supreme Soviet M.N. Golovkin at the same page.

In the first article, a Candidate of Legal Sciences, a former director of the Institute of State and Law of the National Academy of Sciences, a member of the Constitutional Commission, a well-known specialist in theory of state and law said that he was in success not in all topics of that discipline at the same level, and he could not hold forth about the course of constitutional law.

In the second one, the Physical Engineer, a former head of the Department of Electrical Engineering at the Ust-Kamenogorsk Architecture and Road Construction Institute, showed his ability to read the Constitution of the Republic between the lines, as he said. The conclusions of M.N. Golovkin

⁴⁰N.A. Nazarbayev. Kazakhstan Way. – P. 62.

derived out of such a between-the-lines analysis, were also presented. They were extremely disappointing: Kazakhstan never had experience in developing a Constitution; the world experience was completely ignored; the Framework Law was full of contradictions. He concluded that, of course, the 1993 Constitution should be completely rewritten.⁴¹

A decisive end to that difficult theoretical and extremely important practical issue was marked by the President of the Republic.

“Many people know that we initially planned just to supplement the current Constitution with albeit numerous, but still only amendments. But then it turned out that it was necessary to change the whole structure of the Framework Law, to make changes to very fundamental provisions giving rise to amendments to many other articles, and it was impossible to put together all of them to make an integrated and interconnected document.”⁴²

The catalyst for events that accelerated the constitutional process was very challenging events occurred in March 1995. By a decision of the Constitutional Court dated March 6, a number of acts of the Central Election Commission were declared to be unconstitutional. The legal consequence was the termination of the Supreme Soviet and the validity of laws and other acts adopted by it during the year. Again, the President of the Republic had to take responsibility and initiate unconventional measures to prevent the entire legal system of the country from collapse and re-reform the Government and other state authorities. At that moment, all the weakness of constitutional structures was seen at the level of the country.

In his speech at the ceremonial meeting dedicated to the first anniversary of the adoption of the new Constitution of the Republic of Kazakhstan, N.A. Nazarbayev said: “In those dramatic days, we finally realized that delaying the constitutional reform was dangerous for the future of Kazakhstani society and the future of the independent state... I recall that period not without reason, since I realized that protraction might cause further stopping of economic reforms and underachievement in terms of political transformations.”⁴³

I am sure that at that moment N.A. Nazarbayev once again unequivocally reaffirmed his resoluteness and stability in protecting the interests of Kazakhstan and its future. Having broken the *constitutional classics* of the

⁴¹ Panorama, November 12, 1994. See also: V. Malinovskii, Judge of the Constitutional Court of the Republic of Kazakhstan. Revision of the Constitution will be justified only when it fully exhausts its democratic potential. – Panorama, December 18, 1994; V. Golenko, Member of the Supreme Soviet of the Republic of Kazakhstan. Together with the constitutional potential, the state itself may be exhausted. – Panorama, December 25, 1994.

⁴² Speech by N.A. Nazarbayev at the II session of the Assembly of People of Kazakhstan, Almaty, June 30, 1995.

⁴³ N.A. Nazarbayev. Five Years of Independence. – Almaty, 1996. – p. 545.

Soviet period and met a burden of criticism, Elbasy selected a strategy of direct and open conversation with the people by explaining the situation honestly and proposing his own version of the Constitution. And he won again!

As we see, based on the primary importance of the Constitution in the life of Kazakhstani society and the state, the President of the Republic personally led the constitutional process. “This is my inflexible rule from my youth to tackle any problem thoroughly with no tinkering at the margins, especially when it comes to an issue of truly great importance,” Elbasy wrote.⁴⁴

During meetings of the Constitutional Commission and the working party, meetings with individual scientists and employees of his apparatus, N.A. Nazarbayev requested information on foreign analogues, expressed his opinion not only on the content, but also on the language of any given norm. He argued, substantiated his opinion. Sometimes, after hearing the arguments of the opponent, he agreed with them. He fully controlled constitutional matter at the macro and micro levels. He influenced the development of conceptual constructions and text up to changes in the presentation of single norms. By the way, my archive includes one of the versions of the draft Constitution to which 22 amendments were made by Nursultan Abishevich himself.

Many approaches used by N.A. Nazarbayev in the 90s of the XX century, are not just constructive but also contribute to the development of the theory of constitutional law, comparative legal studies, political science, and other areas of humanities knowledge, as well as to the practice of constitutional construction.

These include ideas about the priority of democratic reforms within the system of measures to prevent the risks of political transit (*first the economy and then the politics*); unconditional consideration of the common interests of Kazakhstanis; the intended purpose of the Constitution which should be not only a goal, but also an effective means to ensure deep transformations of society; the subject matter of the Framework Law (and its very first principles, consolidating all the people); the supremacy of the Constitution over acts of international law; popular, state, and national sovereignty; the nature of statehood and the status of languages; the unconditional equality of citizens in a multi-ethnic society; land ownership; the need to fix the precise balance of unity and separation of state authority and efficiently functioning state mechanism; the writing of the Constitution in a language which would be understood by all citizens; and many others.

⁴⁴N.A. Nazarbayev. The Era of Independence. – P. 44.

Based on solid belief, the backbone vision of the President of the Republic N.A. Nazarbayev very soon found its maximum embodiment in the presidential format of the development and adoption of the second Framework Law that was truly for Kazakhstani people. It was the solid position of Elbasy to maintain unity with the will of the people of Kazakhstan that decisively determined the ideology, content, style of presentation of the provisions and norms of the Constitution of the Republic of Kazakhstan which was adopted at a republican referendum on August 30, 1995. That indestructible unity ensured civil peace, stable, confident, and progressive development of the country, its recognized authority in the world community, as well as the successful functioning of the Constitution for nearly 25 years and its consistent modernization.

Adilbek DZHAXYBEKOV

NUR-SULTAN (ASTANA) IS THE SYMBOL OF INDEPENDENCE OF KAZAKHSTAN

On July 6, 1994, Mr. Nursultan Abishevich Nazarbayev, the President of the Republic of Kazakhstan, came out with unexpected proposal at the plenary meeting of the Supreme Council – the former parliament of the country.

“...I present for your consideration the question concerning change of the capital, which question is very important for life of the republic, especially in the long term. Almaty does not meet the requirements for being a capital of an independent state anymore, the Head of the State said at that time, – ...on my instruction, a thorough study of the entire territory of the republic was carried out in order to determine the optimal location of a new capital. The analysis, which was carried out based on 32 parameters showed that Akmola is the most preferable out of all variants.”

At that moment, few people could objectively evaluate the idea to transfer the capital. This required political experience, a deep understanding of the processes taking place in the country, a clear vision of the future, and finally, courage inherent in prominent statesmen.

The initiative of the President was not clear for the most people. The economy was down-falling with inflation in mind. The devastation was all over the place, the enterprises were closed down, the salary and pensions were delayed. So, how can we talk about transfer of the capital at such a moment?! Do we feel equal to such a problem?

After heated discussion, the deputies of the Supreme Council supported the proposal of the President, but even they were sure that it would take 30-40 years to move. However, the Head of the State did not intend to wait. The time required to take decisive actions.

Now, after decades, the correctness of the decision then made seems obvious. Notwithstanding, in 1994, the President was taking great risks. In fact, he linked his political future to success of a new capital. By the way, that became noticeable at once by various politicians who tried their best to score the points by criticizing the transfer of the capital. The things they threatened with: the economy collapse due to inevitable enormous expenditures, severe winter frosts in Akmola, and the giant mosquitoes.

Many years later, I asked the President of the Republic how he resolved to transfer the capital, where he gathered strength and assuredness to keep going forward despite criticism, misunderstanding and even opposition? Nursultan Abishevich answered: “I did it because I had to – because I held responsibility for the country. Well, as for criticism, if you don’t do anything, you will be subject to criticism. If you do something, you will be subject to criticism, as well. So, it is better to do something. You know, a man regrets most in life what he did not do.”

Only thanks to firmness of the Head of the State, courageous presidential reforms and, in particular, thanks to the transfer of the capital, we overcame the crisis and found a steady line of development. The new capital became one of the levers that cranked up the real positive changes in the economy. The construction industry began to rise, and the other producing units started working following it one by one all over the country. Thousands of new jobs were created. Although the most important thing is that the capital made people to believe in their abilities and became a symbol of the country renovation, the real embodiment of new independent Kazakhstan.

Not everybody is lucky to become a direct participant of the historical events. So, I am endlessly thankful to Nursultan Abishevich for the trust and afforded opportunity to make a contribution to construction of the capital of our republic.

In 1994, I lived in Akmola and was engaged in business. I grew up there; it was my home city. My fellow-countrymen took the news of transfer of the capital with great joy and hope. Everyone expected that a capital status would put a new life in Akmola. At that moment I could not certainly imagine yet how much the decision of the Head of the State would change my future and indeed the whole country, the future of all Kazakhstanis...

After a while, as a representative of the first generation of the Kazakhstan entrepreneurs, I was elected to be a deputy to the Senate. In the Parliament,

I actively worked on the legislative provision of the market reforms. Suddenly, on the other day in October 1996, I received an invitation to the Administration of the President. The post of the first deputy akim was introduced in Akmola Oblast, who would be in charge of the economy and construction of the new capital. I was offered to try myself as a public servant.

After having thought a while, I agreed, of course. I clearly understood that this was an opportunity to become a participant of a great cause. Such an opportunity knocks but once.

I had to get moving in the game without a peep. Period for dislocating the capital was firmly fixed – the close of the year 1997. The large-scale construction of the key facilities began in Akmola. The problem of locating the public authorities was solved, it was necessary to build the housing accommodations. There were a lot of questions concerning urban infrastructure. The roads, communications, and the power system – all of this was out of condition.

The Head of the State regularly visited Akmola, personally supervised the construction, and went into every detail. Working alongside the President of the Republic became a great professional, true-life school for me. Nursultan Abishevich set the pace, and we tried our best to keep up with him.

Sure thing, the obstacles and difficulties appeared every step of the way, and they might be overcome in the shortest possible time – trouble-proof power supply to the old and new facilities put in commission, installation of telecommunications network and laying of the service lines therein, and a host of the other tasks. The bureaucrats, who did not want to assume any responsibility, pastness, and musty thinking hindered much. Even nature tested our patience. Winter 1996-1997 happened to be very harsh. Notwithstanding, despite the frost the work continued in full blast.

I remember the episode: the temperature is far beyond minus 30 and a strong wind, as well. All of us were standing near a residential building under construction and scinged by the wind. Nursultan Abishevich drove up, looked around and said: “It’s blowing so hard!” Everybody said: “Yes, it could not be worse.” And he continued as if he did not hear the come-backs: “It is normal, the wind is always blowing here, that is why the air is clean.” Everyone seemed to warm up in a trice with these words, and the voices repeated then and there something like: “Well, let it blow, everything is good.”

When someone complained to the President about harsh climate of Akmola, he often replied: “This is the climate of our Motherland; our ancestors lived for ages in these parts, defended this land and did not complain about the weather.”

Nursultan Abishevich energized everyone with his enthusiasm and confidence of success. He always picked the words, which got people inspired and enthusiastic.

The new capital united and drew our people together. The Kazakhstanis built their capital together, the entire country. The hundreds of contracting organizations from Karaganda, Arkalyk, Stepnogorsk, Almaty, Pavlodar, Kokshetau, Taraz, Kapshagay, Kostanay, and other places worked at the construction sites in Akmola. By the way, at that time many enterprises had no orders for a long time. Thanks to the new capital, for the first time in many months people began to receive salary. So, despite the difficulties, everyone worked hammer and tongs, as the saying goes – wholeheartedly. The key facilities were commissioned on time.

The main part of the in-migrating persons began to arrive to Akmola in autumn 1997. They were accompanied and welcomed with all the honors and celebrations, with demonstrations and playing music.

Initially, people settled in the dormitory accommodations. They moved without families and led a Spartan life. Sure thing, those years Akmola seemed a poky hole of a place for the new settlers. Nevertheless, they faced difficulties with enthusiasm, lived cheerily, and became friends; the mood was elated and optimistic. Moreover, the city was changing in the shortest time. So far, soon the public servants began to receive the keys to the new apartments.

Many people who moved to the capital in the late 1990-s – early 2000-s now say that it was the happiest time – the years of high hopes, successes and historical accomplishments.

No doubt, there were skeptics who did not believe in the future of the capital. Fortunately, these were in the minority and all of them left fast. Even this showed the great benefit of moving the capital. The public servants were renewed and, indeed, the best ones stayed.

By the way, the most of the central public authorities in the new capital also accommodated in much more comfortable conditions, in more spacious offices than in Almaty. They moved in well-equipped buildings, which were renovated in contemporary manner. As the saying went: after the “European-style remodeling”. In accordance with directions of the Head of the State, everything was done in a quality manner and to the highest standard, but without frills. Such a businesslike functional approach was subsequently used when constructing new buildings for the public authorities on the left bank.

On October 20, 1997, the President of the Republic signed a historic Decree “On declaring the city of Akmola the capital of the Republic of Kazakhstan”.

On November 8, 1997, the State Flag, the Coat of Arms and the Standard of the President were solemnly delivered to Akmola. It was an important milestone in the life of the future capital; the city became the custodian of the standards of the State Symbols.

I remember well, the day was gloomy and murky. Perhaps that is why on the way to the airport, where the state symbols were to be seen in, it seemed to me that the city had some kind of austerity and formality. Akmola donned the capital's uniform for the first time.

At the airport no one thought about the autumn weather yet, joyful emotions and a sense of a festive occasion overwhelmed everyone. The Akmola residents welcomed that day the Head of the State with great inspiration. Right by the airstairs the "Arnau" – a poetic and inspired initiation – was performed in honour of the Head of the State, and then the ancient rite "alastau" took place. From time immemorial, the Kazakhs believed that "cleansing with fire" would help anyone who takes a long and difficult journey. So to make the road happy, the "ak zhol" – the white road – was lined up in front of the President of the Republic.

A rally was held on the central square of the city. To the strains of the Anthem and the artillery salute, the state flags were solemnly hoisted above the President's Residency and the Government House.

So far a month later, one of the most important dates in the history of our country came on December 10, 1997. That day a joint meeting of the President of the Republic, the members of the Government and the deputies of the Parliament was held in the new Residency of the Head of the State.

The words then spoken by the Head of the State sank into the mind: "From now on and forever, here, in the centre of a huge country, decisions will be made that are fateful for the people. Here the heart of our Motherland is beating now. From here, Kazakhstan will determine its historical fate."

That day was not only a holiday, but also an epoch-making for me – the President signed the Decree on my appointment to be the akim of the capital.

On the eve, the Head of the State had, as always, a very busy schedule. Besides the presidential duties and meetings as such, there was also a visitation to the city, the facilities under construction and reconstruction, and so on – the work was completed well into the night.

About one o'clock in the morning I was invited to the Residency. The President was brief: it is necessary to raise the work of the city akimat to a new level that means not only to manage the construction, but to immediately take up the solution of the strategic tasks. "The construction of the capital is the same for me as the construction of the state," Nursultan Abishevich said then.

Now, when recalling the events of those years, I think it was one of the most intense and at the same time the brightest periods of my life. In fact, everything was new: work, team, tasks. The scope and importance of those tasks were immense. Well, the most important thing was an inspiring opportunity to work alongside the Head of the State – we were adamantly optimistic and believed in success.

The celebrations related to the relocation of the capital were not complete yet, but the preparations for the international presentation of Akmola already began.

The capital is not only an administrative centre. This is the face of the country. The presentation of the new capital was to demonstrate the world the new Kazakhstan – a young, independent, and contemporary state looking ahead.

Nevertheless, another important event happened before this. Just a month before the presentation, the capital assumed its name.

The historical name – Akmola – emphasized the sacral meaning, the holiness of this area. However, people, who were not familiar with our history and could intentionally cast round any reason to criticize the new capital, thought up various negative interpretations of its name. The society hotly debated about this on the pages of the newspapers. For sure, the Head of the State, who always considered very carefully the public opinion, knew about this.

Nursultan Abishevich has a rule: to productively use every minute. Discussion of the work issues began often at the airport, where we met the Head of the State, and then continued along the road to the city. We often visited on the way a facility under construction.

The other day we met the President of the Republic after a trip around the country. Right at the airport, he handed N.U. Balgimbaev, the Prime Minister, and me in his car. “The question about the capital renaming is ripe,” the Head of the State immediately began the conversation. “During the meetings in the regions, many people talked about this and asked questions.” The President stopped speaking for a short time and then half-questioningly said: “How do you like the name Astana? It is a kind of a winged word and it would become a symbol of a forward-looking optimism.”

It was not uncommon that the question of the Head of the State caught us off balance. The President gave us a reflection period, as they say. However, the conversation continued very soon.

Nursultan Abishevich adduced convincing arguments for Astana: the word has a clearly fixed meaning and literally means – the capital; secondly, it does not have negative political or historical interpretations; thirdly, it is harmonious

in both Kazakh and all other languages. Finally, the new name presented at the international presentation will become a symbol of the country renewal. The capital of Kazakhstan will be included in the world list of major cities with a new name so far.

Nursultan Abishevich immediately noted that, according to the law, the decision to rename the city can be made only taking into account the opinion of the maslikhat and asked me to meet with the deputies.

The session of the capital Maslikhat was held on May 6, 1998. The deputies warmly supported the proposal of the Head of the State. Many of them said that this was a very proper and timely decision. The capital assumed a new name – Astana.

On the eve of the international presentation, construction and arrangement of the capital unfolded with renewed vigour. In fact, a full-scale reconstruction of the city was required. It started in the centre and then moved to the outskirts.

It was necessary to replace the communications everywhere, to install new lighting, to improve and green up the territory. A big problem was the condition of the road surface. In some areas, there have never been asphalt roads, without mentioning the sidewalks. Every spring and autumn, the Tselinograd residents habitually put on high rain boots in order to get across the mud and puddles of water.

When we started repairing and laying the roads, we had only three asphalt plants. Two or three months later there were already 18 plants. They operated around the clock. 4-5 thousand tons of asphalt a day were laid. In the former Tselinograd, such a scope was done in a month.

The vast majority of buildings needed major repairs. Facades dilapidated, basements were flooded. There were a lot of very old houses, nodded and ingrown waist-deep into the soil. Such houses had to be demolished – they not only mutilated the view of the capital, there was a real danger for the people who should be relocated to new apartments. Now it has become possible, housing construction has unfolded throughout the city.

From the very beginning, Nursultan Abishevich invited foreign construction companies to Akmola. They significantly raised the general level of quality of the works and brought the new equipment and new technologies. The equipment used by the foreigners was a discovery for our builders: for example, prefabricated scaffolding and many other things. The same applies to the new materials.

The foreigners, in turn, mastered our shock pace. At first, they were obviously frightened by tight deadlines, but it was not a problem – they accustomed to and adjusted their schedules. We learned how to build both beautifully and quickly.

The five-star hotel “Intercontinental” was among the key facilities that were required to be completed by the presentation. It was just built by the Turkish company. We planned to room the heads of the states for the presentation. The hotel building initiative belongs to Nursultan Abishevich. He personally laid the first stone in the foundation of the building. At that time, the hotel complexes of such class were not available in all the capitals of the CIS.

Another equally important task was to modernize the airport. The air harbor of the capital should accommodate any airliners. The reconstruction of the central stadium, where a celebratory gala concert would be held on the day of the presentation, was in full blast.

In the truest sense of the word, an army of builders – 14 thousand persons – worked in the city. The deadlines were extremely tight. The work was performed twenty-four-hour. Then someone aptly called that “the time of the Astana white nights” – the light of floodlight projectors and welding merged into one glow, it was as bright at nights as during the daytime.

At the time of one of the next visitations to the city, in March, two months before the presentation, the Head of the State inspected the Samal residential complex under construction, and then went out to the bank of Esil. Nursultan Abishevich stopped there, looked at the river for a while, and then shared his thought. “Not every city is lucky enough to be located on the banks of the river, we must take advantage of this. Let’s magic up a beautiful river embankment. Anyway, it will be a decoration of the capital!”

We were silent and thinking over the President’s words. And Nursultan Abishevich already added up with a firm voice after apparently having made a decision: “We need to make an embankment for the presentation.”

The project was quickly prepared and agreed with the President, and the round-the-clock work began. We came up to the deadline. Moreover, as the Head of the State said – the embankment became a favorite rest area for the citizens, one of the architectural landmarks of Astana.

Now, 20 years later, remembering the emergency work, just frenetic pace of those years, I ask myself whether we could work differently. Probably we can’t. The people had general state of mind and enthusiasm, they understood that we were building not just houses and roads; we were building our capital, our own country, our future!

Finally, June 10, 1998 came – the day of the presentation of the young Kazakhstan capital. This was the first major international event in Astana with the participation of the heads of the foreign states and many foreign guests.

In subsequent years, our capital will easily cope with the role of a hospitable hostess for many other events, including more large-scale international ones.

The first persons of the leading world powers came to us. In 2001, Pope John Paul II visited Astana. Starting from 2003, on the initiative of our President, the congresses of the leaders of the world and traditional religions regularly take place in the Kazakhstan capital. The leading experts, the heads of major companies and the politicians gather annually at the Astana Economic Forum. We have hosted the OSCE, SCO, OIC summits, the UEFA congress, the EXPO-2017 exhibition... The list is endless. However, the international presentation of Astana was the first in this series.

Kazakhstan, which successfully solved the problem with transfer of the capital, attracted the attention of the entire planet. As always, the Head of the State made accurate estimation. The people from all world capitals talked about Astana and Kazakhstan. At that moment, in a sense, our republic first appeared on the map for many people, the Kazakh people emerged from the age-old shadow of silence.

As then Larry King, the legendary American TV presenter, aptly said: “Many leaders seized cities to make a history, and the President Nazarbayev builds.”

With emphasizing the creative activities of the First President of Kazakhstan, he is often called the architect of our statehood, the Kazakhstan model of inter-ethnic harmony, or the architect of the Eurasian economic integration, the architect of a nuclear-free world. There are many figurative epithets. Although, as for the words “chief architect of the new capital” – they can be understood literally.

The first several years after the transfer of the capital, the attention was largely concentrated on the reconstruction and development of old areas. However, the President initially intended to build a new city on the free left bank of Esil.

One day we got the helicopter to fly to the left bank. We cannot drive by car, there were no roads. We stood in the middle of the steppe surrounded by wild thickets and reeds, and the Head of the State said: “The avenues will be there, the new, most modern office buildings, residential areas, and parks will be there.” As the result, it turned out to be so. A new centre of Astana with skyscrapers, fountains, and flowers appeared very soon in the place of that waste ground on the left bank. The capital was built quickly. The seemingly fantastic models of the modern, unheard-of buildings were embodied in stone within our sight and the new areas appeared.

It is remarkable that the first master plan of the capital developed by a team of the Kazakh architects as far back as in 1997 was based on the fact that the population of the city by 2005 would be only 350 thousand people. However, Astana crossed this figure already in 1999.

To develop a new master plan, the Head of the State proposed to hold an international competition. The best architects from all over the world took part therein. The concept of Kisho Kurokawa, one of the most famous Japanese architects, came off best. He promulgated the philosophy of urban planning, which he called the “symbiotic architecture”. The city was considered as a living organism that should live in harmony with the natural environment.

That concept resonated with the ideas of the Head of the State. Nursultan Abishevich initially saw the Kazakhstan capital as a green, very eco-friendly city with its unique Eurasian style harmoniously combining the cultural traditions of the East and the West.

However, the plan of Kisho Kurokawa also had to be finalized soon. By the way, the capital grew much faster than the most optimistic forecasts for the same reason as the previous one.

Now the planning scheme of the city development is constantly evolving. This is done by the specialized project organization – Astana-genplan (Astana-master plan). The Head of the State directly participates in this work, determines the strategic tasks, considers and approves the proposals of the architects.

I have always been amazed with breadth of vision, the huge baggage of knowledge of the Head of the State. If Nursultan Abishevich says something, you can be absolutely sure, he deeply puzzles out the subject and well prepared for the conversation. The President reads a lot. He finds time to personally communicate with the best specialists in the fields of interest to him, including the architects and builders, and he studies the development of big metropolitan cities in great details.

The idea to build the most famous buildings in Astana belongs to the Head of the State. Nursultan Abishevich made on his own many of the sketches thereof. Now they are kept in the Museum of the First President.

Such unique architectural structures as the pyramid of the Palace of Peace and Accord, Khan Shatyr, Astana Opera, the Nur Alem sphere, the Hazrat Sultan mosque, which is the largest in the Central Asia, and many other objects are the ideas of the First President embodied in the reality.

One of the most famous structures built according to the sketch of the Head of the State is the architectural landmark of the Kazakhstan capital – the Baiterek complex. Being a symbolic embodiment of the ancient legend, it identifies the unity and continuity of the centuries-long history of our people, the present-day Kazakhstan and Astana.

I must say that Nursultan Abishevich knows history, legends and ancient epics very well, and he preserves our culture and traditions very carefully.

According to the plan of the First President, Astana, being built in the heart of the great steppe, should turn into a blossoming oasis. Dozens of parks and squares are laid out in the city. As far back as in 1997, the Head of the State proposed to create a large green zone around the capital – the “green belt”. Nursultan Abishevich worked with the scientists who picked varieties of trees and shrubs, which are the most adapted for the local conditions, and he personally participated in planting seedlings. Now the green space in Astana is about 80 thousand hectares. A real forest rose around the city. It cleans the air, protects the capital from dust, and has a positive effect on the climate.

Astana is one of the fastest-growing capitals in the world. Over 20 years, the city has changed its skin, just as our entire country. Every year it becomes more comfortable for life and more beautiful.

The capital has always been at the cutting edge, a leader in the implementation of the President’s reforms. Likewise, the capital remains such at the turn of the 1990-s and 2000-s, when it was necessary to implement the market principles in practice, and now, at the stage of institutional reforms aimed at modernizing all spheres of our society’s life. The powerful pace of development of the capital set at the start remained through all subsequent years.

Since 1997, the gross regional product of Astana increased 190 times. The industry grew 30 times, investments increased 50 times, and the bulk of them are private investments. As for the state funds invested in the capital, Astana has refunded them long ago. The city became a donor of the republican budget. The capital has already transferred more than 6 trillion tenge in the form of taxes. This is almost three times more than the state has spent for it.

The number of the capital of has more than tripled during two decades. Astana has become a million metropolitan city. During the same period, about 1,300 residential apartment buildings were totally built for 180 thousand apartments in total. The area of the city increased by 500 square kilometres.

Nevertheless, the most important achievement and the main value of Astana is not probably in material things. It cannot be measured with square meters of housing and the amount of investment or indicators of economic growth.

It is difficult to find a person who does not know the catch phrase of the ancient Greek philosopher Archimedes: “Give me a place to stand, and I will move the world”. For Nursultan Abishevich Nazarbayev, Astana has become such a place relying on which our President has turned around the course of history.

The new capital has become a concentrated expression of the powerful will, energy, and motivation of the First President of the Republic of Kazakhstan – Elbasy. This is the dream of our people embodied in the reality. It is a symbol of Independence and success of our young state.

Today it justly bears the name of its founder – Nur-Sultan.

**CONSTITUTION OF THE REPUBLIC OF KAZAKHSTAN 1995:
PROPOSAL OF THE PRESIDENT ACCEPTED
BY THE PEOPLE AT THE REFERENDUM**

The Republic of Kazakhstan, as a new independent state, entered the path of genuine constitutionalism in the middle of the 1990s.

This entire historically important way of constitutional construction is inseparably linked with the name of the Founder of the Kazakhstan statehood, the creator of independent Kazakhstan, the First President of the Republic – Elbasy, Nursultan Abishevich Nazarbayev.

The constitutional legal processes, especially those ones associated with the initial stage of the state-building, are more complex than ever. Generally, Kazakhstan has successfully passed through these complex processes, although this path was not “embraved with roses” in our country.

It is known that at the very beginning of this difficult path there was a short-lived Constitution of 1993. Being the result of the compromise decisions of the then conservative-minded Supreme Council, that document could not become the political and legal framework for sovereign Kazakhstan, having become a brake on the way of systemic, reformative transformations in the country.

That is why the Head of the State, after having far-sightedly estimated the current situation, made a deeply thought-out historical decision to develop a fundamentally new, international standard-compliant Constitution, which the people of Kazakhstan would accept directly at the nationwide referendum.

With such a principled approach, a stable and progressive constitutional structure of Kazakhstan was provided, the necessary dynamics were assigned to the processes of the state-building and deep market transformations.

Referring to the events happened more than 20 years ago, we recall that by the resolution of the President of the Republic of Kazakhstan dated May 22, 1995, the Expert Advisory Council was formed for the purposes of analysis and independent examination of the draft Constitution, which included the well-known scientists and experts such as: Yu.G. Bassin, V.A. Kim, K.A. Kolpakov, A.K. Kotov, B.A. Mukhamedzhanov, Ye.K. Nurpeissov, G.S. Sapargaliyev, M.K. Suleimenov, N.A. Shaykenov, as well as the foreign experts S.S. Alexeyev (Chairman of the Scientific Council of the Research Centre of the Russian Federation), Jacques Attali (Counsellor of the State Council of France), and Rolland Dumas (Chairman of the Constitutional Council of France).

The members of the working group were temporarily discharged by the Head of the State from their current duties and were accommodated in Alatau Sanatorium near Almaty. At the same time, the President himself actively participated in drafting the text of the new Constitution. “In the same period, I went on a two-week vacation during which I read and, as I said already, I personally made a summary of certain provisions of the constitutions of 20 countries.”⁴⁵

As a result, at the end of June 1995, the draft Constitution, which was prepared directly under the supervision of the Head of the State and with the participation of the domestic and international experts, was published for the nationwide discussion.

More than 3 million 345 thousand Kazakhstanis in total took part in the discussion of the draft Constitution and made 31,886 proposals and comments with the result that 1100 amendments were proposed to be made to the draft resulting in correction of 55 out of 98 draft articles submitted for discussion, as well as in appearance of a new section and a number of new articles in the Constitution.

In the course of work on the draft, taking into account received proposals, a total of 18 versions of the text of the Constitution were prepared.

After the nationwide discussion and summing up of the results thereof, on July 28, 1995, the Head of the State issued a historic Decree “On holding the republican referendum on August 30, 1995”. The text of the draft Constitution submitted to the referendum was published in the mass media.

On August 30, 1995, in the course of the nationwide referendum, the voting was taken at 10,253 polling stations. One question was put to the referendum: “Do you accept the new Constitution of the Republic of Kazakhstan the draft of which was published in the press on August 1, 1995?”

8 million 91 thousand 715 citizens, or 90.58% of the total number of the persons included in the lists, participated in the voting. 7 millions 122 thousands 773 persons of those that were equal to 89.14% of the voters voted for the new Constitution.

The next day after the referendum, on August 31, 1995, Nursultan Abishevich Nazarbayev held the press conference for the domestic and foreign mass media. The Head of the State thanked all citizens who took part in the voting and all of those who provided for the holding of the referendum, as well as the

⁴⁵N.A. Nazarbayev. Kazakhstan way. – P. 75.

mass media for showing the sense of nationhood and support for the course of the President.

Thus, the new Constitution of the country adopted at the referendum came into force on September 5, 1995, after the official publication of the results of the republican referendum.

So, on September 6, 1995, the Head of the State issued the Decree “On the Constitution of the Republic of Kazakhstan” whereby it was commissioned to publish the Constitution of the Republic that had already entered into force.

Just since that time, Kazakhstan has been living and developing for almost a quarter of a century on the terms of the Constitution, which is in effect until now, and the national legislation adopted on the basis thereof.

The Constitution of 1995 is a qualitatively different document in content as against the previous constitutional acts.

First of all, Kazakhstan claims at a fundamental, constitutional level to be a democratic, secular and legal state. The highest values in our country are the person, his life, rights and freedoms.

For the first time, the Constitution provided for the principles relating not only to the rights of a citizen, but also the rights of a person belonging to everyone from birth and recognized as absolute and inalienable (right to life, freedom of conscience, etc.).

Likewise, thanks to this Constitution, for the first time a system of public authorities appeared in Kazakhstan, which was based on the presidential form of government and separation of powers with the real system of checks and balances.

As a result, the Constitution of 1995 of the country became the peak of the process of the constitution development in the context of an independent state, which began with the adoption of the Constitutional Law “On the State Independence of the Republic of Kazakhstan” on December 16, 1991.

On the basis and in the implementation of the Constitution, the entire corpus of multi-branch national legislation was compiled that met the standards of the present-day independent state.

Meanwhile, a set of the constitutional legislation was compiled first. In pursuance of the Constitution, the decrees were adopted in 1995 having the force of the constitutional laws, which subsequently acquired the status of the constitutional laws.

At the same time, the whole range of the legislative and by-laws acts required to implement the new Constitution of the country was elaborated and adopted.

The pace and scope of the rule-making work were really staggering at that time. The real and very intense process of the state-legal construction was realized under the wise supervision of Elbasy.

Amendments made to the Constitution in 1998.

As is known, any current Constitution is a political-legal document that, given the stability of its fundamental principles, must be sensitive to the fundamental changes in social and state development.

This thesis fully applies to the Framework Law of Kazakhstan, which underwent relevant changes in the course of the constitutional evolution of the country.

It should also be borne in mind that at the time of the present-day dynamic period the state-building processes and socio-political processes often develop with a flurry. Such dynamism is reflected in the constitutional processes, as well.

So, the first amendments to the Constitution of the Republic of Kazakhstan were made in autumn 1998, when, on September 30, the Head of our State enjoyed his constitutional right for the first time, having advanced the initiative at the joint meeting of the Parliament Chambers to make amendments and alterations to the Constitution.

At the same time, it was the question concerning improvement of the authoritative institutions, enhancement of the role of the Parliament in the life of the State, strengthening of the Government responsibility and adjustments in the judicial and legal system.

Specific proposals to this effect were formulated in the draft Law “On Amendments and Alterations to the Constitution of the Republic of Kazakhstan” submitted by the Head of the State for consideration by the Parliament. The draft concerned the provisions of 13 out of 98 articles of the Constitution.

Discussion of the draft Law began in separate meetings of the Chambers of the Parliament and in the parliamentary committees. One of the important results of that discussion was the appeal of a group of deputies to the President of the Republic with a proposal of a number of additional amendments to the rules of the Constitution.

Having evaluated the situation, and taking into account the opinion of the Parliament, the Head of the State decided to create a conciliation commission, which included the representatives of the President and the Parliament.

As a result, at a joint meeting of the Chambers of the Parliament held on October 7, 1998, after thorough discussion, the Law “On Amendments and

Alterations to the Constitution of the Republic of Kazakhstan” was adopted and then signed by the President of the country.

What was this important Law about? The amendments made to the Constitution in October 1998 provided for:

1) exception at the constitutional level of the age requirement for the public servants, which was 60 years old, and in exceptional cases – 65 years;

2) extension of the term of office of the Head of the State from 5 to 7 years. At the same time, the requirements for the presidential candidates were changed: the age limit was raised from 35 to 40 years, and the age limit for the President, which was previously 65 years old, was also eliminated;

3) the institution of extraordinary elections of the President of the Republic of Kazakhstan was expelled. In this regard, the procedure for the transfer of powers of the Head of the State was regulated;

4) the minimum voter turnout requirement for the presidential elections, at which the election of the Head of the State was considered valid if more than 50 percent of the voters took part in the voting, was removed;

5) the order of formation of the Accounts Committee for Control over the execution of the republican budget was changed. It was provided that the Head of the State should nominate the Chairman and two members of the Accounts Committee. In addition, each of the Chambers of the Parliament should independently nominate two members of the Accounts Committee each, without the participation of the other Chamber;

6) separate terms of powers for the deputies of the Chambers of the Parliament were fixed, which were 6 years for the Senate and 5 years for the Mazhilis. Accordingly, the timing of the election of a half of the deputies of the Senate of the Parliament was adjusted. In this regard, it was also established that 7 deputies of the Senate should be appointed by the Head of the State for the term of the Senate, but not for the term of the Parliament, as it had been stipulated before, when the term of the Parliament was 4 years;

7) the number of the deputies of the Mazhilis was increased from 67 deputies to 77 deputies. At the same time, a transition was made to a mixed electoral system during the election of deputies to the Mazhilis, where 10 of its deputies should be elected on the basis of the party lists according to the proportional representation system and as per the territory of a single national electoral district, and 67 deputies – as per the single-seat territorial electoral districts formed taking into account the administrative and territorial division of the country and with approximately equal number of voters. In addition, the vote threshold for passing to the Mazhilis under the party lists was set at 7%;

8) the rule that a deputy of the Parliament was not guaranteed the preservation of its previous job or provision of an equivalent job or position in case of early termination or upon expiration of its authority was expelled;

9) the procedure for the repeated appeal of the deputies to the President regarding dismissal from office of a member of the Government in case it fails to comply with the laws of the Republic was regulated;

10) the personal responsibility of the members of the Government to the Prime Minister for the work of their subordinate bodies was determined. It was stipulated before that the members of the Government should be collectively responsible for the decisions taken by the Government, even if they did not vote for adoption thereof, but did not immediately declare their disagreement;

11) jury trials was introduced;

12) the order of formation of the Supreme Judicial Council, which had been previously headed by the Head of the State, was changed. Instead, it was stipulated that the SJC should be headed by a Chairman to be appointed by the President of the Republic;

13) the authority of the Head of the State was specified to determine the procedure for appointing or electing to the position the akims of other administrative and territorial units (except akims of oblasts, cities of republican status and the capital);

14) the procedure for adopting amendments to the Constitution in case the President would reject the Parliament's proposal to submit amendments and alterations to the Constitution to the republican referendum was determined;

15) the legal possibility of reducing the term of office of the President of the country fixed by the decision adopted at the Republican referendum on April 29, 1995 (i.e. until December 1, 2000) was determined.

Thus, it was obvious that many rules of the constitutional transformations of 1998 also related to the adjustment of particular components of the state-authority mechanism, which was quite typical for the initial stages of development of Kazakhstan statehood.

Amendments made to the Constitution in 2007.

Taking into account the amendments made in 1998, the current Constitution was successfully applied until May 2007, when a new stage of the constitutional reform began in Kazakhstan. It was connected with the fact that the significant system changes began to occur in the development of the country, which became a prerequisite for a new stage of the constitutional modernization.

Against that social and political background, on May 16, 2007, Nursultan Abishevich Nazarbayev promulgated again at a joint meeting of both Chambers of the Parliament and proposed to the Parliament a whole set of the amendments to the current Constitution of the Republic.

As against the Constitution amendments of 1998, that reform was much more ambitious. Although at the same time, in general its vector was conceptually the same – the further gradual democratization of the social and state structure, including through expansion of the powers and enhancement of the role of the Parliament, strengthening of independence and responsibility of the Government.

Organizationally, the constitutional reform was implemented on the basis of the recommendations of the State Commission formed by Elbasy to develop and specify the program of democratic reforms subsequently accumulated by a working group from among the authoritative Kazakhstan lawyers in charge of development of the amendments and alterations to the Framework Law.

Thus, after a thorough and comprehensive discussion on May 18, 2007, the Parliament finally adopted the Law “On Amendments and Additions to the Constitution of the Republic of Kazakhstan”, which became effective on May 21, 2007, after having been signed by the President.

In the context of that constitutional reform, the amendments affected 40 articles of the country’s Constitution in total, which were limited to, inter alia:

- 1) the status of Astana was determined as the capital of Kazakhstan;
- 2) the ban on merger of social and public institutions, as well as the state funding of public associations was expelled;
- 3) the limits of use of the death penalty were established, which can be imposed only for committing terrorist crimes involving death of people, as well as for extremely serious crimes committed during wartime;
- 4) the powers to sanction arrest and to hold in detention were transferred from the prosecutor’s office to the court. Moreover, a person may be detained without a court sanction for a period not exceeding seventy-two hours;
- 5) the term of office of the President was reduced from 7 to 5 years. In this regard, the new article 94-1 of the Constitution addressed the issue of calculating the term of office of the current President;
- 6) some of the requirements for the President of the Republic were adjusted;
- 7) the restriction (more than 2 times one after another) on the right to run for the President were expelled for the First President of Kazakhstan;
- 8) a residence qualification for the candidates for deputies of the Parliament, which was 10 years, was introduced;

9) the rule restricting the right of the President to act in a political party during the period of exercising the presidential powers was expelled;

10) a term for signing by the Head of the State of a law adopted by the Parliament was extended from 15 working days up to one month;

11) procedure for appointing the Prime Minister (consent for the appointment now should be given by the Mazhilis of the Parliament and after consulting with factions of the political parties, rather than the entire Parliament) and the members of the Government (the Head of the State should independently, without representation of the Prime Minister, appoint the ministers of foreign affairs, defence, internal affairs and justice) was changed. In addition, it was determined that the Government should raise the question of confidence before the newly elected Mazhilis of the Parliament;

12) it was established that the Chairman of the National Bank should be appointed to the post with the consent of the Senate, but not the entire Parliament, as it had been appointed previously;

13) the procedure for forming the Constitutional Council and the Central Election Commission was changed, where the Chairman and two members of those two structures should be appointed by the Head of the State, and two of their members should be appointed by the Chambers of the Parliament;

14) the constitutional status of the Assembly of People of Kazakhstan was formalized;

15) it was established that the status and powers of the First President of Kazakhstan should be determined by the Constitution and constitutional law;

16) the number of the deputies of the Senate to be appointed by the Head of the State was increased from 7 to 15. Such an appointment should be made taking into account a need to ensure representation in the Senate of national-cultural and other significant public interests;

17) procedure for forming the Mazhilis was changed (98 deputies should be elected under the party lists, and 9 deputies should be elected by the Assembly of People of Kazakhstan) and the number of its deputies was increased (from 77 to 107). In addition, it was established that the procedure for electing the deputies of the Mazhilis should be determined by the constitutional law;

18) in connection with transition to the proportional electoral system, the rule that a deputy of the Parliament should not bound by any imperative mandate was expelled;

19) the grounds for termination of powers of the deputies of the Parliament were corrected;

20) procedure was changed for adopting the constitutional laws and approving the republican budget, considering the President's objections to the laws or separate articles thereof, as well as showing the initiative to set a referendum – that is, in separate sessions of the Chambers of the Parliament by successive consideration in the Mazhilis first and then in the Senate and not at a joint meeting of the Parliament – as it was before;

21) the right of the President to early terminate the powers of the maslikhat was determined with depriving such a right from the Senate of the Parliament;

22) it was established that the Senate should perform the functions of the Parliament to adopt the laws at the time of temporary absence of the Mazhilis;

23) the previous version of the Constitution (before 2007) provided that a no-confidence vote could be expressed by a majority of at least 2/3 votes of the total number of the deputies of each of the Chambers of the Parliament, in case the Parliament: rejected the Government again; in case there was an initiative of at least 1/5 of the total number of deputies of the Parliament, as well as where the Prime Minister raised the issue of confidence in the Government in connection with the Parliament rejection of a draft law introduced by the Government. Now the Parliament rejection of the Government report on execution of the republican budget meant a vote of no confidence in the Government. It was also stipulated that a vote of no confidence in the Government can be expressed not only by the entire Parliament, but also by the Mazhilis at its own discretion;

24) the President was vested with the right of legislative initiative, as well as the right to dissolve the Mazhilis, and not just the entire Parliament;

25) it was established that the Government should be responsible in its activities to the President, and in cases provided for by the Constitution – to the Mazhilis of the Parliament and the Parliament;

26) the competence of the Constitutional Council included consideration of the resolutions of the Parliament and its Chambers for compliance with the Constitution of the Republic;

27) the rules regulating activities of the judicial system were adjusted. Thus, the functions of the abolished qualification board of justice were transferred to the Supreme Judicial Council. The same body was empowered on a competitive basis to select judges for the posts. The procedure for appointing chairmen of the benches of the Supreme Court was changed, which were now vested with relevant powers in accordance with constitutional law;

28) the article on the basis of which the inquiry and preliminary investigation were separated from the court and the prosecutor's office was expelled;

29) a term of office of the maslikhats was extended from 4 to 5 years;

30) it was stipulated that the akims of oblasts, cities of republican status and the capital should be appointed by the President with the consent of the respective maslikhat. In addition, the maslikhats should have the right to express a vote of no confidence in an akim;

31) it was established that the maslikhats should be also the local government bodies. Thus, the maslikhats became the basis of local self-government to which, in accordance with a special law, the state functions could be delegated;

32) it was established that amendments and alterations to the Constitution submitted to the republican referendum should be considered adopted if more than a half of the citizens participated in the voting in at least two thirds of oblasts, cities of republican status and the capital voted for them.

After making these amendments to the Constitution, a set of amendments was adopted to the corresponding constitutional laws, including the laws “On the President of the Republic of Kazakhstan”, “On the Parliament of the Republic of Kazakhstan and the status of its deputies”, “On the Government of the Republic of Kazakhstan”, and “On elections in the Republic of Kazakhstan”.

The constitutional reform implemented by the Head of the State in 2007, clarified a number of important parameters of the presidential form of government in Kazakhstan, improved the procedure for forming individual state institutions, clarified the mechanisms of interaction between the branches of government (especially the Parliament and the Government), significantly strengthened the role of political parties in forming the institutions of the state power, and increased the efficiency of the state mechanism in general.

The constitutional structure of the country existed for more than 10 years in this form, almost unchanged.

Amendments made to the Constitution in 2011.

From the technical and legal point of view, the constitutional changes were minimal in 2011.

However, those actually pinpoint alterations made to Article 41 of the Constitution of the Republic, once again made it possible legally to hold the extraordinary presidential elections in Kazakhstan.

Amendments made to the Constitution in 2017.

The constitutional reform implemented in 2017 in Kazakhstan completed, in general, a staged, historically quite long process of redistribution of the

powers between the branches of the state power in the context of the presidential republic, which began with the constitutional amendments made in 1998.

As a result of this reform, a well-balanced system of power was formed in Kazakhstan with which the Parliament is authoritative and quite influential, the Government is responsible and independent, and the judicial branch is independent and strong.

At the same time, a publicly elected Head of the State vested with arbitration functions, who ensures accountability of the authorities to the people and solves strategic issues of domestic and foreign policy, dominates the branches of government.

If we resort to the recent history, then, in organizational terms, everything started with the issue of the Instruction by the President of the country dated January 11, 2017, which established the Working Group in charge of the redistribution of powers between the branches of the state power.

On the instructions of the Head of the State, the Working Group prepared the proposals on redistribution of the powers between the branches of government, which provided for both the draft constitutional reform as such and proposals on redistribution of a number of statutory powers of the Head of the State of especially current, managerial nature.

In January 2017, the draft constitutional reform prepared by the Working Group on the initiative of the Head of the State was submitted for the nationwide discussion.

Within a month from the day the draft was submitted for the national discussion, the Working Group received about 2 thousand citizens' appeals containing proposals on the draft law, which made more than 6 thousand proposals on 63 articles of the Constitution. In this regard, citizens generally supported the proposed draft constitutional reform. In addition, the proposals submitted by the citizens were not limited only to the draft submitted for the nationwide discussion.

A positive opinion on the constitutional draft law was also given by the authoritative Venice Commission of the Council of Europe.

The draft Law elaborated taking into account the public opinion, which law was the most important for the country, was submitted by the Head of the State to the Parliament for consideration.

In turn, as a result, after extensive discussion and consideration, the Parliament of Kazakhstan adopted the version of the constitutional reform proposed by the President of the country.

Moreover, the final version of the Law also took into account the opinion of the deputies' corps on particular provisions of the proposed document,

including a need to reflect the historical role and significance of the First President of Kazakhstan – Elbasy as the founder and creator of the Kazakhstan statehood – in the text of the Constitution.

Prior to signing of the adopted Law by the Head of the State, compliance thereof with the basic provisions of the Constitution of the Republic devoted to the foundations of the constitutional system was confirmed by the Constitutional Council to which the President addressed the relevant appeal.

So, the content of the Kazakhstan constitutional reform, model 2017, is summarily limited to the following matter of principles.

First of all, the role of the Parliament in public affairs, including relations with the Government, has increased.

The role and independence of the Government itself has been enhanced, to which all responsibility for solution of the social and economic issues has been transferred.

In addition, the constitutional framework for law enforcement and judicial systems has been modernized, and the system of constitutional control has been improved.

At the constitutional level, the guarantees of invariability of the status of Kazakhstan as an independent state have been strengthened.

The amendments made to the Constitution strengthened the principles of the people power and built a balanced, flexible and stable system of public administration within the frame of which the branches of government would be independently perform the functions assigned to them and be responsible for their actions.

Under these conditions, the President of the country concentrates on the strategic issues with distancing himself from performing purely executive functions, which are transferred to the government. By playing the role of an arbiter in the relations between the branches of government, the President of the Republic, being the guarantor of the unity of the people and power, inviolability of the Constitution, human and civil rights and freedoms, solves the strategic issues of foreign policy, defence, national security protection, legitimacy, and law enforcement.

In more details, the Kazakhstan constitutional innovations of 2017 are as follows.

First. Changes in the sections “General Provisions” and “Man and Citizen”.

In order to ensure the activities of the International Financial Centre, it is stipulated that a special legal regime in the financial sphere can be established within the city of Astana (now – Nur-Sultan) in accordance with the constitutional law.

The rule of the Constitution concerning direct application of the international treaties is replaced with the rule that the procedure and conditions for operation of the international treaties in Kazakhstan shall be determined by the legislation of the Republic.

Possible deprivation of the nationality by a court decision is provided for commission of the terrorist crimes, as well as causing the other grievous harm to the vital interests of Kazakhstan.

It has been established that any actions that could violate not only interethnic, but also interfaith consent are recognized as unconstitutional.

Second. Measures to severe the requirements for the presidential candidates. Along with the current requirements for candidates for the Presidency of the Republic, a new requirement has been introduced – such a candidate shall have a higher education. In addition, it has been determined that the constitutional law may provide for additional requirements for the presidential candidates.

Third. Measures to enhance the role of the Parliament.

The constitutional status of the Parliament as the supreme representative body exercising legislative power has been clarified.

The influence of the Parliament on the Government is increasing.

The Government will resign to the newly elected Mazhilis of the Parliament.

The accountability and dependence mechanisms of the Government to the Parliament and its Chambers are being strengthened. To this end, it has been established that the Government is responsible in its activities both to the President and to Parliament.

In addition, the Prime Minister is obliged to report on the main activities of the Government and its major decisions not only to the President of the country, but also the Parliament.

Each Chamber of the Parliament is vested with the right, summarizing the results of listening to the report of a member of the Government, to at least 2/3 votes of the total number of deputies of the Chamber to accept an appeal to the President of the Republic concerning dismissal of a member of the Government in case it fails to implement the laws.

In that case the Head of the State shall dismiss a member of the Government.

The Senate is empowered to elect, upon recommendation of the President of the Republic, to the position of a Human Rights Ombudsman for a five-year period.

Fourth. Measures to strengthen independence and responsibility of the Government.

The authority to approve the government programs and a unified system of financing and remunerating employees of all bodies maintained at the

expense of the state budget has been referred to the competence of the Government. These tasks will be solved by the Government in consultation with the Head of the State.

The law provides that from now on the Head of the State will not cancel or suspend the acts of the Government and the Prime Minister. Hence, the Government itself will bear full responsibility for its acts.

At the same time, in the interests of protecting the rights and freedoms of a person and citizen, ensuring national security, sovereignty and integrity of the State, the President of the Republic is entitled to apply to the Constitutional Council to consider an effective law or other legal act for compliance with the Constitution.

The central executive bodies that are not part of the Government, as an institution, have been abolished. This ensures formation of a compact Government.

Likewise, the Parliament and the Government are more independent in law-making activities, since from now onward the President of the Republic will not:

- instruct the Government to submit a draft law to the Mazhilis;
- issue laws or decrees having the force of laws, as well as exercise legislative powers in the event they are delegated to it by the Parliament;
- declare urgent consideration of a draft law by the Parliament.

However, at the same time, the Head of the State retains significant levers of influence on the law-making process. Thus, the President of the Republic retains the right of legislative initiative, as well as the right to determine the priority of consideration by the Parliament of the draft laws, which means that they must be adopted within two months. There are other levers of influence, including the presidential veto on the laws adopted.

Fifth. Clarification of the constitutional frameworks of the judicial system and the prosecutor's office.

Considering that the detailed requirements for judges stated in the Constitution are not consistent with the present-day realities and practical needs, it has been established that the requirements for judges of the courts of the Republic shall be determined by the constitutional law.

Instead of the rule on supervision by the Supreme Court of the activities of local and other courts, it has been established that, in the cases provided for by the law, the Supreme Court shall consider the court cases referred to its jurisdiction.

As opposed to the previous detailed regulation, the Constitution provides for the basic framework for activities of the prosecutor's office, in particular,

the higher supervision over observance of legality, representation of interests of the State in a court and the criminal prosecution.

Sixth. Improving the organization and activities of the local bodies of state administration and local governments.

Taking into account the increased role and responsibility of the Parliament and the Government, as well as the democratization of the decision-making process, it is envisaged that the decision to dissolve a maslikhat may be made by the President of the Republic after consulting with the Prime Minister and the Presidents of the Chambers of the Parliament.

In addition, it has been established that the law and not an act of the Head of the State, as before, will determine the procedure for appointment or election, as well as dismissal of akims, with the exception of akims of oblasts, cities of Astana and Almaty.

Seventh. Strengthening the mechanisms for protection of the fundamentals of the constitutional system and the system of constitutional control.

At the constitutional level, the guarantees of immutability of the status of Kazakhstan as an independent State have been strengthened.

In this regard, the Constitution directly states that, along with unitarity, territorial integrity of the Republic and the form of government, in no case the independence of the State, as well as the fundamental principles of the Republic's activities laid down by the Founder of the independent Kazakhstan – the First President of the Republic of Kazakhstan – Elbasy, and its status can be changed, even by revising the Framework Law.

To ensure inviolability of these constitutional provisions, it is established that the amendments to the Constitution can be submitted to a republican referendum or to the Parliament for consideration only if the opinion of the Constitutional Council on their compliance with the mentioned requirements is available. The subject of the appeal on this issue is the Head of the State.

In addition, in the context of the process of redistribution of the powers between the branches and levels of the state power, 35 legislative functions of the President that are not related to the constitutional status of the Head of the State and relating to the current management issues in various spheres of activity, mainly economic, have been redistributed to the lower levels. The relevant legislative acts have been adopted in this respect and have entered into force.

The most recent amendments to the Constitution, which are pinpoint, but very important, were made to the Framework Law in March 2019. They are associated with renaming the capital of Kazakhstan as the city of Nur-Sultan. This historic decision was made by the Parliament on the initiative of the

President of Kazakhstan – K. Tokayev, taking into account the historical merits of Elbasy – the creator and founder of the present-day Kazakhstan and its new capital.

Thus, after almost a quarter of a century since adoption of the current Constitution, it can be stated that the current constitutional structure of the country authored and created by the Founder of an independent Kazakhstan, the First President of the Republic – Nursultan Abishevich Nazarbayev, Elbasy, has become a reliable political and legal foundation for a successful and dynamic development of our Motherland – the Republic of Kazakhstan.

Marat BEKETAYEV

FORMATION AND MODERNIZATION OF THE NATIONAL LAW

1. Law formation (1991-1997) – 1st modernization

The legal system of the present-day Kazakhstan, as a dynamic phenomenon, has its own evolution the state of which is determined by various internal and external factors. At the initial stage of its formation, the legal system of Kazakhstan was practically in a state of legal vacuum. It began its formation from the moment of the USSR dissolution, when the young state faced a large variety of new tasks related to reconstruction of the social-and-economic and political systems of the society.

The appearance in the country of a bright, charismatic Leader – N.A. Nazarbayev, who was elected by the Supreme Council to be the President of the Kazakh SSR – played a prominent historical role in formation of a new Kazakhstan statehood, its political, legal and economic foundations. It was the President who initiated the implementation of the basic social-and-economic and political transformations that laid a solid legal foundation for the sovereign Kazakhstan statehood.

The first documents adopted on the initiative of the President were the Declaration “On the State Sovereignty of the Kazakh SSR”⁴⁶ and the Constitutional Law “On the State Independence of the Republic of Kazakhstan”, which proclaimed the sovereignty of Kazakhstan, its right to independently determine its internal and external policy, integrity, indivisibility

⁴⁶ Bulletins of the Supreme Soviet of the Kazakh SSR, 1990, No.44. – P. 408.

and inviolability of its territory, the principle of separation of power, diversity and equality of forms of ownership, state symbols and many other important provisions of the constitutional order.⁴⁷

During that period, Kazakhstan's society faced a need to form a qualitatively new political and socio-economic system, to select the most optimal model for the future development of the country.

On December 1, 1991, direct nationwide elections of the President of the Kazakh SSR were held. They became an important step in transformation of the power from the republic of the soviets to the presidential republic. At the same time, the legislative and executive branches of government had to be transformed and an independent judicial system had to be created. Formation of the latter began with establishment of the Constitutional Court of the Republic of Kazakhstan in 1992, which had the status of the highest judicial agency in charge of protection of the Constitution.⁴⁸ It was the President who initiated the introduction of the new institution of power.

During that period, the country underwent a complex search for a form of the state that would take into account not only national peculiarities, but also the best republican models. The choice between various forms of government, territorial structure, as well as reformed institutions of power were enshrined in the first Constitution of the Republic of Kazakhstan adopted on January 28, 1993.

The Constitution enshrined the sovereignty of the people as a sole source of power, granted the right to speak on its behalf only to the Supreme Council and the President of the Republic within their constitutional powers. The Supreme Council was proclaimed "the only legislative and supreme representative body of the Republic of Kazakhstan" (part 1 of article 62 of the Constitution) and was formed on a professional basis.⁴⁹

The President acquired the status of the Head of the State and the head of the unified system of executive power, and was given the powers in the field of personnel, domestic and foreign policy, defence and security, etc. Though, he carried out the most of his organizational and personnel powers through coordination with the Supreme Council.

⁴⁷ Constitutional law of the Republic of Kazakhstan "On the State Independence of the Republic of Kazakhstan" dated December 16, 1991. – Information and legal system of the regulatory legal acts of the Republic of Kazakhstan "Adilet" (hereinafter – ILS Adilet).

⁴⁸ Law of the Republic of Kazakhstan "On the Constitutional Court of the Republic of Kazakhstan" dated June 5, 1992. – Bulletins of the RK Supreme Council, 1992, No.10. – P. 266.

⁴⁹ Constitution of the Republic of Kazakhstan dated January 28, 1993. – ILS Adilet.

Despite the consolidation in the Framework Law of the principle of separation of powers into legislative, executive and judicial, using the checks and balances system, there were no real “checks” and “balances” at the constitutional level.

An adequate answer to the problem of the land issue and the status of the Russian language was not found in the Framework Law. The land still remained the exclusive property of the State, and the Russian language was granted the status of a language of interethnic communication, which raised concerns about possible discrimination of the citizens on the basis of language. The separate rules of the Constitution concerning the rights of the citizens (the right to housing, free medical care, free secondary, secondary special and higher education, etc.) were of declarative nature.

As a result, the weak points of the Constitution of 1993 affected the protracted political crisis of 1993-1995, which logically resulted in confrontation of the Supreme Council and the Government, and at the local level – the local Councils and their executive committees, the mass self-dissolution of the local Councils and the XII Supreme Council. A little later, in March 1995, the XIII Supreme Council ceased to exist after the Constitutional Court of the Republic of Kazakhstan passed the resolution on non-compliance of several acts of the Central Election Commission with the Constitution.

Under conditions of occurred political crisis, the President temporarily received the legislative authorities.⁵⁰ “Having assumed all the responsibilities, during a short time period the Head of the State implemented the constitutional reform, social and economic transformations, including introduction of the private ownership of land.”⁵¹

During the period 1995-1996, the President issued 147 decrees having the force of law or constitutional law. The following decrees that have the force of constitutional law can be mentioned among them: law “On elections in the Republic of Kazakhstan” dated September 28, 1995, law “On the Parliament of the Republic of Kazakhstan and the status of its deputies” dated October 16, 1995, law “On the republican referendum” dated November 2, 1995, law “On the Government of the Republic of Kazakhstan” dated December 18, 1995, law “On the Courts and the Status of Judges of the Republic of

⁵⁰ RK Law “On temporary delegation of additional powers to the President of the Republic of Kazakhstan and the heads of the local administrations” dated December 10, 1993. – Bulletins of the RK Supreme Council, 1993, No.23-24. – P. 513.

⁵¹ T.S. Safarova. President and legislative power: Synopsis of thesis of the candidate of legal sciences. – Almaty, 1996. – P. 25.

Kazakhstan” dated December 20, 1995, law “On the President of the Republic of Kazakhstan” dated December 26, 1995, law “On Constitutional Council of the Republic of Kazakhstan” dated December 29, 1995.⁵² These acts developed and detailed the provisions of the Constitution defining the status and powers of the highest authorities and the judicial system.

A number of the President’s decrees having the force of law concerned realization of the constitutional rights and freedoms of an individual, among which the following should be emphasized: “On the procedure for organizing and holding peaceful assemblies, rallies, processions, pickets and demonstrations in the Republic of Kazakhstan”; “On the legal status of foreigners” (the title is given in the current edition); “On the procedure for consideration of the citizens’ appeals”.

The legislative acts of the Head of the State also affected the social and cultural relations, the banking and town planning sector, land use, subsurface, environmental protection and other sectors and spheres.

It should be noted that many of the listed acts still remain legally effective today in a modified form. Some presidential acts of delegated legislation have already ceased to be effective due to adoption of the new laws by the highest representative body.

The most important document for the formation of the legal system of Kazakhstan was the State Program for Legal Reform of 1994 approved by the President of the Republic.⁵³ The legal reform was aimed at modernizing the entire system of the national legislation consistent with the principles of humanism and social justice, democratic principles and the requirements of the market economy.

The program set the task to enrich the law-making work with the ideas and values of natural human rights and to approve, on that basis, the constitutionality of the entire legislative system.

In terms of restructuring of the legislative and executive powers it was provided for creation of a professional parliament with clearly defined duties and powers, enhancement of the role and responsibility of the executive power, strengthening of the management vertical and formation of a strong presidential rule.

⁵² Bulletins of the RK Supreme Council, 1995, No.17-18. – P. 114; No.21. – P. 124; No.22. – P. 131; No.23. – Art. 145, Art. 147; No.24. – P. 172, Art. 173.

⁵³ Resolution the RK President “On the State program of the legal reform in the Republic of Kazakhstan” dated February 12, 1994. – ILS Adilet..

It was supposed to legally divide the powers of the republican state and local bodies of executive and representative power in order to avoid duplication of activities, to focus the attention of the central structures on the strategic directions of political, economic, and social development. At the same time, the special attention was paid in the Program to enhancement of the legal culture of public servants.⁵⁴

On the initiative of the President, in 1995, a new draft Constitution was developed, which, after a nationwide discussion, was adopted at the republican referendum on August 30, 1995.

The Constitution of 1995, which was developed under the direct supervision of the Head of the State, animated the administrative reform with the principal task to create an efficient and compact system of government.

After adoption of the Constitution of 1995, on October 19, 1995, the President of the Republic of Kazakhstan issued the Decree “On Improving the Structure of the Central Executive Bodies of the Republic of Kazakhstan”,⁵⁵ which was aimed at improving the efficiency of the mechanisms of interaction between the government bodies.

The Constitution of 1995 proclaimed in paragraph 4 of Article 33 the equal right of the citizens to access to the public service, as well as stipulated that “the requirements made for a candidate to the position of a public servant shall be conditioned only by the nature of official duties and determined by the law”. In order to implement that provision of the Constitution, on December 26, 1995, the President of the Republic of Kazakhstan issued the Decree having the force of the Law “On the Public Service”,⁵⁶ which marked the beginning of institutionalization of the public service system in Kazakhstan. It defined the classification of posts, regulated the issues of admission, passing, termination of the public service, and determined the measures for social protection of the public servants.

The practice of applying its provisions showed that the public service of the time was characterized by: instability of personnel; the outflow of a significant part of qualified public servants to the private sector of the economy; the “privacy” of the activities of the public authorities; minimal wages resulting in soaring corruption, bribery and abuse; poor social protection of the public servants; high age requirement (the average age of a public

⁵⁴ *Loco citato.*

⁵⁵ Collected Acts of the President and the Government of the Republic of Kazakhstan, 1995, No.33. – P. 409.

⁵⁶ Bulletins of the RK Supreme Council. 1995, No.24. – P. 379.

servant was 50 years); non-separation of political and administrative posts; lack of centres for retraining the public service personnel.

Thus, at the first stage of administrative reform, the attention was mainly focused on creation and reorganization of the central executive bodies. At the same time, the foundations were laid to form a new model of the public service.

Summing up the first stage of formation of the national law, it can be noted that it run under the difficult conditions of gaining sovereignty, transition to the market economy model and destruction of the old political system. In addition, formation of the statehood and search for the most optimal system of administration were carried out with the direct participation of the President of the country, who initiated and organized the reforms.

2. Development of the law (1997-2012) – 2nd modernization

The President's Message to the people of Kazakhstan on October 10, 1997, "Kazakhstan-2030: Prosperity, Security and Improving the Welfare of All Kazakhstanis", in which the Head of the State defined the long-term development priorities of the country for the period until 2030 and strategies for their implementation, was the beginning of the second stage of development of the national law.⁵⁷ In the Message, the seventh priority was the professional state. The goal was set to create an effective and up-to-date body of the public servants in Kazakhstan who are committed to the cause and able to act as representatives of the people in achieving common priorities. In the opinion of the President, achieving this goal was to be based on the following principles:

Compact and professional Government focused on performing only a few of the most important functions.

Work on strategy-based programs of actions.

Well-established inter-agency coordination.

Enhancing the powers and responsibilities of the ministers, their accountability and strategic monitoring of their activities.

Decentralization within the ministries, from the centre to the regions and from the state to the private sector.

Resolute and grim fight against corruption.

Improving the system of recruitment, training and career development.⁵⁸

⁵⁷ Message of the President to the people of Kazakhstan "Kazakhstan-2030: Prosperity, Security and Improving the Welfare of All Kazakhstanis" dated October 10, 1997. – Official web-site of the President of the Republic of Kazakhstan.

⁵⁸ Kazakhstanskaya pravda, 1997, October 11.

To implement these provisions of the Strategy, it was necessary to reform the public service system built on the principles of meritocracy and to create a corps of professional public servants.

On July 23, 1999, a new Law of the Republic of Kazakhstan “On Public Service” was adopted,⁵⁹ which laid the legal foundation for optimizing and enhancing the quality of public administration on the principles of meritocracy. A variety of regulatory decrees of the President was issued and the Government resolutions were adopted on the basis thereof.

The next step in this direction was the creation of the Agency of the Republic of Kazakhstan for the Public Service Affairs. The Regulations of the Agency and its structure were approved by the Decree of the President № 280 “Issues of the Agency of the Republic of Kazakhstan for the Public Service Affairs” dated December 3, 1999.⁶⁰

The Decree of the President of the Republic of Kazakhstan “On further measures to improve the training, retraining and advanced training of the public servants” dated September 18, 1998, provides for the measures to reform the organizational structure of the educational institutions that provide training and advanced training of the managerial personnel. For this purpose, the Academy of Public Service under the President of the Republic of Kazakhstan and the Institute of retraining and advanced training of the public servants under the Government of the Republic of Kazakhstan were established.⁶¹

Such measures have put in order the resolution of issues of teaching, methodical and scientific support for professional training and advanced training of the public servants.

On October 7, 1998, the amendments and alterations were made to 19 articles of the Constitution.

A new impetus to the development of the national legal system was given by the Concept of Legal Policy of the Republic of Kazakhstan approved by the Decree of the President of the Republic of Kazakhstan dated September 20, 2002.⁶²

The document became a logical continuation of the State program of legal reform of 1994 and determined the main directions of development of the national legal system for the next period. Moreover, the special attention

⁵⁹ Bulletins of the Parliament of the Republic of Kazakhstan, 1999, No.21. – P. 773.

⁶⁰ Collected Acts of the President and the Government of the Republic of Kazakhstan, 1999, No.54. – P. 532.

⁶¹ Order of the President of the Republic of Kazakhstan dated November 12, 1998 “Issues of the Academy of Public Service under the President of the Republic of Kazakhstan”. – ILS Adilet.

⁶² Collected Acts of the President and the Government of the Republic of Kazakhstan, 2002, No.31. – P. 336.

was paid to a need to “ensure the consistency of the legal policy with the reforms in the socio-economic and political fields”.⁶³

The concept also envisaged the staged formation of the local government institutions, establishment of the ombudsman institution, and further improvement of the legislation in the area of development of the media market.

The prospects for development of the constitutional law are related to improvement of the effective constitutional laws that determine the structure of the State, the unity of the state power, the mechanisms of functioning of its branches and their interaction between themselves under the strategic supervision, control and arbitration of the publicly elected President of the Republic of Kazakhstan.

One of the important mechanisms to ensure the regime of constitutional legitimacy, accurate interpretation of the principles and rules of the Constitution, formation of the guidelines for development of the national law and the law-enforcement practice was to enhance effectiveness of activities of the Constitutional Council and exhaustive practical implementation of its regulatory resolutions in the legal policy of the State.

The Concept also pointed out a need to improve the legislation concerning the Government in order to enhance efficiency of its activities and responsibility for the decisions made.

In order to implement the Concept of legal policy during the period from 2002 to 2009, numerous amendments and alterations were made to the constitutional and administrative legislation, and the new legislative acts and by-laws were adopted.

For example, during that time the Constitutional Law “On Elections in the Republic of Kazakhstan” was amended five times to regulate the registration of the presidential candidates, deputies of the Parliament and maslikhats, the procedure for forming election commissions, which were elected by the maslikhats at the suggestions of the political parties and expansion of their powers, organization of their activities, status of the members of election commissions, etc.

By the Decree of the President of the Republic of Kazakhstan dated September 19, 2002, the position of the Human Rights Ombudsman was introduced, and the Regulations thereof were approved. The Decree defined the Ombudsman as “an official who monitors the observance of the rights

⁶³ Decree of the President of the Republic of Kazakhstan “On the Concept of legal policy of the Republic of Kazakhstan for the period from 2010 to 2020” dated August 24, 2009. – ILS Adilet.

and freedoms of a person and citizen and, within its competence, is empowered to take actions to restore infringed rights and freedoms of a person and citizen”.⁶⁴ The procedure for appointing the Ombudsman and its powers, principles of activity, grounds and procedure for dismissal from office, as well as its competence, rights and obligations, and procedure for considering recommendations made by it, were specified.⁶⁵

In order to provide information, analytical, organizational, legal and other support for activities of the Kazakhstan ombudsman, the National Centre for Human Rights was established by the Decree of the President of the Republic of Kazakhstan dated December 10, 2002, and the Regulations thereof were approved.⁶⁶

During that period, much attention was also paid to formation and development of the civil society institutions in the country. On July 15, 2002, the President signed the new Law “On Political Parties”,⁶⁷ which resulted in further qualitative structural changes in the party system of the country.

On January 16, 2001, the Law “On Non-Commercial Organizations” was adopted.⁶⁸ On March 17, 2003, the Program of State Support for Non-Governmental Organizations for 2003-2005 was approved by the Government resolution No.253⁶⁹ according to which the regional (city) programs were developed.

The Concept of development of the civil society in the Republic of Kazakhstan for 2006-2011 was approved by the Decree of the President dated July 25, 2006.⁷⁰ The main goal of that legal act was to establish a full-fledged civil society and to further develop the democracy.

The concept identified 5 main tasks:

- building a democratic, secular, legal and social State, where a person, his/her rights and freedoms shall be the main values;
- creation of a system of harmonious, equal and partnership relations between the non-governmental organizations, business sector and the State;
- development of economic incentives for the participation of the business sector in the NGO projects, development of charity and patronage;

⁶⁴ Decree of the President of the Republic of Kazakhstan “On introduction of the position of the Human Rights Ombudsman” dated September 19, 2002. – ILS Adilet.

⁶⁵ Collected Acts of the President and the Government of the Republic of Kazakhstan, 2002, No.30. – P. 328.

⁶⁶ Collected Acts of the President and the Government of the Republic of Kazakhstan, 2002, No.45. – P. 445.

⁶⁷ Bulletins of the Parliament of the Republic of Kazakhstan, 2002, No.6. – P. 153.

⁶⁸ Bulletins of the Parliament of the Republic of Kazakhstan, 2001, No.1. – P. 8.

⁶⁹ Collected Acts of the President and the Government of the Republic of Kazakhstan, 2003, No.11. – P. 126.

⁷⁰ Decree of the President of the Republic of Kazakhstan “On the Concept of development of the civil society in the Republic of Kazakhstan for 2006-2011” dated July 25, 2006. – ILS Adilet.

- formation of a favourable legal framework for development of all civil society institutions;
- achieving high living standards, harmonization of labour relations, reducing a difference between income levels of the rich and poor people.⁷¹

At the same time, the reforms in the administrative law continued.

In order to implement the measures set forth in the Message of the President of the Republic of 2005⁷² aimed at countering the corruption and increasing the responsibility of the government officials for compliance with the legislation relating to the fight against corruption, on April 14, 2005, the President of the Republic of Kazakhstan issued the Decree “On Measures to strengthen the fight against corruption, to strengthen discipline and order in activities of the public authorities and officials”, which provided for formation of the disciplinary councils of the Agency for Affairs of Public Service in the regions, the cities of Astana and Almaty, with removing them from subordination of the akimats.⁷³

On September 1, 2006, the President of the Republic spoke at the plenary meeting of the Chambers of the Parliament, having “stated a need to modernize the public administration on the principles of the corporate governance, transparency and accountability to the society”.⁷⁴

N.A. Nazarbayev identified specific approaches and measures in that area. The Plan of actions for implementation of the measures aimed at improving the public administration system was approved by the order of the Head of the State dated September 11, 2006.⁷⁵ It provided for improving the structure of the public authorities, including reducing the hierarchy of positions at all levels of government, ensuring comprehensiveness in work of the public authorities when making the management decisions.

The government was instructed to conduct a regular functional analysis for the purpose of avoiding duplication of functions between the central public authorities, subordinate territorial subdivisions and local executive bodies. It was noted that it was necessary to determine a status and powers of the agencies that were not part of the Government, their role in the public

⁷¹ Collected Acts of the President and the Government of the Republic of Kazakhstan, 2006, No.26. – P. 270.

⁷² Message of N.A. Nazarbayev, the President of the Republic of Kazakhstan, to the people of Kazakhstan “Kazakhstan on the way of rapid economic, social and political modernization”. – Official web-site of the President of the Republic of Kazakhstan.

⁷³ Collected Acts of the President and the Government of the Republic of Kazakhstan, 2005, No.15. – P. 169.

⁷⁴ *Kazakhstanskaya pravda*, 2006, September 2.

⁷⁵ Order of the President of the Republic of Kazakhstan “On the Plan of actions for implementation of the measures aimed at improving the public administration system” dated October 11, 2006. – ILS Adilet.

administration system.⁷⁶ During that period, amendments and alterations were also made to the legislative acts aimed at decentralization of the public administration.

Further development of the constitutional and administrative legislation at that stage was conditioned by the amendments made to the Constitution of the Republic of Kazakhstan by the Law dated May 21, 2007.⁷⁷

On February 11, 2011, Article 41 of the Constitution was supplemented with paragraph 3-1, which established the right of the President to appoint the extraordinary presidential elections⁷⁸ that positively influenced on development of the electoral legislation and ensuring the continuity of the constitutional process.

Thus, at that stage of the legal development of the Republic of Kazakhstan, the constitutional fundamentals of statehood were further strengthened. The legislation reflected the qualitative changes associated with modernization of the government institutions, laid innovative technologies in the legal system and guaranteed further sustainable development of Kazakhstan's law based on the principles of democracy and justice.

3. New tasks (from 2012 to the present time) – 3rd modernization

That stage in development of the statehood has shown that the President's political initiatives continue to play a huge role in further improvement of the legal system, which designate the future outlines of the law on the basis of which the new legal act are developed or the effective legal act are being improved. Thus, the political significance of the long-term messages became a driver in development of the legal system and modernization of its institutions.

One of the most important documents in this direction was the "Strategy "Kazakhstan-2050": a new political course of the established State" announced by the President on December 14, 2012, and initiating the third stage of the law modernization.⁷⁹

Since adoption of the "Strategy 2030", the deep systemic changes have taken place in Kazakhstan, a stable and effective governmental and institutional system has been created, and a democratic model of government has been formed with a constitutionally secured system of checks and balances. Kazakhstan is recognized by the international community as an independent,

⁷⁶ Kazakhstanskaya pravda, 2006, September 13.

⁷⁷ Bulletins of the Parliament of the Republic of Kazakhstan, 2007, No.10. – P. 68.

⁷⁸ Bulletins of the Parliament of the Republic of Kazakhstan, 2011, No.3. – P. 29.

⁷⁹ Message of N.A. Nazarbayev, the President of the Republic of Kazakhstan – the National Leader, to the people of Kazakhstan, Astana City, December 14, 2012 "Strategy "Kazakhstan-2050": a new political course of the established state":. – Official web-site of the President of the Republic of Kazakhstan.

sovereign and strong state, which is capable of ensuring the national interests and guaranteeing socio-economic development. “A powerful State,” the Head of the State notes, “is engaged not in a policy of survival, but a policy of planning, long-term development and economic growth.” In other words, “at this stage of development of the legal system, the efforts of the President and other authorities were aimed at building a powerful legal democratic State”.⁸⁰

In order to ensure further sustainable development of the social system and democratization of its institutions, the President outlined in the “Strategy 2050” a number of new strategic tasks for the entry of our republic into the top thirty of the major economies of the world.

The following were identified among the primary tasks:

- further strengthening the statehood and improving the management resource;
- transiting to the new principles of the economic policy and comprehensive support for the entrepreneurship;
- forming a new social model and creation of the up-to-date and effective education and health care systems;
- increasing responsibility, efficiency and functionality of the government machine and building up international and defence policy adequate to the new challenges.⁸¹

Further strengthening of the statehood and development of Kazakhstan’s democracy, strengthening of responsibility of the authorities for their decisions have become the priority areas for development of the constitutional and administrative law. In the opinion of N.A. Nazarbayev, the cornerstone of the democratization process must be “the decentralization of public administration the essence of which is to provide the rights and necessary resources for decision-making from the centre to the regional authorities”.⁸²

The initiative of the President of the Republic was in good time concerning a need for further administrative reform with an important focus on the process of formation of the professional government machine and strengthening of anti-corruption measures, increasing of transparency of the selection of the

⁸⁰ Message of N.A. Nazarbayev, the President of the Republic of Kazakhstan – the National Leader, to the people of Kazakhstan, Astana City, December 14, 2012 “Strategy “Kazakhstan-2050”: a new political course of the established state”. – Official web-site of the President of the Republic of Kazakhstan.

⁸¹ Message of N.A. Nazarbayev, the President of the Republic of Kazakhstan – the National Leader, to the people of Kazakhstan, Astana City, December 14, 2012 “Strategy “Kazakhstan-2050”: a new political course of the established state”. – Official web-site of the President of the Republic of Kazakhstan.

⁸² Message of N.A. Nazarbayev, the President of the Republic of Kazakhstan – the National Leader, to the people of Kazakhstan, Astana City, December 14, 2012 “Strategy “Kazakhstan-2050”: a new political course of the established state”. – Official web-site of the President of the Republic of Kazakhstan.

public servants and formation of a fundamentally new class of professional managers and their division into cabinet A and cabinet B.

The solution of the specified tasks would be impossible without effective legislation that meets the present-day challenges and needs of a dynamic society. That is why, on the basis of the Message of the President of the country, the next stage of modernization of the national legal system was launched as early as 2013.

The Parliament of the Republic of Kazakhstan adopted a number of new legal acts, or made amendments and alterations to the existing laws, among which the following laws should be mentioned: “On Public Services”, “Code of Administrative Offenses”, “On Local Public Administration and Self-administration”, “On Countering Corruption”, etc.

The Head of the State also issued decrees “On certain issues of admission of the citizens to the administrative public service of the cabinet A”, “On approval of the Register of the public servant positions”, etc., aimed at forming a professional and effective corps of the public servants.⁸³

The concrete measures on division of the responsibilities and powers between the centre and the regions followed; the local executive bodies were strengthened; the elections of the akims of rural districts, settlements, as well as the akims of the cities of regional significance were initiated and held.

Those measures laid the foundation for forming a system of local self-government, further forming a legal culture and legal awareness of the population of the local community.

A huge part in formation and development of the legal system of Kazakhstan at the present-day stage is assigned to the new Concept of legal policy for the period from 2010 to 2020 as approved by the Decree of the President⁸⁴ and determined the main directions of development of the national law. According to the Concept of Legal Policy, the foundation of the national legal system is the constitutional law the progressive development of which must be based on the principles and rules of the current Constitution.

The legal value of the Concept is that the ideas and principles laid down in the Framework Law of the country determine, in the long term, the important directions and mechanisms for development of the national legal system, including the constitutional law.

⁸³ Decree of the President of the Republic of Kazakhstan dated December 29, 2015 “On certain issues of admission of the citizens to the administrative public service of the cabinet A”. – ILS Adilet.

⁸⁴ Decree of the President of the Republic of Kazakhstan dated August 24, 2009 “On the Concept of Legal Policy of the Republic of Kazakhstan for the period from 2010 to 2020”. – ILS Adilet.

It is also noteworthy that the Concept laid the prospects for improving the existing constitutional laws defining the structure of the State, the unity of the governmental power, the mechanisms of functioning of its branches and their interaction between each other.

Initiatives of the Head of the State to ensure the rule of law in the activities of the public authorities, which have a significant impact on improvement of the system and mechanisms of the governmental power, adopt a high profile in formation of the legal system. Thus, 5 institutional reforms of the President of the Republic, which were aimed at forming a modern government machine and ensuring the rule of law, were defined in the program “100 specific steps”.

The President’s “100 specific steps” is a response of Kazakhstan to the global problems caused by the crisis in the present-day world and, at the same time, the verified strategic Plan of the nation for our country’s entry into the top thirty most developed states of the world.⁸⁵ In terms of its content and focus, the Plan lays the foundation for deep structural changes in the society and the State in order to ensure the interests of the individual and to enhance the quality of public services provided.

First of all, the President emphasized the need to modernize the procedure for entering the public service, introduction of a three-stage selection system and further career advancement on the basis of a competent approach. Special attention was paid to strengthening of the role of the Agency for Public Service Affairs and Countering Corruption, increasing the remuneration of the public servants depending on the results of activities, etc.

An important point in improvement of the public service was implementation of a comprehensive certification of existing public servants, strengthening of qualification requirements and introduction of a new remuneration system. The new steps proposed by the President for reforming the public service institute were reflected in the new Law.⁸⁶

The State Program for further modernization of the law enforcement system for 2014-2020 approved by the decree of the President of the Republic of Kazakhstan, the purpose of which is to improve their image and level of confidence, as well as to ensure effective protection of an individual, is critical for the law enforcement system.⁸⁷

⁸⁵ Program of the President of the Republic of Kazakhstan dated May 20, 2015 “Plan of the nation – 100 specific steps”. – ILS Adilet.

⁸⁶ Law of the Republic of Kazakhstan “On the Public Service of the Republic of Kazakhstan” dated November 23, 2015. – ILS Adilet.

⁸⁷ Decree of the President of the Republic of Kazakhstan “On measures for further developing the law-enforcement system of the Republic of Kazakhstan” dated December 31, 2013. – ILS Adilet.

The new horizon of improvement and further development of the judicial system was the initiative of the President of the country to optimize the instances of the judicial system. In order to enhance confidence in courts and to eliminate corrupt practices, the procedure for the citizens access to justice was simplified, the qualification requirements and mechanisms for selecting the candidates for judicial positions were strengthened.

The identified initiatives of the Head of the State have had a serious influence on the process of further improvement of the national legislation and increase of the competitiveness of the Kazakhstan legal system.

The constitutional reform 2017 initiated by the Head of the State was an important stage in development of the national legal system. In order to deepen the processes of democratization of the political system and to further decentralize the government and to form the civil society institutions, on March 10, 2017, the President signed the Law “On Amendments and Alterations to the Constitution of the Republic of Kazakhstan”.⁸⁸

The constitutional reform initiated by the Leader of the Nation is intended to improve the legal system of Kazakhstan, to guarantee the basic foundations of the constitutional system, to ensure the desire for updating all aspects of the public life and formation of a powerful constitutional State.

4. Modernization of the public conscience and new tasks of the legal system

The Program article of N.A. Nazarbayev, the Head of the State, “Looking to the Future: Modernizing the Public Consciousness”, which clearly identified the new tasks related to preservation of the national identity, culture, language and own national code, is of great importance in the further formation of the legal system of the State. According to its goals and objectives, the Program provides new opportunities for improving the legal system aimed at “creating the Nation of strong and responsible people”,⁸⁹ modernizing the public consciousness, strengthening patriotism and spiritual renovation of Kazakhstan society. In this direction, the major legislative efforts are needed in a phased transition of the Kazakh language to the Latin alphabet, ensuring the legal basis to preserve the cultural heritage of the peoples living in Kazakhstan.

⁸⁸ Law of the Republic of Kazakhstan “On Amendments and Alterations to the Constitution of the Republic of Kazakhstan” dated March 10, 2017. – ILS Adilet.

⁸⁹ Article of the Head of the State “Looking to the Future: Modernizing the Public Conscience”. – Official web-site of the President of the Republic of Kazakhstan.

The ideas of the President laid down in the Program will require serious intellectual efforts. A huge responsibility is placed not only on the Parliament and the Government, but also the National Commission formed to implement the program of modernization of public consciousness the main goal of which must be a thorough reassessment of ideological values, further spiritual and intellectual renewal of the society, as well as formation of a new civic identity meeting the new challenges of the time.

A significant legal potential is also contained in the Message of the President “New Opportunities for Development under the Conditions of the Fourth Industrial Revolution”,⁹⁰ which set clear objectives for ensuring the rule of law, political stability and public consensus

To this end, in February 2018, the Decree “On Approval of the Strategic Development Plan of Kazakhstan until 2025” has been signed, which is aimed at implementing the strategic initiatives of the Head of the State towards the country’s entry into the Top 30 major economies of the world.⁹¹ The new tasks outlined in the aforementioned documents of the President of the Republic will intensify in the near future the law-making activities of the Government and the Parliament with enriching the legal system with a qualitatively new content that meets the present-day challenges.

Thus, it finally can be noted that the process of formation of the legal system in Kazakhstan was dynamic, taking into account the influence of the rules of the international law, the national features of formation of the sovereign statehood, as well as political and socio-economic processes occurring in Kazakhstan and the world economy.

The practice shows that the globalization processes lead to transformation of the legal system in the direction of greater openness and transparency. Rapprochement of the legal systems and their interaction, the entry of Kazakhstan into the international organizations and unions correct the legislation; some rules and institutions disappear from the legal system and the other ones emerge. The harmonization of international and domestic law will be indicators of the further development of the sectoral legislation.

With growing legal and political consciousness, the legislator will pay more attention to the problems of parliamentary and municipal law, improving the

⁹⁰ Message of N.A. Nazarbayev, the President of the Republic of Kazakhstan, to the peoples of Kazakhstan “New Opportunities for Development under the Conditions of the Fourth Industrial Revolution” (Astana, January 10, 2018). – Official web-site of the President of the Republic of Kazakhstan.

⁹¹ Decree of the President of the Republic of Kazakhstan “On Approval of the Strategic Development Plan of the Republic of Kazakhstan until 2025 and Annulment of Certain Decrees of the President of the Republic of Kazakhstan” dated February 15, 2018. – ILS Adilet.

constitutional and administrative justice as important components of a powerful state and protecting the interests of the individual against the arbitrariness of the authorities. Improving the efficiency of the judiciary and ensuring fair justice as a guarantor of the protection of the rights and freedoms of the citizens will continue to be priority areas in the legislative activities of the Parliament.

Constitutional diagnostics will become an integral part of the law-making process with encompassing with its content the process of evaluation of the constitutionality of decisions made that will make it possible to identify the threats and risks of the legal development at various stages of the passage of the draft law.

Digitization of all sectors of the economy will result in simplification of various procedures with contributing to the growth of the economy and adoption of a number of the new laws. Modernization of the administrative and judicial process and transfer thereof to an electronic format will also contribute to improvement of the legislation in this area.

Thus, under the conditions of the fourth industrial revolution, possible development of the national legal system and its main trends will continue to be connected with the new initiatives of the President of the Republic – Elbasy, stimulating not only the law-making activity of the Parliament and the Government, but also promoting introduction of the new electronic technologies in the law-making process.

Maulen ASHIMBAYEV

“NUR OTAN” – ELBASY PARTY

The political party “Nur Otan” is a voluntary association including more than one million citizens of the Republic of Kazakhstan, whose goal is to ensure a decent life for the present and future generations of the Kazakhstanis. Since its formation, the party has been engaged in purposeful and consistent work on consolidation of the society around the policies of the First President of Kazakhstan – Nursultan Abishevich Nazarbayev – as a key condition for strengthening the independence of the country and its statehood.

In its activity, “Nur Otan” consistently pursues the line of the President of the country toward the economic reforms and political modernization relying on the historical heritage of our people.

The experience of many successful countries demonstrates that a multi-party system with a leading single party is the optimal government model during the periods of life-changing political and economic transformations.

It is very symbolic that the history of our party begins at the turn of two centuries. By this time, the country had recovered from the most severe crisis caused by the collapse of the former inefficient political and economic systems. The process of adaptation to the new external and internal conditions has begun.

Having recently brought to a focus a long-term Development Strategy for Kazakhstan until 2030, the Head of the State proposed a clear program of socio-economic and political reforms for the coming years to the people.

The implementation of reforms of unprecedented scale demanded to consolidate the efforts of all constructive forces of the society. Meanwhile, the political parties, which existed in the country at that time, were unable to propose and implement an agenda meeting specific requirements and expectations of the Kazakhstanis and did not have broad support from the population.

Therefore, the creation of an effective new political force – the party of the country’s President – was objectively determined by the social and political situation and the expectations of the people. Our political party was created during that period, which was critical for Kazakhstan. While developing, it went through several stages, each of which was an important milestone in the activities of our political organization.

Formation of the party of the Leader of Nation

The formation of the party was preceded by the large-scale work of the Republican headquarters on supporting the candidacy of Nursultan Abishevich Nazarbayev at the early presidential elections held in January 1999. The Social Movement “Public Headquarters in Support of the Candidate for the President of the Republic of Kazakhstan – N.A. Nazarbayev” was registered in the Republic of Kazakhstan on October 21, 1998.

That movement united a community of people who supported the policy of the Head of the State to carry out socio-economic and political transformations. The headquarters worked actively during the period of election campaign, cooperated with various political parties and movements, in particular, the National Unity Party of Kazakhstan, the Democratic Party of Kazakhstan, the Liberal Movement, and the other constructive forces. That work was actively performed both at the central level and within the regions.

The Headquarters included well-known state, political and public figures – S.A. Tereshchenko, G.I. Dunayev, Kh.Sh. Takuov, K.S. Sultanov, M. Dzholdasbekov and others. A multidivisional structure was created during a short period of time all over the country, which provided significant ideological and

organizational support for the policy of the Head of the State in the course of the electoral campaign.

As a result, a solid experience in organizational-political and ideological work was accumulated during the pre-election period. By the moment of completion of the elections, in which the overwhelming majority of the Kazakhstanis supported Nursultan Abishevich Nazarbayev, the question arose concerning use of the potential of tens of thousands of people who united around the President of the country.

In order to use that resource to develop the country, the idea arose to transform the Public Headquarters as a new progressive political party. As a result, on January 19, 1999, it was decided to transform the headquarters into the Republican Political Party “Otan”. So far, on February 12, the party was officially registered in accordance with the laws of the country. The same year on February 22, Nursultan Abishevich Nazarbayev, the President of the country, made a statement of joining the newly formed political organization.

On March 1, 1999, the I Congress of the Republican Political Party “Otan” was held, which was attended by 385 delegates from all regions, cities and districts of the country and 117 invited guests.

The Head of the State delivered a bright program speech at the congress in which he outlined the importance and expediency of creation of a new political organization, outlined the basic ideological and organizational principles of its activities. In addition, he defined “Otan” as a party of a new type, which favours centrism and expresses the interests of all of the Kazakhstan people. At the congress, the President of the country set a number of tasks for the party and outlined the key strategic objectives.

The excerpts from the speech of the Head of the State, which clearly demonstrate his approaches to creation of a new party, organization and functioning thereof, are given below.

“The past elections show not only convincing support for the pursued transformation line, but the main thing is the desire of our people to actively participate therein. That aspiration was also expressed in the fact that today the fundamental reformatory forces of the society unite in the Otan Party and find the common points of contact in the views on the kind of the Fatherland we need.

...The main thing is that the party is created from below, on the initiative of those thousands of volunteers who supported my candidacy for the presidency in all the settlements of our country.

...Otan must be a party of all our compatriots regardless of nationality, faith, and so on. Otan, being a mosaic of ethnic, socio-political, economic, spiritual interests, must become a party of the citizens of our Motherland. The citizens committed to the Kazakhstan values the essence of which is found in the ideals of security, well-being, power and prosperity of all our compatriots.”

The congress delegates unanimously adopted the Resolution on election of Nursultan Abishevich Nazarbayev, the President of the country, to be the Chairman of Otan Party. The delegates also approved the Charter of the Public Association “Republican Political Party“Otan” (Fatherland)”.

The congress adopted the Resolution of historical importance on unification of the Republican Political Party Otan (Fatherland), the National Unity Party of Kazakhstan, the Democratic Party of Kazakhstan, the Liberal Movement of Kazakhstan and the Movement “For Kazakhstan-2030”. The Political Council of the Party was elected at the congress, which included the prominent social and political figures of the country.

All subsequent congresses, at which the actual agenda was considered both for the party and for the Kazakhstan society in general, played an important role in formation and development of the party. As a matter of fact, the party congresses became a kind of historical milestones and stages of formation and development of our independent country.

Analysing the key issues on the agenda of the party congresses of those years, one can see an important trend. As the positions of the party strengthened in the political system of the country, the level and scale of the problems discussed increased. The fateful issues were raised on the initiative of the President of Kazakhstan and the nationwide targets were set. This also applies to the extended meetings of the Political Council of the party, at which the President of Kazakhstan often brought to a focus the important ideas and political initiatives.

This is a clear confirmation of institutionalization of the party as the ruling party taking responsibility for solving both current problems and formulation and implementation of the strategic objectives of Kazakhstan development.

The peculiarity of Kazakhstan’s modernization consists in the fact that, having begun with economic reforms and having achieved significant successes in this, the country, as envisioned by the Head of the State, should gradually move in the direction of political development.

In this context, during the period from 1999 to 2007, the Otan Party paid special attention to use of the opportunities conditioned by the political transformations. In particular, the strengthening of the positions of the parties was facilitated by introduction of the elements of proportional representation into the electoral system of the country. This step contributed to formation of the Otan Party as a parliamentary-type political party.

During that period, the election campaigns for election of the President of Kazakhstan and the deputies of the Mazhilis of the Parliament became the key events in formation of the party. The party assumed the role of an inclusive power for various groups of the population. That was the case in 2005, when the party became the core of the pre-election bloc – “People’s Coalition of Kazakhstan”.

The party successfully participated in the elections to the Mazhilis of the Parliament of the Republic of Kazakhstan, local representative agencies of the country, ensuring a resounding victory of their candidates. “Otan” became the party of the parliamentary majority, participated in formation of the Government of the country, and directly influenced on the life of Kazakhstan society through law-making activities.

In addition, the indisputable public authority and nationwide support of Nursultan Abishevich Nazarbayev, the First President of the Republic of Kazakhstan, and his course of reform, still were indisputably the key factor of the electoral success of the party.

Having a strong faction in the Mazhilis of the Parliament, the party provided full legislative support to the policy of the Head of the State. Moreover, it expanded its work among the population and provided sustained support from the various population groups.

Thus, the Otan Party was actively involved in the work on implementation of the aul revival program. It became the only political party that had its primary organizations in each rural district of Kazakhstan. When some political forces began to claim to be a mouthpiece of the various social groups, the Otan Party managed to become the party of the all of Kazakhstan people.

It was during this period that statehood, patriotism, and ideas for building social democracy came to stay among the underlying ideological principles of the party. With expressing the national interests and contributing to development of the civil society, the party managed to consolidate the society to meet the challenges of the Strategy “Kazakhstan-2030”.

Thus, the Otan Party was formed as a party of the national Leader and the most massive and influential political force in the country.

A kind of consolidation of the development results of the party in the period under review was its unification with the Asar Party, the Civic Party and the Agrarian Party on December 22, 2006 at the X Party Congress. During the same period, our political organization was renamed as the Nur Otan People's Democratic Party. Thus, its unifying character and focus on the new stage of the party building in the country was emphasized.

Strategy aimed at leadership

The years 2007-2011 became an important stage in further political and socio-economic modernization of Kazakhstan and at the same time an important milestone in development of the Nur Otan People's Democratic Party as the leading political force of the country.

The start was given in 2007 with announcement of the constitutional reform. It specifically became the main driving mechanism that gave impetus to the whole process of political transformation. On May 16, at a joint meeting of the Chambers of the Parliament the Head of the State submitted for consideration a draft law "On Amendments and Alterations to the Constitution of the Republic of Kazakhstan".

A set of the constitutional laws was adopted next: "On the President of the Republic of Kazakhstan", "On the Parliament of the Republic of Kazakhstan and the status of its deputies", "On the Government of the Republic of Kazakhstan", "On elections in the Republic of Kazakhstan", which became the legal basis of changes in the socio-political system of the country.

The main result of the constitutional reform was the increased role of the political parties in formation of the legislative branch, which, in turn, was able to influence the formation of the Government through the institution of coordination with the Parliament of the candidacy for the post of the Prime Minister of the country. An important innovation for all political parties was the introduction of a proportional system of elections to the Mazhilis of the country's Parliament. That opened up new opportunities for development of both the party system of Kazakhstan and the parliamentary activities.

In fact, with introduction of elections on a proportional basis, a step was taken towards transformation of the political system into a presidential parliamentary one. The Parliament and therefore the parties that won the elections were given the opportunity to participate in formation and control of the Government activity, to approve two thirds of the members of the Constitutional Council, the Central Election Commission and the Accounts Committee to monitor the execution of the republican budget. Furthermore, the President of the country could now directly participate in the activities of the party.

Thus, party competition was now focused, as in the rest of the world, on the voters, and the political parties had a chance to become a real driving force of the social and economic processes. As a result of implementation of the constitutional reform, the broader participation of the parties in the management processes was ensured and an important step was taken towards the real democratization of Kazakhstan.

Under these conditions, the renewed PDP “Nur Otan”, which intensified after unification with the other large parties, asserted itself as a nation-wide force.

On July 4, 2007, the XI Extraordinary Congress, which had important historical significance not only for the party, but also for further development of the entire country, was held. The issues of political reforms, as well as directly related elections to the Mazhilis and maslikhats, were considered during the congress.

The Party Chairman, the President of the country – Nursultan Abishevich Nazarbayev – outlined the key role of the party in political system of the country. He noted that “an extraordinary congress of the People’s Democratic Party “Nur Otan” was taking place under fundamentally new political conditions. That also applied to the general political situation in the country and the important changes that the Nur Otan Party itself was undergoing. Our party has tightened its ranks by integrating three political parties allied with us and today it is a nation-wide force. This is a truly people’s party, which, thanks to its political weight and range of activity, has become an independent support of the political system, a stabilizing factor of the political process in Kazakhstan”.

The President of the country called on all parties to open, fair and competitive struggle: “Being the Head of the State and the guarantor of the Constitution, I will do everything to ensure that the elections are free and fair, and those parties that have the real support of the people will go to the Parliament.”

The platform of the Nur Otan Party, which was adopted at the congress, was a reflection of its nationwide status. The party platform proclaimed the goal of creating a prosperous state with strong social guarantees for every citizen. Concrete steps to improve life in the country were presented to the population over the next five years covering the social programs in education, affordable housing, health care, environment, provision of clean drinking water, and infrastructure development in all regions of the country.

It was planned to increase the average size of pensions by 2.5 times and bring the size of the state basic pension to 50% of the minimum subsistence level. It was proposed to at least double the official salary of teachers, doctors

and other public sector employees, to increase an amount of one-year childcare allowance at least 2.5 times, to build at least 200 kindergartens, 250 schools, 50 vocational schools, 150 new multi-field hospitals and clinics, at least 300 standard outpatient clinics in the village.

The pre-election program of the party envisaged introduction of at least 50 million square meters of housing during five years and provision of new housing to more than 2.5 million Kazakhstanis.

“Every Kazakhstani must feel the growth of the economy! All the activities of the party must be directed exclusively towards realization of the interests of our multi-ethnic people! All members of our party must remember that our main political resource is the citizens’ confidence. So, all our efforts must be aimed at justifying it,” the Party Chairman emphasized at the congress.

In August 2007, Nur Otan absolutely won the elections to the Mazhilis with gaining 88.41% of the vote of electors. Thus, having obtained the nationwide support, the party became a real national force with powerful levers for advancing its political platform.

It is important that the unification of the population around the main political force of the country took place on the eve of the midst of the global financial crisis of 2007-2010. The social and economic program of the party, which provided for creation of new jobs and other tools of social support, helped to significantly reduce the effects of crisis and post-crisis phenomena.

Thus, in the most difficult years, when the world entered the era of the global economic and geopolitical instability, the Nur Otan Party, which was led by its Leader, was the driving force of stabilization and growth.

This was also demonstrated by the XII Congress of the Nur Otan Party held on May 15, 2009 and devoted to its tenth anniversary. Nursultan Abishevich Nazarbayev, the party Chairman, the President of the country, presented a plan for post-crisis economic breakthrough in Kazakhstan, and also identified the main tasks for the Nur Otan Party activists, including promoting innovative development, raising the standard of living of the Kazakhstanis and maintaining stability in the society.

“The current inter-electoral period for the party coincided with the unprecedented global financial crisis. We had to direct all forces to overcome the difficulties with temporarily abstracting from the elaborated development program. Therefore, the twelfth party congress takes place in hard times. The main item of the agenda is the role of the Nur Otan Party in overcoming the effects of the global crisis and renewing Kazakhstan,” the Head of the State noted.

The new plan of Elbasy provided for seven main directions on which the Government needed to focus. The President of Kazakhstan put the key non-resource industries – the agro-industrial complex and the construction industry – at the heart of the country’s development.

The other basic areas of the post-crisis economic breakthrough plan presented at the party congress included development of oil refining, metallurgy, as well as chemical, pharmaceutical and defence industries, energy and transport infrastructure.

An important event of the congress was the adoption of a new Development Strategy of the PDP Nur Otan for 2009-2012. Nursultan Abishevich Nazarbayev, the Party Chairman, announced the launch of a five-year period of forced industrial-innovative development starting from January 1, 2010. It was intended to be a nationwide idea.

In addition, the Head of the State instructed to develop a new program of the party estimated until 2020, which would include all the directives for the long-term development of the country. The party Chairman noted that “innovative development, raising the living standard, and stability in the society are the triunique task and the main slogan of the party!”.

In addition to solution of the strategic social and economic issues, the party leader also focused on the ideological agenda. He stressed that the epoch of economic crisis inevitably entails a crisis of conscience with undermining the system of values of the society. Easy money, cheap loans resulted in increasing spendthrift. Therefore, it is necessary to cultivate in the society such values as diligence, striving for professional growth and moral improvement. “Nur Otan” was entrusted to actively participate in the ideological work on formation and rooting of the new system of spiritual and moral values the in society. In the following years, “Nur Otan” performed a great work on implementation of those instructions of the party Chairman.

An important stage of the political leadership of the party began on February 11, 2011, at which point it was proposed at the XIII Congress to nominate Nursultan Abishevich Nazarbayev as a candidate from the Nur Otan Party in the extraordinary presidential elections. Thereby, the right of the political party to nominate a presidential candidate from its ranks was exercised.

One of the important decisions of the congress was to approve a new Program of the party until 2020, which was developed on the instructions of the Head of the State. Its peculiarity was that, as it is supposed to be the program of the national party, it was developed taking into account the main directions of the Strategic Development Plan of Kazakhstan until 2020.

The eminent politicians, scientists and experts from the country took part in preparation of that important document.

The new Program was named national, because it took into account the suggestions and wishes of more than two million Kazakhstanis who took part in the Otandastar republican campaign.

The special attention was paid in the new Party program to improving the multi-level social security system, accelerated industrialization of the country, strengthening the control over the progress of implementation of the regional development programs, and creating a system of effective interaction between science and economics. The foundation of the strategic program of the Nur Otan Party for the next ten years was the implementation of innovative projects.

The values that are decisive for the entire Kazakhstan from the first days of Independence were recognized as the basis of the ideology of the Nur Otan Party. These are stability, democratic development of the political system, unity of the people of Kazakhstan, further development of conditions for self-realization of the country's citizens, development of the health care and education system, and active support of small and medium-sized business entities.

The presidential elections held in April 2011 showed that the policy of Elbasy obtained truly all-people's support. On April 5, the RK CEC announced the final election results according to which Nursultan Abishevich Nazarbayev won 95.55% votes of the voters. That was the victory of the Leader of the Nation, the victory of the people of Kazakhstan, the victory of the Nur Otan Party.

It is important to emphasize that in Kazakhstan at the time of the presidential election, the issue was decided not just about the victory of a candidate, but about the unity of the Kazakh people. That task was voiced by Elbasy himself in the course of the pre-election campaign, having noted the following: "Nur Otan Party and we must all be careful to maintain the unity of our society and stability in Kazakhstan. It is gained hard, for years. It's easy to lose all of this."

The Nur Otan Party has done everything necessary to accomplish that important task set by Elbasy.

Leading political force of the country

Expecting the second decade of the XXI century, the whole world experienced fundamental changes. As the Head of the State noted, "in this mobile and unstable global environment, the chances of winning were given only by the strategy of priority development and the country's leap into the new national time".

At that time, the role of the Nur Otan Party, as the dominant political force capable of uniting the nation, was more important than ever. The new tasks required to take new steps and to use new approaches.

By the end of 2011, the country, like the whole world, was expecting the second wave of the world crisis. Under those conditions, the deputies of the Mazhilis of the Parliament took the initiative to dissolve the IV Mazhilis and the maslikhats and to hold early elections by the beginning of next year so far. Thus, the legislative body was ready to meet possible perturbations in the economy with a new composition, without being distracted by the election campaign. In addition, in opinion of the deputies, the time came to form a multi-party parliament consisting of at least two political parties.

The President of the country supported the initiative of the deputies by signing on November 16, 2011 the Decree “On dissolution of the fourth Mazhilis of the Parliament of the Republic of Kazakhstan and appointment of the extraordinary elections of the deputies to the Mazhilis of the Parliament of the Republic of Kazakhstan”. The elections of the deputies of the Mazhilis under the proportional system were scheduled for January 15, and the deputies elected from the Assembly of People of Kazakhstan – for January 16, 2012.

On November 25, 2011, the XIV Congress of the People’s Democratic Party “Nur Otan” was held, at which the election platform “Kazakhstan. Goals 2017. National Action Plan” was approved.

At the congress held on the eve of the celebration of the 20th anniversary of Kazakhstan independence, the party summed up the activities and set the new tasks meeting the requirements for entering the era of large-scale modernization.

Summing up the results of the congress, Nursultan Abishevich Nazarbayev emphasized that the popular platform with which the Nur Otan Party went to the elections 2007 was completed ahead of schedule. During less than five years, the volume of the Kazakhstani economy has doubled. Kazakhstan entered the Top 20 countries in the world, which attracted the largest amount of the foreign investments. The unemployment rate reduced from 7 percent to 5.4 percent. The country ranked among the Top 50 world states in the global population welfare ranking. The international experts included Kazakhstan in the Top Three fastest growing economies in the world.

“All of this directly resulted from the practical implementation of the party platform, which we announced 5 years ago. Thus, the Nur Otan Party has been and remains the party of the unity of the people, the unbending will

and resoluteness to lead the country only forward – to new victories and achievements!” Elbasy stressed.

The elections 2012 to the Mazhilis were an important step in the modernization of the political system. For the first time, the Mazhilis of the Parliament was formed on a multi-party basis. Seven political parties took part in the elections and three of them overcame 7% barrier and passed to the Mazhilis: People’s Democratic Party “Nur Otan” (80.99%), Democratic Party of Kazakhstan “Ak Zhol” (7.47%), and Communist People’s Party of Kazakhstan (7.19%).

Thus, the Nur Otan Party once again confirmed its national status and took the leading positions in three-party Parliament so far. The renewed legislative body was ready for solving the new tasks.

In December 2012, expecting the celebration of the 20th anniversary of independence of the Republic of Kazakhstan, Elbasy delivered the Message to the People of Kazakhstan “Strategy“Kazakhstan-2050”: a new political course of the established state”.

The Nur Otan Party was given a task to rally the people of Kazakhstan and to direct their energy to implement the Strategy. The XV Congress of the Party, which took place on October 18, 2013, was devoted to this, at which the party political doctrine was adopted: “Nur Otan. Building up the Future”: Comprehensive Leadership Program of the Nur Otan Party”.

In his speech at the congress, the party Chairman emphasized that the Strategy “Kazakhstan-2050” should be the basis of our party program. “I have no doubt that implementation thereof is possible only under conditions of the political leadership of Nur Otan.”

The adopted political Doctrine of the party consolidated its ideals, values and principles. At the same time, the party’s mission was defined as providing evolutionary development and building a democratic, prosperous, competitive and socially-oriented state in which every goal-oriented, law-abiding and hardworking citizen would benefit himself and the society.

The key elements of the party’s mission were designated: construction of a highly developed state and creation of conditions for self-realization of all citizens. In addition, while maintaining the active role of the state, the emphasis was placed on increasing the responsibility of the citizens themselves for their own destiny. That attitude is connected with the idea of the Head of the State regarding the Society of Universal Labour the fundamental principle of operation of which is the reduction of a level of paternalistic attitudes, the principles of active participation of able-bodied citizens in building a prosperous state.

Likewise, within the framework of the XV Party Congress, the amendments and alterations were made to the Party Charter, and the People's Democratic Party "Nur Otan" changed its name to the party "Nur Otan".

An expanded meeting of the Political Council of the party was held on November 11, 2014, in Astana, under the chairmanship of the Head of the State, Nursultan Abishevich Nazarbayev, the Party Leader, at which meeting the annual Message "Nurly Zhol – the Way to the Future" was announced. Understanding the historical significance of the upcoming changes and a need to involve all the people in implementation thereof, Elbasy chose just such a way of bringing the subject matter of the Message to the public and launching a large-scale creative project.

Following the guidelines of its Chairman, the Nur Otan Party took an active part in implementation and monitoring of the Nurly Zhol program. The main ideas of the Strategy "Kazakhstan-2050", the Messages "Nurly Zhol – the Way to the Future" and the measures for further specification thereof were included in the primary documents of that period – the election platforms of Nursultan Abishevich Nazarbayev as a candidate for the President of the Republic of Kazakhstan at the elections 2015, and the party itself at the parliamentary elections 2016. Those documents were the subject of discussion of the two party congresses – the XVI and XVII.

A strategic program for the new presidential term was announced at the XVI Congress of the Nur Otan Party. It was based on the Five Institutional Reforms of the Head of the State covering such areas as the formation of a the contemporary government machine, ensuring the rule of law, continued industrialization and economic growth, building a nation of a unified future and developing a transparent, accountable state.

The party actively participated in development and implementation of the institutional reforms within the framework of the Plan of the Nation, which consisted of 100 specific steps and comparable in its scale with the structural reforms implemented by Kazakhstan in the 1990-s. These transformations pave the main way for solving a complex of historical tasks that will change Kazakhstan, its economy and political system.

The proposed Plan of the Nation increasingly focuses on the issues of economic development: 50 out of 100 declared steps are related to the economy and aimed at its cardinal modernization in order to increase competitiveness. The measures were envisaged to increase the investment attractiveness of Kazakhstan, development of the human capital assets, transition to the international standards in the areas of subsurface use, energy, construction and transport.

The pre-election program “Kazakhstan-2021: Unity. Stability. Creation”, which was adopted at the XVII Congress of the Nur Otan Party in January 2016, followed up the President’s modernization initiatives. The party clearly stated its position therein: “The reforms announced by the President Nursultan Abishevich Nazarbayev have no alternative. This is the only possible way to overcome the world challenges. This is the nation’s only worthy path to a secure future through the global storm.”

The program emphasized that the structural reforms are to be carried out almost in all areas of the country’s socio-economic development in order to ensure the long-term and sustainable growth.

The results of both the presidential and the parliamentary elections clearly demonstrated full support of the people of the political course of the Head of the State in modernizing the country’s economy and further improving the welfare of the population.

Driving motive of the modernization

In 2017, a new stage of development of the country began. The Head of the State launched in his Message to the people the Third Modernization of Kazakhstan, which covered all key areas of the society’s activities.

Elbasy proposed and implemented the constitutional reform subject to redistribution of a number of the presidential powers in favour of the Parliament and the Government. In the ideological area, the Leader of the Nation initiated a large-scale process of modernization of the public consciousness in the framework of the program “Rukhani zhangyru” (Looking into the Future). The President of the country initiated the digitalization of all industries in the economy within the framework of the State Program “Digital Kazakhstan”. A program for the systemic modernization of the social block – the Five Presidential Initiatives – was also promulgated.

Those are the areas that form the basis of the comprehensive modernization of Kazakhstan at the present-day stage. Nur Otan has a special role in this work. As the country’s leading political force, the party must become the main driving force of nationwide modernization. It must set the direction and pace of transformations realized in the country, serve as a reliable support of the Head of the State and be a bearer of the values of modernization. All our party activities at this historical stage are built on this ideological basis.

All of this assumes that our organization itself must not stand still. In the present-day conditions of the open information society, the role and importance

of parties as political institutions have changed. The changed format and channels of interaction of the population with the state require the party to move to a qualitatively new approach to work.

Elbasy announced the launch of a large-scale party modernization at the enlarged meeting of the Political Council of the Nur Otan Party on November 3, 2017.

That issue was considered in more details on June 1, 2018 at the next meeting of the Political Council, at which the specific areas of work on modernization of the party were made public.

In order to execute the instructions of the party Chairman, the ideological agenda of our political organization is being updated.

Nur Otan, as the leading political force of the country, establishes itself as the main bearer of the values that underlie the policy of the Head of the State. Nur Otan is a key locomotive for modernization of the country, which unites all constructive socio-political movements around this policy.

The National Coalition of Democratic Forces, as well as the formed Public Council for Monitoring the Implementation of the Five Social Initiatives and the Council for Interaction with the NGOs and Public Organizations, are working on this goal.

Along with this, the format and methods of work of the party are being modernized. As noted by the Head of the State, “Nur Otan is not a ministry, the party is not an executive, but a strategic force determining the national agenda and acting with the perspectives of the future”.

The purposeful measures are being taken to strengthen the role of Nur Otan as the ideological, political, and analytical centre of the Head of the State, working to implement the country’s strategic goals.

In this regard, the party switched in its activities to the format of project management. Instead of a generalized work, the emphasis was placed on specific projects in priority areas determined by the Party Chairman. In particular, at this stage Nur Otan is actively involved in such projects as opening of one thousand free IT classes for schoolchildren and twenty IT centres for training the qualified specialists in the field of the information technologies, creation of the Unified National Geo-information Online Service for free land plots, modernization of school canteens and sports grounds, transformation of the traditional libraries into the modern knowledge dissemination centres, creation of a single electronic library, and the other projects.

The final criterion for evaluating the work of the party today is not an abstract number of events held and participants therein, but the specific, targeted benefits for the population and a contribution to the implementation of the strategic goals of Kazakhstan.

The organizational structure of the party is being improved, which is becoming more adequate to the present-day trends in the management. A new scheme has been prepared by the order of Elbasy for the formation and promotion of the party personnel reserve, which scheme is based on the principles of meritocracy.

The work with the primary party organizations is intensified. Work on the party education is built in a new way within the framework of the Academy of Political Management. The analytical activity on the basis of the Institute of Strategic Initiatives of the Nur Otan Party is being strengthened.

All this work is aimed at adapting the party to the present-day trends, making it a modern, technological and innovative political organization, which organization is an effective conductor of the Elbasy policy and the driving force of the modernization processes in Kazakhstan.

In the modern world, success waits upon those countries that have effective political leadership as a solid guarantee of stability and development.

Elbasy is our nationally recognized Leader. Every member of the party is aware today of the responsibility that lies upon us as the members of the Elbasy party.

So, we will do everything necessary to implement all the tasks set by the Party Chairman. We will do everything necessary to remain the main and reliable support of the Head of the State in the implementation of his policy to strengthen the Independence, sovereignty of Kazakhstan and to become one of the major economies in the world.

TRANSFORMATION OF ELECTION SYSTEM ACCORDING TO THE NEEDS OF THE TIME

Confidence in the elected government and credit to the principles of justice are the guarantor of stability of the social system. In the modern world, the overall vector of the country's development depends on decision of the voters.

During the years of Independence an active reform of the electoral system took place in Kazakhstan. The goal of these transformations is to bring it as close as possible to the generally accepted democratic standards.

In order to understand the tasks and perspectives that we face, it is necessary to analyse how the electoral system of our country was created, what progressive steps its development took.

The fateful event for all Kazakhstanis, which attracted the attention of the international community, was the election of the President of the Republic on December 1, 1991. A new bright page was opened in the history of Kazakhstan. For the first time, the President of the Republic, Nursultan Abishevich Nazarbayev, was elected by the citizens of the country on the basis of universal, equal and direct suffrage by secret ballot.

88.23% of the voters on the lists took part in the voting. 98.78% of the voters who took part in the voting cast their ballots for Nursultan Nazarbayev.

On December 16, 1991, the Constitutional Law of the Republic of Kazakhstan "On the State Independence of the Republic of Kazakhstan" was adopted, and on January 28, 1993, the first Constitution of Independent Kazakhstan was adopted.

During this period the rules of the electoral legislation were transitional in nature. The Republic was in the process of transformation of the form of political governance.

Adoption of the new Constitution of the Republic of Kazakhstan on August 30, 1995 at the republican referendum, which established the presidential form of government in the country, was a new stage in the formation of the modern electoral system of Kazakhstan.

The regulatory legal acts have been adopted in the summer of 1995, which acts, along with the Framework Law of the country, today constitute the basis of the electoral legislation of the Republic of Kazakhstan. These are constitutional laws "On Elections in the Republic of Kazakhstan" dated September 28, 1995, "On the Republican Referendum" dated November 2,

1995, “On the Parliament of the Republic of Kazakhstan and the Status of Its Deputies” dated October 16, 1995, as well as a number of the other laws and other regulatory legal acts.

The system of formation of the Central Election Commission is also changing. Since 1995, the members of the Central Election Commission were elected by the Mazhilis upon the recommendation of the Head of the State, and since 2007 the Chairman and two members of the Central Election Commission are appointed by the President, two members of the Central Election Commission are elected by the Senate and two more – by the Mazhilis of the Parliament.

In order to demonstrate the process of improving the electoral system of Kazakhstan, we turn to the experience of the election campaigns of 1991-1999.

The course of the historical development of the country, its political, economic and social institutions showed a need to continue the reform of electoral system, and improvement of the electoral legislation became the most important political priority, a significant strategic task.

From September 2000 to January 2002, on the initiative of the Head of the State, the Central Election Commission, together with the ODIHR/OSCE, conducted a series of the round-table meetings, which marked the beginning of the national dialogue between the public authorities, all political parties and movements concerning the electoral reform legislation.

The public dialogue between the representatives of the political parties and the movements having the different principles, opinions and goals, but with a single desire to make the electoral process more transparent and open, has made public the work on improving the electoral legislation. The main outcome of the dialogue held was the finding of common grounds on the further development and democratization of the electoral law of Kazakhstan, taking into account the international practice and experience of election campaigns.

In addition, one of the areas of work to improve the electoral system was the expansion of the field of interaction with the international organizations in order to unify the basic principles of the democratic electoral process.

As a result, by the year 2004, a draft amendment to the Law on Elections was prepared, which law, in general, received a positive assessment from the international experts, including the ODIHR / OSCE.

Its main task was the most complete reflection of generally accepted democratic principles in the electoral legislation and the practice of its application, as well as the elimination of shortcomings revealed during the election campaigns.

In particular, non-alternative elections and preliminary vote were excluded, a new principle of forming the electoral commissions was introduced – election by the local representative bodies upon the recommendation of the political parties, the principle of compiling the voter lists was changed, the rights of domestic and international observers were expanded.

The parliamentary elections 2004, as well as the elections of the Head of the State held in 2005, were held against the active discussion of the further ways of democratization and development of the political system of Kazakhstan. The President of the Republic has repeatedly said that the successes achieved by us in the sphere of the economic reforms entail an objective need to improve the political system.

The fundamental problems of political modernization of the state were discussed during three years, from 2004 to 2007, within the framework of the National Commission for Democratization first, and then the State Commission for elaboration and concretization of the democratic reform program headed by the President of the country. At the same time, the question came up concerning improvement of the electoral system based on which a new Parliament could be formed.

The majority, proportional and mixed systems are widely used in the world, including the various variations and combinations. Since 1999, a mixed electoral system has been applied in Kazakhstan. 67 deputies of the Mazhilis were elected by the single-member constituencies based on the majority system and 10 deputies more – based on the proportional representation system with the participation of the political parties.

In the course of development of the country, the party system of Kazakhstan was strengthened. The political parties became organizationally strong and were ready to assume the responsibility for formation of a professional Parliament. As an advantage of the proportional system, the experts who studied the world practice on that issue argued that the elections based on the proportional system would significantly reduce the probability of “random” people entering the Parliament and enhance quality of the law-making work.

After a thorough discussion of the constitutional reform, the amendments to the Framework Law were adopted in May 2007. The amendments and alterations made to the Law “On Elections” in June determined a new procedure for forming the Mazhilis of the Parliament.

From now on, 98 deputies were to be elected according to the party lists on the basis of the proportional electoral system, and 9 deputies more were to be elected at the session of the Assembly of the Peoples of Kazakhstan –

the constitutional authority representing the interests of more than 100 ethnic groups of the republic.

Moreover, an amount of the election contribution made by the political parties was differentiated depending on the number of votes received in support of a political party in the previous elections. The abilities of the political parties to participate in work of the election commissions were enhanced, as well. Now the political parties that do not have a representative on the election commission have the right to delegate their representative to it with the right of an advisory vote for the period of preparation and conduct of the election campaign, which is vested with all the rights of an election commission member.

The extraordinary elections of deputies of the Mazhilis of the Parliament held on August 18, 2007, became a logical consequence of the constitutional reform. Seven political parties took part in the parliamentary elections. According to the results of the elections, all 98 mandates of deputies of the Mazhilis of the Parliament of the Republic of Kazakhstan elected under the party lists were received by the Nur Otan People's Democratic Party, which received more than 88% votes of the voters. All other parties that participated in the elections could not overcome the 7 per cent barrier fixed by the legislation (the National Social Democratic Party, the Democratic Party of Kazakhstan Ak Zhol, the Kazakhstan Social Democratic Party Auyl, the Communist People's Party of Kazakhstan, the Party of Kazakhstan Patriots, and the Rukhaniyat Party).

On the initiative of the Head of the State, it was proposed to create a special legal mechanism that would allow forming the Mazhilis of the Parliament with the participation of at least 2 political parties, even if the second political party did not pass the 7 per cent barrier fixed by the legislation according to the results of taken voting. In 2008, in order to prepare a package of the proposals for making amendments and alterations to the law on elections, a special working group was created under the CEC of the Republic of Kazakhstan. It consisted of the deputies of both chambers of the Parliament, the representatives of the public authorities, political parties, and non-governmental organizations. The working group collected and systematized the proposals of all interested parties. On the basis of prepared proposals on improvement of the electoral legislation, the Ministry of Justice developed a draft Law "On making amendments and alterations to the Constitutional Law of the Republic of Kazakhstan "On Elections in the Republic of Kazakhstan", which was submitted by the Government to the Mazhilis of the Parliament on November 14, 2008. In January 2009, the mentioned law was adopted by the Parliament of the

Republic of Kazakhstan, and on February 9, 2009, it was signed by the Head of the State.

According to that law, the next Mazhilis of the Parliament should have included the representatives of at least 2 political parties participated in the elections. The law also envisaged decentralization of the powers of the Central Election Commission by assigning the functions of registering the proxies of the presidential candidates to the territorial election commissions.

As for the Senate of the Parliament, it consists of 47 deputies. According to the Constitution, the Senate is formed by electing 32 senators – 2 persons from each region, the cities of Astana and Almaty. 15 deputies of the Senate are appointed by the President of the Republic in order to serve the national-and-cultural and other significant interests of the Kazakhstan society. A half of the Senate deputies elected shall be re-elected every three years. The Senate deputies are elected on the basis of indirect suffrage by secret ballot at a joint meeting of the electors – the deputies of the maslikhats.

Since the initial adoption of the Constitutional Law “On Elections in the Republic of Kazakhstan” on September 28, 1995 (at that time it was the Decree of the President of the Republic of Kazakhstan having the force of a constitutional law) more than 800 amendments and alterations were made thereto. The country’s electoral legislation, which was thus formed, made it possible to create an electoral system that complies with the basic principles of the electoral law formulated in the OSCE Copenhagen Document of 1990.

Along with the electoral legislation, the law-enforcement practice was also improved. From election to election, professionalism of the members of the election bodies, the legal and electoral culture of voters and other participants in the electoral process enhanced.

In general, over the 25 years of independence of Kazakhstan, the country citizens participated in 2 referendum campaigns, in 5 campaigns for the election of the President, in 9 elections for the Senate of the Parliament (upper chamber), in 6 elections for the Mazhilis of the Parliament (lower chamber), and in 6 elections for the local representative authorities (maslikhats).

In addition, since 2009, the elections of the Maslikhat deputies, instead of those who left, are held twice a year on the last Sunday of March and the last Sunday of October.

It should be noted that the last five years have become for our country one of the richest in electoral events. Today, all these events are history, but each of them represents not only a milestone on the way of development of our independent state, but also determined in many respects how we see Kazakhstan now and what it will become in the near future.

It is the election bodies that, in accordance with the powers vested in them, organize preparation and conduct of the election campaigns with exercising the control on the territory of the republic over compliance with the legislation on elections and ensuring uniform application thereof.

The unified system of election commissions of the country consists of:

- the Central Election Commission of the Republic of Kazakhstan;
- territorial election commissions (224);
- district election commissions (3335); and
- precinct election commissions (9824).

The Central Election Commission heads the unified system of election commissions of the Republic of Kazakhstan and is a permanent body. The system of election commissions of the country currently includes 16 regional election commissions (including Almaty – the city of republican significance – and Astana – the capital of the Republic), 160 district, 37 city election commissions, 11 district commissions in the cities of Astana and Almaty (3 and 8), 550 territorial election commissions for elections of the deputies of the regional maslikhats, 2,160 territorial election commissions for elections of the deputies of the district maslikhats, 625 territorial election commissions for elections of the deputies of the city maslikhats, and 9,824 precinct election commission. There are 13,383 election commissions in total.

Each election commission is granted certain powers and has a certain status. The election commissions operate on the basis of the general principles of publicity, independence, turnover of members, collegiality, and subordination.

In addition, the election commissions include the representatives from all political parties and public associations, i.e. the civil and politically active members of the society. All of them work in the election commissions on a voluntary basis, and their total number in the whole is more than 93 thousand persons in the country.

In 2016, three election campaigns were conducted in the country:

Extraordinary elections of the deputies of the Mazhilis of the Parliament of the Republic of Kazakhstan and regular elections of the deputies of the maslikhats of the Republic of Kazakhstan (March 20, 2016);

Elections of the deputies of the maslikhats of the Republic of Kazakhstan instead of retired ones (March 20, 2016);

Elections of akims of the cities of regional significance, rural districts, settlements and villages of the Republic of Kazakhstan, which were not part of a rural district, instead of retired ones (during 2016).

In 2017, in accordance with the legislation, 4 election campaigns were held in the Republic of Kazakhstan:

1) On March 26, 2017, the elections of the maslikhat deputies were held in 12 regions instead of those retired in 57 constituencies. According to the results of voting, 57 deputies of the maslikhats of the republic were elected, including 12 regional deputies, 9 city deputies, and 36 deputies of the district maslikhats.

2) On June 28, 2017, the regular elections of the deputies of the Senate of the Parliament of the Republic of Kazakhstan were held instead of those elected on August 19, 2011. According to the results of these elections, 16 deputies from sixteen regions of the republic were elected to the upper chamber of the country's highest legislative authority: one deputy from each of 14 regions, as well as from the cities of Astana and Almaty.

It should be noted that a system of electronic registration of electors was introduced in pilot mode at those elections of the deputies of the Senate of the Parliament.

3) In August 2017, the elections were held for 1,414 akims of the cities of regional significance, rural districts, settlements and villages of the Republic of Kazakhstan, which were not part of a rural district, instead of the akims whose 4-year period of activity expired.

4) On October 29, 2017, the regular elections for the Maslikhat deputies took place instead of those ones retired.

Based on the strategies of the President of the Republic, the further modernization of the election institution is implemented in the following directions.

The **first direction** is the improvement of the legislative framework for the electoral system of Kazakhstan.

A scrupulous work was performed within the framework of the electoral legislation monitoring.

An analysis of all aspects of the activities of the RK CEC is consistently carried out, including the legislation on elections and the republican referendum, recommendations of the international and domestic experts, law enforcement practice using the example of the latest electoral campaigns and taking into account the best practices of the other countries.

The **second direction** is the development of international cooperation, which is conducted in two vectors.

Firstly, this is the positioning of Kazakhstan as an active participant in the international process.

The Central Election Commission of the Republic of Kazakhstan is an institutional member of 3 associations of the electoral bodies: the Association of World Election Bodies, the Association of Asian Election Authorities, and the Association of European Election Officials.

In March 2017, at the congress of the Association of Asian Election Authorities in Manila, Kazakhstan was elected to be a member of the executive committee, which allowed us studying the Asian experience of holding the elections, the features of which can be close in terms of the Asian mentality, as well as showing solidarity with the CEC of the Russian Federation in expanding cooperation with the election authorities of Asia.

A set of measures is being currently developed to promote our participation to the level of the presidency of the Association of World Election Bodies in 2021. In this regard, the possibility of holding a meeting of the General Assembly of this organization in Astana in 2019 is being studied.

Our country actively participates in the international election observation. Thus, in the period from 2005 to 2017, over the course of various missions, over 1.5 thousand of our citizens were sent as international observers to the elections and referendums to the foreign countries and they watched more than 110 election campaigns.

Secondly, Kazakhstan is positioned as a democratic state fulfilling international electoral obligations.

Since 1995, 9,350 international observers and representatives of the foreign mass media were accredited at our 26 elections. During the past 12 years, the Central Election Commission of the Republic of Kazakhstan immediately and constructively responds to the comments and recommendations of the OSCE by preparing and sending its comments thereon.

The CEC is considering the recommendations for improving the electoral practices and legislation in Kazakhstan received from such organizations as the OECD, the CIS, the Council of Europe, and the OSCE. The dialogue with the international organizations on implementation of the recommendations continues. The RK CEC seeks to establish a constructive dialogue with the ODIHR on the critical comments and recommendations of its missions. In this regard, the regular meetings of the RK CEC representatives with the ODIHR experts were organized in the ODIHR office in Warsaw, as well as in Astana.

The RK CEC is expanding and deepening its relations with the Venice Commission of the Council of Europe on improving the legislation on elections and referendums, engaging their experts to evaluate the legal framework. In order to prepare an expert opinion on a wide range of electoral issues an expert and methodological council was established under the CEC, which council included the most famous scientists and practitioners, including the deputies of the Mazhilis of the Parliament of the Republic of Kazakhstan.

The **third direction** is the professionalization of the election commissions' members.

One of the priority directions of the CEC work that began this year is the electoral training – enhancing the professional qualifications of the electoral commissions' personnel and the other participants in the electoral process.

In accordance with the amendments made on June 15, 2017, to the RK Law “On Elections in the Republic of Kazakhstan”, the powers of the Central Election Commission of the Republic of Kazakhstan, territorial, district, and precinct election commissions were supplemented with the function of “organization and conduct of training for the participants in the electoral process, as well as seminars with representatives of the political parties and other participants in the electoral process concerning organization and conduct of the elections”.

The Central Election Commission set up a Department for the organization of electoral education with the main tasks to enhance the electoral and legal culture of the participants in the electoral process, as well as to coordinate and organize the work in the field of electoral education.

In this regard, the RK Central Election Commission focused on the following areas in the current inter-electoral period:

first, electoral voter education must be a continuous process at all levels of education starting from the higher forms of the secondary schools with penetrating the level of vocational education and encompassing the higher and postgraduate education;

secondly, the training of the organizers of the election process must cover both directly the personnel of the territorial and precinct election commissions and the public servants, representatives of the political parties, public associations, candidates, proxies, observers, and representatives of the mass media;

thirdly, the training of the coaching corps from among the representatives of all regions of Kazakhstan for the purposes of further training of the participants in the electoral process;

fourth, introduction of the present-day innovative technologies (the process is important in electoral education and enhancement of the legal culture of the voters taking into account the peculiarities of perception of the information by the young citizens);

fifth, the Concept of training for the organizers and other participants in the electoral process will be the legal and organizational basis for a multi-level electoral training system.

Thus, the specific strategic approaches have been developed to form and implement a multi-level system of organization of electoral education, which will become a social mechanism that effectively influences on the electoral behaviour of the citizens.

This will allow enhancing the quality of the election campaign and, as a result, the citizens' confidence in the elections.

The fourth area is the digitization of the election processes.

The state program "Digital Kazakhstan" includes the measures for modernization of the information and communication support of operations of the electoral system.

Within the framework of the Program implementation, the Central Election Commission of the Republic of Kazakhstan is going to create during the next three years an effective system for the formation and updating of voter lists, into which the central public authorities that keep a register of population, the election commissions and the local executive bodies will be integrated.

In parallel, they will be equipped with the up-to-date technical facilities, software, and communications, which can be used in the future, if necessary, to identify a voter at a polling station.

In the future, this will allow developing an effective system of electronic voter registration, as well as it will give an opportunity to promptly transmit the information on the progress and results of voting, other details used during the preparation and conduct of the electoral events.

In addition, the main objectives are greater – to ensure transparency and accountability of the election commissions and other public authorities involved in organization of the election campaigns. This can be achieved through the use of information and communication technologies, which make it possible to monitor to a greater extent and fairly at once all the stages of the electoral process.

The main purpose of the election bodies is to ensure the legitimacy of the government and every kind of assistance to the citizens in exercising their constitutional electoral rights, implementation of the state policy in the field of public consent and national unity pursued by N.A. Nazarbayev, the President of the Republic of Kazakhstan, throughout the period of the State Independence.

**FOREIGN POLICY OF ELBASY: MULTIPLE-VECTOR COURSE
WITHSTOOD THE TEST OF TIME**

The first nationwide election of the President of Kazakhstan, which was Nursultan Abishevich Nazarbayev, was held on December 1, 1991. So, as far as two weeks later, on December 16, N.A. Nazarbayev signed the Constitutional Law “On the State Independence of the Republic of Kazakhstan”. With the adoption of that document, the country embarked on the course of the sovereign development and creation of its own statehood, which many generations of our ancestors dreamed about.

It was necessary to build an effective management hierarchy, which met the needs of the transition period, to carry out the fundamental reforms in the economy, to curb inflation, to stabilize the social situation, to form the necessary institutional and legal attributes of the sovereign statehood, own financial and tax systems, national legislation, to ensure the international recognition of Kazakhstan and its territorial boundaries. Moreover, these issues had to be solved almost simultaneously.

We must remember that then, in 1992, we had to start just nothing. If economics, education, science and other industries were already functioning during the Soviet period, then diplomacy was practically absent in Kazakhstan for obvious reasons. The Ministry of Foreign Affairs served rather as a decoration of the status of a union republic with ensuring performance mainly of certain consular and protocol functions. Certainly, no methodical work was performed in Kazakhstan on training the specialists in the international affairs.

N.A. Nazarbayev considered it was necessary to pay attention to those moments in the book “On the Threshold of the XXI Century”: “We did not have traditions of the foreign-policy activities. The Ministry of Foreign Affairs of Kazakhstan performed far from diplomatic functions. Just imagine a country that faces all these most complicated problems, but there is not a single diplomatic mission abroad, there are no elementary experience in foreign policy issues, without mentioning the traditions of foreign policy, there are no qualified personnel.”

“The situation in which we found ourselves,” the President stressed, “was not so much preposterous as sad. Kazakhstan is a state with a sufficiently highly developed potential and skilled labour resources, which had the huge

reserves of minerals and nuclear weapons on its territory, had no a single international treaty...”.

“It is clear that if we had not urgently begun to form our own foreign policy, our interests would have suffered enormous damage,” noted Elbasy in his book.

Sure thing, those assessments of the Head of the State definitely describe the position of Kazakhstan at the time of independence.

How can the potential of Kazakhstan and its foreign-policy acts be compared? What is the essence of the domestic diplomacy and what are the main directions thereof? What is the ratio of regional and global in the foreign policy? How should Kazakhstan approach the solution of international security problems, including the nuclear potential located on the territory of our state? How to provide the security of Kazakhstan with the instruments of diplomacy?

These and many other questions were hung like a sword of Damocles above the makers of the foreign policy concept. However, at the same time there was a clear awareness of a need for a clear prioritization to accurately reflect the urgent needs and strategic interests of Kazakhstan.

The key tone for developing the foreign policy concept was stricken by the President of the Republic himself. It seemed that he thought about his own Kazakhstan diplomacy as early as in the Soviet period, while meeting with the politicians such as G. Bush, M. Thatcher, and discussing the topical issues of international life with them.

In his program work “Strategy of the formation and development of Kazakhstan as a sovereign state”, N.A. Nazarbayev determined the benchmarks for the international course of Kazakhstan.

“First of all, we declare the peace-loving orientation of our policy and declare that we have no territorial claims to any state in the world. Being aware of our responsibility and understanding that any military conflict can lead to the disastrous consequences:

- we recognize the preservation of peace as a priority goal of the state policy of Kazakhstan;
- we reject war or threat of military force as a means of achieving political, economic and other goals;
- we adhere to the principles of the inviolability of existing borders, non-intervention in domestic affairs of the other states”.

The President of the Republic pointed to the priority of the foreign-policy activities in ensuring the national security. “The specificity of the geopolitical

situation and ethno-demographic composition, the level of development of the economy and military organization of Kazakhstan make political, rather than military, means dominating in ensuring its security supported particularly by own abilities and reasonable, balanced diplomacy”. At the same time, “the security system of Kazakhstan must be an integral part of the regional and planetary security system”.

As for the nuclear weapons, which our country possessed at the time it gained independence, “Kazakhstan will become a zone free of nuclear weapons as a result of the treaty process. Considering the interests of our security, our ultimate desire is to obtain guarantees of immunity and territorial integrity without a nuclear potential”.

In this work, the importance of accounting the geo-economic factors, as well, was emphasized: “...The lack of direct access to the open sea, remoteness from communicative means make it difficult for the republic to participate in international economic relations. Therefore, it is of exceptional importance to maintain the mutually beneficial friendly relations based on the principles of absolute trust with the neighbouring states, primarily Russia and China, which are the gateway to the world communications for us. At the same time, we certainly lobby for development of broad contacts with all other countries on the basis of the international justice and partnership”.

The well-balanced, multi-vector nature of the foreign policy of Kazakhstan is conditioned by a whole range of the factors, which N.A. Nazarbayev wrote about in the fundamental book “The Era of Independence”: “Due to its geopolitical position and economic potential, Kazakhstan was not entitled to focus on narrowly regional problems. The future of Kazakhstan is in Asia, Europe, the East, and the West, as well. The mutual understanding between the East and the West is based on the knowledge of the characteristics of each other and comprises tremendous opportunities that have to be turned to the benefit of our countries and people. With pursuing just such a policy, I was convinced that we would be able to eliminate any manifestations of a threat to the security of Kazakhstan.

A subtle understanding of the peculiarities of the geopolitical position of Kazakhstan helped us to see the prospects that opened up before the young State neighboring with the world giants. What many considered to be a factor of vulnerability, we considered rather as a formula for success. It is the position of Kazakhstan between Europe and Asia that has become the foundation of our multi-vector foreign-policy course.”

The most important priority of Kazakhstan's international policy was the cooperation with its neighbors – Russia, China, and the countries of the Central Asia. At the same time, the considerable attention was paid to the establishment of friendly and mutually beneficial relations with the most influential states of the world – primarily, the USA and the European Union.

So, as mentioned above, the most difficult question appeared on the agenda among the high-priority tasks of Kazakhstan's foreign policy: how to ensure security of the country, which had practically no independent historical experience, had a huge but underpopulated territory with enormous borders; the mixed race country; the country sandwiched between two nuclear empires and attracting persistent attention due to the legacy of the intercontinental missiles of the former Soviet Union.

The Central Asian region had all the prerequisites for becoming, after the collapse of the USSR, a theatre of continuous conflicts for which a potential basis existed. With the collapse of the USSR, the countries of the region found themselves in a complex dependence on each other on issues of transport, electricity and fuel supply, and distribution of water resources. The political borders of the states did not coincide with the borders of residence of the “titular” ethnic groups. The conflict in Afghanistan had a destabilizing effect on the situation in the region. Disputes arose around the determination of the legal status of the Caspian Sea and the rights of the coastal states to use resources thereof. In other words, there are more than enough conflictogenic factors. Nevertheless, despite this, there were no serious intergovernmental conflicts over the past years in the region, and this is the crowning achievement of the foreign policy not only of Kazakhstan, but also the other states of the region.

Under the most difficult conditions and within the short time Kazakhstan solved three main tasks: creation of an independent self-supporting state, implementation of a structural economic reform, entry into the system of international relations and international division of labour.

All activities of N.A. Nazarbayev, from the first days of the country's Independence to the present day, are aimed at strengthening the Kazakh statehood. He is perceived abroad as the founder of the present-day Kazakhstan and the father of the nation. The talent of Nursultan Abishevich as an outstanding statesman is not in doubt, he is generally recognized. I say this with the full awareness of responsibility, because I was a direct witness of and participant in many international meetings and negotiations of our leader. He is really well known and enjoys wide popularity and respect in the global community.

The authority of N.A. Nazarbayev in the CIS countries is unquestionable. The politicians and ordinary people remember that it was he who firmly and consistently lobbied for strengthening cooperation and integration within the post-Soviet area. Moreover, his ideas were never abstract in nature, but they were aimed at meeting the aspirations of tens of millions of the citizens of a state, which had been unified beforetime. N. Nazarbayev quickly perceived and converted to his own use the realities of the post-Soviet period. The President grabbed the initiative among the heads of the CIS states with consistently putting forward proposals for structuring the Commonwealth. The idea of the Eurasian Union infused N.A. Nazarbayev even more popularity as a statesman who was in constant search.

Nevertheless, then **the concept of the Eurasian Union** was not materialized in practice. It seemed the author himself did not expect it to be implemented soon and realized that the time for this did not yet come. N. Nazarbayev understood that it was necessary to look for new, more practical forms of integration of those states that are economically and politically predisposed to that. This confidence was based on an objective trend, which by the middle of the 1990-s was clearly revealed in the so-called multi-speed integration. It became clear that the “integration cores” appeared in the Commonwealth itself represented by Kazakhstan, Russia, Belarus and to some extent Kyrgyzstan, which showed a willingness to coordinate the trade and customs policy within a separate association.

At the end of 1994, the Government of Kazakhstan received the task of the President to prepare all legal documents for the purpose of creation of the Customs Union. It was a very extensive work related to revision of the previously adopted numerous regulatory documents, adoption of new resolutions and orders of the government. On January 20, 1995, the Agreement on the establishment of the Customs Union consisting of Kazakhstan, Russia and Belarus was signed in Moscow. Subsequently, Kyrgyzstan and Tajikistan joined it. The main goal of the Customs Union was defined as follows: creation of a common market for goods, services, capital, and labour. The joint integration management bodies were established.

Creation of the Customs Union was certainly a breakthrough in the field of integration. The ideas of N. Nazarbayev outlined in his concept of the Eurasian Union began to be gradually realized, albeit in a truncated form.

After a series of years, it can be safely said that joining the Commonwealth was the only correct step on the part of the former USSR republics. It was correct because they managed to prevent chaos and bloodshed in the vast

territory of the “post-Soviet space” with all the negative consequences for the global security. Despite criticism to the address of the CIS and skepticism to it of a number of the member states, the Commonwealth, as a voluntary union of the new independent countries, proved its viability. The CIS became a large regional organization based on common interests, particularly, in the field of economic and humanitarian cooperation.

The President of the Republic made in his policy successful synthesis of the European reformism, adherence to democratic values, and the Asian provincialism based on the centuries-long principles of the society.

Kazakhstan considers the international integration to be an important resource for sustainable development. Involvement in the international economic cooperation and development of regional integration processes have consistently been included in the list of our country’s top priorities.

The implementation of the EAEU megaproject, together with Russia, Belarus, Armenia and Kyrgyzstan, which project began running on January 1, 2015, in fact became a triumph for our Leader’s idea vocalized in 1994 to create the Eurasian Economic Union. This integration union brings our countries to a fundamentally new level of mutual cooperation with full preservation of the state sovereignty.

The main mission of this Union is to improve the welfare of the citizens of the participating countries with bringing our countries to the leading positions in the global economy. The overall economic potential of the EAEU make it possible to state that this project can become a serious factor in the international life, which has a consolidating effect on the states of the Eurasian area. In opinion of the President of Kazakhstan, the creation of the EAEU is our adequate response to the global challenges of our age, including the threat of the global economic crisis.

The legislative bodies of the EAEU countries had a lot of work to create a legal base of the Eurasian Economic Union. Such activities contemplate harmonization of the legislative body, synchronization of the procedures for ratification of the international treaties, and expansion of the cooperation with the other regional economic associations.

At the same time, the EAEU should develop gradually, without spurting and leaping ahead, otherwise we would undermine the main tasks of the organization, which consist in increasing integration and mutually beneficial cooperation. The EAEU should be an attractive organization for its participants and the states that are still eyeing it up. All decisions must be taken on a consensus basis, with the consent of the Member States of the Union.

A crucial role in the successful establishment of the relations with our foreign partners was played by the personal contacts of N.A. Nazarbayev with the world leaders. Nursultan Abishevich is a **past master in negotiations** with a versatile mind, tenacious memory, which makes it easy to handle the facts and figures, instant reaction, skills to persuade and prepossess any interlocutor. Notwithstanding, where necessary, if we are talking about protecting the national interests of the country, he can be tough and unyielding, even in negotiations with the leaders of the great powers. N.A. Nazarbayev is negotiating with the foreign colleagues from the perspective of protection and promotion of Kazakhstan's economic interests. He delves into all the details of the relevant projects, and makes a strong impression on the partners who are surprised at the competence of the Kazakh leader.

The representatives of the American Republicans team led by George Bush Sr. became ones of the first counterparts of the Kazakhstan leader at the diplomatic forum. **As far back as the late 1980-s, Washington showed interest in tuning up mutual understanding and cooperation with Kazakhstan** in the oil and gas sector, realizing that the main strategic interests of the USA would be specifically concentrated in our republic. Therefore, the White House sought to establish close contacts with the leader of Kazakhstan. The USA were among the first states, which recognized the independence of our republic.

In 1997, N.A. Nazarbayev stressed in the course of a conversation with G. Bush Sr. in Houston that he fully realized how important and necessary the strong relationships with the USA are for our country. He proposed to transfer the cooperation between two states to the level of the strategic partnership. This was a new proposal in its essence, since in 1997 the word "strategic" was not so tired as it became a little later. The President of Kazakhstan understood that, speaking of his readiness to make decisive steps toward Washington, he was laying the powerful groundwork for the future. At that time his listeners, among whom Baker and Scowcroft were, were not in power, but it seemed quite obvious that they would come up next. As it emerged later, just in that period the Republican team was thinking over a plan for introducing Bush Jr. into the White House. After implementation of that original plan, some journalists call it a "conspiracy of the family oligarchy".

Having become the US President, George Bush Jr. continued the "fatherly tradition" of trust relations with the head of Kazakhstan. It was significant that in 2006, shortly after the end of the electoral campaign and official summing up thereof, G. Bush, the President, found it necessary to call N.A. Nazarbayev and warmly congratulate him on his convincing victory.

Tell the truth, the American leader did not fail to joke about the fact that such a result under the conditions of the American democracy was unattainable in practice. Nevertheless, the main conclusion that the White House made was that Nursultan Nazarbayev, due to the success of his domestic and foreign policy, turned out to be essentially the single candidate for the highest post in Kazakhstan. So, as the President, he fully meets the long-term interests of the USA as a reliable and predictable partner. The American assessment of Nursultan Nazarbayev as “not only a regional leader, but also a global player”, which skillfully pursues the well-balanced strategy with respect to Russia, China and the USA, as well as the European Union and the Islamic countries, seems to be very important.

Later, in 2007, G. Bush, the President, will make the following statement: “In the US history, there was still no better partner in the cause of nuclear non-proliferation than Kazakhstan”.

At the same time, despite all the positive relations with the American presidents, N.A. Nazarbayev did not yield to them a single iota when it came to the interests of our state.

The Head of the State showed firmness during negotiations with the leaders of the American administration regarding signing framework agreements on **destruction of nuclear infrastructure and withdrawal of nuclear warheads** from the territory of Kazakhstan to Russia. The White House insisted on unconditional and immediate signing of the documents. N.A. Nazarbayev voiced a fair opinion that the conclusion of such important agreements should be preceded by an agreement on large-scale political and economic cooperation between Kazakhstan and the USA.

Our states managed to maintain good dynamics of bilateral relations in the 2000-s. The White House highly appreciated Kazakhstan contribution to the global nuclear disarmament; therefore, Elbasy was among the most honoured guests at the anti-nuclear summits, which the United States initiated in 2010 and 2016 in Washington and in 2012 – in Seoul.

The results of the visit of N.A. Nazarbayev, the President, to Washington in January 2018 can be called breakthrough. The leader of Kazakhstan discussed with the President D. Trump a wide range of the issues concerning bilateral cooperation, as well as the topical issues on the international agenda: from the issues concerning the global and regional security, countering extremism and terrorism to the issues concerning trade and investment. The contribution of Kazakhstan to nuclear disarmament was highly appraised by the American President. The most important result of the visit was the documented agreement

on expanded strategic partnership between Kazakhstan and the USA in the XXI century. The atmosphere of friendship and mutual understanding that prevailed in the White House during the Summit meeting should also be noted. Thus, the negotiations in Washington, which brought the Kazakhstan-America strategic partnership to a new level, confirmed that a realistic and well-balanced foreign policy of Kazakhstan was an effective instrument to promote our national interests at the international scene.

The friendly relationship tied N.A. Nazarbayev with **the first Russian President – Boris Yeltsin**. In opinion of Nursultan Abishevich, “the period of Yeltsin became epoch-making, changing the political image of the whole world. Boris Nikolayevich put Russia on the totally new rails – the rails of freedom, revival and transition to the category of developed countries with the market economy”. Our President paid tribute to the iron will, stubbornness of B. Yeltsin. These qualities – N.A. Nazarbayev said – helped him win the difficult struggle for democracy

“We, Kazakhstanis, consider Boris Nikolayevich Yeltsin a friend of our people and our country. His signatures are affixed on such documents as the agreement between Kazakhstan and Russia on friendship, cooperation and mutual assistance of 1992, the XXI century oriented declaration on eternal friendship and alliance signed in 1998,” the Kazakhstan leader emphasized.

Out of all the “post-Soviet” leaders, B. Yeltsin unequivocally singled out the President of Kazakhstan. They were tied not only by the long-standing relations, but also mutual respect and, sure thing, common interests. The fate of the CIS largely depended on their relationship. In November 1997, when the future of the Commonwealth was seen as completely uncertain and the heads of Georgia, Azerbaijan, Armenia, and Moldova organized a real offensive personally against B. Yeltsin at the summit in Kishinev, it was N. Nazarbayev who appealed for not going in criticism, cooled his colleagues’ hot heads and extended his helping hand to Boris Nikolaevich. In his memoirs, the first Russian president gave full attention to the memories of the leader of Kazakhstan and placed a characteristic photo which showed them friendly hugged.

N. Nazarbayev and **Vladimir Putin** have very respectful relations. Paying tribute to the state attitude of the Kazakhstan leader, the Russian president noted that he was learning a lot from Nursultan Abishevich and was using his advice. V. Putin stressed time and again the priority of the integration initiatives of our President, significance of his efforts to strengthen cooperation with Russia.

A deep mutual understanding was established between two presidents, which gave rise to the utmost frankness in conversations with each other. Such a thing in the world politics is extremely rare.

The negotiations on **delimitation of the border**, which is the longest land border in the world, are the sharp evidence of open, I would even say friendly and truly allied, nature of the relations between the presidents of Kazakhstan and Russia.

The agreement to start the negotiations on that issue was adopted as far back as under B. Yeltsin in 1998. However, the decision on the most difficult moments of this negotiation marathon had to be made by his successor. The mere fact of the legalization of the border with Kazakhstan was hardly perceived at first by the Russian politicians: they say, the border demarcation can lead to the undermining of all positive results in bilateral cooperation and distancing of the states from each other, but the length – 7591 km – deterred some diplomats from working on its legal description, that is to say, determining the exact geographic coordinates.

Even so, the negotiations began on time. They went with varying success, there were disputes and discussions, but the general atmosphere of the process was determined by the determination of the parties to achieve success. Since initially the negotiations were based on the principle of recognizing the existing administrative frontier as a state border, the work succeeded without serious difficulties. However, the difficulties appeared in defining the boundary line in areas that were, in fact, disputable due to the lack of relevant documents and resolutions of the local executive and central legislative bodies of the former USSR.

This happened at the time of delimitation of the border on the area located between Atyrau and Astrakhan regions. The interest in this area was stirred up by the fact that the large Imashevskoye gas field was located there. The negotiations were difficult and nervous at times. Nonetheless, claiming that area, none of the parties could not present convincing “documented” arguments in its favour. The history just did not leave them behind. At the same time, we proceeded from the importance of the general agreement on delimitation of the border; therefore, we agreed to divide that territory equally. The same compromise (“package”) approach was applied to some other areas, as well. The preparation of the agreement took more than five years. The signing of the border treaty and subsequent ratification thereof were of truly great historical significance. Especially for Kazakhstan, which was once a part of the Russian Empire and then – an autonomous republic of the Russian Federation. Under the new

historical conditions, sovereign Kazakhstan and Russia have found the strength and the will to finally and irrevocably resolve the issue of the legal formalization of the border. That agreement attracted the attention of the world community, which highly appreciated it as a serious factor of stability in the Eurasian space and the obvious success of the Kazakh diplomacy. Sure thing, the signing of such a large-scale agreement could not take place without the personal intervention of the heads of the states, who demonstrated not only political will, but also a high degree of mutual confidence.

This could not but affect subsequent work on simplification of the border procedures. An agreement was signed concerning travel of the citizens of two countries according using the internal documents, which considerably facilitated the life of the population of the border areas.

The deeply trusting and friendly relations connected N.A. Nazarbayev with **the PRC President Jiang Zemin**, who made a great personal contribution to the final settlement of the border problem between our countries.

The **unsettled border** with a billion China of 1,700 km in length was inherited from the Soviet-Chinese confrontation to the independent Kazakhstan. We must remember that at the end of the 1960-s this country was not afraid to arrive at a decision on a military confrontation with a superpower, like the Soviet Union was at that time. Therefore, no other way exists to solve the border problem rather than diplomatic negotiations.

The Chinese delegations increasingly focused on consideration of the texts of the treaties signed as far back as in the middle of the XIX century. In addition, an important agreement was reached that the main results of the Soviet-Chinese treaties would not be revised, the parties would focus the efforts on solving the controversial problems. These problems concerned the adjacent territories near the Chagan-Obo pass in the East Kazakhstan region and the Sarycheldy River in Almaty Oblast. The detailed consideration of this issue on the basis of the treaties signed by the Qing's China and the Tsarist Russia showed that modern Kazakhstan was put in an extremely disadvantageous, vulnerable position. China was entitled to claim the bulk of the disputed areas of approximately 900 square kilometres and, at the initial stage of the negotiations, Beijing clearly declared its claims to these territories.

Under these conditions, the personal contacts between the top leaders of two countries, Nursultan Nazarbayev and Jiang Zemin, played an invaluable role. The first border treaty was signed in April 1994. That document regularized the passage of the border, with the exception of two disputed areas. The arduous consultations at all levels, including between the leaders of two countries,

continued with respect to those territories. It should be admitted that doubts about the “package” settlement of the border issue were expressed by both the Chinese and the Kazakh side. So, each of them had its own reasons. Beijing rightly believed that it was fully capable of withdrawing all the disputed territories. Kazakhstan, on the other hand, did not want to part with what was considered to be “ours” under the Soviet Union.

It is safe to say that a timely resolution of the border issue with China was beneficial for Kazakhstan. There could be no other way but the strict observance of the Russian-Chinese treaties. The attempts to exert pressure on Beijing were ruled out as inappropriate to the geopolitical power landscape. There was nothing to it but to convince the top management of a need for an early agreement on this important issue.

Jiang Zemin accepted the arguments of the Kazakh leader with understanding. Moreover, he said a meaningful phrase in one of the conversations with Nursultan Nazarbayev: “The border problem needs to be solved without putting off the matter – the next generation of the leading figures will not cope with this task, which will cause many difficulties for our descendants.” One cannot disagree with the deep vision of the Chinese leader of the possible development of the situation.

Furthermore, the legal ambiguity at the border, where two sites would remain outside their legal arrangements, is fraught with many dangers for Kazakhstan and first of all putting forward the territorial claims. Moreover, the Chinese historiography asserts that the lands that stretched all the way to Almaty, including the Balkhash Lake, allegedly belonged to the Middle Kingdom.

The signing of the border treaty with China on July 4, 1997 practically nullified the possibility of territorial claims on Kazakhstan. As one of the high-ranked executives who worked in the international department of the CPC Central Committee acknowledged: from now on all the maps issued in the PRC should show the border exactly as it was fixed by the treaty of the leaders of two countries. Therefore, there is every reason to assert that the border treaty has historical significance for our country. It is very important that the treaty was legally correct and politically expedient. I repeat: without the personal intervention of Jiang Zemin and Nursultan Nazarbayev, it would have been impossible to reach these agreements. This manifested the historical foresight of both leaders.

It was Jiang Zemin who put his signature on the agreement on good-neighbourliness, friendship and cooperation, which was the first in the history of the relations between China and Kazakhstan. This happened on December 23,

2002, in Beijing. By that time, Jiang Zemin had already resigned from the post of the General Secretary of the CPC Central Committee and as the Chairman of the PRC, that is, the Head of the State, accepted Nursultan Nazarbayev.

The UN Secretary-General Kofi Annan, Ban Ki-moon, Antonio Guterres, with whom Nursultan Nazarbayev established close working contacts, became the guests of Kazakhstan.

The friendship of our President with the world leaders contributed to the success of Kazakhstan's foreign policy, provided great benefit to our country with bringing it into the category of authoritative states that enjoy the confidence and respect of the world community. However, Nursultan Nazarbayev was not a "background" for the great ones of the earth, but by his actions and efforts he advanced to the foreground of the world politics with becoming a recognized global-scale politician.

Nursultan Nazarbayev made a great personal contribution to strengthening the global and regional security with putting forward the peace initiatives, and then unswervingly implementing the same.

The negotiations with the American politicians on **the nuclear legacy of Kazakhstan** became one of the first serious tests for N.A. Nazarbayev on the international arena. That problem worried the USA because the resolution thereof was not found in the declaration on the creation of the Commonwealth of Independent States. This document only noted that Russia inherited the place of the USSR in the UN Security Council as the nuclear power, but nothing was said about three other republics – Kazakhstan, Ukraine, Belarus, which also became the nuclear states, anyway de facto. The fact that this happened is easy to explain: late in 1991 the post-Soviet space was in such a chaos that the signing of the declaration in Alma-Ata seemed like manna from heaven. The creation of the CIS prevented bloodshed and conflicts in the territory of the former Soviet empire. Therefore, subtler political questions were postponed until better days, which did not make them wait long.

As far back as in March 1992, as the Deputy Minister of Foreign Affairs, I had the opportunity to take part in the consultations in Moscow. The agenda, in fact, included one item: depriving three mentioned new independent states of the nuclear status. It should be noted that at that time Russia was not such a powerful state as it became at the beginning of the third millennium in V. Putin years. At that time, the democratic euphoria reigned in Moscow, which reflected on Russia's foreign policy. It became pro-Western. Therefore, during the consultations at the Russian Ministry of Foreign Affairs, we clearly felt the keen eye of Washington.

Nevertheless, the negotiations, in which the representatives of the Defence Ministries took part, did not proceed so smoothly as the Russian diplomats would have liked. Moscow insisted on including in the final statement a provision on the refusal of Kazakhstan, Ukraine and Belarus from the nuclear status. Three countries took up a negative position on the Russian proposal. Our motivation came to resolve that problem at the higher level with involving all nuclear states – the permanent members of the UN Security Council. A compromise agreement was reached in the course of heated discussions: all three states were endowed with the status of “temporary” possessing nuclear weapons.

This was a significant success of the Kazakh diplomacy, which took the first steps at the international arena. Such a solution to that complex issue opened the way to further negotiations with all influential states at the highest level.

The negotiations on the nuclear issue began without any delay. As far back as in May 1992, N.A. Nazarbayev, the President, was invited on an official visit to the USA, where he had a very important exchange of the views with his old acquaintance, the President G. Bush. Sure thing, the nuclear problems were on the agenda of the negotiations, but the main thing was that an agreement in principle was reached on the whole range of cooperation with this global power.

In fact, that visit marked the beginning not only of the relations between Kazakhstan and America, but also of our famous multilateral, well-balanced or, as they call it, multi-vector diplomacy, which later proved its practical effect and was recognized as the most adequate to the potential of Kazakhstan. To be more definite, a kind of a deal occurred during the negotiations in Washington: the refusal of Kazakhstan of its nuclear status in exchange for the political recognition of the young state, broad economic cooperation and assistance to it on the international arena. This was the first triumph of the Kazakhstan leader. The American establishment ranked N.A. Nazarbayev as a reliable and predictable partner.

In May 1992, Kazakhstan became a signatory of the Lisbon Protocol, joined the Treaty on the Non-Proliferation of Nuclear Weapons, having officially become a nuclear-free state. This document confirmed the refusal of Kazakhstan, Ukraine and Belarus from possible claims for possessing the nuclear weapons. The new independent states declared their commitment to the Treaty on the Non-Proliferation of Nuclear Weapons.

Thus, Kazakhstan became a nuclear-free state. Is this good or bad? There are still discussions around this issue.

Quite a few people express not only doubts about adopted decision, but also sharp criticism; they believe that Kazakhstan voluntarily disarmed itself and, therefore, weakened its own positions in the face of new threats. I do not think that this kind of reasoning is devoid of logic. Moreover, after successful tests of nuclear weapons in India and Pakistan, the Treaty on the Non-Proliferation of Nuclear Weapons is no longer considered in the world community as a “sacred cow”. An entire group of the so-called “threshold states” also claims to possess the nuclear weapons.

Let’s back to the situation of the early 90-s yet. At that time the nuclear ambitions could cost Kazakhstan dearly and bring to nothing the prospects for its existence as an independent state. First, our people, who had so long been striving for genuine sovereignty, could find themselves in international isolation. This would clearly contradict our national interests. Secondly, Kazakhstan, having joined the “outcast” countries, naturally would not have been able to use all the advantages of international economic and investment cooperation. No one would risk investing own money in a state that has a bad reputation in the international community. Third, the rejection of the nuclear legacy just served as a basis for the process of strengthening the international positions of Kazakhstan.

After signing of the Lisbon Protocol, a long-running period of diplomatic recognition of our country, sending foreign embassies and representative offices of international organizations to Kazakhstan, meetings and negotiations of the President N. Nazarbayev with the leaders of the leading states of the modern world came. In the person of Kazakhstan, the world community saw a mature state responsible for the fate of the world order, with which cooperation may and must be developed, a dialogue must be conducted on the most pressing issues of the international life.

This is the real price of the historic, fateful in its significance decision to abandon the nuclear legacy and to accede to the Treaty on the Non-Proliferation of Nuclear Weapons.

In 1995, Kazakhstan advocated the unconditional and termless extension of that document. I had the opportunity to make such a statement at the review conference at the United Nations Organization. The fundamental position of our country regarding the non-proliferation regime of nuclear weapons was taken very well in the world community. In the same place, in the UN, Kazakhstan became a signatory of the Comprehensive Test Ban Treaty. I signed that important document on behalf of our state in the presence of the high-ranked executives of the UN Secretariat.

Kazakhstan has gained the status of a member of the Conference on Disarmament, which held its meetings at the headquarters of the United Nations Office in Geneva.

In support of the efforts taken by the White House, the American senators Nunn and Lugar put forward a joint initiative to “reduce the nuclear threat” in the post-Soviet countries and to create a special disarmament fund in Kazakhstan, Ukraine, and Belarus. This initiative had a positive effect on the process of dismantling the nuclear arsenals in the mentioned post-Soviet states. Subsequently, these senators became good friends of our country, visited Kazakhstan on repeated occasions and were awarded by the Head of our State with the Dostyk Orders of the first grade. During the visit of the Senator Richard Lugar to Kazakhstan in 2002, I presented him on behalf of the President with this high award, which he undoubtedly deserved. Washington welcomed the unprecedented decision of the President N.A. Nazarbayev on the **closure of the Semipalatinsk nuclear test site**. This action demonstrated to the whole world the peacefulness and responsibility of the newly-emerging Kazakh state for peace and security. This decision served as a kind of a pass for Kazakhstan to the world community and strengthened the position of N.A. Nazarbayev in the club of the world leaders.

The continuation of this policy was the signing in September 2006 in Semipalatinsk of an agreement on the establishment of a nuclear-weapon-free zone in the Central Asia. The relevance of this issue for our country, which voluntarily abandoned the fourth largest nuclear arsenal, is obvious. Kazakhstan, as the first state in the world to close a nuclear test site and to take a consistent position on the non-proliferation of mass destruction weapons, actively participated in the preparation of this document and made every endeavour to successfully sign the same.

On December 7, 2015, in New York, the Nuclear-Weapons-Free World Universal Declaration initiated by Kazakhstan was approved at the plenary session of the UN General Assembly. The co-authors of the respective resolution were 35 states representing various continents and regional groups. The initiative to adopt the Universal Declaration belongs to the President Nursultan Nazarbayev, who delivered it in April 2010 in Washington during the First Summit on Nuclear Safety. On September 28, 2015, in his speech at the general debates of the 70th Anniversary Session of the UN General Assembly, the Head of our State called for “making a nuclear-weapons-free world the main goal of the humanity in the XXI century” and stressed the need to adopt the Universal Declaration. The adoption of the UNGA resolution

was another confirmation of the independent foreign policy of the President N. Nazarbayev and his positive perception in the world. The approval of such a relevant document demonstrated the recognition and support by the international community of the vision of the Head of the State aimed at building the nuclear-weapons-free world by 2045. Finally, this was another step towards the formation of the Global Anti-Nuclear Movement, which was also called for by the President of Kazakhstan from the rostrum of the UNGA in September 2015.

It would not be an exaggeration to say that **Kazakhstan, as a young independent state, withstood the test of maturity and responsibility with flying colours**. Our country has developed a good international reputation by consistently advocating the strengthening of the nuclear non-proliferation regime. The voice of Kazakhstan was heard at all multilateral forums, including the UN Review Conference on the Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons, at the UN Conference on Disarmament. When I was the Minister of Foreign Affairs, time after time I had to speak in New York and Geneva on this important issue. We can say with confidence that our country suffered this fundamental position, because it was on the Kazakh land where the nuclear tests were carried out and had destructive consequences in three environments.

Recent events have put forward **a violation of the nuclear non-proliferation regime** as one of the most serious threats to the international stability. Today, the global security and the non-proliferation regime are experiencing a serious crisis, the world is on the verge of destroying a system that has been created over many decades. It must be acknowledged that in this area there were fatal errors associated with ambiguities and double standards. Now, along with five official nuclear powers, India and Pakistan possess “de facto” these weapons, the so-called “threshold” states have emerged, there has been a temptation to produce their own nuclear technologies, which is clearly demonstrated by the “Iranian Dossier”. An obvious evidence of the non-proliferation regime crisis was the nuclear weapons tests carried out by the North Korea, which seriously complicated the situation on the Asian continent. Therefore, Kazakhstan supports the negotiations in the six-party format and welcomes the continuation of the inter-Korean dialogue.

The Pandora’s Box is open, but it is not too late to find the right solutions to begin the disarmament process with the UN playing a key role, based on the rules of the international law and underlying non-proliferation treaties.

Another foreign policy success of N.A. Nazarbayev is implementing his initiative for **the Conference on Interaction and Confidence-building**

Measures in Asia (CICMA). The idea of creating a special institution of security and cooperation in Asia on our continent has repeatedly been discussed in the past, but did not find broad support. It suffices to recall the proposal of the USSR on the creation of collective security in Asia. In the early 90-s, this idea sounded in a new way. In 1992, at the 47th session of the UN General Assembly, the President N. Nazarbayev put forward the initiative to hold the CICMA. The Head of the state of Kazakhstan emphasized in his speech that the essence of the initiative lies in endeavour to renew the previously unsuccessful attempts to create an effective and universal structure that could ensure security on the Asian continent. At the same time, it is important that such a mechanism has not been formed yet in Asia, unlike other regions of the world.

At that time very few people believed that as little as in ten years the heads of the Asian states would meet in Almaty to discuss the regional security issues. Both the foreign diplomats and Kazakhstan “experts” were among the sceptics.

“An ant wears a stone,” the Eastern proverb says. Year after year, working on the implementation of the initiative of the President of the Republic, we were able to break the ice of mistrust towards the CICMA and to draw the attention of the Asian community to this body. In 1999, the meeting of the foreign ministers was held in Almaty, which adopted the declaration of the principles governing relations between the CICMA member states. It was a breakthrough that made the process irreversible. The heads of the diplomatic departments also decided to hold the CICMA summit in Kazakhstan.

According to N.A. Nazarbayev, the CICMA process is a long-term work to create the modern security and cooperation structures within which, in the course of time, it will be possible to begin negotiations on disarmament in Asia. Thus, the Republic of Kazakhstan proceeds from two principles in all its practical foreign policy steps on the issues of the international security and disarmament.

The first principle is: “from understanding new geo-economic trends – through improving existing and building new international security systems – to finding new approaches to disarmament”.

The second principle is: “from construction of the regional security systems – through improvement and transformation of the continental security systems – to search for the effective processes to improve the global security”.

From the very beginning, the idea of convening the CICMA found support from a number of the Asian states that determine the political climate on the continent, as well as the international organizations (UN, OSCE, LAS).

Solution of the security problems on the Asian continent is an extremely difficult matter due to the heterogeneity of the Asian states. Indeed, Asia is a unique continent in terms of differences in culture, mentality, and languages. In addition, there are unresolved territorial problems in our region. All this generates numerous tensions in the inter-state relations. Difficult moments in relations at the bilateral level inevitably make themselves felt in multilateral diplomacy. These factors further strengthen the strategic importance of the initiative of the President N.A. Nazarbayev.

The summit meeting was held at a high political and organizational level. The Heads of the States and Governments adopted the Almaty Act in which they declared mutual understanding on such important issues as security, confidence-building measures, as well as the CICMA structures and institutions. The summit participants expressed the opinion that the main objectives of the CICMA were to strengthen the cooperation by developing the multilateral approaches to ensuring peace, security, and stability in Asia. An agreement was also reached on joint actions to develop the CICMA process as a forum for dialogue, consultation and implementation of the measures concerning security issues on the Asian continent. Supporting the creation of nuclear-weapon-free zones in Asia, the heads of the states called on all countries to accede to the international treaties on disarmament and non-proliferation of nuclear weapons. The position of the Almaty Act on separatism as one of the main threats to the security, stability, sovereignty, unity and territorial integrity of the CICMA member states is of great importance.

Despite the general approach to the CICMA as a forum, rather than an organization, nevertheless the heads of the states decided to establish a secretariat whose task was to provide administrative support for holding regular meetings and political consultations at various levels. This agreement was important for the further advancement of the CICMA process, which acquired concrete political outlines.

What is the reason for the success of this forum? In my opinion, there are several factors here. Firstly, the idea itself, although in some aspects corresponds to the Soviet initiative to create collective security in Asia, is nevertheless a new proposal in its essence, which emanates from a regional-scale state under completely new historical conditions. Secondly, the initiative belongs to the President Nursultan Nazarbayev – an authoritative global politician. Thirdly, the proposal to convene the CICMA comes from Kazakhstan, which has achieved significant success in implementing the market reforms and has been recognized by the entire international community as a state that bears

high responsibility with regard to its own obligations in terms of nuclear disarmament, security and inter-state cooperation. Fourthly, Kazakhstan did not start to run ahead and nurture “extra-expectations” from the CICMA. From the very beginning, we stated our firm position the meaning of which was reduced to the fact that this is a forum, but not an organization, and we had no intention to speed up that process in any way. Fifth, the CICMA became a convenient platform for exchanging opinions and discussions on strengthening security in Asia. I repeat: there has never been such a convenient mechanism in our region. Moreover, the CICMA united completely irreconcilable states – Israel and Iran, which did not even have diplomatic relations. Only this circumstance allows us talking about the uniqueness of the forum.

Speaking of the Asian security, **the Shanghai Cooperation Organization** cannot be overlooked. One can say that this organization was born painfully, under the conditions of a sharp confrontation between the USSR and the PRC. After the start of the normalization of the Soviet-Chinese relations, it was decided to create a joint group to consider the questions of strengthening the confidence-building measures in the border area. This agreement was signed by the then ministers Eduard Shevardnadze and Qian Qichen. The experienced Sinologists Genrikh Kireyev and Vitaly Vorobyev, who made a great contribution to the promotion of this complex process, worked then in the Soviet part of the group.

On April 26, 1996, in Shanghai, in a solemn ceremony, the heads of five states having a common border signed an agreement that had no analogues in the international relations: it concerned strengthening of the confidence-building measures within the border area. Do I have to say how important this document was for Kazakhstan! In any case, after the signing ceremony, Nursultan Nazarbayev said that a new stage of the relations with China was starting based on the principles of mutual trust and cooperation.

On April 24, 1997, in Moscow, the presidents of five states signed a new agreement on the mutual reduction of the armed forces in the border area. Thus, both agreements – on strengthening the confidence-building measures in the military field in the border area and on the mutual reduction of the military forces in the border area concluded till the end of 2020 – became the first military-political documents on the Asian continent that initiated cooperation in the military sphere in order to ensure a calm situation on the border. Without exaggeration, these documents could be equated by their value to non-aggression pacts.

On July 3, 1998, the now regular meeting of the Shanghai Five took place in Almaty – now this group of five states began to be called that way. Russia, China and Kazakhstan had different opinions regarding this meeting. Sure, we lobbied for continuing work on strengthening the confidence-building measures in the border area, including through the establishment of cooperation in the trade, economic and transport fields. N.A. Nazarbayev also holds the point of view on importance of interaction in the field of security. The meeting was extremely productive. Everyone remembered the speech of Jiang Zemin, who actually delivered the program for development of cooperation between five border states. It became clear to the participants of the meeting that China primarily focuses on development of the Shanghai Five and intends to transform it into a capable organization.

Our President spoke in the same way. At his suggestion, a Joint Statement was signed, which stated a need for regular meetings at the level of the foreign ministers, the heads of governments and the heads of state to consider security issues and to expand cooperation on the Asian continent.

Therefore, I say with confidence that the Almaty meeting of the Shanghai Five has become a kind of a breakthrough in development of the cooperation between the border states.

The Shanghai Five began to gain momentum and attracted the attention of many states and international institutions. All noted that within this group, without any disruptions, there were regular meetings of the heads of departments in all areas of cooperation, including the military sphere. Activities were being developed to jointly counter the international terrorism, arms and drug smuggling. The national coordinators who established their own Council began their work. Subsequently, this body played a very important role in the preparation of the statutory bodies of the Shanghai Cooperation Organization.

Uzbekistan has also shown practical attention to the work of the Shanghai Five. The head of this state asked the relevant member countries of the Shanghai Five to accept Uzbekistan as a full member. There were no long discussions on this topic. China and the Central Asian states bordering Uzbekistan understood the military-political and economic potential of this state; therefore, an agreed decision was made to satisfy the request of Islam Karimov. On July 5, 2000, during the fifth summit of the Shanghai Five, Uzbekistan took part in the work of this forum for the first time. The “Five” has become a “Six”.

The meeting of the heads of six states in mid-June 2001 in Shanghai was of great importance. The summit participants announced the creation

of a new international organization and signed the Declaration on the Establishment of the Shanghai Cooperation Organization.

The indicative fact is that China, which has not previously joined any bloc or organization, has assumed the leading role in the new organization. In the 1970-s, the term “bu zeman” existed in the Chinese international vocabulary, which meant not joining any international organizations under any pretext. However, as the geopolitical realities changed, Beijing showed noticeable pragmatism, having declared in essence its own claims to influence in such an important region as the Central Asia.

Such a decision turned out to be a wise prediction of the oncoming of serious events related to the tragedy in the USA and the military operation in Afghanistan. It is significant that it was in Shanghai in June 2001 that the Convention on Combatting Terrorism, Separatism and Extremism was signed. This document proved its practical relevance after the appearance of the American military installations in the Central Asian region.

The active work on the organization of the Shanghai Cooperation Organization was carried out in 2002. The heads of the foreign policy departments, together with the Council of National Coordinators, were able to develop drafts of the organization’s Charter, agreement on the Regional Antiterrorist Structure, and the Declaration of the Heads of the States. All these documents were signed on June 7 in Saint Petersburg. In addition, the heads of the states agreed to start creating the SCO Secretariat with the headquarters in Beijing.

From the very beginning of the functioning, the SCO became the priority direction of domestic diplomacy, since this organization solves a wide range of the problems related to the economic, investment and humanitarian cooperation, countering the challenges of terrorism, extremism and separatism. Such a unique format allows us providing the ground for mutually beneficial cooperation and bringing together the positions of all of the association participants.

Over the past years, the organizational basis of the SCO has been formed, the mechanisms have begun to work to ensure the effectiveness and efficiency of the association, and its international authority has been strengthened. The SCO has become a very important tool for ensuring not only regional, but also global security.

The fact that this Organization has a powerful potential for further strengthening due to the universality of its agenda is also evidenced by its expansion. At the SCO summit in Astana in June 2017, the major Asian players such as India and Pakistan joined the SCO. Sure, this will add an additional economic and political weight to the alliance, which unites about 45% of the

world's population, 60% of the territory of Eurasia, and a third of the world economy. It is not mere a chance that the Organization is already called the “cornerstone of a multipolar world”; it can become a powerful driver in the formation of the common economic space of the Greater Eurasia.

Active involvement in the activities of the OSCE is also for the benefits of Kazakhstan. The culmination of our participation in this organization was the chairmanship and conduct of the organization's summit in 2010. The desire to lead this authoritative association attracted the attention of the entire world community to our country.

The OSCE the history of which dated back to the period of aggravation of the Cold War played a decisive role in preserving peace and stability in the vast Eurasian space. The organization acted as a reasonably efficient mechanism for maintaining an optimal temperature in the international relations after the end of the Cold War.

The OSCE Summit in Astana took place after more than 10 years of forced interruption and gave a significant impetus to the difficult process of reaching consensus on the security issues. The results of the forum in the capital of Kazakhstan can be called historical. It was here that the concept of “security community” was introduced instead of the former term “security space”. A security community means a geographic area within the vast territory from Vancouver to Vladivostok, which is free “from separating lines, conflicts, spheres of influence and zones with different levels of security”. The Summit's final declaration stated that “the security of each member State is intimately connected with the security of all of the others”. The security indivisibility is the “spirit of Astana”, which launched the formation of a single Euro-Atlantic and Eurasian security community.

Kazakhstan has directed serious efforts, within the framework of its chairmanship, to strengthen the legal framework of the organization. This work needs to be continued and should be on the agenda of the current and future work in the OSCE.

The urgency of this task is intensified due to the need to revise the previous approaches to the security issues with taking into account qualitatively new geopolitical realities. First of all, the OSCE should become a key tool in building confidence between the states, because confidence is the basis for predictable development of the international situation. Unfortunately, this connecting element of the international relations is in great deficit now.

The contradictions between the major powers, which differently understand and interpret certain events in the world, have existed in the international

relations for ages, but the highest state wisdom has been to find the points of contact in order to prevent wars, which is in the interests of all mankind. The conflict of the strategic interests of the states should not be the dominant trend in the modern world. Security and cooperation should be brought to the forefront, as indicated right in the name of this Organization. Therefore, Kazakhstan's chairmanship has put at the forefront the restoration and strengthening of confidence between the states.

Kazakhstan expects that the OSCE can play the more prominent role in resolving the crisis situations. The conflicts of all kinds and levels – international, local, interreligious and intrareligious – not only threaten the security of millions of people, but also undermine the foundations of the global economy, accompanied with the far-reaching consequences for the future of humanity. The President of Kazakhstan initiated right from these positions the first meeting of the heads of Russia and Ukraine, which took place in Minsk and became the starting point for ending the bloodshed and settling the crisis in the eastern Ukraine.

The increasing role of Asia in the modern world should be noted. It is in the interests of the OSCE to strengthen cooperation with the Asian structures working in the field of security, including the CICMA and the SCO. The Astana Summit fully demonstrated the importance of developing cooperation in the eastern direction.

Today, the OSCE remains the single-source forum for jointly seeking solutions to the most pressing problems of regional security. The goal proclaimed in Astana to build a “security community” from Vancouver to Vladivostok defined the main direction for the development of the OSCE for years to come. Meanwhile, in order to maintain its key role in the security system, the Organization must become a true generator of positive trends in the world and European politics.

Under the conditions of the current civilizational crisis, the initiative of N.A. Nazarbayev to convene **the Congress of Leaders of World and Traditional Religions** is very important. In the XXI century, the world is still forced to look for answers to the key challenges of our time, such as the threat of war, inter-ethnic and interfaith conflicts, poverty, inequality, lack of spirituality, the environmental crisis, and so on. The attempts to use religion to justify violence, extremism and terrorism are of particular concern. Under these conditions, it became obvious that the creative possibilities of the religion were not fully exploited. The religious leaders are charged with the search for a spiritual platform that would allow leading the humanity, on the basis of

common values, to the positive solutions. The weighty word of the spiritual opinion leaders can be decisive in a situation where politicians and diplomats cannot find a common language.

This is precisely what our President was guided by when he offered to gather the heads of the world and traditional religions to search for a joint response to the global challenges of our time. The venue for such a meeting was the Congress of Leaders of World and Traditional Religions, which has been convened in Astana every three years since 2003.

Kazakhstan rightly accepts such a representative forum, because violence, aggression and hatred have never emanated from our land. Those who fled from persecution and oppression, hunger and war have always found shelter on the territory of our state. Islam, Christianity and other religions peacefully coexist on our land for centuries.

It should be noted that the organization of the dialogue of the heads of the religious communities is not only an honourable mission, but also a huge responsibility. The success of the dialogue depends on adhering to a number of principles. As far back in 2006, the President N.A. Nazarbayev, in his speech at the II Congress, formulated the principles of understanding, which should become the basis for the interaction of religions and civilizations: “Firstly, impartiality, rejection of the centuries-old stereotypes of mutual perception... Secondly, conscious refusal to invade the other people’s sacred spheres. What is sacred for one cannot be the subject of humour or ridicule for another... Thirdly, the joint response of the world and traditional religions to new, non-standard threats. If, in the world of politics, such non-standard threats are associated with terrorism, mass destruction weapons proliferation, and cross-border crime, then there is the more fundamental threat in the spiritual world. This is a break with the thousand-year spiritual traditions”.

The congress in Astana has become a platform uniting the spiritual leaders of all world religions. The growth of authority and significance of the Congress can be noted. The palette of religious communities represented on the forum is becoming wider. If in 2003, 17 delegations took part in the I Congress, then in 2015, the V Congress was attended by 80 delegations representing 42 states of Europe, Asia, the Middle East and America, as well as the major international organizations.

The forum has risen to the level of a dialogue of the leading religious and political figures of the world. The authoritative and influential leaders of a global scale are only able to organize such a unique and large-scale dialogue. Thus,

the President N.A. Nazarbayev confirmed his reputation as an outstanding politician, and, in fact, his initiative has no analogues in the modern world.

The agenda of the V Congress held on June 10-11, 2015, included the most acute problems of the modern world, which was balancing again on the verge of the global wars and conflict of civilizations. The theme of the Congress, which was formulated as the “Dialogue of the religious leaders and political figures for the sake of peace and development”, very accurately reflected the specificity of the event in Astana. The main goal of the discussion was the realization of the creative potential of religions in cooperation with the politicians on a global scale.

Within the framework of the Congress, four break-out sessions were held on such topical issues as “Religious and political leaders: responsibility to humanity”, “The influence of religion on young people: education, science, culture and mass media”, “Dialogue based on mutual respect and understanding between the leaders of the world and traditional religions for the sake of peace, security and harmony” and “Religion and politics: new trends and prospects”.

The whole world recognized the significance of the Congress and its special place in the dialogue of civilizations and religions. In the first instance the uniqueness of the forum is associated with the fact that its initiator has not been one of the religious leaders, but the head of the secular state – Nursultan Nazarbayev. Secondly, the capital of Kazakhstan gathers the most representative composition of the delegates, which fully allows us presenting the religious palette of the planet. Thirdly, the world-class politicians are actively involved in the forum, which makes it possible to talk about the effectiveness of dialogue and the possibility of implementing decisions made through authoritative international and national institutions.

The Congress meetings attract attention of the entire world community, especially against the background of the spread of conflicts with obvious religious overtones. The increased international influence of the Astana Congress is evidenced by the representative composition of the participants. Along with the leading religious figures, the UN Secretary-General Ban Ki-moon, the King of Jordan Abdullah II, the President of Finland Sauli Niinistö, the leaders of the OSCE, the UN Alliance of Civilizations, the Organization of Islamic Cooperation, and the ISESCO, the representatives of the mass media, religious and public organizations arrived to Astana at the V Congress.

At the forum, the President N.A. Nazarbayev formulated in his speech “five appeals” reflecting the pain and hopes of billions of people around the world. The ideas and proposals of the head of Kazakhstan were supported

by all participants of the congress and were included into the final Declaration. The question is about stopping all military conflicts and declaring armistice, refusing to use force to resolve political contradictions, bridging the gap of non-confidence between the leading powers. The Kazakhstan leader also spoke in favour of ending the practice of using mass media to spread interfaith discord, as well as joining together the efforts to solve the problems of poverty, hunger, epidemics, unemployment, and mitigation of the consequences of natural hazards and man-made disasters. In actual fact, this is a program for creating a new architecture of a safe and harmonious world of action.

The call to counter extremism and terrorism, as well as provocations and actions aimed at inciting hostility under the cover of pseudo-religious rhetoric, became very important. This is obvious that, without direct involvement of the spiritual leaders, it is impossible to remove the religious factor from the contemporary conflicts. It is the religious leaders who have to bring to the notice of general public the true essence of the so-called “Islamic state” the barbaric activity of which contradicts the Sharia. It is no mere chance, the King of Jordan Abdullah II, when speaking at the congress, called the IS militants as renegades and Kharijites (that is, heretics).

A number of spiritual leaders, with whom I had the opportunity to communicate “on the side-lines” of the congress, take a serious approach to solving the problem of the convergence of the Sunnis with the Shiites, who constitute a single Muslim Ummah. Sure, this is a mission of immense complexity, but its successful implementation would significantly contribute to the normalization of the situation in Iraq, Syria, Yemen and other countries. There were also proposals that, in my opinion, were well grounded, in order to establish at the international legal level, the boundary between freedom of speech and blasphemy.

The religious summit in Astana allowed identifying the common ground in the approaches of statesmen and religious leaders to the most acute problems of our time. These coinciding positions were reflected in the final declaration, which became an unprecedented informative document not only in the 12-year history of this forum, but also in many international events dedicated to the resolution of bleeding conflicts.

The congress participants expressed the conviction that radicalization cannot be fought by force only; enlightenment, religious literacy, and the involvement of young people in active social, political, and economic life should come to the front.

Since the foreign policy is a continuation of the domestic policy, then the initiative of the President N.A. Nazarbayev to convene the congresses of the world religious leaders was a reflection of his tireless efforts to strengthen the public consent and unity within Kazakhstan. At the same time, the world community is becoming more aware that promoting the dialogue of civilizations is not an abstract mission at all, but an imperative need to improve the international situation that has entered a period of instability and turbulence. Moreover, this directly affects the security and development of our nearest geographic environment. Elbasy, in his succinct speech, said that there should be no recurrence of both “hot” and “cold” wars. This is a highly wise message to the religious leaders and the political community, because otherwise the world will face insurmountable challenges and will be plunged into disaster. Therefore, the consistent efforts of the Kazakhstan leader in the field of interreligious dialogue are demanded by the community of civilized states, but they also fully comply with our national interests as a peace-loving state on the threshold of the fundamental transformation.

N.A. Nazarbayev noted in his book “On the Threshold of the XXI Century”: “Our foreign policy initiatives proceeded not only from the need to strengthen security, but also from the understanding of another equally important long-term perspective. This is the problem of the formation of a new world order and a new type of relations between the states after the end of the Cold War and the collapse of a bipolar world”.

The adoption of common standards and rules of conduct by the world community, to which the efforts of the UN are directed, is not conducive to erasing the differences between the states, peoples and civilizations, which are based on the different religions, traditions and values. As N. Nazarbayev emphasized, the diversity, asymmetry and inconsistency of the modern world are not grounds for concluding that the collisions between its individual parts are fatally inevitable: it’s time to stop viewing the world from the standpoint of opposition: West – East, North – South, superpowers – third world, nuclear club – the rest of the world. Such an approach was generated by the entire previous history of diplomacy, the history of the struggle for the re-division of the world and spheres of influence, collision of blocs and social systems. All this is gradually becoming a thing of the past. The concepts of collisions should be replaced by the concept of the peace to the world, the concept of cooperation between peoples, civilizations, countries, and regions.

The **International Exhibition EXPO 2017**, which was successfully held in Astana, became a global platform for exchanging the best practices in the

field of intelligent technologies for solving the energy and environmental problems. It is gratifying that EXPO played an important role in strengthening the international status of our country. During the exhibition Astana turned into a centre of diplomatic activity. Our capital was visited by the UN Secretary-General, dozens of the heads of state and government, speakers of the parliaments, and the other high-ranked representatives from around the world. The topics related to the creation of the “energy of the future” were voiced at the SCO and OIC summits, as well as during multilateral and bilateral negotiations, various conferences and round-table meetings. Thus, Kazakhstan, as the organizer of EXPO-2017, used every opportunity for cooperating the global efforts in order to use the natural resources carefully for the present and future generations.

The membership of Kazakhstan in the UN Security Council in 2017-2018 marked a new level of involvement of the national diplomacy in the world affairs. Our country uses its membership in the UN Security Council to further its strategic interests consisting primarily in strengthening the stability and security of Kazakhstan, as well as the Central Asian region, which is represented in this important body for the first time in the entire history of the UN.

An integral part of the agenda of Kazakhstan in the UN Security Council is the promotion of international initiatives of the Head of the State in the field of the nuclear non-proliferation and countering terrorism and extremism, which are set out in the Manifesto “The World. The 21 Century”.

With becoming a non-permanent member of the UN governing body, Kazakhstan has demonstrated its potential of a peacemaker on a global scale, which to a decisive extent has become possible owing to timely and properly defined priorities of its foreign policy.

Kazakhstan successfully performed the mission of the chairman of the UN Security Council in January 2018. Among three tens of the events organized by the Kazakhstan diplomacy, a special place is occupied by a high-level thematic briefing on the theme “Non-proliferation of mass destruction weapons: confidence-building measures”, chaired by the President of Kazakhstan – Nursultan Abishevich Nazarbayev. The meeting demonstrated that the confidence-building measures, as well as strengthening of the preventive diplomacy tools, can serve as a starting point for achieving progress on many critical issues that are not timely resolved due to the political situation in the relations of the world powers.

The thoughtful speech of the President N.A. Nazarbayev at the UN Security Council meeting gave a serious impetus to the work of the key body of the

world organization. The ideas expressed by the Head of the State should form a basis for further discussions on the key issues of the international situation. In particular, this concerns proposals relating to the operation of the Treaty on the Non-Proliferation of Nuclear Weapons and Control of Weapons of Mass Destruction Proliferation.

One of the most notable events of the Kazakhstan's chairmanship was the visit of the members of the UN Security Council to Afghanistan within the framework of which the international community expressed its readiness to assist the government of this country in establishing sustainable peace and stability.

Under the chairmanship, it was possible to fully demonstrate the relevance of the peace-keeping potential of our country, which can be used in solving the most pressing problems of the modern world.

The President N.A. Nazarbayev will also go down in the history as an outstanding peacemaker, a mediator who can find arguments in order to establish a productive dialogue of the most irreconcilable opponents. The Kazakhstan leader had to undertake a mediating mission to resolve the situation in Nagorny Karabakh in the 1990-s, in Kyrgyzstan during the revolution in 2010. Thanks to the confidence in Kazakhstan felt all over the world, our country has taken on difficult negotiations to resolve the inter-Tajik conflict and the Iranian nuclear issue. The Head of the State participated in establishing the negotiation process between Russia and Ukraine, which completed with conclusion of the Minsk agreements. Everyone remembers the role of a mediator played by N.A. Nazarbayev in ensuring relaxation of tension in the Russian-Turkish relations.

Attention of the entire world was riveted on **the Syria negotiations, which became known as the “Astana Process”**. The venue in the capital of Kazakhstan successfully complemented the negotiations in Geneva destined to ensure political settlement in Syria. Unfortunately, the Geneva process has lost momentum over time. Against this background, there is noticeable progress in the negotiations in Astana during which specific agreements have been reached and are being implemented regarding cessation of hostilities, provision of a sustainable armistice, formation of a tripartite mechanism for monitoring the ceasefire, and creation of de-escalation zones. Within the framework of the Astana process, the issue of release of the detainees, the transfer of the bodies of the dead and the search for the missing were discussed in a practical way. A Joint Statement on Humanitarian Demining in Syria, including the UNESCO cultural heritage sites, was also adopted.

In our opinion, the principles outlined in Astana in the statements of the guarantor countries reflect the foundations of the settlement. We are talking about a firm commitment to the sovereignty, independence, unity and territorial integrity of Syria, the determination to continue cooperation in the interests of the final elimination of ISIL / DaISH, “Dzhabhat An-Nusra” and other terrorist organizations, to prevent the redeployment of international terrorists to the other countries and regions.

The Astana process, which became possible by virtue of the active mediation efforts of our country and its President, gave a new breath to the inter-Syrian negotiations. Kazakhstan has created all the conditions for the organization of this multilateral negotiation process. Without supplanting the Geneva process, the meetings in Astana contribute to fostering a dialogue between the Syrian government and the opposition, the guarantor states, thus creating the basis for subsequent steps aimed at a peaceful resolution of the crisis in the country.

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The world history shows that these leaders are distinguished by the unique ability to correctly formulate the long-term tasks and goals, to insist on their implementation in spite of all difficulties and obstacles, to instil confidence in people and to lead the nation to new frontiers of development. Such a gift of the Strategist is granted by the Almighty to far from every politician and the head of the state; our President is a rare exception in the modern world, where, unfortunately, there is an acute shortage of leaders with truly strategic thinking. Although no matter how generous the Nature is, the Leader’s talent is forged in twists and turns of life and political battles. And they fell to lot of Nursultan Abishevich over and above.

The authority of the President N.A. Nazarbayev is the basis of an amazing phenomenon: all his initiatives and proposals have become a serious factor in the modern international relations and have become global. Elbasy entered the history of mankind as the Leader of the world anti-nuclear movement; none of the leaders of the states was honoured with such an honourable status. The meeting on Interaction and Confidence-building Measures in Asia, the Congress of Leaders of World and Traditional Religions are unique forums, and the President N.A. Nazarbayev, the Founder of the new state on the world map, is an exclusive author thereof. The international community knows that he stood at the origins of the CIS and made a huge contribution to the creation of the SCO.

The historical merit of the First President of the Republic – Elbasy – is the legalization of the border of Kazakhstan. According to the apt remark of Nursultan Abishevich himself, “the border should be fenced not by stones, but by friends”.

The President N.A. Nazarbayev played a key peace-keeping role in resolving the acute political crisis in Kyrgyzstan in April 2010. The international authority of the head of Kazakhstan allows him carrying out an important mediation mission to resolve the complex conflict in Ukraine.

After more than a ten-year break, he managed to hold the OSCE summit in Astana and come at adoption of the Declaration on Eurasian Security. Having expressed the idea of the Eurasian Union as far back as in 1994, Elbasy achieved creation thereof in 20 years, but under completely new geopolitical and geo-economic conditions. In fact, he protected the country from external threats and created conditions for constructive reforms.

Political stability, thought-out reforms and responsible foreign policy provided a stream of foreign investment (about \$200 billion) into the country’s economy, which stream is unprecedented for the post-Soviet area. The large international investors, who, in addition to funds, introduced advanced technologies and management, believed in the Kazakhstan leader.

Having proposed the Plan of the Nation to Kazakhstan in 2015, the President N.A. Nazarbayev confirmed his reputation as an outstanding reformer of our time; he substantively described the large-scale perspective of development of our State for many years to come. The matrix of the new course is constituted by the national idea “Mangilik el”, which is original in its content, the strategy “Nurly Zhol”, which includes anti-crisis measures with the emphasis on the modernization of the country, as well as five institutional reforms and 100 steps to implement the same, which will qualitatively update our State.

Along with the political reforms, much attention is paid to raising the material level of citizens. The appeal “Five Social Initiatives”, with which Elbasy spoke at the joint meeting of the Chambers of the Parliament, is a unique document in its sound, which is dictated by a concern about social well-being of the citizens. These initiatives are supported by economic calculations and are focused on the implementation of specific verified steps. I am confident that by taking joint efforts we will achieve the main goal – improving the quality of life of millions of the Kazakhstanis, especially young people.

No such radical transformations have been carried out in any country in the world in the last quarter of a century. The presidential reforms are also of

international importance, as they are a clear example of effective anti-crisis measures and accelerated development in the context of global cataclysms.

Kazakhstan is on the verge of a large-scale transformation that will occur under the most difficult geopolitical conditions given increasing global competition. Our Leader prepares the entire nation right to the tough competition with warning that “there will be no pleasure cruise through the XXI century”. This is the paradigm of our time. Kazakhstan’s accession to the WTO is a big victory for our country, although this is not a reason for euphoria, but a start to hard work for gaining access to the world markets. Elbasy poses the difficult task of Kazakhstan joining the Organization for Economic Cooperation and Development (OECD), and this is the club of 30 most developed countries. As N.A. Nazarbayev equitably said in one of the television interviews: our generation needs to do its job honestly and in good faith. After all, our descendants will evaluate us just by our affairs and by whether we use the possibilities of our time effectively and to the maximum.

The President N.A. Nazarbayev pinpointed the main challenge of modernity even before the oncoming of sanctions confrontation: the construction of a competitive Nation. So, this entails the daunting task of a broad diversification of the economy by the people of Kazakhstan, who must have the mentality of the XXI century. Elbasy does not get tired to warn that reforms are a constant process, it is necessary to work proactively and to give clear answers to political, economic, social and cultural challenges. Our Leader relies on reforms, eradication of corruption, and transformation of public consciousness, because he perfectly understands: this is the only way for Kazakhstan to continue to strengthen as a modern and authoritative state.

To achieve this strategic goal, it is necessary to modernize the government machine, making it completely professional. Elbasy assigns big tasks to ensure the true rule of law. The renewed momentum will be given to industrialization, the role of the middle class in the socio-economic life of the country should increase. The President invokes the Kazakhstanis to preserve the unity of our Nation, Mangilik el, to open the new ways for young people, to use “social elevators”. According to the plan of Elbasy, Kazakhstan will become a transparent state accountable to the people. At the same time, we must maintain a strong presidential power, which is personified by the recognized authority of the world politics – Nursultan Abishevich Nazarbayev. From the point of view of our historical experience, national mentality and geopolitical situation, the presence of a strong leadership in Kazakhstan meets the strategic objectives of the development of the country. While strengthening the

democracy, expanding the powers of the Parliament and implementing decentralization, it is required to constantly keep under review the stability of the political system according to the formula “a strong President – an influential Parliament – an accountable Government”.

With his life and activities for the benefit of the country N.A. Nazarbayev set a high bar for Kazakhstan to develop and determined its active role in the world community.

The recognized contemporary management authority – F. Hesselbein – subtly noted that “leadership begins with the personal qualities of the leader himself”. The history knows many examples when state leaders, whose decisions influenced the course of the history, are forgotten and even ostracized due to the lack of human qualities. Our Leader is generously endowed with not only business, but also moral qualities. For the sake of the country, he would not hesitate to make very difficult decisions, regardless of any personal circumstances.

Political activity N.A. Nazarbayev is a clear example of the creative role of a man of outstanding personality in the history. He understands, more deeply than the other politicians, the new challenges and dangers that threaten the well-being of our country, and he acts firmly and effectively to solve the problems that constantly arise. Elbasy confidently leads the people to the community of the most developed countries. In this regard, the statement of the Nobel Prize laureate, the patriarch of world politics Shimon Peres is absolutely true: “Nursultan Nazarbayev, the President of Kazakhstan, is a great builder of our time. It is easy to destroy, but it is difficult to build. Its construction can truly be called great”.

Indeed, it is no exaggeration to say that the history of Independent Kazakhstan is the story of the successful leadership of the founding father of our State, the President Nursultan Abishevich Nazarbayev. We, the contemporaries of Elbasy, were lucky to live in the same era with a great statesman, an outstanding reformer and a wise creator. The President of Kazakhstan is the loyal son of his people, whom he faithfully serves throughout his working life, but he equally belongs to all mankind as the Leader of one of the most successful states in the world.

Charles de Gaulle once wittily said: “The best that is invented on this earth is France.” We could certainly say the same about our country, which is impossible to imagine without the President N.A. Nazarbayev, its true Leader, with whose name Kazakhstan will go forward forever along the path of progress, democracy and sustainable development.

FORMATION AND DEVELOPMENT OF THE FINANCIAL SYSTEM OF THE COUNTRY

The formation and successful development of Kazakhstan over the years of Independence is primarily the result of the activities of the President of the Republic of Kazakhstan N.A. Nazarbayev, who implemented step by step considered, timely and vital reforms, including financial ones.

Financial market, especially reforms in the banking sector

Conducting non-standard, multifaceted reforms in the economy and society of Kazakhstan at the dawn of its Independence assumed the formation of a completely new financial system of the country. First of all, it was required to construct its own banking system. Thus, a two-tier banking system emerged in Kazakhstan, and the first level thereof was represented by the RK National Bank and the second-tier banks, respectively.

The formation and development of a new financial system faced a wide variety of problems and difficulties, which substantially were due to the rapid growth in the number of financial entities, which often were of poor quality.

In the book “The Era of Independence”, N.A. Nazarbayev, the President of the Republic, recalls that “in 1991, there were 70 of them (banks – note of the author); the next year – over 150, and in 1993 – about 230. However, the most of them were not engaged in full-fledged financial activities such as consumer and mortgage lending or financial leasing. The people’s funds were almost not involved in banking, real production was credited in very rare cases. The second-tier banks existed mainly at the expense of funds received from the National Bank, from which they later granted their loans. This often happened on a deliberately irrevocable basis, which was accompanied by many abuses”.

Speaking at the X session of the Supreme Council of the Republic of Kazakhstan concerning the government Program of urgent anti-crisis measures and the deepening of socio-economic reforms in January 1993, N.A. Nazarbayev emphasized that “to implement an effective monetary policy it is required to radically restructure the activities of the National State Bank of the Republic, its relations with the government, commercial banks”.

In accordance with the instructions of the President of the Republic, a multifaceted, complex, consistent work on the systematic elimination of failures and shortcomings of the young financial system begins.

In particular, the powers of the National Bank are being reformed and improved, its independence is being strengthened, the framework requirements for commercial banks are tightened and concretized, including with regard to the growth of liquidity of equity capital, reservation procedure, banking regulation in general, accounting and reporting.

These mentioned and other measures contributed to the growth of reliability of the young banking system, which was also accompanied by its quantitative contraction. So, by the end of 1995, the number of banks, as compared with 1993, has decreased by a third. Along with this, the tightening and improvement of the monetary policy contributed to overcoming the acute problem of inflation.

When the Asian financial crisis broke out, the young Kazakhstan economy faced a succession of indirect economic and financial shocks.

At that time, in his message to the people of Kazakhstan, the President of the Republic formulated a range of targeted systemic instructions on measures that would effectively and accurately enable the Kazakhstan economy and financial sector to enter the path of stable growth. In general, as a result of taken anti-crisis measures, the balance of payments was improved and the banking system was strengthened.

In particular, on the instructions of the President of the Republic, an Economic Policy Council was created, providing a permanent and operational mechanism for developing and implementing measures to rapidly respond to changes in the countries affected by the crisis, which, particularly, would be capable of causing damage to the banking system of Kazakhstan. The National Bank was charged with ensuring the continued use of a flexible system for fixing the exchange rate and controlling the money supply, and implementing the measures to protect the tenge against various unforeseen upheavals abroad, including tighter control of capital movements.

In 1999, at the First Congress of Financiers the President of Kazakhstan came up with the initiative to create a system of collective insurance of the people's deposits. In the same year, a fund for guaranteeing individuals' deposits was established; it insured the Kazakhstanis' deposits placed with the second-tier banks, which substantially fortified the citizens' confidence in the national banking system and led to an increase in deposits.

Subsequently, with the favourable pricing conditions for the energy resources in the world market, the acceleration of economic growth rates in the country, (during the entire pre-crisis period, until the oncoming of the Global Financial Crisis of 2007-2009) the banking sector of Kazakhstan developed rapidly, as well as it took an active part in foreign borrowings.

However, in case of emergence and escalation of the most powerful external instability in 2007-2009, the financial system of Kazakhstan was subjected to new, serious, critical tests.

In this regard, in October 2008, at the expanded meeting of the Government, the President N.A. Nazarbayev formulated a fundamentally new approach to the choice of tools for implementing the State's anti-crisis strategy with the result that the Sovereign Wealth Fund "Samruk-Kazyna" was created and began to function. This sovereign fund, as the operator of the Government, with the use of the National Fund, implemented a set of the measures in four areas with the first of which was the stabilization of the financial sector. The State also became entitled to purchase and forcibly repurchase shares of the banks that were on the verge of bankruptcy. So, in order to maintain confidence in the banking system, the amounts of guaranteed reimbursement on the individuals' deposits placed with the second-tier banks were increased.

Along with practical strategic decisions and initiatives implemented by the President of the Republic of Kazakhstan in those difficult years, it is difficult to overestimate the role that N.A. Nazarbayev's works – "Keys to the crisis" and "The Fifth Way" – played. They outlined the effective recipes for overcoming imbalances of the world economy based on a deep rethinking of the experience of Kazakhstan's economic reforms.

The lessons of the global financial and economic crisis have predetermined the need for further restructuring of the economy, expanding investments in human capital assets, building a national innovation system, and directions for reforming the monetary policy.

In particular, as a result of dilution of responsibility for the stability of the entire financial system between the National Bank and the Agency for Regulation and Supervision of the Financial Market and Financial Organizations, the internal problems of the financial system of the country during the global financial crisis were fully exacerbated. Through his Decree, the President of the Republic restores the functioning of a single regulator represented by the National Bank.

After the last global financial crisis, the world monetary authorities as a whole reconsidered their approaches to the risks and stability of the banking system. In particular, the central organization, the Basel Committee on Banking Supervision, proposed a package of measures called Basel III, which provided for certain changes and requirements for capital, liquidity, issues of banking under counter-cyclicality, etc. Therefore, in Kazakhstan, a phased transition to the requirements of Basel III was launched.

In December 2014, the President N.A. Nazarbayev sets the task to the Government and the National Bank to quickly transit to inflation targeting, with noting that it should become a component part of the “New Economic Policy “Nurly Zhol”. Crises are not long. So, this crisis will pass. We will return to the policy we implement and will surely catch up growth dynamics in all areas”. In August 2015, Kazakhstan moves to a new state monetary policy regime, the inflation is targeted to float the exchange rate, which allows surviving the external shocks, including those relating to a fall in energy prices in the world market.

A milestone event of entering a new level of the economic system of Kazakhstan, in particular, and its role on the international economic arena, in general, was the adoption of decision by the President N.A. Nazarbayev to create the International Financial Centre Astana in the capital: “It is important to be able to interest our region and turn the AIFC into a financial services centre within the Silk Road Economic Belt. It is necessary to occupy this niche and begin to gradually develop. We hope for participation of the international financial organizations, big businessmen who will come to Kazakhstan and make sure that they can work here”.

The functioning of the AIFC contributes to the growth of financial flows into the economy of Kazakhstan, as well as the transformation of the financial sector in the context of the growth of its international competitiveness. The main strategic directions of development of the Astana International Financial Centre are focused on the capital market, asset management, individuals’ wealth management, Islamic financing and new financial technologies. These are the most modern branches of the financial market.

The AIFC operates in a special legal regime. Kazakhstan was the first country in the post-Soviet space where the English common law was applied in such a format and scope. First of all, the appeal of this legislation is that it is very understandable for the foreign investors.

Budget reform

In practice, the formation of the public finance system of Kazakhstan began from the moment of its Independence.

Recalling the events that took place at the dawn of the country’s Independence, N.A. Nazarbayev, the Head of the State, wrote: “The main task of the State was to achieve financial stabilization, as the only way out of the current crisis. We directly told our citizens that the State will reduce all its expenses, including various direct and hidden grants, subsidies, as well as

expenses for maintenance of the public authorities. The government was required to tighten the control over revenues and expenditures of the budget. Any pressure and lobbying in favour of individual sectors and spheres of the economy was strictly suppressed. It was officially stated at the state level that the state budget was an instrument of the state policy, and it would not be dragged away for the corporate, regional and other reasons”.⁹²

The first Law of the Republic of Kazakhstan “On the Budget System” dated December 17, 1991, defined the basic principles of forming the country’s budget, as well as the relationship between the republican budget and local budgets.

As the new budgetary system develops and grows, the new, more perfect approaches are being reformed and introduced. Thus, on December 24, 1996, a new Law of the Republic of Kazakhstan on the budget system is adopted, and since 1997 a new budget classification of expenditures and revenues has been introduced; the budget expenditures are correlated at all levels; the level of performance discipline and transparency in the budget formation are increasing.

On April 1, 1999, the third law on the budget system was adopted, which was characterized by ensuring the principle of unity of the budget system, aligning the regional disparities, and it was aimed at preventing the growth of the budget payables.

By this period, Kazakhstan embarked on the path of sustainable economic growth, which led to an increase in the State revenues and an expansion of the budget opportunities. The country had the opportunity to increase both social and investment programs, and the budget became the main instrument for implementing the State policy aimed at development goals.

As a result of the implementation of successive instructions of the President N.A. Nazarbayev, the methodical work is performed on the formation of a new budget system, the measures are taken to improve the regulatory framework, and the introduction of budgeting principles begins on the basis of the programs based on the strategic priorities and goals.

The Budget Code of 2004 initiated by the President of the Republic co-opts not only many years of experience in the development of the country’s budget system, but also systematizes the approaches to the inter-budget relations, budget lending and public investment, and lays on the qualitatively

⁹²Nazarbayev N.A. Kazakhstan Way. – P. 24.

new principles at each stage of the budget process. The principle of succession is being introduced, which envisages the observance of the priorities of the medium-term fiscal policy when planning the budget.

The gradual transition to a balanced budget at the expense of oil revenues was the basic and main prerequisite for improving the budget legislation and the entire budget system, which was reflected, in particular, in the Concept of the National Fund of 2005.

Since 2007, the next stage of implementation of the program-targeted budgeting – a result-oriented state planning system – has begun. In 2009, the new edition of the Budget Code, which is designed to ensure further improvement of the budget sphere, as well as transition to the three-year republican budget, becomes effective.

In order to further improve the functioning of the country's budget system, in 2013, the President of the Republic adopts the Concept of a New Budget Policy.

The work in this direction continues. The emphasis was placed on enhancing the responsibility of the public authorities for the development and implementation of the programs and plans. The key program documents are updated in accordance with the long-term goals. The state planning systems are being improved in the context of which the balance of their components (strategic, economic, budgetary) is improved, the efficiency of execution of the strategies, programs and plans, as well as comprehensive measures to ensure macroeconomic stability and balance of the state budget, are improved.

National fund of Kazakhstan

In 2009, almost ten years after the creation of the National Fund of Kazakhstan, when addressing the Message to the people “Through the crisis – to renewal and development”, N.A. Nazarbayev, the President of the country, said: “Having created the National Fund, we pursued the targeted savings policy. You remember well how many copies were broken! So, is it necessary to create this fund or distribute it to everyone a little? What would we do now, if the fees to the budget, with the payment of pensions and wages, would have decreased by 20%? Having created this fund in good times, we did the right thing. The states that think about their future must do so. Thus, we have provided a margin of safety for our economy against the possibility of shocks of this kind.”

Indeed, the beginning of the 2000-s was marked for Kazakhstan by moving into the path of progressive GDP growth. However, the achievement of high growth rates of the national economy was largely due to high world

oil prices. For Kazakhstan, which had just emerged from the economic crisis of 1998-1999, the temptation was great not to save, but rather to spend money in order to solve acute social and economic problems.

At the same time, thanks to the clear political will of the President, based on the study of experience of the countries in which a considerable part of the budget revenues was generated from revenues from the export of natural resources, Kazakhstan was among the first amid the CIS countries to create the National Fund in 2000. The purpose of creation of the National Fund was to ensure stable socio-economic development of the country, accumulation of the funds for future generations (savings function) and reducing the dependence of the economy on the impact of adverse external factors (stabilization function).

In the period 2001-2005, the necessary frameworks and mechanisms for the functioning of the National Fund were formed based on the best world practice and in accordance with the recommendations of the leading international experts. So, the favourable pricing environment observed in the world markets for raw materials in the pre-crisis period largely determined the annual increase in the volume of the National Fund. At the same time, the practice of its functioning during those years showed the existence of problems in the current mechanism for the formation of accumulations of the National Fund and management of its assets.

As a result, the year 2005 was marked by the adoption by N.A. Nazarbayev, the President of Kazakhstan, of the first Concept of formation and use of the National Fund for the medium term. It identified the main goals and objectives of the National Fund, the principles of accumulation, use and management of its assets. The transition to the principles of the Concept of 2005 ensured stability of the budget sphere and created the prerequisites for the subsequent qualitative implementation of the medium-term budget planning. In addition, the National Fund acted as an important regulator of the economy, which ensured reduction in the budget dependence on the world pricing environment, withdrawal of excess oil revenues from the economy and containment of tenge pressure and inflation, as well as formation of accumulations for the future generations. Apart from ensuring macroeconomic sustainability, the formation of the National Fund created the necessary conditions for raising the sovereign rating of the country and cheapening the foreign borrowings from the public and corporate sectors.

The creation and effective management of the National Fund during the period of rapid economic growth allowed Kazakhstan ensuring sterilization

of excess currency inflows, which to some extent contributed to reducing the pressure on the tenge exchange rate and inflation. So, in the period of significant external instability caused by the global financial crisis in 2008, the National Fund allowed rendering the critical support to the economy of Kazakhstan.

Thus, within the framework of anti-crisis measures, out of the funds allocated from the National Fund in the amount of 1 trillion 87.5 billion tenge the sum of 486 billion tenge was used to stabilize the financial sector, 360 billion tenge – to solve the problems in the real estate market and mortgage refinancing, 120 billion tenge – to support small and medium businesses and 121.5 billion tenge – to implement at the innovative, industrial and infrastructure projects.

So, the conservative strategy initially defined by the President of the country, clear regulated principles of accumulation, management and monitoring, which were adopted initially, ensured that the National Fund was not misused, which allowed not only carrying out timely and promptly the critical financing of anti-crisis measures, but also providing subsequent sustainable recovery of the Fund's assets.

At the same time, the analysis of the lessons of the global financial and economic crisis served as an impetus for further structural changes in the economy of Kazakhstan. In order to consistently improve the mechanisms for the formation and use of the National Fund, the Decree of the President of the Republic of Kazakhstan dated April 2, 2010, approved a new Concept for the formation and use of the National Fund.

In the Concept of 2010, it is customary to implement the stabilization function through a guaranteed transfer to the republican budget fixed in absolute terms at USD 8 billion, instead of previously limited to no more than 1/3 of the National Fund volume. In order to implement the savings function, a minimum balance of the National Fund was determined in the amount equal at least 20% of the predicted GDP value.

Due to changing conditions and situations, including those caused by the strongest global fall in energy prices, the revenues to the National Fund have been significantly reduced. Since 2015, for the first time, there has been a tendency to reduce the currency assets of the National Fund. This circumstance led to the adoption by the President of the Republic of a new Concept of formation and use of the National Fund (Decree of the President of the Republic of Kazakhstan dated December 8, 2016). According to this Concept, from 2018 to 2030, a number of strategically important tasks should be solved,

including preventing the reduction of the National Fund's assets and rise in the effectiveness of the management of the National Fund's assets.

Tax reform

In the book "The Era of Independence", N.A. Nazarbayev, the President, recalls: "The laws "On the Budget System" and "On the Tax System in the Republic of Kazakhstan" were adopted as far back as in 1991. However, the fiscal policy in general remained controversial and hindered the development of business activity. Suffice it to say that the tax rates, and there were four tens of them, changed in an arbitrary fashion".

In this regard, on 24 April 1995, the President of Kazakhstan issued a Decree having the force of a law, "On taxes and other compulsory budgetary payments", as a result of which the number of taxes was significantly reduced and their number became eleven. As the tax system developed and matured, the document underwent a number of adjustments.

On June 12, 2001, the Parliament of the Republic of Kazakhstan adopted the Tax Code, which played a constructive role in the economic development of the country, as that document strengthened the conceptual framework of the tax system formed in the previous years, increased the efficiency of the legal mechanisms in the tax field, consolidated the principles of stability of the tax legislation and unity of the system of tax benefits. At the same time, the growth of the economy, the expansion of the budget revenue base, the need to solve the long-term problems of economic development, primarily the diversification of the economy structure, required a corresponding adjustment in the tax ideology.

The prevailing approach of a fairly tight fiscal policy, which was justified and uncontested during the economic crisis, became, under new conditions, a deterrent to the growth of economic activity in the country. So, addressing the annual Message to the people in 2003, the President N.A. Nazarbayev suggested: "It can be considered an indisputable truth that the lower the taxes, the more the private investments", and instructed the Government to make proposals to the Parliament to further reduce the rates of specific taxes: value added tax, social tax, individual income tax, as well as to explore the possibilities of expanding the scope of special tax regimes. To support the people having low incomes, the Government was instructed to increase the non-taxable minimum for calculating the individual income tax while reducing taxes by at least 30%.

Thus, the basis of the adopted tax policy was to reduce the tax burden on non-primary sectors of the economy, fiscal stimulation of attracting in

vestments and technological modernization, development of small businesses, reducing the size of the shadow economy, and improving relations between the State and taxpayers.

At the same time, it was important to form the optimal tax burden on non-primary sectors of the economy, which would allow ensuring the flow (both during growth and recession periods) of the required level of non-oil revenues to the budget.

Since the beginning of the 2000-s, the tax policy has been improved in several stages, including by adjusting certain rules of the code. The measures were taken gradually and comprehensively to reduce the overall tax burden on the economy, to stimulate investment and technological modernization, to legalize incomes and increase of wages, and to develop small businesses.

These measures, along with the simplification of the tax administration, had a stimulating effect on the growth of economic activity in the country. In addition, changing economic conditions, as well as the need for further modernization of Kazakhstan, required taking further development measures.

Speaking with the Message to the people of Kazakhstan, in 2008, N.A. Nazarbayev, the President of the Republic, determines that “it is necessary to bring the tax system in line with the objectives of the new stage of development of Kazakhstan. The current Tax Code has played a positive role in economic growth, but at the present time its potential is almost exhausted. The Code has over 170 types of benefits and preferences that are constantly and irregularly growing”, and therefore “it should contribute to the modernization and diversification of the economy, getting the business out of the “shadow”, and also “provide for a reduction in the overall tax burden for non-oil sectors of the economy, especially for small and medium businesses. The expected budget losses should be compensated by increasing the economic return from the extractive industries”.

From the beginning of 2009, the new Tax Code began to operate, which envisaged the implementation of the principle of the directly applicable law, reducing the overall burden on non-resource sectors of the economy with a simultaneous increase in returns from the extractive industries, as well as creating conditions conducive to modernizing and diversifying the economy, improving conditions for doing business by improving the tax administration and simplifying the tax procedures.

In subsequent years, particular changes were made to the code, aimed at improving some of its provisions, further improving the tax legislation and simplifying the tax administration, as well as changes connected with development of the Eurasian integration processes.

However, eventually, the Tax Code became overly complex, which caused serious criticism from the President of the Republic and led to the development and adoption of a new Tax Code.

The new code came into effect in 2018, its characteristic feature was a new ideology aimed at the convenience of the business. Thus, according to this ideology, all ambiguities and inaccuracies are interpreted in favour of a taxpayer; fines and penalties are cancelled if the tax authorities incorrectly clarify the Tax Code; the requirement for reasonableness of additional charges is tightened; a mechanism for making numerous frequent amendments has been introduced; external links have been reduced, the cross-references have been excluded, and the internal ones have been clarified, etc. This is expected to reduce the tax disputes, to reduce the number of audits, to simplify the tax administration process, and to make tax changes predictable.

Pension reform

Kazakhstan was the first of the CIS countries to implement the pension reform. The pension system reform was conceived as an integral part of the triunique strategy for economic development, which also included privatization and development of the capital market.

The long-term goal of this reform was a phased transition from a solidarity pension system, with defined payments, to the accumulative one – with fixed contributions.

The initiative of the President to reform the then existing pension system was timely and extremely relevant. Thus, in the 1990-s, the problems of the demographic burden of the migration outflow of the working age population began to grow and aggravate in Kazakhstan, coupled with the difficulties of the period of transition to a new independent economy. If in 1990 there was one pensioner for three citizens of working age, then by 1996 this ratio was already 1.8 to 1. The pension system could not cope more and more, interruptions occurred again and again, delays in payment of pensions began, and arrears began to increase.

From the beginning of 1998, the Law of the Republic of Kazakhstan “On Pension Provision in the Republic of Kazakhstan” comes into force whereby the Kazakhstan pension system began to operate in a new format, transiting from joint to accumulative. Thus, according to the new conditions, all official employees began to pay 10% of their income to the accumulative pension funds, having also received the opportunity to make voluntary pension contributions. The preferential pensions preserved since the Soviet times were

eliminated. In addition, it was found that all citizens who reached retirement age before January 1, 1998, continued to receive retirement benefits under the previous conditions of the solidarity system. It has also determined that the citizens who reach the retirement age after January 1, 1998, will receive two pensions: one pension – according to the solidarity system, although not full, but in an amount proportional to the length of service as at January 1, 1998, and the other one – from the accumulative pension fund. So, the citizens who will start their labour activity after January 1, 1998, will receive a pension only from the accumulative pension funds, accordingly.

In September 1997, the State Accumulative Pension Fund (GNPF) was created in Kazakhstan and, as it was rightly noted in the history of its creation, “it became the first accumulation fund of the country, which accepted the first pension contribution, and in 1999 was the first among the pension funds to be entitled to independently manage the pension assets”.⁹³

The retirement age was increased: 58 years – women, and 63 years – men.

At the same time, as the accumulative system operated in Kazakhstan, the problems began to identify and exacerbate, which were associated with a significant outpacing of the real wage growth rates over the growth rates of the real amount of the assigned pension, trends of growth of the average monthly wage under the conditions of negative real return of accumulations in the accumulative pension funds, a decrease in the average percentage of replacement in the solidarity system (which would further require the State guarantees for the provision of pensions and in due course it would create an additional burden on the state budget), etc.

Reforming the pension system is a multifaceted, complex and lengthy process. For a long time, discussions continued on the ways to increase the profitability of pension accumulations. First of all, it concerned the organization of pension accumulations management, since its quality and efficiency directly determine the success of the pension system functioning.

Ultimately, after the experience of the practice of alternative pension accumulations management, the UAPF was created in 2013 (based on the State Accumulative Pension Fund, which, as noted before, “became the country’s first accumulative fund and accepted the first pension contribution”).

It must be emphasized that the transfer of pension accumulations under the state management was not nationalization, all pension accumulations remained

⁹³ Official web-site of the Unified Accumulative Pension Fund of Kazakhstan: <http://www.enpf.kz/100>.

in the property of depositors. However, they are merely managed by the state instead of the private pension funds.

In 2014, Kazakhstan approved the Concept for the further modernization of the pension system of the Republic of Kazakhstan until 2030, and also the relevant legislative acts for implementation thereof were adopted. From mid-2017, the pension system of Kazakhstan began to operate in a modernized format. In particular, the basic pension was accrued according to the new rules, taking into account the length of participation in the pension system, which also would include the experience worked out in the solidarity system (i.e. as of January 1, 1998). At the same time, a conditional accumulative component was introduced (5% of employer's contributions).

In the book "The Era of Independence", N.A. Nazarbayev, the President of the Republic, notes: "The modernized pension system will continue to be multi-level. The first level will consist of payments from the budget (solidarity and basic pensions; the minimum guaranteed pension). The second level – the payments made at the expense of the mandatory pension contributions of the employee and the employer. And the third one is voluntary deductions.

In August 2015, I signed the Constitutional Law on the matters relating to the pension provision. Now, the basic pension is granted depending on the length of participation in the pension system. From January 2018, a new conditional-accumulative component will begin to operate, which will be formed from employers' contributions in the amount equal to five percent of the employee's income.

In the Message of November 2015, I instructed the UAPF to be removed from the control of the National Bank and transferred to the management of the private companies. To increase the profitability, the task is to develop investment of the pension funds. In February 2016, at the extended meeting of the Government, I ordered to direct the pension assets of the UAPF to support the small and medium-sized businesses and to stimulate the economy.

It is important that these investments will be returned at the market rates".

The measures to modernize the pension system are aimed at solving the issues such as the financial sustainability of the system, its reliability, as well as in the context of social efficiency and individual equity.

**BICAMERAL PARLIAMENT: PARLIAMENTARY GOVERNMENT
FORMATION AND CONSOLIDATION**

The first President of the Republic of Kazakhstan – Elbasy Nursultan Abishevich Nazarbayev – being the core of the modern Kazakhstan statehood, laid the foundations for the successful development of Kazakhstan. All constitutional political institutions have been formed in our country thanks to the Head of the State. It was Elbasy that, before Kazakhstan gained Independence, formulated the basic principles of the future political structure of the country and the foundations of statehood: “We should not allow steps that impede the development of the process of democratization of state and social life. Although, at the same time, the genuine democratic principles should be established in the country, having nothing to do with anarchy, permissiveness, and anti-constitutional actions. In order to really move forward, I think it is time to move from publicity to freedom of speech, from a rally to parliamentary methods of struggle, from total criticism and petty revilement to the nomination of specific political and economic programs” (N.A. Nazarbayev “No Right and Left”, 1991).

Thus, the President Nursultan Nazarbayev proclaimed the development of parliamentarism as one of the key directions of his policy on democratization and modernization of the country. So, from the first days of the formation of Kazakhstan statehood, the First President focused on the fact that it is parliamentarism that is one of the most important democratic institutions. And this thesis is proved by the time and experience of many developed countries.

The very ideology of parliamentarism, which was first established in the works of the European thinkers, today was developing not only in the West, but also in states where democratic regimes began to form only in the second half of the 20th century.

For the post-Soviet and post-socialist countries, it was the ideology of parliamentarism that became the basis for building the democracy.

While developing according to its own model, the Parliament in Kazakhstan has become an integral part of the political system. A certain role here was rendered sure by the fact that the institution of representative power in our country has deep historical roots. The prerequisites of Kazakhstan’s parliamentarism can be traced both in the traditions of the steppe democracy, in the institute of the steppe *quriltais* and, of course, in the ideas of the leaders of the *Alash* movement.

It is quite natural that Kazakhstan's parliamentarism, with all its adherence to the universal model of the world, cannot but have unique features. The process of forming a new political institution was significantly influenced by the national traditions, legal culture, social organization, mentality and lifestyle of the Kazakhs.

At the same time, it should be recognized that the development of the Kazakhstan model of parliamentarism must be considered not only taking into account the centuries-old traditions of building the state, but also the positive achievements of the modern theory and practice of the classical European constitutionalism.

Thus, according to the modern world practice of forming a real democracy, the political system must meet the following criteria:

The **first condition** is the division of power into legislative, executive and judicial. In addition, the principle of "checks and balances" must be observed unconditionally between these branches of government. This condition was formulated as a doctrine – in the writings of S. Montesquieu, and in legal terms – in the French Declaration of the Rights of Man and the Citizen of 1789.

The **second condition** is the effective representation of the interests of all the main strata and groups of the country's population

The **third condition** is the activity of parliament deputies on a professional basis.

The **fourth condition** is the political participation of the citizens in the decision-making process through various institutions, the main of which are the political parties.

So, throughout the history of Kazakhstan's parliamentarism, the consistent creation and development of all these necessary conditions for building the law-based state and a democratic society is clearly traced.

It is precisely within the framework of this process that the parliamentary system is constantly being improved, which today is constitutionally framed into a free-standing, independent legislative branch of the government, which actively influences the adoption and implementation of the state decisions.

From the first years of Independence, the Head of the State determined the strengthening of the role and influence of the legislative branch as the most important task of the formation and development of the national statehood.

In the speech at the first session of the new bicameral Parliament on January 30, 1996, our President of the Republic noted: "With the proclamation of independence of Kazakhstan, a field emerged for the legislative activities of the republican authorities. As early as at the start, we were able to successfully

enough fill the legal vacuum formed after the collapse of the USSR, in the most important areas of society and the state, to form the main body of the legislation of the first generation of sovereign Kazakhstan”.

It is noteworthy that until the establishment of the presidency institute, in 1990, Nursultan Abishevich Nazarbayev held the post of the Chairman of the Supreme Council of the Republic – a prototype of the future Parliament of the country. He was also a deputy of the 10-12th Supreme Soviet of the USSR. Thus, even before Kazakhstan gained independence, the future First President had quite a wealth of law-making experience. From the very first years of the formation of a new Kazakhstan, he began to form a parliamentary system in our country. It was Nursultan Nazarbayev, being the leader of the country and the main initiator of all democratic reforms, who became a founder of the Kazakhstan model of parliamentarism.

In March 1990, the elections were held to the twelfth Supreme Soviet of the Kazakh SSR. These were the first democratic elections to the highest legislative body of the republic, albeit with the still quite strong influence of the Soviet administrative-command system.

But, nevertheless, the fact that more than two thousand candidates participated in the election campaign for 360 deputy mandates indicates the appearance of the democracy elements in the electoral process. A feature of these elections was the fact that 90 persons were elected from the republican public organizations. Even though these elections were held in the absence of full-fledged political parties, they made the process of building a democratic society irreversible.

The twelfth Supreme Council played a role in the history of establishment of the parliamentarism in Kazakhstan. This was reflected in the adoption of a number of the most important legal acts and the legislative support of the state policy in the 1990-s.

On April 24, 1990, the Law of the Kazakh SSR “On the establishment of a post of the President of the Kazakh SSR and the amendments and alterations to be made to the Constitution (Framework Law) of the Kazakh SSR” introduced the post of the President of the Kazakh SSR, and Nursultan Abishevich Nazarbayev was elected to be the first President of the country.

On October 25, 1990, the Supreme Soviet of the Kazakh SSR adopted the Declaration “On State Sovereignty of the Kazakh SSR”, which for the first time envisaged the indivisibility and inviolability of the territory, the country was defined as a subject of international law, and the institute of citizenship, as well as equality of property forms were introduced.

On December 1, 1991, N.A. Nazarbayev won the first nationwide competitive, open and transparent election of the President of the Republic, thereby acquiring the right to speak on behalf of all Kazakhstanis.

December 16 is a great date for all Kazakhstanis – on this day in 1991, the Supreme Council of Kazakhstan proclaimed the State Independence of the Republic of Kazakhstan.

On January 28, 1993, after a two-year search for compromise, the twelfth Supreme Council adopted the first post-Soviet Constitution of Kazakhstan, which completed the process of formation of the republican sovereignty and continued the establishment of the genuine constitutionalism. Thus, the foundation of the transition to a qualitatively new stage of ensuring the national Independence, real guarantees of civil rights and freedoms, building a democratic society and a law-based state was laid in the republic.

The Constitution of 1993 created the conditions for the progressive development of Kazakhstan society, having eliminated one-party political governance and the administrative-command economic system.

The Constitution declared that Kazakhstan was positioning itself as a component of the modern civilization, it has intentions of good-neighbourly relations, multipolar and mutually beneficial cooperation, and is committed to universal human values. At the stage of the transition period, the Framework Law proclaimed Kazakhstan as a new independent legal state in the world community.

At the same time, in the country's Framework Law of 1993, as in the previous one, the Supreme Council was vested with excessively broad powers, which hampered the implementation of the principle of separation of the powers and the creation of a system of checks and balances.

All this had a negative effect on the efficiency of the entire state system and the pace of large-scale transformations that were so necessary at that time.

Further reforms revealed inefficiency of the republican authorities, first of all representative ones, which could not promptly react to rapidly changing events and take adequate decisions. The complete absence of real results of the work of individual organs of the twelfth Supreme Council, which functioned on an ongoing basis, also confirmed the need to create a professional Parliament. Non-performing checks and balances mechanisms allowed the Supreme Council intervening in the activities of the Government or replacing it. Ultimately, this led to the early termination of the activities of the republic's representative body.

Thus, the twelfth Supreme Council, considering all its historical significance, could not get rid of the style of the Soviet command and administrative

system for objective reasons. The consequence was the self-dissolution of the Supreme Council. This was a natural process. New time dictated new demands – a new personnel was needed for the entire state power system, especially the legislative branch thereof.

The elections held on March 7, 1994, contributed to the formation of a multiparty system in the Republic. 73.84% of voters took part in the elections. In total, 910 persons were nominated for 135 single-member districts, and 692 candidates met the registration conditions. There was a fairly high level of competition – on average, five candidates fought for one deputy mandate.

In accordance with the interim regulations, on the basis of the representation of the parties, the party factions were formed in the Supreme Council: the Union of People's Unity of Kazakhstan, the People's Congress of Kazakhstan Party, the Socialist Party and the Federation of Trade Unions, as well as 14 deputy groups that were formed mainly by professional nature.

For the first time in the history of Kazakhstan, the political parties and movements gained access to the real levers of power, the ability to influence on the formation and adoption of the government decisions.

The period of 1994-1995 is extremely important in the history of formation of Kazakhstan's parliamentarism. The thirteenth Supreme Council, which functioned from April 1994 to March 1995, became the first professional Parliament of Kazakhstan, in which the deputies worked on a permanent basis.

However, the fate of the thirteenth Supreme Council was quite dramatic. It came into its right in the most difficult period of the statebuilding, when the mechanism of separation of the branches of power was not brought to a logical conclusion, the system of checks and balances was not filled with real content, the status of the Supreme Council, the President and the Government was not fully determined. At the same time, it should be recognized that the thirteenth Supreme Council laid the prerequisites for the further development of the parliamentarism in Kazakhstan.

According to estimate of the founder of the Kazakhstan model of parliamentarism – Nursultan Nazarbayev – “...both convocations of the Parliament, which worked in the post-Soviet period, were for all of us a great school of the initiated democratization of the society. Perhaps with flaws, but decisions and laws that laid the foundations of the statehood of Kazakhstan were adopted. It was a school of political compromise... The most important thing was that the first Constitution of a sovereign state was adopted, which was certainly a political and legal achievement at the first stage of independence” (N.A. Nazarbayev “On the Threshold of the XXI Century”, 1996).

During this period, the Parliament adopted many important decisions, one of which was the support of the historic initiative of the First President to transfer the capital. After long discussions and doubts, the deputies, according to Nursultan Abishevich himself, “acted as statesmen, having confirmed that in the state affairs there is no place for populism and personal attitude to the fact of moving to a distant provincial city. The following statement of the Supreme Council was heard in the hall: “Agree with the proposal of the President of the Republic of Kazakhstan N.A. Nazarbayev on the transfer of the state capital to the city of Akmola...” (from the book “In the Heart of Eurasia” by N.A. Nazarbayev, 2005).

Then it was a difficult and, at first glance, ambiguous step. However, the time has proved once again the foresight of the Kazakhstan Leader and our people entrusting the First President with the fate of their native Kazakhstan. Today, Astana is the brightest symbol of a renewed, independent Kazakhstan, a symbol of the inexhaustible constructive energy of the Kazakhstanis. This is a symbol of people’s faith in their own strength, in their Leader – Nursultan Nazarbayev. Astana is a symbol of the hope and confidence of the Kazakhstan nation in its prosperous future, in the future of its descendants.

At his time, in 1994, the First President, speaking with the idea of the Eurasian integration, also put forward the initiative to create a Eurasian Union. Before the official publication, Nursultan Abishevich outlined the basic provisions thereof to the Coordination Council of the Parliament. And only then a version of the Eurasian Union formation project was sent out to the leaders of the Commonwealth states, distributed to the UN and included on the agenda of the October (1994) summit of the CIS heads of state in Moscow. Thus, the Head of the State emphasized once again the exceptional importance of the parliamentarism institution as a fundamental constitutional state body.

Having worked for a little less than a year, the thirteenth Supreme Council turned out to be illegitimate, since the Constitutional Court ruled that certain norms of electoral legislation, in accordance with which elections of deputies were held, were not in line with the Constitution.

Being a kind of compromise between the old and the new political system, a reflection of the attempt to introduce the Western democracy model built over centuries to the post-Soviet ground, the RK Constitution of 1993 initially contained contradictions.

The aforementioned ruling of the Constitutional Court of March 6, 1995, raised an acute problem of the legal system. The fact is that during the period of activity from April 19, 1994, to March 6, 1995, the 13th Supreme Council

enacted, in compliance with the required procedures, 314 regulatory legal acts, including 24 laws. Diverse legal relations have arisen on their basis. Although, due to the dissolution of the Supreme Council, all these documents have lost their legal basis, which means that the real agreements, sentences, decisions of many public authorities were placed in doubt.

In that almost critical situation, the Head of the State – the guarantor of the Constitution – showed again his political will and wisdom. Guided by the Law of 10 December 1993 “On the temporary delegation of additional powers to the President of the Republic of Kazakhstan and heads of the local administrations”, on March 23, 1995, he issued a Decree, having the force of law, “On acts of the Supreme Council of the Republic of Kazakhstan”. The most of them, with the possible exception of those that regulated the activities of the Supreme Council itself, were recognized as valid and legally binding from the day they were introduced.

With such an extraordinary step, the First President ensured the stability of the authorities and was able to preserve the regime of legality. It was during the temporary transfer of the legislative powers by the Supreme Council to the Head of the State that the national currency, the tenge, was introduced, as well as 147 decrees, having the power of constitutional or ordinary laws, were issued during the 10-month period without the Parliament (March 1995 – January 1996). As a result, the country received laws complying with the international standards, which forced to turn the economy to a completely new direction.

It is worth noting that afterwards, over the 20-plus years of operation of the Framework Law (since 1995), the Head of the State has never applied its constitutional right to issue laws, the so-called institution of delegated legislation. Although it would seem that both grounds and conditions arose for exercising that right. Our country successfully passed in the usual, “regular” mode, even the very tense years of the world financial and economic crisis of 2008-2010, which demanded the prompt adjustment of many laws. The First President always proves in fact, not in word, his loyalty to the letter and spirit of the Constitution.

The First President repeatedly emphasizes in his speeches and books the need for strict adherence to the norms of the Constitution. So, in the book “The Kazakhstan Way”, Nursultan Nazarbayev notes: “Our duty is to take care of the Constitution, to respect it in the same way as we respect our country and our history. Without respect for the Constitution and strict observance of its norms, it is impossible to achieve social consensus, order, peace and tranquillity, and this means a prosperous future of our Fatherland”.

A new stage of development of the Kazakhstan model of parliamentarism began in 1995. Then, as a result of the referendum, a new Framework Law was adopted, which eliminated the shortcomings of the previous state structure.

The Constitution of 1995, which proclaimed Kazakhstan a republic with a presidential form of government, and the Constitutional Laws “On the Parliament of the Republic of Kazakhstan and the status of its deputies”, “On the Government of the Republic of Kazakhstan”, “On the judicial system and the status of judges” regulated the status and functions of each branch of government. In addition, the Constitution did not merely proclaim the principle of separation of the powers, which ensured stability, effective functioning and interaction of the legislative, executive and judicial branches. It envisaged a specific system of checks and balances.

Thus, the very principle of the separation of state power does not contradict its unity, but involves the coordinated interaction of its branches, and the most importantly is that it guarantees the impossibility of concentrating all of the power in one of them.

This is the main value of the mechanism of checks and balances, which ultimately helps to ensure political stability in the country.

The Constitution of the Republic of Kazakhstan of 1995 establishes that the Parliament is the highest representative body of the Republic that performs the legislative functions. An important innovation was the division of the composition of the Parliament into two chambers.

As far back in 1994, in his speech “Towards a Renewed Kazakhstan – through deepening reforms and nationwide harmony” the First President set the task for the Supreme Council to implement the concept of a permanent professional parliament in relation to the conditions of a presidential republic: “I am earnestly convinced that the bicameral structure of the parliament substantially meets the interests of the legislative policy pursued in Kazakhstan. It will make it possible to get rid of the vicious practice of adopting rash laws, which are often written to accommodate any departmental or regional lobby, or even for a certain high-ranked official. Naturally, then the manifestations of populism in the legislative activity will end, as well. There is every reason to believe that a situation will be created in which both the State and the regional interests will harmoniously combine. The whole legislative process will obviously be complicated to a certain extent with the bicameral structure of the parliament. Although this should be regarded as a positive factor, since the adoption of laws will necessarily be preceded by a painstaking and impartial analysis of a state and development of the society and the experience of the legislation of other countries”.

Thus, in 1995, there was an evolutionary transition in Kazakhstan from a unicameral (monocameral) system to a duocameral one – bicameral.

This choice was not near accidental, since it is the bicameral structure of the parliament that was able to stimulate development of the democracy through the representation of various socio-political, economic, cultural, or ethnic and regional interests.

In the international practice, the deputies of the lower chamber, as a rule, represent the interests of the leading political forces, being the parties' members, while the upper chamber, depending on historical and national peculiarities, expresses the interests of population groups that have differences through another lens: ethnic, regional, cultural, and others.

The bicameral parliaments today have ceased to be a tribute to the historical traditions. Bicameralism has become an everyday political and legal phenomenon for a significant number of countries around the world. In particular, out of the fifteen states with the highest GDP indicators, only two countries – the PRC and the South Korea – have elected a single-parliamentary system of parliamentarism.

Moreover, in recent decades, the process of transition from a unicameral to a bicameral system has intensified. If, at the beginning of the 1970-s of the last century, the bicameral parliaments were in 45 countries of the world, now their number has exceeded 70. At the same time, about ten states more are preparing to switch their parliaments to the bicameral structure.

It should be noted that the bicameral parliaments are inherent not only to the federal states. Out of 73 countries 24 federations (USA, Russia, Germany, Australia, etc.) and 49 unitary states have a bicameral parliamentary structure. For example, the bicameral parliaments are successfully operating in a number of the European countries – these are the United Kingdom, France, Austria, Spain, Italy, Poland, Slovenia, Romania, the Czech Republic, Ireland, etc.

It is worth emphasizing that it was Kazakhstan that became the first post-Soviet unitary state to make its choice in favour of a bicameral parliamentary system.

The main advantages of the bicameral system are as follows:

First, since the second half of the XX century, with the increasing role of the parliaments, their main functions expanded. After the Second World War so far, the parliaments became not only the law-making centres, but also the centres for making major political decisions. The volume and number of the tasks facing the parliaments are growing, and this requires complicating their internal structure. This applies primarily to the division into chambers,

as well as the presence of various kinds of committees, commissions and other parliamentary bodies.

Secondly, the bicameral parliaments have become a progressive step in the process of improving the principle of the separation of powers, as well as checks and balances mechanisms.

Third, the modern states, guided by the principles of the rule of law and democracy, are increasingly attracting various institutions of civil society to the decision-making processes. In this regard, it is bicameral parliaments that make it possible most effectively ensuring not only popular representation, but also representation of the interests of the public organizations, expert groups, and professional associations.

Fourth, many modern unitary countries define the objective process of decentralization as a priority of their domestic policies. This is primarily due to the nature of development of the world economy, which requires greater independence of the regions. The presence of the upper chamber in the parliaments of these states makes it possible to effectively ensure the regional representation.

Fifth, the bicameral parliament today is one of the most important conditions for improving of the law-making and legislative activities.

Sixth, in many countries, the upper chamber acts as a deterrent to potential legislative “excesses” of the lower chamber of the parliament, especially in the framework of the constitutional reforms.

Thus, it is safe to say that bicameralism has become one of the main trends in the development of parliamentarism at the turn of the century.

So, the transition to a bicameral parliament not only allowed increasing the efficiency and effectiveness of the law-making process, but also became another step in building democracy in Kazakhstan.

It should be particularly noted that the concept of “Parliament” was first formally enshrined in the Constitution of the Republic of Kazakhstan adopted on August 30, 1995 at the national referendum. Only after this, the President of the country signed the Decree, having the force of the Constitutional Law, “On Elections in the Republic of Kazakhstan” according to which the process of electing the deputies to the bicameral Parliament was held in late 1995.

In the speech at the first session of the new bicameral Parliament on January 30, 1996, Nursultan Abishevich Nazarbayev noted: “You and I are participants in the event, which is intended to be a landmark page in the chronicles of Kazakhstan, in the history of formation of its statehood. We stand at the origins of the emergence of Kazakhstan’s parliamentarism in true, civilized understanding thereof.”

Having rejected the useless populism and unproductive political discussions, the Parliament immediately began to fulfil its direct obligation, in particular, development and adoption of the legislative acts. In the shortest possible time, a legal basis was created for the effective functioning of a strong and, most importantly, capable state power.

The constitutional norms on the rights and freedoms of citizens were supported by the real laws. Favourable conditions were created for dynamic development of the economy, provision of public consensus and promotion of social protection of the population.

It is remarkable and deeply symbolic that on October 10, 1997, the Head of the State officially announced his Development Strategy for Kazakhstan until 2030 just at the joint meeting of the Chambers of the Parliament of the Republic. These speeches later became the political tradition of Kazakhstan – since 1997, the President of the Republic annually addressed the people of Kazakhstan for many years with a Message within the walls of the Parliament.

The First President described this period as follows: “No one can dispute the democratic vector of our transformations. Sustainable democracy requires a developed private property, a civil society combined with a strong tradition of parliamentarism. We can say that all these components in Kazakhstan are being established. In addition, the state assumed the function of development thereof... The question is that someone must take the full responsibility for the transformation” (N.A. Nazarbayev “On the Threshold of the XXI Century”, 1996).

An important event in the life of the country and in the activity of the Parliament itself was the adoption of the Law of the Republic of Kazakhstan “On amendments and alterations to the Constitution of the Republic of Kazakhstan” dated October 7, 1998. These changes significantly strengthened the role of political parties in society, giving them ten deputy seats in the highest legislative body of the country.

In the autumn of 1999, in accordance with the constitutional amendments, for the first time in the Central Asian region, the elections were held in the Mazhilis of the Parliament of the Republic of Kazakhstan under a mixed scheme, which allowed the political parties to elect themselves to the Parliament under the party lists on the basis of proportional representation.

As a result of innovations, the elections were distinguished by a rather strong political competition based on alternativeness with stimulating the process of formation of parliamentary-type political parties.

10 political parties took part in the elections. 547 candidates were registered in the majority single-member constituencies. In general, during the elections, the number of candidates unprecedented at that time for Kazakhstan was nominated – an average of eight persons per a seat.

According to the results of the elections, 67 deputies in single-member constituencies and 10 deputies from parties in a single national constituency were elected to the Mazhilis of the Parliament. They represented four parties – Otan, Civil, Agrarian, and Communist Parties, which overcame the seven percent barrier.

For five years, the second Parliament passed 597 laws that contributed to the further progressive economic development of the country. The work of the deputies' corps deserved the high appreciation of the President of the Republic: "The results of the Parliament activity testify to the successful and professional fulfilment of the tasks assigned to it, the achievement of stability and continuity of the law-making process" (from the speech of the President of the Republic of Kazakhstan N.A. Nazarbayev at the opening of the VI session of the second Parliament of the Republic of Kazakhstan, Astana City, September 1, 2004).

The constitutional reform of 2007 became the logical stage in the development of parliamentarism in Kazakhstan. One of the main tenets of the reform was the transfer of certain powers of the Head of the State to the Parliament. As a result, while maintaining the presidential form of government, the role of parliamentarism in the system of government of a state was strengthened.

The Head of the State himself, Nursultan Nazarbayev, repeatedly stressed that the constitutional reform of 2007 was aimed at the practical transformation of Kazakhstan from a presidential republic to a presidential-parliamentary one.

As a result of the constitutional reform, the highest legislative body of the country was able to participate in the formation and control of activities of the Government, to approve two thirds of such key bodies as the Constitutional Council, the Central Election Commission and the Accounts Committee for Control over the execution of the republican budget.

The system of the Mazhilis deputies election, which is now carried out under the proportional system, has been changed, as well. This was a serious step forward in the field of democratization, since from now on the election of deputies of the Mazhilis under the proportional system is aimed at increasing the role of political parties, strengthening their activity, therefore, a significant part of Kazakhstan society. In contrast to the past years, for the first time the voters did not vote for individual candidates, but for the party programs.

The principal point concerning the activities of deputies is the exclusion of the rules that a deputy of the Parliament is not bound by any imperative mandate.

The Parliament changed not only qualitatively, but also quantitatively. The number of deputies of the Parliament was increased to 154 deputies, among which the prominent famous public figures, scientists, engineers, businessmen appeared; there were more women and representatives of various ethnic groups.

In accordance with the amendments made to the Constitution, the responsibility of the Government was established not only to the Head of the State, but also to the Parliament. Thus, higher efficiency of the executive power, as well as public accountability and transparency of the activities of its bodies, were ensured.

The key point was the new mechanism for the formation and functioning of the Government on the basis of a parliamentary majority. Now the main role in the approval of the Prime Minister, and therefore the entire Government, has been assigned to the Mazhilis of the Parliament. Whereas the constitutional duty of the Prime Minister to put the question of trust in the Government before the newly elected Mazhilis also became another factor influencing on the fate of the Government.

A fundamental innovation of the constitutional amendments was the assignment of constitutional status to the Assembly of People of Kazakhstan as an organization that ensures the representation of various ethnic groups in the public and political life of the country. For the first time in our history, the deputies from the Assembly of People of Kazakhstan began to be elected to the Mazhilis of the Parliament.

Representing the interests of the entire people of a multinational country, today the deputies from the Assembly play a special role in the law-making process to preserve and strengthen the inter-ethnic peace and harmony in Kazakhstan.

The elections to the Mazhilis of the fourth Parliament of the Republic of Kazakhstan took place in August 2007, in accordance with the amendments and alterations made to the Constitution in May 2007.

According to the results of the elections of August 18, 2007, in which seven political parties participated, the Nur Otan Republican People's Democratic Party, a team of like-minded people and supporters of the strategic course of the First President of the Republic, took all 98 seats in the Mazhilis of the Parliament. In the next elections in January 2012, seven political parties also

took part, three of which scored more than 7% of the voters according to the final results and formed the fifth composition of the Mazhilis of the Parliament: the People's Democratic Party "Nur Otan" (80.99%), Democratic Party of Kazakhstan "Ak Zhol" (7.47%), Communist People's Party of Kazakhstan (7.19%).

On March 20, 2016, the seventh parliamentary elections in the history of independent Kazakhstan were held.

Six political parties took part there with three of which, based on the final results, overcame the seven percent barrier and passed to the Mazhilis of the Sixth Parliament of Kazakhstan: the Nur Otan party (82.15%), Democratic Party of Kazakhstan "Ak Zhol" (7.18%), Communist People's Party of Kazakhstan (7.14%).

The level of support for the Nur Otan party demonstrated once again the unity of the Kazakhstanis, their consolidation around the course of the First President. The absolute majority of the citizens confirmed their commitment to the ideas of their Leader, their desire to build a prosperous Kazakhstan.

Despite the multi-party system, the current Parliament showed a consolidated work on the implementation of the Leader of the Nation strategy. Regardless of ideological differences and party affiliation, all parliamentarians, while upholding the principled positions of their political programs, demonstrate not only the ability to interact constructively through democratic procedures, but also develop and make decisions that express the interests of the country and the interests of the people. This points to the fact that, while working in a multiparty system, the highest legislative body of the country became a place not only for fruitful discussions, but also for joint constructive actions.

Such unity of the entire deputies' corps reflects cohesion and consolidation of the entire Kazakhstan society around the course of the Head of the State.

The formation of a multi-party parliament has demonstrated that our country is taking another step towards further democratization.

After all, democracy is primarily a culture of motivating the citizens to participate in the organization and functioning of public authority, their ability and desire to be a full-fledged and rightful subject of politics and government. The Parliament is called to implement the values of the culture of democracy through the representative function realized in the activities of political parties and the practice of the electoral system.

The culture of parliamentarism is the willingness to work in an atmosphere of political partnership and harmony.

Sure thing, all parliamentarians uphold the principled positions of their political programs. However, at the same time, regardless of ideological differences and party affiliation, the parliamentarians demonstrate today not just the ability to effectively interact through democratic procedures.

The main thing is that the deputies work out and make decisions expressing the interests of the country, the interests of the people.

This also indicates that the fundamental values of the culture of democracy become an essential factor in the present-day political practice in Kazakhstan.

The next stage of development of the parliamentarism in Kazakhstan was marked by the Presidential Program of the Third Modernization of the country, proclaimed in 2017.

Under the new conditions, Kazakhstan faced new challenges and tasks. As an outstanding Leader and forward-looking strategist who realized that, without new decisive reforms, the republic may find itself in a “middle-income trap”, Nursultan Nazarbayev announced a number of new initiatives: the Third Technological Modernization Program, the draft constitutional reforms and the program of modernizing the public consciousness. They organically complement each other, their synchronization became the next legitimate stage in the development of the state.

In particular, as for the scale of the proposed amendments, the constitutional reform of 2017 is comparable to the adoption of the Constitution of 1995. Political modernization determined the development of our statehood for many years to come. It is designed to provide the best conditions for the implementation of the Five Institutional Reforms and the promotion of Kazakhstan in the Top 30 developed countries of the world.

In general, there are three main principles of political reform within the framework of which the part of the powers of the President has been assigned to the Government and the Parliament.

The **first principle** is “EFFICIENCY”. The modernization of the political system and the improvement of the activity of the state government are primarily aimed at improving the efficiency of state governance, which will ensure implementation of higher quality of the socio-economic programs ultimately aimed at raising the standard of living of all Kazakhstanis.

These are the needs of the time. Indeed, for a quarter of a century we have built a modern and internationally recognized state, created a competitive economy. However, in the XXI century, the time has come for more flexible governance models. Sensing the pulse of global change, Nursultan Nazarbayev

made a crucial decision for the legal and administrative system to balance the relations between the branches of government at the constitutional level.

The **second principle** is “RESPONSIBILITY”. As a result of the transformations, the role of the Government and the entire executive branch as a whole in regulating the most important socio-economic processes has increased. This allowed independently making the necessary decisions within the framework of a policy determined by the Head of the State. However, autonomy entails full responsibility for the decisions made and the state of affairs in the socio-economic sphere, as well.

The government was given the authority to approve the state programs in consultation with the President. The executive authority itself began to bear the burden of responsibility for the documents that it should develop and implement.

The same applies to the powers of establishment and abolition of the central executive bodies not included in the Government. The practice has shown a need for more rapid decision-making on changes in the structure of the executive bodies.

It is critical that the reform has strengthened the accountability of the Government and the entire executive power system to the Parliament and the maslikhats. According to the adopted constitutional amendments, the Prime Minister will make proposals to the President on candidate members to the Government after consulting with the Mazhilis (except for the ministers of foreign affairs, defence and the interior). Now the Government will resign to the newly elected Mazhilis. The procedure for dismissing the members of the Government on the appeal of the Parliament deputies was simplified.

At the same time, the strengthening of control over the Government by the Parliament imposes in turn heightened obligations on the deputies’ corps: the higher demands will be made in terms of both professional and civil liability.

The role and responsibility of the parliamentary parties, especially the party of the parliamentary majority, which has always been under the watchful control of the society, its voters and opponents, has increased for sure.

The **third principle** is “SUSTAINABILITY”. The Head of the State especially emphasized observance thereof. After all, it is precisely the high stability margin of the Kazakhstan political system, which was based on the exclusive role of the First President, that allowed not only effectively overcoming the crisis of the 1990-s, but also becoming one of 50 most competitive countries. This factor is still important today. In the world, the

mechanisms for regulating social processes are becoming more complex. All this requires adaptation to the new challenges of our time.

Thus, based on democratic principles, Nursultan Nazarbayev deliberately went to delegating a significant part of his powers to the Parliament and the Government. About 40 presidential powers were transferred to the other branches of government. This is an unprecedented step, which has no analogues in the world practice. There are no examples for the incumbent Head of the State, especially under a presidential form of government, to delegate his rights to the other branches of government to such a large extent.

At the same time, there are limits to the redistribution of power. It is important to understand that the institution of the President has been and continues to be the backbone core of Kazakhstan's statehood. The jurisdiction of the Head of the State undoubtedly still includes the key issues of the functioning and interaction of the branches of government. The constitutionally established powers ensuring the status of the President as Supreme Commander in the field of national security, law and order are not subject to revision.

Therefore, today and under new conditions the Head of the State dominates the branches of government, is the supreme arbiter and ensures their coordinated functioning and interaction. Only such a status is capable of ensuring rapid rates of political, economic and social modernization under Kazakhstan conditions. The Institute of the President plays and will continue to play thereafter an exceptionally important, leading role in the state and public life of our country.

In general, the Kazakhstan Parliament has passed a difficult path from the Soviet Supreme Council to a professional bicameral legislative body, which has proven its viability in effective legislative activities that contribute to the economic prosperity of the country, strengthening social and political stability, preserving civil peace and national harmony.

The Kazakhstan model of parliamentarism demonstratively proved its effectiveness and efficiency owing to the strict adherence to the following principles.

First, the entire legislative block of reforms has a clear comprehensiveness and consistency.

Secondly, the law-making activity of the Parliament has a focus arising from the general state strategy to implement and deepen reforms.

Thirdly, the technology of the entire law-making process is constantly being improved through tough and strictly followed regulations.

Fourth, each draft law is necessarily accompanied by a comprehensively and carefully developed mechanism for its implementation – draft by-laws and other regulatory documents, proposals on organizational structures, legal, economic and fiscal measures protecting this law, and so on.

For more than a quarter of a century of Independence, the Parliament of Kazakhstan has established itself as a full-fledged State government body, complying with the generally accepted international norms of representative democracy. The Parliament deputies proved their professionalism in solving state tasks and pursuing the policy of the First President of the Republic, its strategic course aimed at the growth of welfare and prosperity of every Kazakhstani.

So, today, the highest representative and sole legislative body of the country is rightfully an important element of the political system of an independent state, functioning in accordance with the principles of parliamentarism, which are generally accepted in the world practice. This is a vivid demonstration of the democratic vector of development of Kazakhstan society.

Developing and improving its work, the Parliament plays a significant role in strengthening the foundations of Kazakhstan statehood, developing the legal framework of all spheres of life.

The Kazakhstan Parliament is an active participant in almost all international and regional parliamentary structures with its special place in the international parliamentary community.

Today the ambitious program of business international contacts and relations of the Parliament of Kazakhstan is clearly written in the general outline of the country's foreign policy course and allows properly defending the interests of the Republic abroad, both through bilateral contacts and in the activities of international parliamentary structures.

The parliamentary delegations of Kazakhstan are actively involved in the activities of such international parliamentary organizations as the Inter-Parliamentary Union, the CIS Inter-Parliamentary Assembly, the OSCE and the CSTO Parliamentary Assemblies, the Parliamentary Assembly of the Organization of Islamic Cooperation (OIC PA), the Asian Parliamentary Assembly and the Parliamentary Assembly of the Turkic-Speaking Countries (TurkPA).

The international cooperation of the Parliament of Kazakhstan is of great practical importance. On the basis of the agreed model laws, the legal framework for cooperation between the states is being improved, the issues of

legislation harmonization are being addressed, and legislative support is being provided for the consolidated decisions made by the member states.

The further development of Kazakhstan's parliamentarism will undoubtedly contribute to the strengthening of statehood, the consolidation of democracy and the creation of conditions for the further progressive development of the society.

Sergey TERESHCHENKO

EXECUTIVE BRANCH: ROLE IN CONSTRUCTION OF KAZAKHSTAN'S STATEHOOD

As you know, the most difficult art is the art of control. At the beginning of the XIX century, Karl Börne, the German publicist, said remarkably about the harmonious combination of political actors and elements of life: "The government is the sails, the people are the wind, the state is the ship, and the time is the sea."

Under the present-day conditions, the success or failure of a country depends on the institutions of power. Not all institutional systems are the same and equal, some contribute to the development of the individual, business, prosperity of the country, and the others lead to poverty, disease, violence and misery. It is assumed that the USA and the United Kingdom are rich because they have created functional institutions in which political power is distributed much more evenly, the government is accountable to citizens and responds to their demands, and economic incentives and the opportunity to get rich are delegated to the general public.

Building an effective system of the statehood institutions is not an easy task, especially for the developing countries. It is even more difficult for the states that previously have not had independent state institutions.

According to the conclusions of F. Fukuyama, there are **three stages in building a nation state**. The first is when the state structure is completely destroyed and its radical restructuring is required to restore the life support systems (communications, electricity and water supply, food), to launch the budget treasury systems and bank payments. The second involves the creation of key state service institutions. The third stage of building a successful nation state is related to the issues of strengthening all state institutions. According to the authoritative scientist, such states are numerous and diverse, they have

fairly developed banking and tax systems. However, some of them (Mexico, Kenya) do not quite cope with the legal regulation and development of the legislative system.

Breaking the ground... with no right to underdevelopment

Over the past 27 years, Kazakhstan has passed all three stages in building the statehood.

During the first years of independence the efforts were aimed at **creating a basic infrastructure** to ensure the life of the country and the living conditions of its citizens. This is uninterrupted supply of electricity, restoration of payments, introduction of own currency, resolution of the problems of shortage of the goods and services.

Prior to the introduction of the presidential institution and the adoption of the first Kazakhstan Constitution in 1993, there were practically no modern political institutions in the country. Kazakhstan, in which a totalitarian political regime existed for seventy years, did not have historical experience in creating the civil society institutions and indeed a culture of democracy in general. We learned from the past only the archaic types of nomadic self-government and the difficult experience of command administration from a single union centre.

At the dawn of independence, Kazakhstan had to tackle on the run many short-term tasks that, like a snowball, struck numerous problems. This is the construction of a new system of government, the issue and the transition to the national currency – tenge. This is a solution to the painful questions of production reduction due to the rupture of horizontal union relations. These are saving people from cold and hunger, providing the country with foodstuffs, eliminating the shortage of goods and services, introducing the principle of self-government and cost accounting.

However, even in this difficult period of the early 1990-s, the long-term issues of institutional development also remained a priority.

The process of the historical formation of an independent Kazakhstan was accompanied by **the creation of own state institutions**. A quarter of a century has passed, and now topical conceptual ideas, in particular, the Five Institutional Reforms and 100 Specific Steps initiated by the Head of the State, are already aimed at strengthening the previously created state institutions, forming the foundation for reforms of the country's political system.

Democracy architecture

At the start of the new “Kazakhstan project”, it seemed to many that political modernization was impossible for us. The republic inherited a rigidly centralized and hyper-bureaucratic state-administrative system from the Soviet period. It was characterized by a **high degree of regulation** imposed on the private sector, on the one hand, and, on the other hand, the lack of proven approaches to the effective **delimitation of competences between** the levels of government.

The formation of a modern model of executive power began at the end of 1990. During this period, the representative body – the Supreme Soviet of the Kazakh SSR – had virtually unlimited power in resolving the state issues. At the local level, the “first violin” was played by the Soviets of People’s Deputies. The people’s representatives of that period did not always understand the essence of the upcoming reforms, decisions were made by them slowly, although the current operational situation required decisive anti-crisis measures. In addition, at the start of large-scale transformations, there was a catastrophic shortage of qualified managerial personnel who could think in a new way with implementing the progressive ideas of the President of the Republic.

It is for this reason that the Head of the State was forced to take the initiative and responsibility for the future of the people of Kazakhstan. Based on the specific conditions, the choice was made in favour of the **power concentration model**.

The President of the country confidently led the executive branch. The unification of the posts of the Head of the State and the head of the executive branch in that historical period was due to the specific circumstances of life in the transitional period. The concentration of powers optimized the process of making vital decisions, which at that time ensured more effective governance of the country.

On this occasion, N.A. Nazarbayev noted the following: “At the initial stage of reforms, when it was necessary to solve the most complex and completely new tasks, to master on the march the new functions of state administration, to overcome the psychology of the obedient relaying of Moscow commands, to get used to and get on their feet, the Government first “hid behind” the prestige of the President, working with him in a single structure, sharing failure more than success”.

Let us recall how the Council of Ministers was transformed into the Cabinet of Ministers, how its accountability passed from the Supreme Council to the

President of the country. The government became a collegial body under the President, an operational headquarters that worked around the clock under its direct control. The Head of the State had rather wide powers in the management of executive bodies. The President appointed and dismissed the Prime Minister and members of the Cabinet of Ministers with the submission of its members for approval by the Supreme Council. He was entitled to establish and abolish the state bodies, to suspend or repeal the orders and instructions of the government. The President administration and the office of the Cabinet were an integrated whole.

The competence of the Cabinet of Ministers in those years was of a derivative nature, it was limited mainly to solving issues of current government of the state. Many authors further emphasize that **during the period of formation of state sovereignty, it was the presidential power that allowed establishing political and economic stability in the country.** In this context, the role of the Government cannot be overestimated, since it was the conductor and direct executor of the President's policy, its support in reforming the state's economic and social system.

Following the course of reforms

Thereafter, the President of the Republic carried out the first major reforms in the sphere of public administration: the useless state bodies were abolished and new ones were created, their powers were revised, duplication of functions was eliminated, personnel changes were carried out. At the same time, the formation of the institutions and principles of the new Kazakhstani democracy took place. The mass media was granted the right to attend meetings of the Cabinet of Ministers, working groups, and interdepartmental commissions. The Government draft laws and resolutions could be submitted for public discussion.

The reforms took place in the regions. The local executive bodies – the executive committees of the Soviets of People's Deputies – were transformed first into regional and city administrations, and then into akimats. The akims of regions and cities of republican significance (they replaced the heads of the respective administrations) were appointed by the President, subject to the principle of one-man management, they represented the Head of the State at the local level.

By the middle of 1993, the central government bodies were represented by 23 ministries, 9 state committees, 3 committees and 4 main departments,

3 agencies, the State Commission on Emergency Situations, the State Television and Radio Broadcasting Company “Kazakhstan”, the Higher Attestation Commission and the National Patent Office under the Cabinet of Ministers. At the end of 1994, by his decision, the President of the Republic granted the Cabinet of Ministers freedom of action in the implementation of the program to deepen reforms and ensure the current management of the economy. At the same time, the Government was assigned full responsibility for the effectiveness and quality of decisions made. The President of the Republic distanced himself from the executive power in addressing the current issues of government of the state.

With the adoption of the new Constitution of the Republic of Kazakhstan in 1995 at the republican referendum, the next stage of the executive power reforming began. The President of the Republic became the head of the entire public administration system and coordinated the three branches of government and thus ensuring the principle of **unity** of the state activity. Although, at the same time, the Government, being the “right hand” of the President in implementation of the state policy, began **to head the system of executive bodies and manage their activities**. Moreover, the new Constitution contributed to the concentration of powers in the system of executive bodies and the centralization of state regulators. The akims of regions, cities of republican significance and the capital began to be appointed by the Head of the State not individually, as before, but at the suggestion of the Prime Minister. The created power vertical made it possible to unite all the executive bodies located on different “floors” of the state administration in order to ensure the concurrence of their actions from a single centre.

The changes were not long in coming. There was a fairly **clear separation** of the areas of responsibility and areas of influence – both between the central government and local government bodies, and between the Government of the Republic of Kazakhstan and the state bodies that were parts of its structure. The process of delimitation of competences between the public and private spheres also began.

The activities of the Government gradually withdrew from covering and controlling all spheres of the country’s life and focused on the most important tasks and functions. The principal institutional changes were the abolition of the state bodies that performed planning and distribution functions (Gosplan (State Planning Committee), Gossnab (State Logistics Committee), Gosstroy (State Committee for Construction)). The number of ministries and departments

was reduced by half. At the same time, the administrative territorial structure of Kazakhstan was reformed: 14 oblasts instead of 19 and 169 districts instead of 230.

From manual control to decentralization

As a result, we were able **to systematize the functions** of public administration, streamline the budget flows, clearly delineate the areas of responsibility of various government agencies, and significantly “bring” the provision of public services to the citizens. The work still continued. Since the middle of 1990-s, the Government has been consistently moving along the path of avoiding the “manual control” to performance management, to provide greater autonomy to the state bodies and local executive authorities.

The goal of this complicated process of power regulation was to form a **state feedback system** with the citizens and legal entities, and to ensure broad accountability of the state administration to the society.

So, the reforms followed again and the transformations again modernized the structure of the Government. Instead of 17 ministries, 9 agencies and 54 committees, the executive branch has been reduced to 12 ministries and 30 committees. More than a half of the functions of the Government were transferred to the level of central executive bodies and akimats. In addition to decentralizing management, duplicate functions were excluded, there was a beneficial delineation of powers between the centre and the regions.

At the same time, the large-scale work was carried out to improve the **quality of public services**. The task was to qualitatively change the format of public administration and the content of managerial decisions, creating institutional conditions for effective work of the state institutions. On the instructions of the Head of the State, the enormous work was carried out to ensure equal access to the public services for all citizens of Kazakhstan. For this purpose, in 2007, the **population service centres** were opened in all regions of the country. The initial list of public services provided by 30 PSCs consisted of 25 items. To date, 353 front offices of the PSCs of the country provide more than 500 public services. Moreover, the majority can be obtained or “ordered” through the web-portal of the “electronic government”.

The mobile Population Service Centres have been established and are successfully operating in the country today, whose task is to ensure the availability of public services to the widest segments of the population, including disabled people and residents of remote population centres. In 2016, the “Government for Citizens” integrated all PSCs, Real Estate Centres, the

Land Cadastre offices and the State Centre for Pension Payments (SCPP) into a single organization. From this point on, all public services rendered to customers were transferred to “one stop” principle, when, through one visit and one application, a citizen receives integrated services and an end result.

At the next stage, it is planned to introduce **the principle of “life cycles”** – the provision of public services taking into account the life situations of citizens and their passing through a certain life stage corresponding to their age, professional and social category.

Along with the improvement of the functional-organizational model, the structures and elements of the executive branch were gradually democratized. On the initiative of the President, the practice of public speeches of the ministers and akims before the population, the procedure of **election of akims of the district** in the city, akims of the rural district, settlement and village by the district maslikhat was introduced. At this level of the administrative territorial structure, the akim is elected from candidates no less than 25 years old, represented by a higher akim and agreed with the meeting of the local community.

At the local level, the authorities have begun to implement an independent budget for local self-government. What was previously regulated exclusively by the President of the country was transferred to the level of responsibility of the local authorities, and all their decisions were made with the direct participation of the active territorial communities.

Serious changes were made to the **public servants themselves**. In Kazakhstan, a matrix was chosen for the modern, professional public service, which was independent on political appointees, based on meritocracy, i.e. the principle of competence. The President of the Republic, during his speech on March 11, 2015, at the XVI Congress of the Nur Otan Party, made a principled remark in this respect: “At present, it is obvious that administrative public service is determined by the political level. This politicizes decision-making, even in such cases where you need professional management without any policy. In the state administration, the team is formed around an individual boss. Such protection creates the conditions for corruption, increases nepotism and reduces human potential. At the same time, the public service remains an unattractive sector due to low wages. The public servants often do not have clear career prospects, and promotion depends on notorious patrons. I know that the important state programs and projects “suffer” from the lack of competence of some government officials at various levels.”

One more significant thought of the Head of the State: “Meritocracy should become a universal principle not only for the government, but also for the entire public sector, including the courts, law enforcement agencies, national companies and holding companies”. On the basis of principled attitudes, on the initiative of the Head of the State, a transition was made from a positional to a career model of public service. In practice, it marked the phased career growth of an individual public servant in the process of enhancing his/her experience, knowledge, abilities, and skills “within the system”.

Today, entering the public service begins with the basic posts. Each candidate is tested to assess his personal qualities, professional and managerial skills, and the selection procedure for new entrants to the public service is objectively centralized. The career progression is strictly advanced through the competition, step by step, consistently from the lower position to the higher position. In this way, the principle of meritocracy is defended and the family, clan and political-command mechanisms of selection for the public service are eradicated.

At the present level of government, the political power has approached the forms of direct democracy. However, such a level of decentralization of power did not happen overnight – with the adoption of a multifaceted and comprehensive reform of the President of the Republic and the Government’s plan for its implementation. Decentralization of this level of freedom required thorough preparation and reformation of economic, social, political, and even cultural conditions. It is no mere chance; these reforms were carried out during several years. The Government was formed consistently and gradually as the carrier of an efficient, professional branch of state power, fully adapted for independent and autonomous work in the country’s power system.

New authorities... it does not admit of doubt

As far back as in the 1990-s, Kazakhstan carried out the large-scale market reforms. During this period, a mass privatization program was adopted, collective and state farms were dispersed, financial and banking reforms were carried out, a transition to an accumulative pension system was realized, and the market legislation was implemented. In the future, the Tax, Budgetary and Civil Codes were adopted in the country, and the business and banking legislation was updated. The budget subsidies and privileges were abolished or monetized, the most non-market customs and tax preferences were cancelled. The economic policy was oriented towards liberalism and non-interference in private economic relations.

Entrepreneurs were able to get loans in banks and to borrow money on the stock exchange. The citizens had the opportunity to take a mortgage loan to buy a house. Everyone got the right to open any business demanded by the market. The companies freely hired employees and sold products and services in the free market. As a sovereign state, we have tax, budget and customs systems that have proven their stability and successful functioning.

A fundamentally new structure of the economy of Kazakhstan was gradually formed. The private sector appeared, the foundations of the middle class and large capital were laid. The National Fund was created, which began to accumulate revenues from the oil and gas industry.

Due to economic reforms, the modern period of the history of Kazakhstan, beginning in 2000, was marked by an unprecedented economic growth, which reached 10% per year. By the year 2003 so far, Kazakhstan had returned to the level of GDP in 1991, and by 2008 it had practically reached Russia in terms of GDP per capita. Economic growth had a positive impact on the welfare of the Kazakhstanis. The average per capita nominal income of the population increased from 46 dollars in 1999 to 200 dollars in 2007.

In 2001, according to the World Bank, the highest absolute poverty level in the country was recorded – 10.5%. This is more than 1.5 million people. Extensive social support by the State to vulnerable segments of the population, as well as the introduction of targeted social assistance, made it possible to prevent the expansion of poverty. So, in the future, its level was reduced to almost zero. According to data for 2015, the absolute poverty level in Kazakhstan was only 0.03% that is just over 5 thousand people.

We managed to achieve good results in health care too: life expectancy increased, maternal and infant mortality decreased. Today, Kazakhstan is among the few countries with high coverage of pensions comprising a significant part of health care costs, and a free system of secondary and secondary technical education. However, at the same time, the tax burden on income is low.

At every stage of life, the citizens are guaranteed the provision of the minimum necessary level of social services. This provides equal starting opportunities for self-realization to all members of the society. In practice, this means, for example, that for children of preschool age it is planned to establish the preschool education and upbringing organizations with a guaranteed necessary set of services. The labour sphere provides for a minimum wage and annual paid leave. Such living standards are guaranteed by the State to all citizens – regardless of their place of residence, income level and other features.

We certainly still have much to do in order to build a more efficient modernization-type state. James Madison notes in the Federalist collection: *“In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government.”*

The President of our country is an extremely experienced and wise person. According to his estimation, “the experience of many countries shows that violation of the principle “first a strong state and economy and then – a policy” leads to disasters, “splits” the society. In some countries, the political regimes are being destroyed, in others, economic collapse, conflicts and even civil wars ensue... Spontaneous politics on the streets and life from elections to elections is not the way that a reasonable state should follow”.

It is not seemed it was not by chance that a course was chosen for a **consistent construction on the principle** “the economy and a strong state first and then – politics”.

For 27 years, **under the direct supervision** of the Head of the State, Kazakhstan has consistently created the institutions of the executive branch, strengthened their status, worked to strengthen their efficiency and professionalism, to build a feedback system with the population. So, when this was achieved, when it became clear that the Government, as a branch of the executive power, could **independently determine** the political course of development, initiate laws and programs, implement them without burdening the population with administrative red tape, while remaining open to change, the decision to strengthen its independence has been made.

In this regard, the initiation of constitutional reform by the Head of the State in the first half of 2017, according to which about **40 powers** of the President in regulating social and economic relations were transferred to the Government, reflected the reasonableness and justification of all the previous changes that occurred in the executive branch. For the first time, the Government is becoming an independent and autonomous branch of power with eliminating the right of the Head of the State to cancel or suspend the acts of the Government and the Prime Minister. Thus, the Government itself will bear full responsibility for its acts and practical steps.

With the adoption of the constitutional amendments in 2017, **the influence of the Parliament on the Government** has dramatically increased. To a greater extent this was facilitated by two new factors. First, it was the obligation of the Government to abdicate to the newly elected Mazhilis. Secondly, from

now on, the party with the majority of seats in the Mazhilis had a greater influence on the formation of the leadership composition of the Government. In practice, this happens mainly through consultations of the Prime Minister with the Mazhilis of the Parliament on the issues of approval of the candidacies for the posts of the ministers and other members of the Government.

It is worth noting that the Government, the local executive authority also has constitutional powers and mechanisms of influence on the Parliament. According to the rules of the Framework Law of the country, the Government develops and executes the budget, gives opinions on draft laws relating to the reduction of state revenues or, to the contrary, an increase in public expenditures.

For the first time in the contemporary history of the country, the constitution stated that “the members of the Government are independent in making decisions within their competence and are personally responsible to the Prime Minister for the work of the state bodies subordinate to them. A member of the Government, who does not agree with the policy pursued by the Government or does not implement it, shall resign or be dismissed.”

Let us mention the capacious and precise words of the Head of the State said on March 10, 2017, at the ceremony of public signing of the Law “On amendments and alterations to the Constitution of the Republic of Kazakhstan”: “The current reform is a natural result of the development of our State. We are a young country, which is building its statehood. We need to meet the requirements of a changing world, both economically and politically. A number of the powers of the President are delegated to the other branches of government. The Government will increase its independence and responsibility for the decisions made. The Parliament will receive new powers to control the activities of the Government and executive bodies. Guarantees of the inviolability of the constitutional order, sovereignty and independence of our country will be strengthened.

The political system will acquire a greater degree of democracy and stability... The rapid technological revolution in the modern world is shaping a new reality in the global economy as was mentioned in the Message. The renewed Constitution is our response to the challenges of the time. To achieve the strategic goal – the country’s entry into the Top 30 developed countries of the world – it is important for all citizens of Kazakhstan to unite their efforts. I am sure that together we can ensure the successful development of the State and the prosperity of our people in the 21st century. This is the main goal of the reforms – to preserve our unity, friendship, mutual understanding, equality of citizens according to ethnic, linguistic and confessional principles.

Thanks to this cohesion, we have repeatedly won. Following these tenets, we will achieve new victories!”

Kazakhstan: the leadership concept

The idea of strong, legally guaranteed powers of the Government is not new. At the dawn of independence of Kazakhstan, the President of the Republic understood that there was no alternative to creating an authoritative and competent institution of executive power. It is acting independently and responsibly, within his competence, autonomous from the institution of the President of the Republic and his Administration.

This idea was implemented in the 1990-s. Under the conditions of a difficult international stop, in the position of a newcomer on the world stage, Kazakhstan was forced to strengthen the executive power and executive discipline by all means. In addition, a coherent system of state bodies did not exist, they were only to be created, and this caused the inevitability of a temporary strengthening of the presidential powers and the institutions related to the President of the Republic.

In the most difficult situation of the first years of Independence, Nursultan Abishevich purposefully shouldered all responsibility for the situation in the country, for the lives of its citizens.

The urgent need for decisive reforms delegated full authority specifically to the President of the country. It was a difficult, but far-sighted decision. During all subsequent years, the Head of the State carefully built and tuned the state mechanism: ministries, departments, agencies, services, law enforcement and power units, the system of akimats of oblasts, cities and districts, and the local governments. So, when these institutions got stronger, gained practical experience, and proved their efficiency and significance, the Head of the State decisively abandoned some of his powers in favour of the Government and the Parliament.

The President of the Republic accomplished what he dreamed about and planned at the dawn of independence. From the beginning of the 1990-s, when our Fatherland appeared on the world map, 25 years passed before the constitutional approval of the trinity of the branches of power, their clear powers and responsibilities.

In order to get closer to the current state of the State institutions, at various stages of the country’s modern history the President initiated deliberate programs, strategies, and messages. Among the underlying documents are the Strategy “Kazakhstan – 2030”, Five institutional reforms and the “Plan of the

Nation: 100 specific steps”, the Development Strategy of Kazakhstan until 2050. The process of self-development, improvement in Kazakhstan does not stop even for a moment. The role of the state institutions, including the role of the Government, is also being rethought today. These changes raise questions concerning the extent to which the State should intervene into economic life through regulation or other instruments. What is the right balance between freedom of economic activity and legislative regulation?

Today, not only in Kazakhstan, but also in other countries of the world, including the most developed ones, there are great discussions about which approach to the institutions of the State is optimal. After the crisis of 2008, criticism of economic liberalism intensified in the world, while support for state capitalism steadily increased. Much of it is owed to the practice of public administration in China, which has been showing high growth rates for more than 30 years. At the same time, in the developed countries there is a crisis of public finances, a shaky balance of central banks, low economic growth, high unemployment rate and growing inequality. Today, some Asian countries already surpass the Western states in terms of life expectancy, quality of education, number of inventions and patents. In addition, the income gap is sharply reduced.

Today, it can be said in a responsible manner that the Constitutional reform of 2017 was not only demanded by the people, but also quickly yielded practical results. The redistribution of power in Kazakhstan was enthusiastically approved by the politicians and the expert community throughout the world. The consensus opinion of the Western European and American researchers in this respect is that **a strong state apparatus** is formed sequentially, **evolutionarily**. In addition, it should be borne in mind that the history of building the state apparatus in developed countries (with a combat-ready army, developed institutions of private property, a tax administration system and a judicial system) takes **several centuries**.

Indeed, the OECD countries are not developed by chance, but in connection with the underlying political and social conditions that have developed therein. Moreover, weak countries, outsider countries, as well as their governments, are a source of great, intractable problems. The lack of workable programs of health care, education, access to clean water, and electricity is reflected in the fact that in some countries the average life expectancy is barely 50 years, every day tens or hundreds of people die because of wars and unrest.⁹⁴

⁹⁴ Niall Ferguson. *The Great Degeneration: How Institutions Decay and Economies Die*. 2012

All East Asian countries, such as Japan, South Korea, or Taiwan, also have a long history of political centralization. Singapore's statehood was established in the 1960-s – 1970-s, but this small city-state was already quite prosperous at that time, had a long history of trade relations and a significant economic potential. So, Kazakhstan has measured for itself only a quarter of a century to build a full-fledged and effective statehood.

Niall Ferguson called Kazakhstan on the threshold of the historical process as “**the great convergence**”. In his opinion, it was the more significant event than the collapse of communism, which was realized in the late 1980-s. If you follow this concept, the centre of the world is now shifting from the north to the Urals, and by 2025 **it will be located north of Kazakhstan**. For our country, this will mean a “**window of opportunity**” to enter the “club” of thirty developed countries of the world.

Epilogue

The review of the key milestones in the transformation of the executive branch of power over the past 27 years convincingly demonstrates the objective need for recently implemented domestic political innovations. These changes are part of the phased implementation of the far-sighted vision of the wise architect of a young Kazakhstan.

The formation of our country began with the formation of a super-presidential system of governance. These were the first steps into the unknown, quick and clear answers to the challenges of the time. The lack of experience in independent economic management, the shortage of manpower with advanced market thinking required at the dawn of independence from the Leader of the Nation the meticulous coordination of actions of the executive branch. It was necessary to make arbitrary decisions, to shoulder full responsibility, to carefully and continuously monitor the implementation of the chosen course.

Thanks to the discerning educational and personnel policy of the Head of the State, there has been a steady expansion and accumulation of new managerial competences of the Government and the local governments. This was the start of a gradual increase in the degree of independence of the executive branch. The fateful strategic documents of the President of the Republic served as a reliable navigation system, clear instructions for the maturing system of the executive state bodies and their specialists.

The global crisis of 2008 became a kind of the test of maturity of the Government and all the executive authorities of the Republic of Kazakhstan. Successful overcoming thereof – as curbing of a stubborn stallion by a young

nomad – was a confirmation of the readiness and ability of the Government to continue making balanced decisions and at the same time to bear full responsibility for them.

The stage of formation of the modern state ends today with a balanced distribution of powers between the President, the Government, the Parliament and the regional authorities in accordance with the constitutional reform announced by the Head of the State. Having formed a modern state with a progressive system of governance, the President, on behalf of the whole nation, entrusts the executive branch with a new mission of dynamic development in the face of increasing global competition.

However, this competition is not classical; it requires the development of fundamentally new approaches and values. The success of Kazakhstan in the competitive struggle on the international arena implies the overcoming of trials with which neither the Kazakhstan people, nor the authorities, nor the economy have ever faced.

Successful navigation of Kazakhstan under the conditions of a new world order requires from the Government even more mobility, adaptability, and high professionalism. It is these qualities that were absorbed by the young managerial elite, which studied in practice the best experience and tools of the management systems of the West and the East. The process of generating new elites capable of taking challenges and developing non-standard solutions is another merit of the Leader of the Nation.

The carried out Constitutional reform is another pillar in the foundation of the future of Kazakhstan. All ideas and innovations are carried out on time, in strict accordance with the historical demand of the time. Precise efficiency tuning allows our State to look confidently into the future, increase the well-being of citizens and the economic power of the country. It creates and strengthens the social optimism.

With the joint efforts of the Leader of the Nation, the Parliament, the Government, judicial and legal system, **with a consistently high degree of national confidence and support**, we will be able to successfully implement the ambitious goals we have set! The history has given us a rare chance to stand at the origins of creation of the new Kazakhstani statehood. A lot has been done, the next tasks are ahead. Against the background of the challenges of global competition, we are obliged to protect the conquests of the past, satisfy the demands of the present and justify the hopes of the future.

Kazakhstan as a whole, our wonderful people, the authorities of the executive system have full confidence in the future success and prosperity of the country.

**CONSTITUTIONAL CONTROL:
AFFIRMATION OF THE SUPREMACY
AND DIRECT OPERATION OF THE CONSTITUTION**

A significant role in understanding and explaining constitutions, ensuring their supremacy and direct operation in the territory of a given country and in the sphere of international relations is assigned to the Constitutional controlling bodies. In fulfilment of the mission and functions established by the Framework Law, they are active participants in the process of constitutionalization of all aspects of the society and the State, contribute to the establishment of the contemporary system principles in the legislation, embody the generally accepted and national values in state building and the legal system, stimulate the development of civilized relationship between a man, society and the State.

The constitutional control currently exists in most countries. Its presence has become an indispensable attribute for any state where compliance with the norms and principles of the Constitution is indisputable.

In the past, both in the USSR and in other socialist states, the constitutional control institute was absent, because a priori it was believed that the acts of the highest state bodies of people's representation – the Supreme Soviets – could not fail to comply with the Framework Law. Compliance with the Constitution was assigned to the presidiums of the Supreme Soviets.

In our country, the establishment of the constitutional control institution began simultaneously with the processes of gaining the Independence.

After the establishment of the post of the President of the Kazakh SSR and the election of N.A. Nazarbayev for that post, by the middle of 1990, a bill was drafted that provided for the establishment of a Constitutional Supervision Committee in the country on the model of the USSR Constitutional Control Committee. However, it was never adopted by the Supreme Council.

Subsequently, Article 10 of the Constitutional Law of the Republic of Kazakhstan “On the State Independence of the Republic of Kazakhstan” dated December 16, 1991, stipulated that “the Constitutional Court of the Republic of Kazakhstan shall be the supreme judicial protection body of the Constitution”.

The Constitutional Court of the Republic of Kazakhstan is the first constitutional review body in Kazakhstan. It laid the foundation of the

constitutional justice, made an appreciable contribution to the establishment and strengthening of this institution in our country and proved its importance and the need to develop a legal state.

At the stage of the formation of Kazakhstan statehood, the paramount task was on the agenda – to ensure the legitimacy of the chosen system of state and social structure, which, as a rule, is achieved by adopting constitutional acts that have the highest legal force. Domestic and external conditions required developing a new Constitution, which was adopted by the Supreme Council of Kazakhstan on January 28, 1993.

The working groups on all constitutional issues have always been headed by the Head of the State himself. Despite the fact that Nursultan Abishevich Nazarbayev does not have a diploma in legal education, he can be called without prejudice a lawyer with a capital letter. I am convinced of this more than once. Nursultan Abishevich always personally led discussions, and not only when discussing drafts of constitutions and constitutional reforms, but also when making other major decisions on issues of state legal policy (Criminal and Civil Codes and many others).

In accordance with the Constitution of 1993, the Constitutional Court reviewed laws and resolutions of the Supreme Council for compliance with the Constitution; regulatory acts of the President, the Government, ministries, government agencies and departments; directives of the Supreme Court, the Supreme Arbitration Court; statutory regulations of the General Prosecutor. The Constitutional Court also verified the constitutionality of unenforced international treaties and other obligations of the Republic. In addition, at the first stage, the Constitutional Court was granted the right to review cases on the constitutionality of law-enforcement practices affecting the constitutional rights of the citizens. Later the legislator excluded this authority from the competence of the Constitutional Court.

The Constitutional Court was an elected body. It was elected by the Supreme Council on presentation of the Head of the State by open ballot for a period of ten years. Candidacies for the positions of judges of the Constitutional Court were previously discussed at meetings of the committees of the Supreme Council.

The Constitutional Court began to operate in 1992, when the laws “On the Constitutional Court of the Republic of Kazakhstan” and “On Constitutional Proceedings” were adopted, and the chairman and its deputy and nine judges of the Constitutional Court were elected: President of the Constitutional Court – M.T. Baymakhanov, Vice-President of the CC – I.I. Rogov, Secretary

of the CC – A.M. Nurmagambetov, judges of the CC: Zh.N. Baishev, K.Zh. Dzhalmyukhanbetov, U.K. Ikhsanov, S.A. Kassimov, G.V. Kim, L.I. Basharimova, V.A. Malinovsky and S.F. Udartsev.

Not only officials specified in the law could apply to the Constitutional Court, but also the citizens who were entitled to initiate proceedings on the matters directly affecting their constitutional rights, if they are not under the jurisdiction of the other courts, or when the other courts did not apply the rules of the constitutional law to be applied, or applied the norms of the Constitution of the Republic of Kazakhstan, which are not applicable in this particular case, or misinterpreted the rules of the constitutional law.

The Constitutional Court could initiate proceedings on its own initiative on the issues of compliance of the Constitution of the Republic of Kazakhstan with the laws and regulations, as well as the constitutionality of law enforcement practices affecting the constitutional rights of citizens of the Republic of Kazakhstan.

Thus, the subject of consideration of the Constitutional Court was almost all acts of the law in force. From July 1992 to August 1995, the Constitutional Court actually considered fifteen appeals. They concerned the protection of property rights, labour rights of citizens; the principle of separation of powers, the activities of the Supreme Council and local Councils of People's Deputies; constitutional procedures for passing laws; independence of the courts; and electoral legislation.

The so-called “Kvyatkovskaya case” reviewed by the Constitutional Court has left a noticeable trace in the modern history of constitutional development.

The Constitutional Court sustained the claim of citizen T.G. Kvyatkovskaya and by the resolution of March 6, 1995, recognized a number of acts of the Central Election Commission relating to cutting constituencies and determining election results as violating the principle of equal suffrage. The Constitutional Court overruled the objections of the President of the Republic of Kazakhstan and the Chairman of the Supreme Council submitted to the said resolution. In the additional decision of March 11, 1995, the Constitutional Court has clarified that “the legal consequence of the ruling of the Constitutional Court of March 6, 1995, is the unconstitutionality of the powers of the Supreme Council elected on March 7, 1994, as well as the powers of the deputies of the Supreme Council elected at the by-election on January 22, 1995...”

After the decision of the Constitutional Court, the US Ambassador to Kazakhstan, William Courtney, said: “Kazakhstan is no longer a student,

but a teacher of democracy. All Kazakhstanis can be proud of this, and the USA has a reason to be proud of Kazakhstan.” The Constitutional Court of the Republic of Kazakhstan was awarded the Badge of Honour “For Courage” by the ODIHR / OSCE.

Subsequently, from March 1995 to January 1996, the President of the Republic acted as a legislator, issuing decrees having the force of constitutional or “ordinary” law. They played a crucial role in the implementation of the radical reforms and transition to the market economy.

The Constitutional Court also considered claims related to ensuring the vital interests of citizens. It recognized unconstitutional the legal acts that established the low size of the consumer goods basket, which could not meet the basic needs of people.

Despite the short period of its functioning, the Constitutional Court played a prominent role in the formation of constitutionalism in independent Kazakhstan.

The Constitution of 1995 established a new quasi-judicial Constitutional control body – the Constitutional Council.

In historical terms, the basis of the modern constitutional justice implemented by the Constitutional Council conventionally is formed by the French model of constitutional control. The Constitutional Council of the Republic of Kazakhstan is comparable in its external form and order of formation with the French model of constitutional justice, and in function – with the specialized constitutional courts. If the main task of the Constitutional Council of France is to control the activities of the Parliament, then the task of the Constitutional Council of the Republic of Kazakhstan is much broader.

In my opinion, the foreign specialists contributed to a certain extent to a change in the model of constitutional justice. In order to analyse and carry out an independent examination of the effective draft Constitution in the summer of 1995, the Expert Advisory Board from among well-known domestic and foreign lawyers acted under the Head of the State. The latter included the adviser to the State Council of France, Jacques Attali, and the former Chairman of the Constitutional Council of France, Rolland Dumas.

The Constitutional Council was formed in 1996 in accordance with the Constitution of the Republic of Kazakhstan of 1995 adopted at the republican referendum, as well as by the Decree of the President having the force of a constitutional law “On the Constitutional Council of the Republic of Kazakhstan” of December 29, 1995 (later amended to the constitutional law). The Constitution of the Republic contains Section VI dedicated to the

Constitutional Council. The mentioned section establishes the rules defining the composition, the procedure for appointing members of the Constitutional Council, its competence, legal force and the consequences of adoption of final decisions of the Council. The above-mentioned Constitutional Law establishes provisions for the implementation of Section VI of the Constitution, details the procedure for forming the composition, specifies the requirements for candidate members for the Council, the status of the chairman and members of the Council, the procedural basis of the Council's activities, and the issues related to its final decisions.

The Constitutional Law also establishes the norms and provisions defining the constitutional and legal status of the Constitutional Council. According to Article 1 of the Constitutional Law, the jurisdiction of the Constitutional Council to ensure the supremacy of the Constitution extends over the entire territory of the Republic.

The Constitutional Council is attributed to the highest state bodies primarily due to the fact that its status and competence, along with the competence of the President of the Republic, the Parliament, the Government, are enshrined in the Constitution of the country. The rules of this act emphasize the important place of this legal institution in the state-governmental mechanism and guarantee the greatest stability of its functioning.

The Constitutional Council is not part of the unified system of branches of government, it does not belong to the judiciary and is not a cassation or supervisory instance for the courts of general jurisdiction.

The presence of the Constitutional control body – the Constitutional Council – in the constitutional-legal field of the Republic inevitably introduces its own “amendments” to the traditionally existing understanding of the constitutional principle of “a system of checks and balances between the branches of government”. The independence and autonomy of the Constitutional Council and its constitutional “removal” from the bodies of a single system of the government branches (primarily legislative and executive) provides the basis for the development of a doctrine of an independent constitutional system of control. The decisions adopted by the Constitutional Council and the legal position contained therein are the material composing to a certain extent the constitutional law. Figuratively speaking, the modern constitutional law of the Republic of Kazakhstan is largely developed to the extent that the norms and provisions envisaged in the Constitution are interpreted by the Constitutional Council.

The organizational and functional specificity of the Constitutional Council predetermines its special place in the general system and structure of the state bodies. At the same time the constitutional control exercised by the Constitutional Council has a political and legal nature, since the Council protects the Constitution of the Republic – the country’s political and legal document, which is primary for the whole society.

It is also necessary to focus on the fact that the predestination and mission of the Constitutional Council are directly related to the function and activities of the President of the Republic in ensuring the inviolability of the Constitution, human and civil rights and freedoms (clause 2 of Article 40 of the Framework Law). This fundamental circumstance determines the constant attention of the First President – Elbasy – to the institution of constitutional control, the desire of Nursultan Abishevich to create an authoritative, most efficient and responsible state body.

As is known, the situation with ensuring the supremacy of the fundamental law, human rights and freedoms, as well as the state of the institution of constitutional control, is causing concern today in a number of foreign countries.

In Kazakhstan, a stable increase in the role and guarantees of the Constitutional Council is an effective strategic means of strengthening Kazakhstan’s constitutionalism.

The Constitutional Council adopts regulatory decisions, which, according to the Constitution, are included in the current law system, they are binding throughout the territory of the Republic. In order to fulfil its high mission, the Constitutional Council is vested with power and compulsory powers. That is, in the events provided for by the Constitution, it is entitled to recognize as inconsistent with the Constitution the laws passed by the Parliament before being signed by the President; repeal existing laws and other legal acts; solve questions about the correctness of the election of the President, deputies of the Parliament; establish compliance with constitutional procedures when discharging or removing the President from office. The Constitutional Council has its own sphere, area of practice (competence). The foregoing characterizes the independence of the Constitutional Council as a state body that forms part of the state apparatus, endowed with the competence necessary for performing constitutional and legal functions. According to the Constitutional Law, it is not allowed interfering in the activities of the Constitutional Council. The guarantee of the independence of the Constitutional Council is, first of all, the position of the Constitution of the Republic of Kazakhstan itself in the hierarchy of legal acts.

Over the years of its activities, the Constitutional Council has become a real driving force behind the mechanism of constitutional procedural regulation and the development of constitutional legal relations. As the main part of the legal mechanism, it serves to ensure and develop constitutional processes within the framework of the Framework Law. Playing a significant role in properly implementing the norms and principles of the Constitution, the Constitutional Council has become an important guarantor of the exercise of the rights and freedoms of a person and citizen. Through its formally defined, legally-imperative, regulatory and basic final decisions, the Constitutional Council actually participates in ensuring the balance of the branches of government and largely predetermines the main directions of legislative, judicial and legal reforms.

In order to avoid politicization of the Constitutional Council, which may manifest itself in resolving the issues related to the competences of the legislative and executive branches of government, for the purposes of prevention of a decrease in the effectiveness of its activities as a Constitutional and control institution of the State, the Constitutional Law “On the Constitutional Council of the Republic of Kazakhstan” provided serious legal guarantees for the independence of this body from all kinds of political processes.

First of all, such a guarantee is the provision of the Constitutional Law that members of the Constitutional Council shall be guided, when exercising their powers, only by the Constitution and the Constitutional Law “On the Constitutional Council of the Republic of Kazakhstan”. In addition, the Constitutional Law establishes that, in exercising its powers, the Constitutional Council is autonomous and independent from the state bodies, organizations, officials and citizens, and cannot proceed from political and other reasons. The Constitutional Law also specifically states the following: the Chairman and members of the Constitutional Council are independent in performance of their duties and are subject only to the Constitution and the Constitutional Law “On the Constitutional Council of the Republic of Kazakhstan”. No other acts are obviously binding on them. Any interference with their activities, as well as pressure or other influence on them in any form shall not be allowed and shall entail responsibility under the law. Article 377 of the Criminal Code of the Republic of Kazakhstan dated July 3, 2014 (“Impeding the activities of the Constitutional Council of the Republic of Kazakhstan”) establishes responsibility for interfering in any way with the activities of the Constitutional Council of the Republic of Kazakhstan in order to prevent it from exercising

its powers. This constitutes an important guarantee that the body of constitutional control is protected from possible negative influence on its activities.

The proper performance of functions of the Constitutional Council is also ensured by the organizational, financial and material and technical independence of the Constitutional Council, the principles of constitutional procedure, irremovability within its term of office, immunity of the Chairman and members of the Council, equality of their rights, special procedure for suspension and termination of their powers and other constitutional and legal guarantees.

The norms of the Constitution and the Constitutional Law “On the Constitutional Council of the Republic of Kazakhstan” on the requirements for candidates for the position of the Council members, which are important components in determining their status, are a kind of guarantee of the effective activity of the Constitutional Council. Thus, a citizen of the Republic of at least thirty years old, residing in the territory of the republic, having a higher legal education, work experience in the legal profession for at least five years, may be appointed to the Constitutional Council. These requirements do not apply to ex-Presidents of the Republic (Article 4 of the Constitutional Law), who are legally the life members of the Constitutional Council.

One of the main guarantees of the independence of constitutional control bodies is the procedure for their formation established by the constitutional norms. To a large extent, it depends on the composition of the bodies exercising constitutional control how the powers of these bodies will be exercised. In Kazakhstan, as well as in other states that have adopted the European model of constitutional justice, the procedure for forming the composition of the Constitutional Council plays an important role in ensuring the independence and autonomy of this body.

In this matter, the positive fact is that the number of the Council members is envisaged in the Constitution itself, which excludes the possibility of a quantitative change in the composition of the Constitutional Council by other acts. The Constitutional Council consists of the Chairman and six members of the Council. According to the Constitution, the Chairman and two members of the Council are appointed and dismissed by the Head of the State, and two members each are appointed by the Chambers of the Parliament. Every three years, the composition of the Constitutional Council shall be renewed by half.

The status of the Council members appointed for six years and irremovable gives them the opportunity to act independently.

In accordance with clause 1 of Article 10 of the Constitutional Law “On the Constitutional Council of the Republic of Kazakhstan”, the Chairman and

members of the Constitutional Council are the State officials. Their status is determined by the Constitution and the Constitutional Law, as well as the regulatory legal acts on the public service in the part not regulated by the Constitution and the Constitutional Law.

In accordance with paragraph 5 of Article 71 of the Constitution, the Chairman and members of the Constitutional Council during the term of their office cannot be arrested, be subject to detention, administrative sanctions imposed in a judicial procedure, brought to criminal responsibility without the consent of the Parliament of the Republic of Kazakhstan, except in cases of detention on the scene of the crime or committing serious crimes. According to the Constitutional Law, after registering a pretext to start a pre-trial investigation in the Unified Register of Pre-Trial Investigations, a pre-trial investigation against the Chairman or a member of the Constitutional Council can be continued only with the consent of the General Prosecutor, who advises the Parliament of a consent to a criminal prosecution of the Chairman or a member of the Constitutional Council. In cases where the Chairman or members of the Constitutional Council are detained on the scene of the crime or a preparation or attempt to commit a serious or especially serious crime is established or they have committed a serious or especially serious crime, a pre-trial investigation against them may be continued before obtaining a consent of the General Prosecutor, but with mandatory notification within 24 hours. The General Prosecutor shall supervise the compliance with law during investigation of a case.

The peculiarities of the proceedings in respect of the Chairman and members of the Constitutional Council are due to the desire of the State to ensure the independence of these officials and to provide them with additional guarantees both in the exercise of their functions and in the course of a criminal prosecution.

Article 11 of the Constitutional Law enshrines the guarantees of independence such as: non-interference in the activities of the Chairman and members of the Council; non-accountability of the Chairman and members of the Council; compliance with professional ethics; irremovability from office; statement of withdrawal; prohibition of defence or representation.

Any interference with the activities of the Chairman and members of the Council, as well as putting pressure or other influence on them in any form, is not allowed. Acts committed to intervene in the activities of the Chairman and members of the Council, as indicated above, entail responsibility under the law.

The Chairman and members of the Constitutional Council are not accountable for their work on constitutional proceedings. This means that no one has the right to demand any report from them. Prior to the adoption of the final resolution,

the Chairman and members of the Constitutional Council are not entitled, other than at a meeting of the Constitutional Council, to express an opinion or to advise on the matters that are the subject of constitutional proceedings.

In order to ensure impartiality, the Constitutional Law prohibits the Council members from protecting and representing in a court or other law enforcement bodies (other than legal), providing protection to any persons in securing rights and releasing them of their duties.

The members of the Constitutional Council are irremovable during the term of the exercise of their powers. Their powers cannot be terminated or suspended, except in cases provided by law. The Chairman and the member of the Constitutional Council are obliged to recuse themselves, which is subject to satisfaction by the Constitutional Council, provided that their objectivity and impartiality can be in doubt due to personal, direct or indirect interest in the issue under consideration by the Constitutional Council.

The important factors in ensuring independence are the issues of financing the Constitutional Council and the material, technical and other support of the Chairman and members of the Council. In accordance with Article 42 of the Constitutional Law, the activities of the Constitutional Council are financed from the republican budget. Salary, housing, transport and other services, medical care and sanatorium-resort treatment of the Chairman and members of the Constitutional Council are provided according to the procedure established by the President of the Republic.

In accordance with the Register of public servant positions approved by Decree of the President of the Republic of Kazakhstan No.523 “On Approval of the Registry of Public Servants” dated March 7, 2013, the Chairman and members of the Constitutional Council are referred to the political public servants.

Articles 72-74 of the Constitution of the Republic established the competence of the Constitutional Council and fixed the scope of its powers to exercise constitutional control. In addition, Article 78 of the Constitution, which is in the section “Courts and Justice”, established the obligation of courts to participate in ensuring the constitutionality of the effective law of the Republic.

The competence of the Constitutional Council includes:

- official interpretation of the norms of the Constitution;
- consideration of the laws adopted by the Parliament for compliance with the norms of the Constitution before being signed by the President;
- consideration of international treaties of the Republic for compliance with the norms of the Constitution prior to ratification thereof;

- in case of a dispute, resolving the questions about the correctness of:
 - a) the President elections;
 - b) deputies of the Parliament,
 - c) republican referendum;
- consideration of the resolutions adopted by the Parliament and its Chambers for compliance with the Constitution.

The Council also provides conclusions on observance of the established Constitutional procedures in case of early dismissal or removal from office of the Head of the State.

A separate constitutional competence of the Constitutional Council of Kazakhstan is the consideration of the appeal of the courts found the infringement of the rights and freedoms of man and citizen fixed by the Constitution in the laws and other regulatory legal acts to be applied.

The subjects of appeal to the Constitutional Council are:

- the President of the Republic;
- Chairmen of the Chambers of the Parliament;
- Prime Minister;
- deputies of at least one fifth of the total number of deputies of the Parliament;
- courts in the case specified in Article 78 of the Constitution of the Republic of Kazakhstan.

The citizens have the opportunity to protect in the Council their constitutional rights and freedoms indirectly, through the courts of general jurisdiction. An example of this is the court submissions reviewed by the Constitutional Council, where it is often stated that one of the grounds for appealing to the Council was citizens' requests to verify for compliance with the Constitution the laws and other regulatory legal acts that infringe their rights and freedoms.

Developing this constitutional mechanism, on July 10, 2012, the Head of the State signed the Law of the Republic of Kazakhstan "On amendments and alterations to some legislative acts of the Republic of Kazakhstan on the implementation of Article 78 of the Constitution of the Republic of Kazakhstan", which amended the Code of Criminal Procedure, the Civil Procedure Code and the Code of Administrative Offenses of the Republic of Kazakhstan. They provide that decisions of the courts (prosecuting agencies, bodies and officials authorized to examine the case on administrative offenses), which are based on the law or other regulatory legal act deemed unconstitutional, are not enforceable. The court has the right to suspend the proceedings on the case, if the Constitutional Council, on the initiative of another court, has accepted the proceeding to file a representation in a similar case.

The implementation of the provisions of Article 78 of the Constitution was considered at a special meeting of the Legal Policy Council under the President of the Republic held on March 1, 2013. Based on the results thereof, a package of new legislative amendments was developed, which were adopted under the Constitutional Law of July 3, 2013 “On amendments and alterations to the Constitutional Law of the Republic of Kazakhstan and to certain legislative acts of the Republic of Kazakhstan on the elimination of contradictions, gaps, conflicts between the legal rules of various legislative acts and regulations that facilitate the commission of corruption offenses”.

The procedural laws were amended to include: referring to the circumstances precluding the criminal proceedings the cases of recognition by the Constitutional Council as unconstitutional of a law or other regulatory legal act to be applied in this criminal case on which the qualification of an act as a crime depends; a duty of a court, if there is a filed petition of the defence, to suspend the proceedings on the case in full or in the relevant part, if the Constitutional Council, on the initiative of another court, initiated the proceeding on representation of the recognition as unconstitutional of a law or other regulatory legal act to be applied in this criminal case; a duty of the presiding judge to notify the defence of verification by the Constitutional Council, on the initiative of another court, of constitutionality of a law or other regulatory legal act to be applied in a criminal case; a duty of the courts to postpone a stage of sentencing in cases where the Constitutional Council, on the initiative of another court, verifies the constitutionality of a law or other regulatory legal act to be applied in a criminal case; referring to circumstances excluding the proceeding on an administrative offence case the cases of recognition by the Constitutional Council as unconstitutional of a law or certain provisions thereof establishing administrative responsibility, or other regulatory legal act to be applied in this administrative offense case on which the qualification of an act as an administrative offense depends.

A serious modernization of the constitutional control institution was carried out as a result of the constitutional reform of 2017 initiated by Elbasy. On March 10, 2017, the President of the Republic signed the Law of the Republic of Kazakhstan “On Amendments and Alterations to the Constitution of the Republic of Kazakhstan”, which law was adopted by the Parliament on March 6, 2017.

The constitutional reform, which is based on 25 years of experience in the sovereign development of the country, the generally accepted principles of constitutionalism, the broad consideration of the opinions of the population

and national characteristics, has opened a new page in the political and legal development of the State. Its outlines were finally determined on the basis of a nationwide discussion held on the initiative of the Head of the State, which made it possible to deeply understand the nature and significance of the proposed amendments, each of which was aimed at solving a complex of tasks dictated by the dictates of the times.

Considering the special significance of the adopted innovations, the President of the Republic sent an appeal to the Constitutional Council to review this Law for compliance with the Constitution, including the values established by it, the fundamental principles of activity and the form of government of the Republic.

The Constitutional Council reaffirmed that the Law is consistent with the Constitution and does not encroach on the specified institutions and values.

The foreign partners of our country also highly appreciated the Law. The European Commission for Democracy through Law of the Council of Europe (Venice Commission) at its 110th plenary session adopted a conclusion stating that Kazakhstan's constitutional changes represent a step forward in the process of democratization of the state. The reform sets the correct vector in the further development of the country and demonstrates the obvious progress. According to the Commission, the increased role of the Parliament in general and of the Chambers of the Parliament in particular, the transfer of certain functions of the President of the Republic to the Government, the strengthening of the mechanisms of its accountability and control over the Parliament are positive change, which corresponds to the logic of the previous constitutional reforms carried out in 1998 and 2007. The Commission also took a favourable view of the amendments aimed at strengthening the constitutional control in the country.

The law expanded the list of specially protected constitutional values: “The independence of the state, unitarity and territorial integrity of the Republic established by the Constitution, the form of its government, as well as the fundamental principles of the Republic's activity laid down by the Founder of independent Kazakhstan, the First President of the Republic of Kazakhstan – Elbasy, and its status are unchanged” (clause 2 of Article 91 of the Constitution). As the Constitutional Council noted in its decision, this constitutionally confirms the historical mission of Nursultan Abishevich Nazarbayev as the Founder of the new independent state of Kazakhstan, ensuring its unity, protection of the Constitution, rights and freedoms of a man and citizen; who, thanks to his constitutional status and personal qualities, made a decisive contribution

to the formation and development of sovereign Kazakhstan, including the constitutional values of the Framework Law and the fundamental principles of activities of the Republic. The law provides for the mandatory receipt of a conclusion of the Constitutional Council on compliance of amendments made to the Constitution with this requirement before being submitted to a republican referendum or for consideration by the Parliament.

The amendments significantly strengthened the human rights capacity of the state. The endowment of the President of the Republic with the right to apply to the Constitutional Council for consideration of a law or other legal act that has entered into force for compliance with the Constitution of the Republic is associated with the interests of protecting the rights and freedoms of a man and citizen, ensuring national security, sovereignty and integrity of the state, which follows from the constitutional legal status of the Head of the State as enshrined in Article 40 of the Constitution.

On the initiative of the Head of the State, clause 4 of Article 73 of the Constitution was deleted, which clause provided for the right of the President of the Republic to make objections to the decision of the Constitutional Council and regulated the procedure and consequences of consideration thereof. The made decision aimed at strengthening the Constitutional Council should be seen as a manifestation of a high degree of confidence of the President of the Republic in the Constitutional Council, which increases responsibility and tightens the requirements for the activities of the body of constitutional control. As many foreign experts note, thanks to these constitutional amendments, the Constitutional Council of Kazakhstan is now equal in its competence to the constitutional courts of a number of the European countries.

Over the past years, the Constitutional Council has accumulated a certain experience and has taken its rightful place in the system of state bodies of Kazakhstan. Since February 1996, the Constitutional Council received more than 180 appeals: 25 appeals from the Head of the State, 74 – from the Chairmen of the Chambers of the Parliament and its deputies, 26 – the Prime Minister, and more than 70 appeals from the courts.

Altogether, the Constitutional Council adopted more than 140 regulatory decisions of which 6 decisions concerned additional interpretations of their decisions.

In order to fulfil the task set by the President of the Republic to legitimize the constitutional novels of 2017 and to bring the entire legislative framework of the country in accordance with renewed Framework Law, the Constitutional Council, on its own initiative, revised a number of its regulatory decisions based on the amended or invalidated constitutional norms.

Defining the procedure for the implementation of decisions made, the Constitutional Council indicated that the abolition of certain regulatory decisions would open the way for rethinking the content and nature of the mentioned and other constitutional provisions, which, if necessary, can be re-interpreted taking into account the results of the constitutional reform.

Out of all the appeals received by the Constitutional Council, the subject of 28 of them was a verification for compliance with the Constitution of the laws adopted by the Parliament and submitted to the Head of the State for signing. For 12 appeals, a total of 13 laws were recognized as non-conforming to the Constitution, including: the Special Part of the Civil Code, the laws “On rare and endangered animal species”, “On the activities of international and foreign non-profit organizations in the Republic of Kazakhstan” and others.

The President of the Republic sent most of these appeals to the Constitutional Council.

A number of the laws the adoption of which was stirred among the public, were found to be in compliance with the Constitution, and in this regard the doubts about their constitutionality were removed. The Constitutional Council recognized as constitutional the Land Code in accordance with which private ownership of certain categories of land, including agricultural land, was introduced in Kazakhstan (Resolution No.8 dated June 10, 2003). By Resolution No.3/1 dated July 11, 1996, the Law “On Amendments and Alterations to the Law of the Kazakh SSR “On Pension Security of the Citizens in the Kazakh SSR” was recognized as conforming to the Constitution, ensuring the transition to a new pension system, raising the retirement age, formalising the other innovations in the legislative guaranteeing of pension provision. Resolution No.6 dated July 11, 2002, recognized as constitutional the effect Law “On political parties”.

One of the important means of ensuring the supremacy of the Framework Law is the official interpretation of the norms of the Constitution. Over the years of its activities, the Constitutional Council reviewed more than 80 applications for the official interpretation of the norms of the Constitution based on which 72 regulatory decisions were adopted. The Constitutional Council clarified the legitimate approaches to understanding the main constitutional institutions and the prospects for their development defining the principles of relations between the state, public associations and citizens, strengthening the mechanisms for ensuring human and citizen rights, as well as a number of other issues relating to further constitutional development of the country. Thus, the regulatory resolution of the Constitutional Council No.7 of June 18,

2007, formally interpreted certain norms of the Framework Law, taking into account the results of the constitutional reform, which resulted in the election of deputies of the Mazhilis of the Fourth Parliament in August 2007 and a number of new constitutional provisions governing the formation of the Government were put into operation. The resolutions of the Constitutional Council on the official interpretation of the norms of the Constitution clarified the fundamental issues of the protection of the individual rights, and on the basis of the Constitution certain legal institutions were introduced into the legal framework and law enforcement. Thus, Resolution No.4 of April 18, 2007, clarified that the accused (person on trial) was granted the right to make an application for consideration of its case by the court with the participation of jurors, not only at the end of the preliminary investigation, but also at the initial stage of the criminal proceedings. The criminal procedure legislation currently has been amended accordingly.

In strengthening the constitutional legality, the consideration by the Constitutional Council of the appeals of the courts of the Republic is essential. Out of 69 submissions received by the courts of the Republic, 27 appeals were considered on the merits with the adoption of final decisions.

The provisions of the Regulations on the Bar of the Kazakh SSR of November 13, 1980, a number of provisions of the Code of Administrative Offenses of the Kazakh SSR, the Civil Procedure Code of the Kazakh SSR, Article 15 of the Law “On Notaries”, provisions of Article 361 of the Criminal Code of July 16, 1997, Article 25 of the Law “On State Registration of Rights to Immovable Property and Transactions with It”, provisions of the Baikonur Complex Lease Agreement and the Agreement of cooperation of the law-enforcement agencies in ensuring law order on the territory of the complex “Baikonur” were recognized as unconstitutional upon appeals of the courts.

The governments of the Republic of Kazakhstan and the Russian Federation signed protocols on amending the above-mentioned acts concerning the Baikonur Complex in order to bring them in line with Resolution of the Constitutional Council No.6/2 of May 7, 2001. One of these protocols was ratified by Kazakhstan on June 29, 2011.

In addition, in the course of examination, on the appeals of courts, of the constitutionality of a number of the acts in force, deficiencies in legislative regulation were discovered, and in this connection, on the proposals of the Constitutional Council, amendments and alterations were made to existing laws and other regulatory legal acts.

During these years, 22 messages of the Constitutional Council on the state of constitutional legality in the Republic of Kazakhstan were announced at the joint sessions of the Chambers of the Parliament. These messages raised the questions about shortcomings in the law-making activity, the protection of human rights, the harmonization of the legislation with the Constitution, the reform of the judicial system and judicial procedure, law enforcement practice, the ongoing administrative reform, etc.

In accordance with paragraph 6) of clause 1 of Article 19 of the Constitutional Law “On the Constitutional Council of the Republic of Kazakhstan”, according to the requirements of the Head of the State, the Information on the state of constitutional legality in the Republic was presented in 2006, and in 2008 – the Information on the state of constitutional legality in the Republic of Kazakhstan in the implementation of the constitutional provisions on languages.

A part of the competence of the Constitutional Council laid down in the Framework Law has not been claimed yet. Thus, the Constitutional Council did not receive appeals on resolving the dispute on the correctness of the conduct of the election of the President of the Republic, deputies of the Parliament and the Republican referendum, as well as on consideration of compliance of the international treaties of the Republic with the Constitution before their ratification.

A notable contribution to the further improvement of the legal framework of the Constitutional Council was made by the Constitutional Law of June 15, 2017 “On Amendments and Alterations to Certain Constitutional Laws of the Republic of Kazakhstan”, which amendments adjusted also the Constitutional Law “On Constitutional Council of the Republic of Kazakhstan”, adopted in accordance with the legislative initiative of the Head of the State. The measures taken have simplified the procedure for appealing the courts to the Constitutional Council with representations on the verification of the constitutionality of the norms of the existing laws and other regulatory legal acts to be applied in the case being pending. The requirement to have the representation signed by a chairperson of the court has been deleted. The appeal must now be signed by the appropriate subject. According to the procedural legislation the cases are considered in the courts of first instance solely by the judge, and in the appeal and cassation proceedings – collectively composed of several judges with one of which shall be the presiding judge. Therefore, in relation to the courts, the appropriate subject for signing the representation is the judge in charge of the case, and for examination of cases by several

judges – the presiding judge. The new procedure is consistent with clause 1 of Article 77 of the Constitution, which states that a judge is independent in the administration of justice and is subject only to the Constitution and the law.

It seems that the adopted changes will contribute to a greater activation of the courts, on which, to a certain extent, the state of compliance of the current legislation with the Constitution of the country depends.

In addition, according to the constitutional law, the administration of the Constitutional Council was recognized as a state body and legal entity in the form of a state institution. This allows the composition of the Council to focus exclusively on exercising the basic powers, and to assign to the administration the current issues related to the provision of activities.

The Constitutional Council is constantly involved in the work of consultative and advisory bodies under the Head of the State to develop proposals for the further development of the national political and legal system.

During the period of the second and third constitutional reforms in the country, the Chairman of the Constitutional Council participated in the activities of the relevant working groups headed by the Head of the State.

Representatives of the Constitutional Council regularly participate in the meetings of the Council on Legal Policy under the President of the Republic in discussing topical issues of legislative and law enforcement practice, including the implementation of final decisions of the Constitutional Council, which are now considered annually. The amendments and alterations made to the Constitutional Law “On the Constitutional Council of the Republic of Kazakhstan” by way of legislative initiative by the Head of the State in 2008 entitle the Constitutional Council to determine the order and deadlines for the implementation of decisions made by it. An innovation is that the recommendations and proposals for improving the legislation contained in the decisions of the Constitutional Council are subject to obligatory consideration by the authorized state bodies with obligatory notification of made decision to the Constitutional Council. In accordance with the Governmental Regulations, the regulatory decisions of the Constitutional Council should be taken into account when forming current and long-term plans for legislative work of the Government, and according to the updated Rules for organizing legislative work in authorized bodies, the draft laws should be developed taking into account, among other things, the regulatory decisions and annual messages of the Constitutional Council. Thus, a certain imperative nature was given to the recommendations of the Constitutional Council, which had a positive effect on the state of constitutional legality in the country.

For almost 24 years since the formation of the Constitutional Council, the international relations of the Constitutional Council have expanded. The Council interacts with the structures of authoritative international organizations (UN, OSCE, Council of Europe, OIC and others). Since 2012, Kazakhstan has been a member of the European Commission for Democracy through Law of the Council of Europe (Venice Commission). Since 1997, the Constitutional Council of Kazakhstan has been a member of the Conference of Constitutional Control Organs of Countries of Young Democracy, which also includes the constitutional courts of Armenia, Belarus, Kyrgyzstan, Mongolia, Russia, Tajikistan, and Uzbekistan. In 2017, the Chairman of the Constitutional Council was elected to the post of the Chairman of this Conference.

In 2013, the Constitutional Council joined the World Conference on Constitutional Justice – an international association of constitutional control bodies, of which 112 states are members.

For 2019-2021, the Constitutional Council of Kazakhstan was elected to preside over the Association of Asian Constitutional Courts and equivalent institutions.

Participation in the activities of these international structures contributes to the establishment of mutual contacts between the Constitutional Council and the constitutional control bodies of the foreign countries, and also allows taking into account the positive foreign experience when considering incoming appeals.

Fruitful cooperation is carried out with the German Society for International Cooperation, the German Foundation for International Legal Cooperation and the International Union of Lawyers.

In the sphere of bilateral relations, close relationships have been established between the Constitutional Council and the constitutional control bodies of the CIS countries, Austria, Algeria, Afghanistan, Benin, Bulgaria, Brazil, Hungary, Germany, Georgia, Indonesia, Jordan, Spain, Korea, Latvia, Lithuania, Macedonia, Malaysia, Morocco, Mongolia, Poland, Romania, Serbia, Slovakia, Thailand, Turkey, France, Finland, Croatia, etc.

The memoranda of cooperation were signed with the Supreme Constitutional Court of the Arab Republic of Egypt, the Constitutional Court of the Russian Federation, the Constitutional Court of Turkey, the Constitutional Court of the Hashemite Kingdom of Jordan, etc.

In addition to the main work, the Constitutional Council actively participates in organizing the international conferences devoted to the topical issues of the legal development of a state and society.

Every year, on the eve of the Constitution Day, the Constitutional Council, together with Kazakhstan and foreign partners, holds an international conference (“August readings”) on the development of constitutionalism in the Republic.

Since 1996, the composition of the Constitutional Council has been updated seven times – in 1999, 2002, 2005, 2008, 2011, 2014 and 2017. As a rule, prominent lawyers from the Republic with experience in the Presidential Administration, in courts, judicial bodies and public prosecution office, universities, and other scientific institutions are appointed to be members of the Constitutional Council. During these years the chairmen and members of the Constitutional Council were: Chairmen of the Constitutional Council – Yu.A. Kim, Yu.A. Khitrin and I.I. Rogov, members of the CC – S.N. Sabikenov, Zh.D. Bussurmanov, V.V. Mamonov, N.I. Akuyev, U.K. Ikhsanov, V.D. Shopin, S.G. Temirbulatov, A.K. Kotov, A.Ye. Yessenzhanov, K.A. Omarkhanov, S.F. Bychkova, Kh.A. Abishev, K.Zh. Baltabayev, A.N. Zhailganova, I.Zh. Bakhtybayev, N.V. Belorukov, U.M. Stamkulov and A.M. Nurmagambetov. At the present time the current composition of the Constitutional Council of the Republic of Kazakhstan includes: the Chairman of the Constitutional Council – Mami K.A. and members of the CC – V.A. Malinovsky, U. Shapak, A.K. Daulbayev, I.D. Merkel, R.Zh. Mukashev and A.A. Temerbekov.

The activities of the Constitutional Council to ensure the supremacy of the Constitution is in the focus of public attention and is constantly covered in the mass media. All final decisions of the Council are published in the official republican publications, the “Bulletin of the Constitutional Council of the Republic of Kazakhstan” is issued, the necessary information is posted on the Internet site of the Constitutional Council and other electronic means. Press conferences are held, at which the Chairman and members of the Council clarify the content of the regulatory decisions causing special public interest. Mass media coverage on other topical issues of the legal policy of the Republic is also in practice. The experience of the Constitutional Council is studied by the scientific community of the Republic; the scientists of the Republic and foreign countries defended several thesis works devoted to the constitutional control in Kazakhstan.

Over the past years, thanks to the constant attention and support of the Head of the State, constitutional control in Kazakhstan has succeeded as one of the important attributes of the established legal state. The current model works effectively. The Constitutional Council plays a key role in ensuring the functioning and development of the country in accordance with the spirit and letter of the Constitution.

**INDEPENDENT AND RESPONSIBLE JUDICIAL POWER
IN THE SOVEREIGN KAZAKHSTAN**

The formation and development of the judicial power of the Republic is inseparably linked with the attainment of state independence by Kazakhstan.

At the very beginning of a sovereign state building, under difficult internal and external conditions, it was necessary to ensure in a very short time the transition to the market economy, to create the state institutions, the basic legislation foundation, and, most importantly, to prepare society for the new realities.

Among the state power structures, special significance was attached to the gradual formation and development of the judicial system of the republic as the core body of the state mechanism. The level of effectiveness of justice has become a determining factor in the successful modernization of the economic, social, legal and other spheres.

It was during this period that the Head of the State N.A. Nazarbayev proposed urgent measures to transform the judicial system as the basis for building a new legal policy. Thus, the President of the Republic defined as one of the strategic objectives and the most important priority of the legal policy of the state the formation of an independent and effective judicial system that meets the needs of a legal state and complies with the world standards.

The development of the organizational and legal foundations of the judicial system, the improvement of its personnel and financial support was recognition of the key role of the courts in a modern democratic state in ensuring the rights and freedoms of man and citizen.

The beginning of reforms in the field of justice is connected with the Declaration of State Sovereignty of the Kazakh SSR adopted by the Supreme Soviet of the Kazakh SSR on October 25, 1990. The declaration proclaimed the separation of powers as the fundamental principle of the exercise of state power and the transfer of the supreme judicial power to the Supreme Court of the Kazakh SSR. The supremacy of the country's own Constitution and laws on its territory, its rights to independently determine the structure and competence of state bodies were recognized.

The formation of the judicial system as an independent branch of state power and the formation of Kazakhstan's own judicial system begins with the development of a new law on the judicial system, which was carried

out on instruction of Nursultan Nazarbayev in 1989-1990. As a result, on November 23, 1990, the Supreme Soviet of the Kazakh SSR adopted the Law “On the judicial system of the Kazakh SSR”.

This law attempted to eliminate the direct dependence of courts and judges on representative and executive bodies. The term of office of all judges has increased to 10 years. At the same time, the creation and functioning of the courts remained under the jurisdiction of the Soviets of People’s Deputies, the provision of the courts’ activities was assigned to the Ministry of Justice.

With the proclamation of the State Independence of Kazakhstan on December 16, 1991, a real opportunity arose to create a new type of judicial system as the real basis of the new statehood, as one of the principal guarantees of harmonious interaction between the state and civil society, the main tool for protecting the constitutional rights of citizens. The Constitutional Law “On the State Independence of the Republic of Kazakhstan” confirmed that “the state power in the Republic of Kazakhstan is built and implemented on the basis of the principle of its separation into legislative, executive and judicial” (Article 9), “the judicial power belongs to the Supreme Court and the Supreme Arbitration Court of the Republic of Kazakhstan” (Article 10).⁹⁵

The beginning of the radical transformation of the judicial system of the Republic is justly considered to be the adoption in 1993 of the Constitution of sovereign Kazakhstan, which enshrined the system, the basic principles of the organization and activities of the courts. For the first time, it introduced the notion of “judicial power” into constitutional terminology, thereby marking its social purpose, subject and territorial jurisdiction, as well as its autonomy.

According to the Constitution, the country’s judicial system was represented by the courts of general jurisdiction and the arbitration courts. The Supreme Court and the Supreme Arbitration Court have been recognized as the highest judicial authorities in terms of their competence.

The Constitution of 1993 enshrined such basics of the status of judges as the procedure for election and dismissal, the 10-year term of office, the principles of the immunity of judges and the incompatibility of their duties with the other activities, etc.

Another important historical document that determined the key directions of development of the judicial system was the “State Program of Legal Reform in the Republic of Kazakhstan” approved by the President in February

⁹⁵ Constitutional Law of the Republic of Kazakhstan “On the State Independence of the Republic of Kazakhstan” dated December 16, 1991. – ILS Adilet.

1994. The main directions of this program in the judicial and legal area consisted in the reorganization of the judicial and legal proceedings system, the improvement of material and procedural legislation, and the reform of law enforcement agencies and the legal profession.

The judicial reform had to be accompanied by the implementation of such fundamental principles of legal proceedings as genuine competitiveness of the judicial process, equality of the parties, presumption of innocence, release of the court from the duty of collecting evidence with assigning it to the parties, excluding elements of the prosecutorial bias of the judicial process.

The main result of the implementation of the state program of legal reform in the Republic, as noted in the Concept of Legal Policy of the Republic of Kazakhstan approved by the Presidential Decree of September 20, 2002, was the adoption of the Constitution of August 30, 1995, which determined the strategic directions of development of the society and the state that enshrined the fundamental rights, freedoms of man and citizen, as well as the new system of the state institutions.⁹⁶

The Constitution of 1995 introduced fundamentally new provisions on justice as a direct form of the exercise of the state power by the courts and the independence of the judicial authorities from the legislative and executive structures. The unity of the judicial system was fixed by abolishing the arbitration courts and transferring their functions to the courts of general jurisdiction. A procedure has been introduced for appointing the local court judges by the President of the country and electing the judges of the Supreme Court by the Senate of the Parliament. The formation of the Higher Judicial Council and the Qualification Collegium of Justice is envisaged, and the guarantees of the independence of judges have been strengthened with the strengthening of their status and role in the system of protection of the human rights and freedoms.

Developing the constitutional innovations and the foundation of the new judicial system created in the first three years of state independence, on December 20, 1995, the Head of the State signed the Decree, having the force of the Constitutional Law, “On Courts and the Status of Judges in the Republic of Kazakhstan”. It laid down the basic principles of the judicial system and the administration of justice in our country. The decree changed not only the functional nature of the courts, but also their social nature. With its adoption, the role of courts and judges in the development of democratic processes and

⁹⁶ Concept of Legal Policy of the Republic of Kazakhstan. As approved by the Decree of the President of the Republic of Kazakhstan, dated September 20, 2002. – ILS Adilet.

the establishment of the legal state has significantly increased, the legal protection of judges has become much stronger, and the social prestige of judges has increased. For the first time, the judges are declared the holders of the judiciary.

In order to determine the position of the judicial community in addressing important state and legal issues, reviewing topical problems of the work of the courts and the status of judges, the creation of a republican public association “Union of Judges of the Republic of Kazakhstan” has been initiated, which to this day has an important social and political significance. At the founding conference of the Judicial Association on November 1, 1996, in Almaty, the leadership of the union was elected. On December 19-20 of the same year, the 1st Congress of the Republic’s judges was held in Almaty, in which the Head of the State N.A. Nazarbayev took participation. It should be noted that the Head of the State participated in the work of five out of six subsequent congresses.

At the congresses of judges, the President of the Republic summarized the development results for the current period and outlined the priorities for the near future. Each such forum is considered as a milestone point, a starting point for the introduction of new reforms. Based on the results of the work of each congress, decisions are made and the Plans of Actions are drawn up in order to execute the tasks set.

At the I Congress of Judges N.A. Nazarbayev noted: “We must, finally, root out of consciousness that old stereotype that the court is some kind of appendage of the state apparatus directly subordinate to it. Under the conditions of separation of the powers, the court, as an independent branch of a single state power, becomes itself its body, independent in the administration of justice. It is subject to the law only. Without independent justice, it is impossible to achieve respect for the law and ensure social stability in the society.”

The resolution of the 1st Congress noted that the most important condition of the constitutional provision on the division of state power into the legislative, executive and judicial branches is the implementation of judicial reform. The first results of the implementation of the provisions of the State program of legal reform were summed up and further tasks were outlined. Proceeding from the need to approve the principles of moral purity, decency and high erudition in the judicial community, the congress of judges recognized the adoption of the Code of Judicial Ethics as appropriate.

In the course of subsequent congresses, a whole range of measures was adopted for the establishment and development of the judicial system. Analysing them, we can note the specificity and purposefulness of the work performed. All the proposed solutions were the gradual, step-by-step solution of three

tasks: they strengthened the independence of the judiciary, increased its efficiency and created the conditions for the formation of a highly professional corps of judges.

An event of great political and historical significance that resolved the problem of separation of competences of the executive and judicial branches of power, the actual removal of courts from the custody of the executive bodies, was the Presidential Decree “On Measures to Strengthen the Independence of the Judicial System” dated September 1, 2000. Under the decree, the functions of ensuring the activities of the courts were transferred from the Ministry of Justice to the authorized body – the Committee on Judicial Administration under the Supreme Court (later – the Department for the Support of the Courts under the Supreme Court).

The logical completion of reforms in the judicial system at that stage was the adoption in December 2000 of the Constitutional Law “On the Judicial System and the Status of Judges of the Republic of Kazakhstan”, which laid down fundamentally new norms defining the basic elements of the judicial system and the operating procedures of the republic’s courts.

Looking back from a distance of today, it is clear how timely these measures were, which in many respects accelerated the reforms initiated, raising the financial, logistical, personnel and information support of the courts to a new, higher level.

The constitutional law on the judicial system and the status of judges broadens the boundaries of judicial discretion, which is related to the possibility of applying in the administration of justice not only existing legislation, but also such an important category of moral, legal and political consciousness as justice. The guarantees of the social and legal protection of judges have increased. They were given the opportunity to take part in the selection of candidates for judicial positions through the plenary session. The judicial bodies were given the right not only to verify compliance with the law of actions and decisions of other bodies and persons, but also to monitor the legal content of the regulations themselves. The current Constitution of the Republic (Article 78) has granted to the courts the right to appeal to the Constitutional Council with representations on verifying the constitutionality of a law or other regulatory legal act that is applied in resolving a particular case. Over these years, 69 such appeals were sent by the courts, on the basis of which a number of legislative acts were deemed to be inconsistent with the Framework Law. Thus, the judges contribute to the constitutionalization of the existing law and ensuring its certainty and internal consistency.

As a result, the judiciary has gained all the necessary mechanisms for the implementation of state power, which turns it into a stabilizing force in the country that can effectively protect the rights and freedoms of citizens, protect the society from social conflicts, ensuring the interests of the progressive and safe development of the state.

In accordance with the priorities in the state and legal sphere, a number of measures were taken to further modernize and simplify legal proceedings, delimit the issues of justice and judicial administration, create specialized courts, and raise the professional level of the judicature. By the Presidential Decree of February 9, 2002, the specialized inter-district economic courts were established, which were authorized to hear the litigations related to entrepreneurial activities. The successful functioning of these courts has a positive effect on the development of market institutions, the investment regime of the Republic. The further specialization of courts was embodied in the formation of the inter-district specialized administrative courts by the Decree of the President of the Republic of Kazakhstan dated September 9, 2004, the jurisdiction of which included the cases arising from the administrative powers of the public authorities. Thus, the mechanisms for protecting the rights and freedoms of citizens in the sphere of public-law relations are strengthened. By the Decree of the President of the Republic of Kazakhstan dated August 23, 2007, the specialized inter-district juvenile courts were established in the cities of Astana and Almaty. Subsequently, under the Decree of the President of the Republic of Kazakhstan dated February 4, 2012, such courts were established in all regional centres and some major cities of the republic.

The task set by the Head of the State in his Message to the people of Kazakhstan dated February 18, 2005, and delivered at the IV Congress of Judges of the Republic on June 3, 2005, necessitated the implementation of a number of important organizational and legislative measures.

It is primarily about enforcement of the constitutional rights of the citizens to participate in the composition of the jury as a democratic form of justice. Introduction of the institute of criminal justice with the participation of jurors from the beginning of 2007, without exaggeration, is a revolutionary event, a fundamentally new stage in the development of the judicial system of Kazakhstan. The direct participation of representatives of the general public in the administration of justice expands the possibilities of public control and actually contributes to increasing the confidence of the citizens in the court decisions.

The specialized inter-district criminal courts have been established in all regions, with jurisdiction including criminal cases of particularly grave crimes, including with the participation of jury members, as well as a specialized interdistrict military court for criminal cases.

Improving the efficiency of justice is associated with the solution of a number of tasks, among which the issues of training and selection of personnel for the judicial system are the most important. To this end, in 2002, the Institute of advanced training of judges and employees of the judicial system was established under the Supreme Court.

Among the further measures to improve the justice system, the Concept of the legal policy of the Republic of Kazakhstan for the period 2002-2010 indicated the training and education of the judiciary, the improvement of the educational and professional level of judges.

Since January 2004, the Institute of advanced training of judges has been transformed into the Judicial Academy under the Supreme Court, whose function was to improve the professional skills of the entire judicial corps of the republic and to prepare a personnel reserve for the judicial system through a specialized magistracy. In accordance with the Presidential Decree of May 31, 2005, the Judicial Academy was reorganized into the Institute of Justice and became a part of the Academy of Public Administration under the President of the Republic of Kazakhstan. The judicial personnel are comprehensively trained and retrained through the implementation of a system of continuous judicial education (internships, training programs, coaching, mentoring, etc.) in the training centres of the regional and similar courts under the guidance of coordinating judges of the training programs.

The subsequent expansion of the sphere of judicial competence ensuring the availability and openness of justice was facilitated by the updating of the procedural legislation and the resolution of the problems of jurisdiction that have, among other things, constitutional significance. The Framework Law, with securing the basic principles of justice, establishes that no one can, without its consent, change the jurisdiction provided for it by law (paragraph 3) of clause 3 of Article 77 of the Constitution). One of the important achievements in this area was the entry into force on January 18, 2006, of the law on the delimitation of jurisdiction. The aforementioned Law was adopted in accordance with the instructions of the President of the Republic on the need to simplify the judicial procedures, to reduce judicial instances, to eliminate red tape in handling the cases, and to strengthen the role of local courts. This was actually the first step towards the gradual abandonment of the institution of supervision.

In 2006, a set of measures was adopted at the legislative level to severe the requirements for the professional qualities of a judge, its responsibility for the observance of the law in the administration of justice and judicial ethics. A Judicial Jury was established under the Supreme Court to determine the professional suitability of the current judge.

In January 2007, amendments were introduced to the Constitutional Law “On the Judicial System and the Status of Judges of the Republic of Kazakhstan”, which expanded the powers of the republican and regional disciplinary and qualification boards of judges. If earlier the presidents of the Supreme and regional courts had the right to initiate disciplinary proceedings against judges, now these powers were transferred to the disciplinary and qualification boards of judges.

Subsequently, in 2012, the functions of the disciplinary and qualification boards were transferred to the Judicial Jury as a collegial body formed taking into account the representation of courts of all levels. This made it possible to exclude the possibility of improper influence on the judges of local courts, to ensure a uniform approach to the assessment of their activities.

Further measures to improve the judicial system are related to the implementation of the amendments made to the Framework Law of the country, which were introduced by the Law of May 21, 2007.

Thanks to the adopted innovations, the justice system received even more reliable legal guarantees regarding ensuring the protection of the constitutional rights of the citizens, in particular, by introducing a judicial sanction of arrest. This is an example of the harmonization of Kazakhstan’s criminal procedural law with the standards established by the international legal acts. In addition, the new Criminal Procedure Code introduced the institution of “investigative judges”, which, in accordance with clause 7 of Article 7 of the Criminal Procedure Code, is empowered to perform the actions prescribed by law in relation to judicial control within the framework of pre-trial proceedings. The investigative judges consider a wide range of issues, including the authorization of pre-trial restraints.

One of the effective mechanisms for the implementation of the principle of independence of the courts was the abolition of the Qualification Collegium of Justice with the transfer of its functions to select candidates for judges to be under the authority of the Supreme Judicial Council. This constitutional amendment allowed finally isolating the courts from the executive branch. At the same time, the role of the Supreme Judicial Council as a single body

that selects qualified judicial personnel and authorized to make recommendations for the appointment of judges of courts of all levels has been strengthened.

It is obvious that the further strengthening of the supremacy of law, establishing democratic institutions in the country is intimately connected with strengthening the role of the court in their implementation, by strengthening judicial independence, expanding access to justice, and implementing the principle of fair legal proceedings as key mechanisms for the development of an effective judicial system.

The adoption of the Law “On the Supreme Judicial Council of the Republic of Kazakhstan” in November 2008 expanded the authority of this body to ensure the independence and immunity of judges and quality selection of personnel in cooperation with the Supreme Court, which undoubtedly has a positive impact on the resolution of this issue.

It is generally recognized that an indicator of the development of any state striving to achieve international standards is the independence of the judiciary, the basic principles of which were adopted by the Seventh UN Congress on the Prevention of Crime and the Treatment of Perpetrators (Milan, 1985) and approved by UN General Assembly resolutions 40/32 of November 29, 1985, and 40/146 of December 13, 1985, as well as the European Charter on the Law on the Status of Judges (Lisbon, 1998).

The independence of the courts is a criterion for evaluating the effectiveness of not only the judicial system, but also the state as a whole. Therefore, further strengthening in the Republic of generally accepted principles of legal proceedings remains relevant in the light of the consistent assertion of Kazakhstan as a democratic and legal state.

A great deal has been done for this, and, as the Head of the State noted in his speech at the V Congress of Judges on November 18, 2009, one of the main achievements of sovereign Kazakhstan is the acquisition by courts and judges of not only formal and legal, but also de facto independence.⁹⁷

The constitutional principle of the independence of the judiciary in terms of strengthening the state, further deepening democratic reforms and the active joining of Kazakhstan to the most competitive countries in the world is becoming today one of the main indicators of this process. This is evidenced by the fact that the independence of the judiciary is used as a criterion for evaluating the effectiveness of state institutions in calculating the Global

⁹⁷From Congress to Congress. – Astana, 2013. – P. 145.

Competitiveness Index of the World Economic Forum. So, if according to the indicator “Judicial independence” Kazakhstan took the 111th place in 2011, then in the period from 2013 to 2017 it rose by 20 positions (from 88 to 68). The growth of the indicator by 43 positions testifies to the effectiveness of the state policy on the development of the judicial system.

As a logical continuation of the systematic work on streamlining the judiciary, the Law “On amendments and alterations to the Criminal, Criminal Procedure and Civil Procedure Codes to improve the judicial system” was enacted on January 1, 2010.

The V Congress of Judges noted the importance of introducing alternative ways of settling litigations, including conciliation procedures and mediation, which will make our justice restorative. Since August 2011, the Laws “On Mediation” and “On Amendments and Alterations to Certain Legislative Acts of the Republic of Kazakhstan on Mediation Issues” developed by the Supreme Court and adopted by the Parliament have been enacted.

The introduction of pre-trial (mediation) and alternative (arbitration courts) forms of dispute resolution greatly simplify the legal proceedings, make it more transparent and accessible, strengthen the guarantees of the rights of citizens, including entrepreneurs.

The recognition of the work performed on behalf of the President of the Republic on the development of democratic processes, strengthening the independence of judges was the admission of the Union of Judges of the Republic of Kazakhstan at the 54th annual meeting (2011) in Istanbul (Turkey) as a full member of the International Association of Judges (IAJ) – a professional international organization working on the UN programs for justice in the world and uniting today more than 70 national associations of judges. The main purpose of the IAJ is to ensure the independence of the court, as an essential condition for functioning of the judicial system, as well as protection of the human rights and freedoms. The accession of the Union of Judges of the Republic of Kazakhstan to the IAJ as a full member serves as an indicator of the further integration of the judicial community of Kazakhstan into the global legal community, as well as evidence that, according to the key indicators, the judicial system of Kazakhstan complies with the international standards of justice.

At the VI Congress of Judges, which was held on November 20, 2013, N.A. Nazarbayev, the President of the Republic, set five tasks for the judicial community, including consistent improvement of legislative norms, improvement of the judicial system, introduction of alternative methods for

resolving disputes and conflicts, ensuring accessibility of justice to wide layers of the citizens, improving the professionalism of the judiciary of Kazakhstan.

In 2014, the Strategic Plan of the Supreme Court for 2014-2018 was approved. It defines the directions, goals, objectives, target indicators, activities and expected indicators of the results of the courts for the coming years. The systematic work is performed on the execution of the assigned tasks. As of the beginning of 2016, all of them are implemented. Thus, in order to implement the decisions of the VI Congress of Judges, in November 2014 the President of the country signed the Constitutional Law “On Amendments and Alterations to the Constitutional Law “On the Judicial System and the Status of Judges of the Republic of Kazakhstan” prepared by the Supreme Court and adopted by the Parliament and the Law “On amendments and alterations to certain legislative acts of the Republic of Kazakhstan on further simplifying the administration of justice, reducing bureaucratic procedures”. The provisions of these laws are aimed at further improving the judicial system by introducing a number of innovations, as well as adjustments to the rules governing the activities of the courts. In particular, the procedures for the competitive selection of candidates for judges are being improved, the role and importance of personnel reserve in judicial posts is increasing, and a separate body is created under the Supreme and Regional Courts, which is entrusted with the tasks of resolving operational organizational issues.

The law on further simplifying the administration of justice, reducing bureaucratic procedures amended the procedural legislation to make it possible to widely apply the information technologies in the legal proceedings. In particular, it provides an opportunity to submit applications in the form of electronic documents, both to the courts of first and higher instances, as well as the right to receive copies of court documents in electronic format.

The law also provides for the introduction of a simplified form of consideration of simple cases of action proceeding, expansion of the scope of application of the writ proceedings.

Since 2015, a new model of criminal justice has been introduced. Modernization of the legal doctrine and the transition to restorative justice led to procedural economy. The innovations of the Criminal Procedure Code adopted in 2014 contributed to enhancing the effectiveness of law enforcement and strengthened the constitutional guarantees of human rights and freedoms.

In order to fulfil the directives given by the President of the Republic at the VI Congress of Judges on the modernization of civil procedural legislation, the Supreme Court developed a new version of the Civil Procedure Code

(CPC), as well as the Law “On amendments and alterations to certain legislative acts of the Republic of Kazakhstan on improving the system of justice administration”. The Head of the State signed the new CPC on October 31, 2015.

The Code has entered into force on January 1, 2016 and provides for a procedure for the consideration of cases that is convenient for participants in the process, the extensive use of conciliation procedures, and the use of the up-to-date electronic technologies.

In the new edition of the CPC, the categories of civil cases were expanded with the obligatory preliminary pre-trial procedure for resolving the dispute, as well as the range of legal proceedings carried out in electronic mode. As an additional measure to simplify judicial procedure, the possibility of remote examination of evidence and hearing explanations of the persons involved in the case via video communication has been created.

In order to strengthen the social role of the civil procedure, the Code approves the principle of ensuring guarantees of fair legal proceedings primarily in the court of first instance, and not in the process of endless appeal. Assistance to the reconciliation of the parties has been elevated to the rank of tasks of civil proceedings. To this end, the chapter “Conciliation procedures” was introduced as a mechanism for strengthening social institutions and settling public conflicts.

Further development of the institute of mediation contributing to the development of restorative justice and reducing the burden on the courts is ensured by the introduction of a new procedural figure of the mediating judge, who, unlike the existing mediators, does his work not on a remuneration basis.

As part of measures to create an administrative justice system in Kazakhstan, the Supreme Court developed the concept and draft of the Administrative Procedure Code. The adoption of this Code is associated with the enhancement of the role of justice in protecting the rights and legitimate interests of citizens and organizations from unlawful acts and actions of the public authorities and officials. The adoption of the code will allow the procedural separation and regulation of the procedure for resolving conflicts of a public and legal nature, while administrative court procedure will become a full-fledged form of justice administration.

The administrative justice system will effectively and promptly respond to any violations by officials of the authorities and administration. This mechanism will significantly improve the quality of public administration.

On July 31, 2015, the Constitutional Law “On Amendments and Alterations to the Constitutional Law of the Republic of Kazakhstan “On the Judicial

System and the Status of Judges of the Republic of Kazakhstan” was signed by the Head of the State to implement the task to improve social and material conditions of activities of the judges assigned at the VI Congress of Judges. It provides for the introduction of life long maintenance of retired judges through the reorganization of the institution of pensions for judges. A provision stipulating lifelong maintenance is enshrined as a monthly monetary payment as a percentage of official salary in the last position of a judge.

The amendments to the Constitutional Law on the Judicial System adopted by the Parliament of the country in November 2015 to implement the provisions of the Plan of the Nation on the supremacy of law provide for further improvement of the pension system for judges.

The new pension payment system that meets the international standards for strengthening the independence of judges and attracting highly qualified lawyers to their ranks has been launched since January 2016 and contributes to the formation of a high-quality and stable composition of the judiciary, ensuring the effective enforcement of the constitutional rights of the individuals to the judicial protection.

Particular attention is paid to the implementation of the President’s directives on the entry of the judicial system into Top 30 of the countries according to the criterion “Independence of the courts”. The Road map to increase the judicial independence index in the Global Competitiveness Index has been implemented. Evaluation of the quality of court activity has become one of the important components of monitoring the work of judicial bodies and ensuring public confidence in them in the present-day conditions.

The level of public expectations from the work of the courts is very high indeed. In order to study the attitude of the population to the judicial system and the results of its activities, to determine a degree of awareness of the population about the work of the courts, to assess the compliance of the degree of judicial protection of citizens’ rights with the expectations of the public, the surveys of various categories of respondents are conducted within the framework of the mentioned courts monitoring.

For example, in 2014, a survey of the quality of court work was conducted in the specialized inter-district economic courts of the country among business entities that participated in court proceedings. In general, the results of the analysis indicate a positive assessment of the activities of economic courts. More than 86% of respondents expressed satisfaction with the level of professional competence of judges, 74.5% of the participants in the process noted the fairness of the consideration of economic disputes by the courts.

They also evaluate well the degree of accessibility, as well as the independence of the judicial system from non-legal influences (more than 70%).

An independent study on the quality of provided court services carried out in 2012 in district courts showed that 82.4% of all respondents completely trust the court.

The sociological studies conducted with the participation of the UN Development Program in Kazakhstan in the first half of 2015 also give a high assessment to the work of the courts.

12,206 respondents were polled in 193 district and equivalent courts of the republic. In the buildings of the courts, they independently filled out standard questionnaires consisting of 32 questions on 18 assessment indicators, which included, inter alia, the availability and quality of judicial services, the overall level of satisfaction, priorities for improving the work of judges, further actions in case of disagreement with the decision, as well as additional questions about the role of prosecutors in civil proceedings and the quality of legal assistance received. The studies have shown that 80% respondents express confidence in a judge. About 90% noted the courtesy and competence of a judge, 83% were satisfied with a judge's readiness for a legal proceeding, 80.6% appreciated the equal opportunities of the parties in expressing opinions and providing information in court proceedings

The overall level of respondents' satisfaction with court activities was 71.3%.

This is another indisputable evidence of the fact that a sufficiently strong judicial power has been formed in the country, which is capable of enforcing the laws and complies with all the global standards of a modern legal and democratic state.

In pursuance of the tasks set by the VI Congress of Judges, electronic justice has been developed everywhere as an important factor in enhancing the efficiency of court proceedings. In order to increase the openness and accessibility of justice for the population, the Concept of informatization in the judicial system until 2020 has been developed.

The present-day information and communication technologies are implemented in all courts, at all stages of judicial activity, from receiving the documents, court proceedings to issuing decisions and a writ of execution. The focus of these events is to create convenient, simple and understandable tools for the public, with the help of which they can easily contact the courts at any convenient time.

In 2015, the TORELİK automated information and analytical system of judicial authorities was launched in all courts, providing prompt access to

the information exchange of data and high fault tolerance. The system allows automatically generating statistical and analytical reports. Thanks to it, clerical work in the courts becomes almost completely electronic. The system integrates all available services, including an electronic archive of court documents, an internal portal, a personnel system, court Internet resources, a Call Centre, familiarization with court documents, judicial cabinet.

“TORELİK” improved the automatic distribution of cases and performs this operation taking into account the specialization of judges, their workload, reassignment to another court, vacations, business trips, being on sick leave, acting as an investigative criminal court judge and an administrative law judge on duty.

The integration of the judicial system with the information systems of the interested public authorities has been implemented. Thus, operative access to the information of the public authorities is provided and all mechanisms for information transfer are simplified.

Informational interaction has been established with the Ministry of Justice regarding online transfer of writs of execution: with the payment gateway of the “electronic government” – to obtain data on state duty receipt and to verify the payment of fines; with the General Prosecutor’s Office – to receive in electronic form the materials on criminal and administrative cases, to transfer judicial acts, as well as statistical data; with Kazpost – in terms of automating the dispatch of judicial correspondence and the use of “Hybrid electronic mail” (as a result of optimization of postal services, the savings amounted to 326 million tenge, including more than 50 million – through the use of “Hybrid electronic mail”); with the Penitentiary System Committee – in terms of the transfer of judicial acts on persons serving sentences in correctional institutions. The list also includes the Administration of the President of the Republic, the Ministry of Investment and Development and other government agencies.

Within the framework of the “Judicial Office”, an automated workplace (AWP) was implemented and launched for the public authorities on sending administrative cases to the judicial authorities of the country. Currently, AWP is used by 1,495 public institutions. A functional is also introduced for viewing judicial acts by the public authorities in specific categories of cases.

In the personal account of the service “Judicial Office” users can add trusted representatives to access the viewing of statuses on the submitted applications. The service launched a module for the Ministry of Finance to obtain court decisions recognizing a potential supplier as an unfair participant in government purchases.

Since 2016, taking into account the proposals of lawyers, representatives of the legal community and government agencies, several sections of the “Judicial office” have been updated, including legal proceedings (filing lawsuits, petitions, appeals / private complaints, cassation motions, etc.), sending letters and appeals to the judicial authorities, search for court cases, apostilization of official documents issued by the judicial authorities. A mobile version of the “Judicial Office” has been introduced.

In 2015, through the “Judicial Office”, the courts of the republic received three and a half times more electronic documents than in 2014 (382,238 against 105,707). 42% of claims were filed electronically. More than 6.5 million notifications were sent. Half a billion tenge was saved just on this.

Currently, the “Judicial Office” has implemented more than 60 types of statements in electronic form. In 2017, 92.5% of statements of claim and 89.1% of administrative materials were submitted to the courts through this service.

The official Internet resources of the courts, which today represent a single powerful information resource, providing a multifaceted presentation of information about the activities of the country’s judicial system in the network, have been activated. The direct result of this work was the recognition of the Internet resource of the Supreme Court as the best in the rating of the official web-sites of the public authorities of the country according to the results of 2014 and 2015 according to Kazcontent. Such popularity is also ensured by the practical possibilities presented through the web-sites, for example, access to the “Acquaintance with the list of hearing cases” service, where information about the appointed court sessions is placed. There is the functioning service “Calculator to calculate a state duty payable”, which allows accurately calculating the state duty for filing lawsuits and other applications to the court.

The AVR systems have a centralized data storage system, which is integrated with TORELİK and the Judicial Cabinet online service.

The analytical information service “Taldau Forum”, which is based on the use of the Single Classifier of categories of cases and materials, generalizations of judicial practice and the Bank of judicial acts, regulatory decisions of the Supreme Court, contributes to the formation of a uniform judicial practice.

Taldau, which is accessible to all judges and visitors of the courts’ Internet resources, is aimed at systematization, monitoring of judicial acts and analysis of judicial practice in specific categories of cases. The basis of its development is the experience of a number of countries – Austria, Turkey, Latvia, Estonia, Russia, and Finland. Through the forum, a platform for discussions on judicial

practice has been created, where everyone, including lawyers and prosecutors, can speak. All statements are analysed and such opportunities for the public to participate in the formation of judicial practice will improve the quality and effectiveness of the courts.

On September 13, 2017, during the Republican meeting on digitalization, the Head of the State officially launched the Situation Centre of the Supreme Court – a unified system for monitoring the activities of the courts, which allows for online round-the-clock collection and analysis of relevant judicial information. In general, the Centre monitors the work of 370 local courts on 700 indicators.

The court launched the Mobile Judicial Office service. Now, a party can take part in a lawsuit through mobile devices that have access to the Internet.

In addition, the following have been created and are operating: the Bank of Judicial Acts, which provides access to the original versions of judicial acts signed with an electronic digital signature of a judge; stationary videoconferencing and SMS notification ensuring efficiency, increasing efficiency, saving budget funds; the IT justice group on Facebook for interacting with the citizens and maintaining feedback.

The great importance in judicial activities is attached to the international cooperation. With developing partnerships with the highest courts of foreign states, the Supreme Court participates in long-term international projects aimed at strengthening the supremacy of law.

The interaction with the judicial authorities of the countries of the Commonwealth of Independent States continues on a regular basis on the exchange of opinions on a wide range of topics related to the development and strengthening of cooperation in the field of law, solving problems of the uniform application of the international treaty norms by courts. In the course of such meetings, the intention is emphasized to solve jointly and constructively the topical problems of mutual interest in the judicial sphere. A striking example of fruitful cooperation in this direction within the CIS is the work of the Council of Presidents of the highest arbitration, business, economic and other courts that resolve cases in economic area.

The annual meetings of the Presidents of the Supreme Courts of the Shanghai Cooperation Organization member states are important for coordinating plans for joint activities. On September 20-22, 2006, the first Meeting of the Presidents of the Supreme Courts of the SCO member states was held in Shanghai (People's Republic of China). The forum laid the foundations of this

organization, addressed issues of improving the efficiency of justice and the role of courts in promoting social development.

At regular meetings, the presidents of the highest judicial bodies of the SCO member states discussed and noted the importance of cooperation in cases of cross-border crime, terrorism, separatism and extremism, agreed to exchange the information on judicial practice in cases involving drug offenses, cooperation on the protection property rights in the context of the world economic crisis, checks and balances in the system of law enforcement and judicial authorities, liberalization and humanization of the criminal and criminal procedure legislation, the development of juvenile justice, gender equality, the fight against torture, and a number of the other issues.

Mutual understanding and agreement on cooperation was achieved to improve judicial protection institutions aimed at ensuring a favourable environment, preserving the ecological balance and countering illegal population migration, strengthening cooperation and sharing experience and information, developing contacts, including organizing mutual visits and training programs in order to improve the qualifications of judges.

During the meetings, the views were also exchanged on the issues of deepening judicial reforms in the SCO member states, the interaction of courts with the mass media, the openness of justice, the selection and appointment of judges, the improvement and evaluation of courts' activities, the creation of a balanced judiciary management system and implementation of information and communication technologies in the activities of the courts.

Kazakhstan held regular meetings in 2008 and 2014, at which the presidents of the Supreme Courts of the SCO member states noted the relevance of exchanging experience in the judicial sphere and set tasks to deepen close interaction based on mutual trust, equality, respect for cultural diversity and a desire to share development.

The international cooperation programs on various issues of judicial activities are implemented with the UN Office in Kazakhstan, the UN Development Program, the UN Children's Fund (UNICEF), the International Organization for Migration, the OSCE Program Office in Astana. A constructive partnership has developed with the European Union in the framework of the rule of law initiative, the German Society for International Cooperation (GIZ) and the German Foundation for International Legal Cooperation (IRZ), the American Bar Association.

Together with the international organizations, seminars and conferences are constantly held with the participation of the national and foreign experts,

as well as various studies on access to justice, transparency and openness of legal proceedings, information visits to study the best practices of other countries are made, collections of materials and manuals are issued, expert assistance is provided to improve the current legislation.

The results of the implementation of systematic work during these years allow stating the factor of a successful and strong judicial system in Kazakhstan. It meets all the requirements of a legal state and is capable of performing the tasks entrusted to it in ensuring the implementation of the Constitution and laws, the protection of the rights, freedoms and legitimate interests of citizens and organizations.

The tasks outlined by the Head of the State at the congresses of judges were successfully implemented. An effective legislative framework has been created for the courts' activities, comprehensive measures have been taken to strengthen the independence of courts, the court procedures are simplified, and the institute of specialized courts has been introduced.

Improving the competitiveness of our legal system in all its basic branches of law is necessarily linked, *inter alia*, with the large-scale work to further enhance the authority, independence and efficiency of the judicial branch of government.

In accordance with the institutional reforms put forward by N. Nazarbayev, the President, the Supreme Court is actively working to implement the Plan of the Nation "100 specific steps", which is particularly aimed at further improving the judicial system. 11 steps or more than 10% are focused on these goals.

As part of specific steps to improve the efficiency and responsiveness of justice, the judicial instances were optimized. The transition to a three-tier justice system has been implemented: the first instance court is a district court, the appeals instance is a regional court, and the cassation instance is the Supreme Court. The refusal of the supervision institute in accordance with the international principles of judicial procedure has become an important tool to increase the promptness of consideration of cases, the stability of judicial acts, growth of authority of the local courts and reduction of judicial red tape.

The compulsory participation of the prosecutor in civil proceedings was gradually reduced, which was implemented next in the new edition of the CPC. The extensive list that existed earlier was reduced and the participation of the prosecutor was retained in strictly defined cases only.

The use of non-judicial dispute resolution methods provides for a series of measures. These include expanding the list of disputes for which pre-trial proceedings are mandatory; the introduction of a participative procedure,

the reduction of grounds for the cancellation of the arbitration decision; unification of arbitration courts and arbitration and expansion of the categories of disputes they consider.

In order to implement the measures outlined in the Plan of the Nation on the creation of specialized legal proceedings on investment disputes and separate jurisdiction of the Astana International Financial Centre (AIFC), a panel has been established to consider investment disputes in the Supreme Court and the Court of the Astana International Financial Centre, in which it is possible, when considering disputes, to apply the norms of foreign law, along with the national legislation, as well as to attract the foreign judges and to conduct the case in English.

To this end, the new version of the Civil Procedure Code provides for consideration of investment disputes related to investment activities by the court of Astana according to the rules of the court of first instance, investment disputes involving large investors – by the specialized board of the Supreme Court. According to the World Bank Doing Business-2017, Kazakhstan ranked 4th in terms of the quality of legal proceedings from 190 countries.

At the same time, an International Council has been created under the Supreme Court from among authoritative foreign judges and lawyers, which makes proposals for the implementation of the world's best practices in the work of Kazakhstan courts and will advise judges who are considering the investment disputes.

In order to protect the rights of investors in the capital Astana, the International Arbitration Centre was established by the example of Dubai's experience, with the inclusion therein of the reputable international arbitrators. The international arbitration centre of the city of Astana should become, within the Eurasian space, the leading authority on alternative, extrajudicial settlement of disputes of a wide range of investors, including participants of the AIFC.

At the XVI Congress of the Nur Otan Party, the Head of the State noted that today the weak links of the judicial system are the selection of judges and ineffectiveness of qualification requirements for judges.

In order to improve the situation in this area, the Constitutional Law of the Republic of Kazakhstan of December 4, 2015 “On Amendments and Alterations to Certain Constitutional Laws of the Republic of Kazakhstan on the High Judicial Council, the Judicial System and the Status of Judges” has tightened the qualification requirements and mechanisms for selecting the candidates for the judicial posts.

The qualification exam for a judge is supplemented by psychological testing. The candidates are allowed to the subsequent stages only after successfully passing the psychological test (prior to the reform, the psychotest was carried out at the final stage of the exam, and the results thereof were of a recommendatory nature). The applicant will also undergo a polygraph examination.

In general, the procedure for passing the qualification exam includes three stages:

1) computer testing for knowledge of the legislation of the Republic of Kazakhstan and the ability to put it into practice;

2) the examination of the applicant's knowledge and ability to apply them in practice on examination papers, which simulate specific situations from judicial practice;

3) psychological testing.

A paid one-year internship in court for candidates for judicial posts was introduced with a separation from the main place of work.

During the internship, the candidate for the position of a judge performs the functions of a consultant assistant judge. The probationary candidate's duties include taking actions to prepare cases for a legal proceeding, drafting procedural documents, making suggestions to a judge to take actions envisaged by the procedural legislation, drafting responses to appeals and inquiries in cases being examined by a judge, monitoring of compliance with procedural deadlines for consideration of cases, as well as other functions arising from the tasks of internship.

Internship on an ongoing basis contributes to the acquisition of practical work skills and increases the level of preparation of candidates for work in the position of a judge.

For the newly appointed judge, based on the results of the first (test) year of work, an assessment of professional activity is conducted. The results of his work are reviewed at a meeting of the Qualification Commission of the Judicial Jury and, on the proposal of the President of the Supreme Court, are submitted for approval by the Supreme Judicial Council. During the meeting, the commission will assess the level of professional knowledge of a judge and the ability to apply it in the administration of justice, the results of judicial activities, business and moral qualities and its compliance with the requirements of the Constitutional Law "On the Judicial System and the Status of Judges of the Republic of Kazakhstan" and the Code of Judicial Ethics.

In case of unsatisfactory assessment of the professional activity of a judge, the Qualification Commission of the Judicial Jury, on the proposal of the President of the Supreme Court, considers the issue of dismissing a judge.

The institute of personal guarantee by the judges of higher courts in respect of candidates for the posts of judges of regional courts and the Supreme Court was introduced with the establishment of responsibility for the objectivity of the guarantee.

These measures are aimed at the further implementation of the UN Basic Principles on the Independence of the Judiciary, according to which “persons selected for judicial positions must have high moral qualities and abilities, as well as appropriate training and qualifications in the field of law”.⁹⁸

In order to strengthen the relationship between training and judicial practice, the Institute of Justice was separated from the structure of the Academy of Public Administration and transformed into the Academy of Justice under the Supreme Court. This educational institution is intended to become a major educational and scientific centre of the judicial system, where, along with the preparation of the judicial corps, the judges will improve their qualification and the research activities will be carried out.

It is obvious that the further strengthening of the rule of law, the development of democratic institutions in the country is intimately connected with the strengthening of the role of the court and expansion of its competence. There is a need for such a level of legislative regulation of the powers of the judicial power, which would correspond to the role of the court as a regulator of relations between the subjects of society in a legal state. The thesis of effective judicial protection of any constitutional rights and legally protected interests of a person, legal entities and the State itself should be core. Kazakhstan is also linked up with this by its international obligations arising from universal international legal acts in the field of human rights.

In this context, the most important prerequisite for strengthening judicial control in pre-trial proceedings is, in accordance with the Plan of the Nation, a phased expansion of court authorization of investigative actions affecting constitutional rights and freedoms of a person.

Speaking of increasing the transparency of the courts, one cannot help but note the obvious advantages of equipping the court rooms with audio and video recording systems. AVR for litigation minimizes non-procedural contacts, and this is one of the measures of the anti-corruption policy of the judicial system. The introduction of AVR simplifies the process of administration of justice, allows optimizing and automating the legal

⁹⁸ Basic Principles on the Independence of the Judiciary. UN General Assembly Resolution 40/32 of November 29, 1985. – ILS Adilet.

proceedings and saving the budget funds. All court rooms are gradually equipped with the AVR systems (1,418 rooms).

To further strengthen the functions of the court for the protection of the rights and freedoms of citizens within the framework of the Plan of the Nation, the scope of consideration of the cases involving jury members has been expanded by assigning additional offenses to its jurisdiction. These measures to improve criminal justice with the participation of jurors have contributed to strengthening independence in decision-making and wider involvement of civil society in the administration of justice in order to increase public confidence in the courts.

A new impetus to judicial reform was given by the instructions of the President of the Republic given at the VII Congress of Judges held in late 2016, as well as the constitutional reform implemented on the initiative of Elbasy in 2017.

The new version of Article 81 of the Framework Law clarifies the function of the Supreme Court of December 4, 2015, instead of the provision on the supervision of the activities of local and other courts, which stipulates that the Supreme Court, in the cases provided by law, shall consider the court cases referred to its jurisdiction. Requirements for judges of the courts of the Republic are determined by the constitutional law.

All these measures, in conjunction with the other constitutional amendments, have allowed removing the problems that occasionally arise when modernizing the law enforcement system and created a basis for deepening the reforms.

On December 21, 2017, the Head of the State signed the Law “On Amendments and Alterations to Certain Legislative Acts of the Republic of Kazakhstan on the Modernization of the Procedural Foundations of Law Enforcement”. It is aimed at enhancing the protection of citizens’ rights in criminal proceedings and reducing its repressiveness, increasing the adversarial nature of the parties, including by granting additional rights to lawyers, expanding judicial control at the pre-trial stage, a clear distribution of procedural powers, simplifying and making the criminal proceedings economically efficient.

An important event was the adoption of a new Code of Judicial Ethics in 2016 at the congress, which provided for high standards of conduct for judges. The code has undergone a broad examination not only within the country, but also abroad, in particular, in the European Commission to democracy through the law of the Council of Europe (Venice Commission).

As the Head of the State noted at the VII Congress of Judges: “Our judicial system and the process of justice administration must be credible and meet

the best world standards.” The state policy on the development of the judiciary is directed just towards these goals. Many important initiatives are still being worked out and will have an important impact on the future development of the domestic judicial system.

A strong and economically developed Kazakhstan is a condition for the approval of the highest standards of democracy and human rights. In turn, professional and impartial justice is the key to accelerated comprehensive development of the country.

Jakip ASSANOV

**PUBLIC PROSECUTION IS A TOOL
TO ENSURE LEGITIMACY AND PROTECTION
OF A MAN, HIS LIFE, RIGHTS AND FREEDOMS**

State and Law are two inseparable fortunes

Independence is undoubtedly the most valuable achievement of Kazakhstan. This became the starting point for the development of a sovereign state functioning on the principles of social harmony, economic development for the benefit of the whole nation, Kazakhstan patriotism, and the solution of the most important issues of state life through democratic methods.

Historical names of the cities returned to the country: Tselinograd – Akmola, then Astana, Guriyev – Atyrau, Shevchenko – Aktau, many population centres and streets changed their usual names associated with the outgoing era to others. These are the names of the figures that made a significant contribution to the development of society and the formation of statehood, including the Kazakh biys: Tole bi, Kazybek bi, Ayteke bi and others, which rescued from obscurity.

The work on the legal rehabilitation of unlawfully repressed persons was organized. For a short period, more than 33 thousand citizens have been rehabilitated. On September 18, 1990, N.A. Nazarbayev, the President of Kazakhstan, issued the Decree “On measures to assist rehabilitated citizens who suffered from illegal reprisals from 30-40 to the early 1950-s”.

Before Kazakhstan gained independence, the prosecution authorities under the conditions of the Soviet state, like other public authorities, served the interests of the Soviet administrative-command system, which needed to be changed.

On October 25, 1990, the Supreme Soviet adopted the Declaration “On the State Sovereignty of the Kazakh SSR” proclaiming the supremacy of the Constitution of the Republic and its laws. The logical milestone of

the subsequent historical stratum of political events was the adoption on December 16, 1991, of the Constitutional Law of the Republic of Kazakhstan “On the State Independence of the Republic of Kazakhstan”. On the day of the signing of this law, a new independent state – the Republic of Kazakhstan – appeared on the political map of the world.

The first years of the State Independence of Kazakhstan became the most difficult not only in economic terms, but also in political and legal terms.

On December 9, 1993, the Supreme Council adopted the Law of the Republic of Kazakhstan “On the Early Termination of Powers of Local Councils of People’s Deputies of the Republic of Kazakhstan”, and the next day – the laws “On the Early Termination of Powers of the Supreme Council of the Republic of Kazakhstan” and “On Temporary Delegation of additional powers to the President of the Republic of Kazakhstan and the heads of the local administrations”. On this day, the crisis of the dual power (the President and the Supreme Council) was overcome. The President legally and in fact became the guarantor of the Constitution and sovereignty in an unstable political system.

From this very moment, we can state that the President of the Republic of Kazakhstan is the Head of the State, its highest official, who determines the main directions of its domestic and foreign policy. These changes allowed for the coordinated functioning of all branches of government.

From the very first days of the proclamation of Independence, we recall with gratitude the eminent lawyers and public figures who were at the forefront of the legal reform of Kazakhstan: Salyk Zimanov, Sultan Sartayev, Nagashbay Shaikenov, Gayrat Sapargaliyev, Maxut Narikbayev, Stepan Shutkin, Yuri Khitrin, and others, who made invaluable contribution to the construction of a new legal state.

In the first half of the 1990-s, Kazakhstan experienced a deepest economic crisis. The reasons for such a catastrophic economic downturn were associated with the collapse of the country and the rupture of most trade and economic relations between the former Union republics.

In June 1992, the “Strategy of the formation of Kazakhstan as a sovereign state” was adopted.

That document outlined measures for the formation of a social market economy taking into account the combination of private and state ownership, as well as the creation of legal conditions for the realization of the economic self-determination of the Republic’s citizens.

In order to implement fast processes of a state building and legal democracy, it was necessary to quickly elaborate new approaches to the development of the legal system.

Therefore, on February 12, 1994, the Resolution of the Head of the State approved the State program of legal reform in the Republic of Kazakhstan. That fundamental document defined the basic principles for reforming the prosecutor's office.

Subsequently, they were enshrined in the Framework Law, criminal, criminal procedure codes, and a little later in the administrative legislation of the country.

The Constitution of the Republic of Kazakhstan adopted on August 30, 1995, defined the presidential form of government, the administrative territorial structure and approved the highest values of a person, his life, rights and freedoms.

Stages of development of the prosecution authorities

During the years of activity, the Kazakhstan public prosecution has gone through several stages of its development.

The first stage of development of the country's public prosecution is intimately connected with the adoption of the Constitutional Law of the Republic of Kazakhstan of December 16, 1991 "On the State Independence of the Republic of Kazakhstan", which required the prosecution authorities to quickly orient themselves in the current situation, rejecting outdated forms of work, searching and applying effective prosecutorial oversight.

In the early years of Independence, the country faced the difficulties of the transition period: it was a crisis in all sectors of the economy, interruptions in the supply of products, breaking relations between states, closure of enterprises, mass population migration processes, occasional lack of electric light and heat, rising unemployment and crime. All these factors caused social tension and a decline in the living standards of the population.

The state of law in Kazakhstan was influenced not only by socio-economic conditions, but also, first of all, impossibility of prompt decision-making on issues of counteracting crime and other violations of the law, even in cases of extreme urgency. In the 1990-s, the Republic was covered by such phenomena as theft, robbery, brigandage, raiding, racketeering and banditry. It should be honestly acknowledged that the issue was acute; the level of crime with such dissoluteness began to encroach on the national security of the State. This was perceived very painfully by the population of the country

and greatly undermined the people's faith not only in state power and law enforcement system, but also hope for the future.

Building a strong, efficient state in the period of statehood formation was unthinkable without accurate, unswerving enforcement of laws in the country.

Preserving the internal stability and well-being of any state depends on the well-coordinated work of the law enforcement system.

Taking into account the current criminal situation in the country, it was necessary to build up an internally controlled system of prosecution authorities in the new economic situation.

Therefore, these factors have influenced on the content of specific rules governing the powers of the prosecutor's office. This is reflected in the Constitution adopted at the republican referendum on August 30, 1995, and in the Decree of the President of the Republic of Kazakhstan, having the force of the Law, "On the Prosecutor's Office of the Republic of Kazakhstan" dated December 21, 1995.

Article 83 of the Constitution proclaims the main provisions on the public prosecution as a single centralized system with the subordination of lower prosecutors to the superior ones and the General Prosecutor exercising their powers independently of other public authorities, officials and accountable only to the President of the Republic.

Thanks to these powers, the public prosecution is capable of effectively exercising supreme oversight of the legality of the activities of the public authorities, other organizations, regardless of the form of ownership and decisions made by them, judicial acts, executive and administrative proceedings, law enforcement, special state agencies and other directions determined by law.

Thus, the Constitution strengthened the position and status of the prosecution authorities with defining its place and role in the system of the public authorities as the "eye of the sovereign".

The fact of the constitutional consolidation of the status of prosecution authorities means the recognition by the state of the institution of prosecutorial supervision as a specific, independent type of state activity distancing from all branches of government, and this factor played a positive role for the successful implementation of the planned reforms.

In 1997, the Strategic Program "Kazakhstan-2030" was promulgated. That document laid the way for the independent national development of Kazakhstan taking into account features and external factors.

The implementation of the Kazakhstan-2030 Strategy required the prosecution authorities, as the country's highest supervisory body, to pay

particular attention to ensuring the principle of legality and stricter accountability of officials and citizens for non-compliance with the statutory requirements and acts of prosecutor's supervision.

The second stage of development of the prosecution authorities is associated with the adoption of the Law of the Republic of Kazakhstan "On amendments and alterations to certain legislative acts of the Republic of Kazakhstan on public prosecutor's supervision" on August 9, 2002. This Law establishes the need to further increase the level of legality and protect the rights of citizens.

During this period, the public prosecutor's supervision still retained the outdated legacy of the Soviet era and demanded a radical revision.

This is confirmed by the fact that the public prosecution and public prosecutor's supervision did not undergo significant changes until the new Law of the Republic of Kazakhstan "On the Public Prosecution" dated June 30, 2017 was adopted, and the Law of the Republic of Kazakhstan dated December 21, 1995 "On the Public Prosecution", which became inoperative, was amended only with respect to expanding the powers of the supervisory authority.

The need for administrative reform in Kazakhstan, which was intended to become an instrument for realizing the breakthrough of Kazakhstan among 50 most competitive countries in the world, was articulated as a priority in the Message of the President of the Republic of Kazakhstan N.A. Nazarbayev "New Kazakhstan in the New World" dated February 28, 2007.

The implemented administrative reform was important, because without this it was unthinkable to successfully implement all other economic and social transformations in the country.

The Decree of the President of the Republic of Kazakhstan dated December 18, 2012, approved the Strategy "Kazakhstan-2050: the new political course of the established state".

In pursuance of clause 80 of the National Action Plan for the implementation of the Message of the Head of the State to the people of Kazakhstan, the State Program for Further Modernization of the Law Enforcement System of the Republic of Kazakhstan for 2014-2020 has been developed.

In the Message to the People "Kazakhstan Way – 2050: Common Goal, Common Interests, Common Future" dated January 17, 2014, N.A. Nazarbayev, Elbasy, set the new challenges for introducing in the country a number of the OECD principles and standards.

As one of the recommendations of the OECD, the requirement is to "ensure greater transparency and accountability of law enforcement agencies".

It is planned to implement the program of modernization of the law enforcement system of Kazakhstan in two stages: the first – during 2014-2016, the second – 2017-2020.

The third stage of development of the public prosecution falls on the Constitutional reform of 2017 initiated by the Head of the State, and the second stage of the implementation of the law enforcement modernization program.

The main goal of the approved program was to increase the level of confidence in law enforcement agencies by ensuring the effective protection of the rights and freedoms of citizens, the legitimate interests of society and the state.

The implementation of the program is expected to complete the process of creating a law enforcement system that complies with the generally accepted international standards and objectives of the Kazakhstan-2050 Strategy.

In this regard, it became necessary to develop the Concept of prosecutorial supervision in a new format in which it was necessary to determine the place of the public prosecution in the state structure, the concept, forms, scope, limits of public prosecutor's supervision and its relation to the other areas of the public prosecution.

Thus, the practice of supervision, which existed until June 30, 2017, inclusive, was rooted in Article 164 of the USSR Constitution of 1977, which provided for the implementation of supreme supervision over the precise and uniform obedience of the laws, indicating a list of subjects of such supervision, including, along with the public authorities, the cooperatives, public organizations of citizens.

The use of the term “execution” in the USSR Constitution is not accidental. According to the theory of law, the execution, as a form of realization of the law, is the performance by an individual or legal entity of the actions provided for by the legal rule.

Thus, amendments to the Constitution of the Republic of Kazakhstan, introduced by the Law of the Republic of Kazakhstan on March 10, 2017, where the term “compliance” is now used, implies supervision only in relation to the public authorities, while the term “execution” in the USSR Constitution implied a wider range of supervised entities. In this regard, the prosecutor's office completely abandoned the outdated Soviet understanding of public prosecutor's supervision.

The state policy is aimed at reducing administrative pressure on business and creating a favourable business climate.

In the Plan of the Nation “100 steps”, N.A. Nazarbayev, the President of the Republic of Kazakhstan, defined the task of reducing the participation

of the prosecutor in a court in civil law disputes in order to simplify judicial procedures and speed up the judicial process.

This decision is not accidental, since restricting the participation of the prosecutor in civil law cases minimizes corruption and eliminates the involvement of prosecutors in resolving economic and political disputes, which is generally consistent with the standards of the OECD countries and will have a positive effect on increasing public confidence in law enforcement authority.

In pursuance of the instructions of the Head of the State, the list of cases with mandatory participation of the prosecutor's office in civil court proceedings has been significantly reduced; now it can participate only on the initiative of the court or the prosecutor when the interests of the state are affected, in relation to citizens who are not able to protect themselves, and when it is required to protect the interests of a wide range of people, for example, mass dismissal, failure to pay wages to a large workforce, with respect to the participants in shared construction.

In addition, the measures taken have strengthened the role of the judiciary in civil proceedings.

Kazakhstan has become a successful and modern state for almost three decades of its sovereign development. The activity of the supervisory authority is entirely connected with its history of establishment and the formation of independence. Steps have been completed stage-by-stage in order to build an effective system of prosecution bodies that meets the present-day challenges.

The changes taking place in the country and in the legislation put in the forefront the person as the highest value of the society, the rights of citizens to judicial protection were expanded. The legal protection of the individual has become the main activity of the prosecution authorities of the republic.

Evaluating the completed stages of the formation and development of the prosecution bodies since the proclamation of Independence of the Republic, one cannot but emphasize its role in the development of statehood, the development of democratic processes, and the strengthening of legality and the law and order.

Exercising the powers on three basic principles

Legality Principle. This is the most important principle for the exercise of authority by the prosecutor, which is the basic condition for the observance of two other principles. What is its essence? Within the framework of the law, the prosecutor exercises supreme supervision over the legality of the activities of state, local representative and executive bodies, local self-government

bodies and their officials, other organizations regardless of their form of ownership, as well as acts and decisions adopted by them.

In defending the law, first of all, the prosecutor must follow him in full obedience, relying on the law himself, and his decisions must be motivated and justified. Sure thing, this imposes special requirements on the prosecutor as a law enforcer, including moral and ethical ones.

The system of legal acts of the prosecutor's response and the decisions made by the prosecutor must be perfectly justified by the law, and the powers of the prosecutors to identify and respond to offenses must be exclusively in the forms specified by the law.

The prosecutor's office is the only body to the competence of which the country's Constitution refers the supreme supervision of the legality as one of the most important forms of law enforcement in the country. The term "supreme" means not only the ultimate instance of its implementation, but also the volume, depth and limits of its distribution.

The principle of independence from the other public authorities and the accountability of the prosecutor's office only to the President of the Republic of Kazakhstan.

In their organization and activities, the prosecutor's office is not dependent on the bodies of the legislative, executive, and judicial branches of government.

This principle is expressed in the fact that the prosecutors, being in a single centralized system with the subordination of subordinate prosecutors to the higher and General Prosecutor of the Republic, being in hierarchical subordination to each other, have a certain autonomy, independence and creative activity in the performance of their duties.

The Unified Public Prosecution System is formed by the General Prosecutor's Office, regional prosecutors and equivalent (prosecutors of the cities of republican significance and the capital of the Republic of Kazakhstan, the chief military and main transport prosecutor's offices), district and equivalent city, inter-district, and specialized prosecutor's offices (military, environmental protection, transport, and special-object public prosecution offices).

The Legal Statistics and Special Registration Committee and the Academy of Law Enforcement Agencies under the General Prosecutor's Office are also members of the unified public prosecution system.

Undivided authority increases the personal responsibility of prosecutors for decisions made, especially when they involve the use of the measures of public enforcement and restriction of the rights of citizens.

The combination of “iron subordination” and the functional independence of the prosecutor allows him effectively solving the tasks that face him.

As far back in 1721, the Russian emperor Peter I imagined the goals and objectives of the prosecutor’s office as the “eye of the sovereign”. This approach with certain deviations is reflected in the changing industry-specific legislation throughout the thread of time period while the public prosecutor’s office served to the society and the state. The same definitions are also reflected in Article 83 of the Constitution of the Republic of Kazakhstan, which states that the prosecutor’s office exercises its authority independently of the other public authorities and officials and is accountable only to the President of the Republic.

This principle consists in the exercise by the prosecution authorities of the special powers and the hearing by the President at least once a quarter of the report of the General Prosecutor on the state of legality in the country.

Constitution of Kazakhstan – a legal foundation for the development of the country

The Framework Law of the country adopted at the republican referendum on August 30, 1995, became the personification of progressive ideas of advanced legal science, having secured the legal tenets of creating a new Kazakhstan statehood. With the use thereof, the Republic of Kazakhstan has implemented deep socio-economic transformations, has built international relations exclusively within the legal framework.

Back in the early years of building the Independent state, N.A. Nazarbayev put forward the thesis “the economy first and then the policy”, which became one of the principles of economic development for the benefit of the whole nation and is noted in clause 2 of Article 1 of the Framework Law. This important principle gave a powerful impetus to the development of a socially oriented market economy in the country.

Realizing its powers in strict accordance with the Constitution and the laws of the republic, the prosecutor’s office shall, through legal methods, ensure the control by the Head of the State over the activities of all branches of government.

According to Article 6 of the Constitution, state and private property are recognized and equally protected in Kazakhstan. That is why the Law of the Republic of Kazakhstan “On the Public Prosecution” of June 30, 2017, defines the very first task of the prosecutor’s office as the protection and restoration of human and citizen rights and freedoms, the legitimate interests of legal entities, society and the State.

These and many other legislative provisions have repeatedly passed a test of strength not only by time, but also by means of constitutional control. So, for example, on September 15, 2008, the Constitutional Council of the Republic of Kazakhstan received an appeal from the Prime Minister of the Republic of Kazakhstan on the interpretation of a number of norms of the Constitution with the formulation of a number of issues on the organization of state administration. This includes whether the Constitution allows preserving both controlling and supervisory functions of the public authorities or whether the only subject of supervisory functions is the prosecution authorities.

The Constitutional Council has interpreted the norms of the Constitution that the Framework Law does not contain restrictions on the assignment to the public authorities, within their competence, the controlling and supervisory powers, and therefore the supervisory powers may be assigned to the other public authorities, besides the prosecutor's office.

The other public authorities are entitled to exercise supervisory functions within their competence. However, this cannot detract from or substitute the public prosecutor's supervision, a special form and subject matter of which are defined and enshrined in the Constitution of the Republic of Kazakhstan.

The Regulatory Resolution of the Constitutional Council of the Republic of Kazakhstan No. 8 "On the official interpretation of Article 54, paragraphs 1) and 3) of Article 61, as well as a number of other norms of the Constitution of the Republic of Kazakhstan on the organization of the state administration" dated October 15, 2008, states that the constitutional characteristic of the public prosecutor's supervision as the highest supervision is, among other things, that the prosecution authorities, within their powers, can verify the legality of the actions performed by the other public authorities, including those having supervisory powers.

A number of provisions of the Constitution were amended later. On March 10, 2017, in pursuance of the Elbasy Plan of the Nation "100 specific steps" to implement five institutional reforms, including ensuring the supremacy of law, the Law of the Republic of Kazakhstan "On Amendments and Alterations to the Constitution of the Republic of Kazakhstan" was adopted.

The amendments also affected the activities of the supreme supervisory authority, whereby, in accordance with Article 83 of the Framework Law, the prosecutor's office should exercise on behalf of the State the supreme supervision over the observance of legality in the territory of the Republic of Kazakhstan within the limits and in the forms as established by the law,

represent interests of the State in a court and carry out criminal prosecution on behalf of the State.

Thus, the Constitutional Reform of 2017 has identified limitations on the implementation of the limits of supreme supervision, which are established by the law.

In order to implement the mentioned constitutional provisions, the Law of the Republic of Kazakhstan “On the Public Prosecution” was adopted subsequently on June 30, 2017, which, among other things, specified the outlines of the public prosecutor’s supervision, as well as the main approaches to the functioning and structure of the prosecution authorities in the Republic of Kazakhstan.

Pursuant to the constitutional amendments, it defines the purpose, legal basis and principles of organization and activity, the scope of public prosecutor’s supervision (main directions, subject, forms, limits and types of supervision), representation of interests of the State in a court and criminal prosecution, legal acts and the system of prosecution authorities, as well as the other issues.

To improve with preserving the continuity of traditions

On October 13, 2017, the President of the country N.A. Nazarbayev signed the Decree “On Certain Issues of the Public Prosecution of the Republic of Kazakhstan”.

This Decree approved the Regulation on the General Prosecutor’s Office as a law enforcement state body, which is directly subordinate and accountable to the President of the Republic.

Before deciding on the prospects for the development of the public prosecution, its place in the system of authorities, the attention was paid to the basic constitutional functions of the prosecutor’s office, which should exercise on behalf of the State the supreme supervision over the observance of legality on the territory of the Republic of Kazakhstan, within the limits and in the forms as established by the law, represent interests of the State in a court and carry out criminal prosecution on behalf of the State.

These functions fully meet the high standards of the legal state and are aimed at ensuring the implementation of the principle of checks and balances in accordance with the democratic traditions.

In order to create an optimal model of legal proceedings the criminal and criminal-procedure legislation was revised in the Concept of the Legal Policy of the Republic of Kazakhstan for the period 2010-2020. The Concept envisaged the introduction of new institutions aimed at the further consistent

development of the fundamental principles for the protection of human rights and freedoms in criminal proceedings. On December 21, 2017, the Law of the Republic of Kazakhstan “On amendments and alterations to certain legislative acts of the Republic of Kazakhstan on the modernization of the procedural foundations of law enforcement” was adopted.

Modernization of the procedural bases of law enforcement on the basis of the rules of the international law aims to implement the tasks of strengthening the protection of human rights in the criminal process, to increase the competitiveness of the parties, to expand judicial control, to eliminate duplication and to clearly distribute the powers between the investigating authorities, the prosecutor’s office and the court.

To expand the judicial control, the Institute of Investigative Judge was introduced into the Code of Criminal Procedure of the Republic of Kazakhstan, the task of which was the implementation of operational judicial control in the course of pre-trial proceedings. Thus, the prosecutor’s office “voluntarily” transferred a part of its powers, including the sanctioning a number of the procedural actions, to the judicial branch of power.

Meanwhile, the legal community and society perceived the innovations with the approval. The fact that the State can interfere in a person’s private life only through the judicial control institution in the form of authorization of the procedural actions, including undercover investigations, is spelled out in such important documents as the European Convention on Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights.

In this regard, the prosecutor’s office transferred to the courts such functions as authorizing undercover investigations, extending the timeframe for conducting undercover investigations, notifying a person of undercover investigations taken against him, the function of authorizing the use of bail, compulsory examination, obtaining samples, consideration of the body leading the criminal prosecution to authorize the exhumation and the bar to approach.

The general trend in the development of state institutions in the world is aimed at limiting the functions of the State to the most necessary ones. Elbasy adhered to this policy from the very beginning, already in the first national strategy “Kazakhstan-2030”.

This new approach, which corresponds to the best international practices and standards, after some revision has been included in the new Law of the Republic of Kazakhstan “On the Public Prosecution” dated June 30, 2017.

Thus, all the listed constitutional amendments for the effective performance of the main functions and tasks of the prosecutor's office required a review of the legal status and powers of the General Prosecutor and a change in the established headcount structure.

The implementation of the constitutional functions of the prosecutor's office is entrusted primarily to four divisions: 1st Service – the Criminal Prosecution Service, whose task is to prevent an innocent person from being criminally liable and ensuring the principle of the inevitability of punishment for a criminal offense, and 2nd Service – the Service for the Supervision of the Legality of Sentences entered into force and execution thereof, the main activity of which is the protection of human rights to fair legal proceedings, humane treatment and respect for the dignity when executing a punishment.

The current edition of the updated constitutional norm defined one of the priorities of the prosecutor's office activity – participation in the criminal procedure.

Such a transformation of Article 83 of the Constitution is logical and corresponds to the separation of powers of the police (investigation and inquiry), prosecution and court in full compliance with the basic criminal and procedural functions – accusations, defence and justice. The same model is followed in the OECD countries.

3rd Service – the Public Interest Protection Service, which exercises supreme oversight supervision over the legality of the activities of state, local representative and executive bodies, local self-government bodies and their officials, other organizations regardless of the form of ownership, as well as acts and decisions adopted by them.

In accordance with the Law “On the Public Prosecution”, the supreme supervision is carried out through inspections, analysis of the state of legality, and evaluation of acts that have entered into force.

A key element of the organization of the supreme supervision over the observance of the law and an effective legal means of identifying offenses and determining the circumstances that contribute to them is the prosecutor's investigation.

Now the inspections can be appointed only in cases of establishing the fact of non-fulfilment or improper fulfilment of the powers by the other control and supervision bodies, whose competence includes relevant issues (with the exception of inspections conducted on the basis of instructions from the President of the Republic or the General Prosecutor of the Republic of Kazakhstan or when supervising the observance of legality in the activities of law enforcement and special public authorities).

The law also provides for the public prosecutor's supervision in the form of the analysis of the state of legality, which is carried out without visits by the prosecutors to the subjects (objects) of inspection by studying various statistical data and materials containing information about the violation of laws.

In general, all the measures taken, as defined in the instructions of the Head of the State, are aimed primarily at creating more comfortable conditions for doing business in Kazakhstan, which, ultimately, is intended to make entrepreneurship more widespread.

The 4th Service is a service of special prosecutors, the direction of which is pre-trial investigation, including by directing investigative and investigation-and-operational groups.

The legislator has deliberately not defined the investigative jurisdiction of the special prosecutors. This was due to the fact that it was necessary to counter the systemic crimes committed in various spheres of the legal relations.

At the same time, the priority issues of one or another criminal case are determined by the General Prosecutor in the industry-specific acts. Today it is the Instruction on the organization of pre-trial investigation in the prosecution authorities as approved by the order of the General Prosecutor.

Focus on human capital assets

The purpose of the personnel policy of the law enforcement agencies is the formation of a highly professional staff capable of competently solving the assigned tasks.

The first step in this direction was the Decree of the President of the country dated December 31, 2013, approving the Concept of personnel policy of the law enforcement agencies.

In its implementation, as well as taking into account the instructions defined in the Plan of the Nation "100 specific steps to implement five institutional reforms", a reform "Formation of a professional state administration" was carried out in the prosecution authorities. It radically changed approaches to working with the most valuable resource – the staff. The principle of meritocracy is brought to the forefront, according to which the leading posts should be occupied by the most capable people, regardless of their social origin and financial wealth, as well as the competence approach in career advancement, entering the service from lower positions.

The implementation of the country's political course objectively dictates an increase in the role of law enforcement agencies. Today the State needs an effective system of protecting individual rights, ensuring public security and

internal political stability. To adequately respond to contemporary challenges and threats, the country needs strong law enforcement agencies and high-class professionals. Therefore, the problem of building worthy human resources has become our number one task.

The need for highly qualified personnel urgently raised the need for a radical review of the personnel policy, the introduction of advanced standards and innovations in the field of personnel management, which allow ensuring the selection and promotion of the most competent and conscientious employees.

In order to find answers to existing personnel problems, in the summer of 2016, the General Prosecutor's Office addressed the public through the Internet with the question: "Is it possible to get a job at the prosecutor's office without acquaintanceship?" 93% of the 7.5 thousand respondents who participated in the survey answered: "No, it is impossible." A similar survey was conducted in three Kazakhstan universities. Among the 480 students, only 45, i.e. less than 10% believe that you can get a job at the prosecutor's office with no outside help. The rest said that you can get a job at the prosecutor's office if you have acquaintanceship only.

Therefore, having adopted the nation-wide postulate of "using the crisis for a spurt," it was necessary to accelerate the "reset" in the personnel selection system.

The solution to the problem was the development and implementation of the project "The Best Personnel for the Prosecutor's Office".

Taking this opportunity, we once again express our gratitude to the President of Nazarbayev University, Mr. Shigeo Katsu, and Fatima Jakypova, who provided invaluable support in this project together with the experts and specialists from the Big Four companies – "Deloitte" and "Ernst & Young", as well as the universities – KazSLU and KazSU.

The process is determined in two stages – selection and competition. The qualifying stage consists of the candidate's passing a test of knowledge of the legislation, passing a medical examination and a special check. An interview and a ten-day internship follow at the competitive stage.

A candidate for the service must complete four tasks: describe his life experience, write an essay, solve case studies, and undergo a universal psychological study.

The whole point is that the work is not assessed by the officers of the prosecutor's office, but by independent experts with experience in personnel assessment (legal scholars and lawyers), whose solution cannot be influenced, as well as one cannot negotiate with a computer. In addition, the candidate

does not know who evaluates him, and the expert does not know whose work he assesses because the work is encrypted.

As a result, only the best candidates were able to successfully pass all stages of the competition.

A Passport of competence of a young employee was formed. This is the standard of professional behaviour, knowledge, abilities and skills that a young employee should have after graduating from the Academy of Law Enforcement Agencies under the General Prosecutor's Office.

The system of personnel selection makes a "bet on human capital assets". It is based on belief in a professional person and his special abilities (knowledge, abilities, skills, experience, talent), on the conviction that this intangible asset determines the future of the prosecution authorities.

International cooperation

Globalization of the world processes, increasing migration flows and population mobility, expanding the geography of criminal groups that go beyond the borders of one country and continent, require taking active measures to effectively interact with the other countries in countering crime and other threats and challenges.

One of the main functions of the prosecutor's office is interaction with the competent authorities of the foreign states and the international organizations, as well as the supervision of the implementation of laws in the field of international legal cooperation.

These functions are carried out by the prosecutor's office in accordance with the Constitution, international treaties, the Code of Criminal Procedure and the laws of Kazakhstan.

First, it is the provision of legal assistance in criminal cases, extradition, criminal prosecution; the transfer of convicted persons and persons suffering from mental illness, as well as the organization and holding of international meetings, conferences and seminars.

Secondly, supervising the legality of concluding, performing and denouncing the international treaties by the Republic of Kazakhstan, coordinating and improving the effectiveness of law enforcement agencies in the field of international cooperation in the fight against crime.

Thirdly, the expansion and improvement of the international legal framework for the fight against crime, ensuring the law and order, in particular, the conclusion of bilateral international treaties and accession to multilateral international treaties in the field of criminal justice.

It should be noted that over the period from 2011 to 2017, the prosecuting authorities considered over 17 thousand requests for international legal assistance, extradition, criminal prosecution, transfer of convicts and their transit through the territory of Kazakhstan. The number of such requests is growing every year.

One of the important areas of international cooperation in the fight against crime is the extradition of persons suspected or accused of committing crimes who, hiding in the other countries, are trying to avoid justice. Over the past 5 years, 349 wanted persons have been issued to Kazakhstan and more than 100 requests are being considered by the competent authorities of the foreign countries. In turn, 555 persons hiding in Kazakhstan were issued to the foreign countries. The largest number of requests for extradition is satisfied by the countries of the post-Soviet space – Russia, Kyrgyzstan, Belarus and Ukraine. The General Prosecutor's Office is also seeking the extradition of persons from the far foreign countries. For example, in the last two years only 8 persons have been issued from the UAE. In addition, individuals were issued from Spain, Portugal, Romania, Sweden, Bulgaria, Germany and Finland.

According to the principle of inevitability of punishment, 420 criminal cases were sent abroad for the criminal prosecution of foreign citizens who committed crimes in Kazakhstan and hid in their homeland.

In order to protect the rights and interests of our citizens who are serving punishment abroad, the work is being performed to transfer them to their homeland. For example, over the past five years, Kazakhstan has accepted 152 our citizens. For the first time in August 2015, 5 Kazakhstanis were taken from China to serve their sentences in their homeland, in the near future six more are planned to be received. During the same period, 265 convicted foreigners were transferred to the foreign countries.

In December 2015, Kazakhstan acceded to the Inter-American Convention on Serving Criminal Sentences Abroad of 1993. Now it is possible to transfer to the homeland the citizens of Kazakhstan who are serving sentences in the countries of the American continent.

The work on the expansion of the contractual base with the foreign states in the field of criminal proceedings has intensified significantly. The contractual legal relations are currently established on such important issues with 61 states, including 10 European states.

23 out of 45 bilateral international treaties in force have been concluded during the past 5 years (10 – for legal assistance, 6 – for extradition, and 7 –

for transfer of convicts). Only the last year, the treaties were signed with Italy, USA, Monaco, Hungary, the United Kingdom and India.

Multilateral international treaties are universal and effective; therefore, in 2015, the Inter-American conventions on mutual assistance in criminal matters and serving criminal sentences abroad were ratified on the initiative of the General Prosecutor's Office. The work is being performed to ratify the Inter-American Convention on Extradition.

The work in these areas is constantly being improved; the measures are being taken to conclude treaties with the other countries that are of interest to the organized criminal groups and individual criminals trying to avoid punishment. The negotiations are being held now to conclude 38 treaties with the foreign states on the fight against crime.

Joint efforts to fight crime

The concept of the legal policy of the Republic of Kazakhstan for the period from 2010 to 2020, which was approved on August 24, 2009, by the Decree of the President of the Republic of Kazakhstan, recognized the prosecution authorities as the core of the country's law enforcement system.

The Law of the Republic of Kazakhstan "On Amendments and Alterations to Certain Legislative Acts of the Republic of Kazakhstan on Improving the Activity of the Prosecution Authorities" dated December 29, 2010, for the first time, the coordination function was assigned to the prosecution authorities, in addition to the supervisory authority.

The coordination function of the prosecutor's office objectively follows from its role as a structure that interacts on the issues of ensuring legality with all branches of government.

Under the conditions of a difficult criminal situation, a clear coordinated interaction of not only law enforcement agencies, but also all parts of the public authorities is an important factor in the successful fight against crime.

The General Prosecutor's Office has become the highest body in charge of coordination and concurrence of actions in all the main areas of activity of not only the bodies, departments and agencies of the prosecutor's office, but also all law enforcement bodies of Kazakhstan.

On May 2, 2011, the Decree of the President of the Republic of Kazakhstan approved the Regulation "On the Coordination Council of the Republic of Kazakhstan on ensuring legality, law and order and the fight against crime". The Council is a consultative and advisory body that is formed in order to coordinate and increase the effectiveness of the activities of the public

authorities in ensuring legality and the law and order in the country; it is necessary for uniting the efforts and interaction of law enforcement agencies that carry out operational investigative activities, inquiry and investigation in the fight against crime.

The Coordination Council is headed by the Chairman, who is the General Prosecutor of the Republic of Kazakhstan by virtue of his position. The permanent members of the Coordination Council are: General Prosecutor, Chairman of the National Security Committee, Director of the Foreign Intelligence Service “Syrbar”, Chairman of the Accounts Committee for Monitoring the Implementation of the Republican Budget, Chairman of the Agency for Public Service Affairs and Countering Corruption, Minister of Internal Affairs, Minister of Justice, and the Chairman of the Public Revenue Committee of the Ministry of Finance having temporarily delegated powers.

The prosecution authorities coordinate the activities of law enforcement and other public authorities to ensure legality, the rule of law and the fight against crime in order to ensure the interaction of these authorities, the mutual exchange of information and the consistency of their actions in the implementation of common tasks. This activity is carried out by the prosecution authorities within the framework of the permanent coordination councils, which are created under the General Prosecutor’s Office, the prosecutor’s offices of the regions and equivalently prosecutor’s offices.

The work of the Coordination Council is based on jointly adopted semi-annual work plans. The draft plan is worked out in each law enforcement agency: where necessary, the supplements are made and submitted by the fixed deadline addressed to the chairman of the Coordination Council.

The representatives of the Presidential Administration and the Government of the Republic of Kazakhstan, central public authorities and their territorial subdivisions, courts and other public authorities, public organizations and the mass media are invited to the meetings of the Coordination Council, if necessary, taking into account the issues considered.

The General Prosecutor of the Republic of Kazakhstan is also a member of the Coordination Council of the General Prosecutors of the members-states of the Commonwealth of Independent States, which was established on December 7, 1995, by the joint decision of the General Prosecutors of the members-states of the Commonwealth of Independent States. The main tasks of this structure are: coordination and unification of efforts, coordination of actions, expansion of cooperation of the prosecutor’s offices of the CIS member states in protecting the rights and freedoms of citizens, strengthening

legality and law and order in fighting crime; development of proposals for the approximation of the national legislation; participation in the development of the CIS contractual and legal base.

By the decision of the CIS Council of the Heads of the States of January 25, 2000, it decided to give the Council the status of an inter-state body of the CIS.

The activity of the Coordination Council undoubtedly contributes to the prevention and reduction of crime growth both in the Republic of Kazakhstan and in the near foreign countries.

Thus, the prosecution authorities, being a state-legal instrument for the protection of the rights and freedoms of citizens and the interests of the State, create everywhere a new legal reality in which ensuring the effective protection of the rights and freedoms of citizens, the legitimate interests of society and the State is the highest priority.

Vladimir JUMAKANOV

**SECURITY OF THE NATION AND PUBLIC
ORDER ARE THE DEMAND OF THE SUSTAINABLE
DEVELOPMENT OF THE STATE AND SOCIETY**

Priority issue

The successful state building requires consideration of safety requirements at both the planning and implementation stages. On the one hand, the building of statehood must withstand various types of negative impact and, on the other hand, it must remain able to further dynamically expand.

This is possible if the model of national security is consistent with the general architecture of the state and society. Kazakhstan's strategic goal is to build a sovereign, prosperous state, which is among the most developed countries in the world.

Ensuring national security does not just create the conditions, the environment for achieving this goal. In fact, security should be considered as one of the most important parameters of the quality of life of a society and criteria for the effectiveness of public administration.

The history, including the contemporary one, convincingly proved that the security challenges that were left without an adequate response can quickly enough destroy even the seemingly strong social and economic structures and throw the country off in terms of living standards and economic development the decades ago in just a few months.

The national security in the present-day interpretation is already inseparable from the successful development of the country being the core element thereof.

At the same time, in practice, this principle is not always reflected in the real content of the state policy.

Kazakhstan is an example where the national security is not just among the priorities (not only declared, but also implemented), but takes a key place having the integrating significance for the other areas. This can be seen if we analyse the most important documents defining the historical path of our country.

In the “Kazakhstan-2030” Strategy, which became the first comprehensive long-term plan in the history of a sovereign country, it was precisely the national security that was designated the first priority. The task was to ensure the development of Kazakhstan as an independent sovereign state while maintaining full territorial integrity.

For this purpose, the need was indicated to build friendly relations with the neighbouring states, the development of constructive relations with the leading regional and global players, international institutions, in other words, finding their place in the world community.

The Strategy “Kazakhstan-2030” also emphasized the priority of developing the natural resources as a basis for protecting sovereignty and territorial integrity, strengthening Kazakhstan citizenship and patriotism, as well as building and modernizing the Armed Forces.

All these strategic tasks were successfully completed.

Instead of the “Strategy-2030”, which was prematurely implemented by most parameters, currently the main document determining the entire state planning system is the Strategy “Kazakhstan-2050”.

The aspects of national security also had a special tone in this document. It is noteworthy that the very logic of building the Strategy 2050 is based on the classical approaches used in the field of security.

Thus, the document identifies 10 global challenges of the XXI century, reflects all key types of security, including energy, food, social, economic, and external.

And then it is through the prism of these challenges that the targeting, the determination of priorities and the definition of the main directions of the strategic development of Kazakhstan until 2050 are carried out.

At the same time, three directions that are directly related to the aspects of security are provided in the block dedicated to the strengthening of statehood.

Adherence to the principle of zero tolerance for offenses being a basis for ensuring public security, strengthening the fight against corruption as a direct threat to the national security, modernization of the law enforcement agencies and the special services being a condition for effective security are among them.

The first among the priorities in the block related to the foreign policy activities is also the all-round strengthening of the regional and national security.

The opposition to religious extremism and terrorism is highlighted in the section “New Kazakhstan patriotism is a basis of success of our multi-ethnic and multi-religious society”.

In fact, the aspects of the national security run through the entire Kazakhstan-2050 Strategy, which underlines the understanding of their special significance. This is in line with the contemporary approaches to the public management and forecasting, which are based precisely on the principles borrowed from the risk management.

It cannot be otherwise in the world that is changing rapidly, and in which the ability to recognize and adequately respond to the challenges is a condition for the survival and prosperity of a state.

Investing in the national security involves not only the allocation of funds sufficient to maintain a proper level and continuous improvement of the defence system and the rule of law.

First of all, the emphasis is laid on such a unique resource as political will. The integration of comprehensive aspects of the national security into the strategic planning of the highest level was made possible thanks to the principled position of the Head of the State, who proposed the Strategies “Kazakhstan-2030” and “Kazakhstan-2050” to the society, and no one else was clearly aware of the role of the national security, its inseparable unity with the nation-wide architecture.

Understanding the strategic place of the national security in the coordinates system is the cornerstone of its effectiveness.

However, the creation of an appropriate legal foundation, institutional support, and, in the aggregate, an integrated system of the national security with a high potential for self-improvement and adaptation to new challenges became no less important components.

How the fundamentals were formed

Three macro-stages can be distinguished in the historical development of the national security system of Kazakhstan.

The peculiarities of each of them were determined by the State's strategy, on the one hand, and, on the other hand, they were dictated by those challenges that dominated the agenda.

The first stage originates from the moment Kazakhstan gained independence, when the time required the urgent building of the security architecture.

As little as three days after the adoption of the Constitutional Law "On the State Independence of the Republic of Kazakhstan", on December 19, the State Security Committee of the Republic of Kazakhstan was established in place of the abolished Committee, which was part of the all-union state security system.

In June 1992, the Law "On the National Security Authorities of the Republic of Kazakhstan" was adopted, while in July, the National Security Committee was established by the Decree of the President N.A. Nazarbayev.

These events of the summer of 1992 are an important milestone, which is connected not only with the final departure from the Soviet system. Replacing the word "state" by "national" meant changing the very security paradigm in a sovereign country.

The semantic differences between them lie in the fact that the "national security" category, being universal, includes the protection of the interests of not only the state, but also the individual, society.

Personal security is a kind of foundation on which the legitimacy of the state, its security, and the security and stability of civil society are based.

There are many interpretations of the differences between the categories of the national and state security in scientific studies. Although the very fact of the choice made by Kazakhstan in favour of the first category, as a broader one, has become a historical divide line.

Such a fundamental turnaround corresponded to the new course of the country and coincided with the logic of the reforms implemented by N.A. Nazarbayev in politics and economics.

The events that took place in the socio-economic and political sphere could not but leave an imprint on the content of the work that was carried out to build a national security system.

The density of the emerging challenges without exaggeration could be called unprecedented. In a young state with the border length of 14 thousand kilometres (not delimited), an avalanche-type economic decline (by 1999 the industrial production fell by 54% from the 1991 level) and the outflow of the population (from 1992 to 2002 – decrease by 1 million 600 thousands of people) occurred.

All this happened providing such input data as the multinational and multi-confessional composition of the population, the intensification of interest of the foreign players, the growth of crime and the rapid emergence of its new species.

In essence, it was required to preserve the integrity of a sovereign state and its future. That was the task of the national security system of that stage.

Despite all the difficulties, it was successfully solved. None of the pessimistic scenarios described by the experts related to the emergence of social conflicts, economic collapse, transportation isolation, territorial disputes, and, ultimately, the insolvency of the young state was realized.

If we talk about the types of security, then military security was the undoubted dominant of the stage, since the protection of sovereignty and territorial integrity assumed the formation of the Armed Forces capable of coping with all possible threats.

As far back by February 1993, a basic document was prepared – the first Military Doctrine.

The military construction was carried out under the constant personal control of the Head of the State, due to which due attention was paid to military security even in the most difficult years of the economic crisis and budget deficit.

Thanks to the firm position of its Leader, Kazakhstan has coped with all current challenges, having ensured the country's protection against possible internal and external threats. The main thing is that the conditions were created for the unhindered implementation of fundamental reforms in the socio-economic and socio-political sphere, which laid the foundation for the future prosperity of the country.

The result of the first stage of development of the national security system was the formation of its legal and institutional frameworks.

A special role in this system is played by the Security Council of the Republic of Kazakhstan, which is headed by the President of the Republic and has been established to promote the exercise of its powers to ensure defence capacity and national security, to preserve state sovereignty, independence and territorial integrity, to maintain socio-political stability in the country, and to protect constitutional rights and freedoms of the citizens.

In 1997, the Strategy “Kazakhstan-2030” was adopted, in which, as it was already noted, the national security was identified as the first priority.

Moving to the strategic level

The beginning of the next stage can be considered the year 1999, when the Head of the State delivered the Message to the people of Kazakhstan “Stability and security of the country in the new century”.

It clearly outlined the main country security challenges in the coming years. In particular, the existence of armed conflicts in the territories of neighbouring countries and the potential danger of their transfer to Kazakhstan, the propagation of political and religious extremism, the development of international drug trafficking are among them.

The uniqueness of the document is that it was almost completely focused on the national security issues. These aspects have always been reflected in the Messages of the President of the Republic to the people and in the long-term development strategies.

However, in the Message of 1999, the new challenges and main areas of security became the mainstream and almost the only topic.

“We are entering a new century without illusions, but with confidence that the stability and security of all Kazakhstanis will be ensured” – the President of the Republic assured.

Particular emphasis on the tasks of national security, as key ones to the change of centuries, can be explained by the changes that occurred in that period in the country and the world.

Kazakhstan, having passed the most difficult stage of transition from a planned economy to a market economy and overcoming the deep crisis connected with that, faced the need to mould a new economic strategy.

At the same time, the financial crisis in the South-East Asia has been a shock not only for the global market, but also a serious test for the Kazakhstan economy, which has already managed to integrate into the global system. In fact, this was the first test of this kind for the economy of our sovereign country.

The changes in the geopolitical situation, which Nursultan Nazarbayev brought to notice, caused no less concern: “A world built on the international law with its principle of inviolability of the national sovereignty begins to “shrink”. The “wandering character” of the upcoming history makes us pay special attention to the problems of our own security”.

It should be noted that the forecasts of the Head of the State about the growing threat of religious extremism and terrorism were confirmed soon. After the attack on the towers of the World Trade Centre in New York, this threat became apparent to the whole world.

The President's Message, which focused on the national security issues in the new realities, was continued in particular actions in the shortest possible time.

In December 1999, the National Security Strategy of Kazakhstan for 1999-2005 was approved, in which the external and internal threats were identified and the priority areas were designated.

In February 2000, the Head of the State approved a new Military Doctrine of Kazakhstan, in which a new approach was applied to ensure the country's military security.

It should be noted that earlier, on June 26, 1998, the Law of the Republic of Kazakhstan "On the National Security of the Republic of Kazakhstan" was adopted, which also reflected a new understanding of the policy in this area.

It was based on a vision of a radically changing global risk map, which was reshaped following the geopolitical scenario that had established over the decade after the end of the Cold War.

The situation in the world allowed talking about reducing the threat of large-scale wars. In general, it became obvious that the traditional threats determined by the interblock global confrontation and a clear separation into "friends" and "aliens" are smearing, while threats of a new type come to the fore.

At the same time, the threat of local conflicts related to the aggravation of territorial, national, ethnic, religious and other conflicts has grown.

The risks of the spread of terrorism and extremism, as well as illegal circulation of drugs and weapons creating financial basis therefore, have become particularly urgent.

Along with a meaningful change in threats to the national security, the new forms of their proliferation have become real. The globalization, which was growing in strength, erasing the boundaries in many areas simplified the "export" of threats.

All this required developing adequate countering mechanisms and a radical modernization of approaches. The law formulated for the first time the concept of "national security": "the state of protection of the national interests of a country against real and potential threats".

The principles to ensure the national security, the national interests, threats to the national security, as well as the subjects of the national security – the state exercising its powers through legislative, executive and judicial branches of government, citizens and organizations – were also defined.

On July 13, 1999, the Law "On Combatting Terrorism" was adopted in Kazakhstan. The work has been performed to improve the institutional framework for countering this evil, which has become one of the key global threats.

The Anti-Terrorist Centre of the National Security Committee was organized at the end of 2003 by the order of the President of the Republic of Kazakhstan. It was tasked with creating a unified nationwide system of countering terrorist threats, coordinating the activities of the public authorities in countering terrorism, conducting information work aimed at preventing and criticizing manifestations of terrorism, monitoring compliance with the anti-terrorism legislation, and implementing respective government programs, as well as development of the international cooperation in regard to combatting terrorism.

At this stage, given the complex socio-economic situation, as well as the final transition to the market model and denationalization, the development of a system for managing economic security ranked high. Its task was to find a balance between respecting the interests of the State, replenishing the budget, on the one hand, and raising private initiative, attracting investments and developing new market institutions, on the other hand.

The objectives of overcoming the consequences of the global financial crisis were successfully resolved, and Kazakhstan entered a phase of rapid economic growth. This removed many of the threats to the economic security from the agenda, including shortfalls of taxes and non-execution of the budget revenues, a non-payment crisis, and a shortage of investments.

At the same time, the growing economy has given rise to new risks with requiring, in particular, greater control over the spending of the public funds allocated for the implementation of various projects.

Corruption offenses have been identified as one of the serious threats to the national security, since, as Nursultan Abishevich has explained, it “threatens all the principles of the society, the constitutional foundations of the State”.

At that time, the share of the “shadow” economy reached 30-40%, which, on the one hand, was one of the consequences of the growth of corruption and, on the other hand, created a breeding ground for them.

Kazakhstan was the first of the post-Soviet countries to start a systematic fight against corruption by adopting a relevant law in July 1998, as well as a state program.

An institutional framework was also created. First, in September of the same year, the creation of the Agency for Public Service Affairs began.

Secondly, in January 2001, the Financial Police Agency was established, which was assigned the task of combating crime in the sphere of economic and financial activities closely associated with corruption offenses. In December 2003, the Agency for Combating Economic and Corruption Crimes was established on the basis of that public body.

One of the key issues was to ensure the energy security of the country as the oil and gas industry became the core of the economy, the object of attracting the foreign investments.

Two fundamental economic trends – the opening of Kazakhstan to the foreign capital and the transition to a period of continuous GDP growth – began specifically from this industry.

During the period of the dynamic development of the oil-and-gas and uranium industries, the tasks of energy security have undergone conceptual changes. The power industry was initially to provide a platform for general economic growth and thus solving a complex of problems, including in the social sphere.

In addition, the implementation of the world-level energy projects in Kazakhstan was to become a tool for providing the foreign policy guarantees.

The Strategy “Kazakhstan-2030” noted that the involvement of companies from the USA, Russia, China, United Kingdom and the other leading states in the development of the Caspian shelf and Karachaganak will increase the interest of the leading powers in Kazakhstan Independence.

So, now we can conclude that this strategic calculation of N.A. Nazarbayev has been fully justified. Kazakhstan has currently three largest world-class projects – Kashagan, Tengiz and Karachaganak, which are being developed with the participation of the American, British, Chinese, Russian, French, and Italian capital. Almost all the leading energy corporations in the world that have invested tens of billions of dollars are represented in Kazakhstan.

The presence of the USA, Russia, China, and the European countries in the domestic oil and gas sector is well balanced, which ensures high interest of the foreign partners and at the same time does not allow excessive dependence on any one investor.

Thus, the energy security for our country is a unique direction, being at the junction of the economic and foreign policy dimensions of the national security.

The growth of the world prices for the energy resources, primarily hydrocarbons, sharply increased the international significance of Kazakhstan’s mineral resources. In this regard, among the tasks of ensuring energy security, an additional one appeared – strengthening the position of the State, which managed to return its presence in the strategic projects.

The national interests were legally protected when transferring subsoil use rights. At the same time, the President of the Republic strengthened very prudently the role of the State. This aspect is extremely important, since it largely reflects the strategic approaches to the national security taking into account the existing risks in an integrated manner.

In the first decade of the “zero years” there was a tendency in many countries rich in natural resources to strengthen the role of the State in the sphere of subsoil use, which analysts called the “resource nationalism” (which emerged as a phenomenon as early as the 70-s of XX century). This was certainly due to the unprecedented rise in prices for raw materials, which prompted the states on different continents to reconsider the working conditions for the foreign investors trying to achieve more favourable conditions.

The analysts spoke of the concept of the “resource sovereignty”, which implied the ability of an independent state to independently determine its own subsoil management policy.

At the same time, in the pursuit of the nationalization of commodity projects, a number of the states destroyed the investment climate and eventually achieved the inverse effect – not strengthening but weakening the economic security. It must be remembered that the world prices for raw materials are cyclical, and a recession follows the growth periods.

Kazakhstan used the stage of the “resource nationalism” with the maximum benefit for the national interests. The presence of the State in strategic projects was strengthened; the local content in the sphere of subsoil use was radically increased. At the same time, all these steps were carefully justified with allowing not only maintaining an attractive investment climate, but also increasing capital inflows.

In addition, the diversification of export routes has become an important component of the work on ensuring the energy security. The construction of new oil and gas pipelines has provided direct access to the key markets, having granted freedom of manoeuvre.

Under new challenges

The global financial and economic crisis that began in 2007 can be considered the conditional beginning of the present-day stage of evolution of the national security system.

This event, which had no precedent in scale, intrinsically was a tremendous shock, both for developed and developing economies, and an unprecedented challenge for the national security. The states were forced to develop anti-crisis measures with acting under conditions, which were completely new for them. Many cannot manage this, and they run into recession that lasted for years.

Kazakhstan, which firmly integrated into the global financial and economic system, also took a hit. First of all, the banking system suffered, which was focused on attracting the foreign borrowed funds.

Although the drop in the world oil prices, which only in 2008 collapsed by 60%, was even more serious examination.

Ensuring economic security has become a strategic priority in this situation. Urgent systemic measures were required, and they were implemented in Kazakhstan in a short time. The opportunity for this was provided by the National Fund, which was previously created as a “safety buffer” for the economy, and now implemented this function for the first time.

At the same time, the funds of the National Fund were not directed only to support the financial institutions. The anti-crisis plan proposed by the Head of the State provided for large-scale investments in the projects for the development of manufacturing industry, transport infrastructure, housing and public utility services, and employment support. As a result, we managed to prevent an economic recession and a surge in unemployment, having levelled the social risks.

Although the most important was that the State drew conclusions and fundamentally changed the economic policies, having made sectoral diversification a priority in order to reduce vulnerability to new external shocks. Since 2010, the implementation of the first five-year plan of the state program of industrial-innovative development began, which allowed changing the economy structure.

Thus, this period was marked by overcoming the most difficult challenge to the country’s economic security under the conditions of uncertainty using the previously unproven tools, and this experience was successful.

It helped Kazakhstan to overcome the second wave of crisis developments, when by the beginning of 2016 the world oil prices had fallen by two thirds and for the first time since 2003 they dropped below 30 dollars per barrel. However, an anti-crisis plan was implemented in our country, which was again based on increasing investments in the development projects.

On January 6, 2012, a new Law “On the National Security” was adopted in Kazakhstan, which identified 6 types thereof – public, military, political, economic, informational and environmental.

It envisaged that economic security should include the measures to ensure stability and sustainability of development of the national economy, including an industrial-innovative component thereof. There was also a ban on making decisions and taking actions that impede industrial-innovative development and inflow of investments into the domestic economy.

Nevertheless, no matter how unique the scale of the global financial and economic crisis was, it became just a small part of the subsequent tectonic shifts.

That crisis changed the perception of the economics and finance, technologies, and public and state mechanisms.

It changed the attitude towards globalization, which reached a peak by 2007, with clearly showing that, along with benefits and unlimited possibilities, it implied serious challenges, including ones for the national security.

The values and concepts that seemed to be unshakable, in particular, multiculturalism, the inevitable blurring of boundaries, the course towards a single global market, began to be revised.

Geopolitical tensions between the great powers gained the power, which was unprecedented from the days of the Cold War. The half-forgotten “bloc thinking” began to dominate not only in geopolitics, but also economics.

A certain disappointment in globalization led to a reverse movement towards protectionism, “trade wars”. In addition, the logic of financial and economic constraints has changed dramatically; they began to be actively used as weapons for solving geopolitical tasks as exemplified by the sanctions confrontation between Russia and the West.

Under these conditions, the task of ensuring the economic security of the country now comes to a new level of complexity, which implies a constant mode of monitoring risks and developing several scenarios of actions at once.

In fact, after the global financial crisis of 2007-2008, the formation of a new world order has begun and continues up to date being accompanied by an intensive search for identity.

That process was not painless. The populist and nationalist forces have gained momentum in the world politics.

In the Middle East and North Africa, the “Arab Spring” took place – a series of the so-called “colour revolutions”. It led to a relatively rapid change of power in a number of countries, but it turned into a protracted period of instability for the majority, and for Libya and Syria – a civil war. Moreover, the Syrian war, which has continued since 2012, has become one of the bloodiest wars since the beginning of the XXI century – half a million people have already died, more than 7 million have become refugees.

A quasi-state terrorist entity was formed on the territory of Syria and Iraq – the so-called “Islamic State” with an area of more than 100 thousand square kilometres and a population of over 8 million people. In addition, the organization controlled the vast territories in Libya and Nigeria.

Its activity created a global-scale threat to security, and it remains relevant even after the defeat of the IS and the return from the quasi-state format to the former format of the terrorist groups. About 30 thousand foreigners fought in

the IG ranks, including those from the Arab countries, the EU, the CIS, and the Southeast Asia.

This meant a new level of threat of religious extremism and terrorism for our country, as well as the entire region.

In addition, cross-border threats such as drug trafficking, illegal arms trafficking, terrorism financing and money laundering have intensified.

It became obvious that the threat of terrorism is no longer just an external factor. A number of terrorist acts that took place in several regions of the republic required the adoption of urgent measures aimed not only at strengthening the anti-terrorism protection, but also at preventing extremism, including religious one.

After the extremists attacked the gun shop and military unit in Aktobe in June 2016, the Head of the State commissioned to develop a package of legislative initiatives in the field of countering terrorism and extremism, trafficking, storage and sale of weapons, in the field of regulation of migration and religious associations.

In September, the corresponding draft law was submitted to the parliament, and the Ministry of Religious and Civil Society Affairs was created in the same month.

In 2018, a new state program was adopted to counter the religious terrorism and extremism. It takes into account all factors contributing to these developments, and relies on both its own and international experience. The program focuses on the prevention of religious extremism propaganda, including the use of new information technologies, and the fight against the financing of negative forces.

A special feature of the program is an emphasis on preventive work, measures for the spiritual and moral education of the younger generation, which is a long-term and most reliable way to protect against radical views

The increased attention paid to public awareness efforts is far from coincidental.

The most important challenge of the modern stage is the information confrontation. The information security became one of the key priorities, which was difficult to imagine a few years ago.

Information wars in the history of mankind have always been fought. However, with the appearance of a qualitatively new arsenal, the development of the information society and the digital economy, they acquired completely different quantitative and qualitative parameters.

The spectrum of information threats has expanded significantly with covering hardly just propaganda. First of all, this is an intervention in information systems and illegal access to information resources, which can cause irreparable damage to both the government and the economy.

The Concept of Information Security of the Republic of Kazakhstan was approved by the Decree of the President of the Republic of Kazakhstan dated November 14, 2011, which concept set the tasks for developing an information security management system, developing a unified state technical policy in the field of information security, and developing the domestic information space.

The concept played its role allowing the creation of legal and institutional conditions for the formation of a national information security system.

At the same time, the peculiarity of this area of the national security is onrush of information technologies, which are generating new challenges with the result that the methods of countering them quickly become obsolete and require revision.

In January 2017, speaking with the Message to the people “The Third Modernization of Kazakhstan: Global Competitiveness”, the Head of the State commissioned to take measures to create the “Cybershield of Kazakhstan” system.

Then, the “Cybershield” concept and an action plan for its formation have been adopted during the year. It provides for the whole range of areas – from regulatory and technical support to training the qualified domestic specialists in the field of information security. Elaboration of the targeted scientific programs was provided for the development of the electronic industry and information security.

The Cybershield concept is designed for three stages, and it is obvious that it will have to be extended in the future, since the relevance of threats in the field of information security will only increase in the foreseeable future.

In general, the modern stage is characterized by an increased interrelation between directions of the national security, which is due to the interpenetrating properties of the basic risks.

Thus, the global financial crisis gave rise to the social risks, which, in turn, affected the growth of threats to the public security that resulted in the growth of extremism and terrorism. The intervention of external players in internal conflicts has led to an exacerbation of threat to the military security, and all this is accompanied by an active informational confrontation.

It should be recognized that multidimensionality, unpredictability, interrelation of risks and threats is a new external environment in which Kazakhstan, like the other states, has to ensure its stable safe development.

We are entering a new era, which will differ with a fundamentally different technological form, rethinking the role of traditional state, public, economic institutions, and new geo-political alignment.

In these conditions, the main thing is not so much the substantive readiness of various subsystems to ensure the national security as the operational ability of this system as a whole to be alert to changes and to quickly adapt thereto.

At the external boundaries

Kazakhstan's contribution to the regional and global security should be particularly considered taking into account, firstly, the special significance of the external track for our country with the ninth largest territory in the world and the unique position in the centre of Eurasia and, secondly, the impressive results achieved during the years of Independence.

The international security issues have always been among the priorities of the Head of the State. This was largely predetermined by a strong non-standard step that formed the basis of external security – the abandonment of nuclear weapons.

Since then, Kazakhstan has become one of the recognized leaders of the world movement for the non-proliferation of nuclear weapons, systematically building its architecture. In general, the voluntary rejection of a nuclear arsenal set the bar high for initiatives in the field of the international security.

For a period of sovereignty that is small by historical standards, a whole stratum of such initiatives, which is demanded by the world community, has taken shape. In addition, the proactive position of our country in matters of the regional and global security has always been subject to the pragmatics of national interests. Only a stable, predictable environment can guarantee sustainable internal development.

If the state does not try to participate in solving the regional and global issues, it risks becoming hostage of other people's interests with ultimately losing its real sovereignty.

Having built a system to counter the import of threats, Kazakhstan went further and exported security.

In the “Kazakhstan-2050” Strategy, the all-round strengthening of the regional and national security is not accidentally marked by a single priority. “No country in the world can overcome alone the challenges of the coming epoch. Our country should continue to support all progressive international initiatives and contribute to the global security,” the document explains.

On this basis, Kazakhstan actively participates in activities of the institutions and platforms aimed at ensuring the international security – CICMA, CSTO, SCO. In 2010, the Republic chaired the OSCE and held the historic Organization Summit in the capital of the country, Astana.

From January 1, 2017, Kazakhstan began to work in the UN Security Council as a non-permanent member for a two-year period.

The integration initiatives of our country are also aimed at solving the tasks of strengthening security, since close economic cooperation is a reliable mechanism for preventing conflicts.

Kazakhstan has become a platform for discussion and decision-making on the most complex issues of the global security. So, for example, the negotiations on the settlement of the Iranian nuclear program took place in Almaty, and several rounds of inter-Syrian negotiations took place in Astana.

Thus, for a short period by historical standards, Kazakhstan managed to become an independent player in the field of international security. This is one of the effective instruments for ensuring the national security the importance of which will increase under the present-day conditions, when the fundamental principles of ensuring the global security are subject to revision.

Kazakhstan has consistently opposed the use of force to resolve any contradictions, for preserving the role of the UN as the backbone institution of the global security, and developing new confidence-building measures.

* * *

Thus, over the years of Independence, Kazakhstan has built a holistic, effective system of ensuring the national security, which provided adequate responses to all the challenges that the young State had to face. As a result, the conditions were created for implementation of the reforms and creative development.

The basis of this scientifically based and time-tested system is a number of structural properties. These include consideration of the overall development strategy of the country, compliance with the goals of the society and the State at each historical stage; balancing containment of threats and prevention of over-regulation; comprehensiveness and consistency, consideration of all types of threats, their interrelations; orientation not only on the public bodies, but also the social institutions; anticipating response to new challenges, adaptability and threat modelling; proactivity in the field of the regional and global security. Being laid and consolidated by the First President of the Republic – Elbasy, N.A. Nazarbayev, they create a margin of safety and potential for further sustainable, steady and successful development of the country.

**PUBLIC SERVICE AND ANTI-CORRUPTION POLICY –
SURE SUPPORT OF THE EFFECTIVE STATE**

On December 16, 1991, a new state – the Republic of Kazakhstan – appeared on the political map of the world.

The young country was faced with global challenges in the state structure, economy and spiritual revival, and the nature and style of their solution undoubtedly had to determine the development paradigm of Kazakhstan for many years.

Under these conditions, the role of the President of the Republic of Kazakhstan, the Leader of the Nation – Nursultan Abishevich Nazarbayev – in anticipating the course of history, choosing the most optimal development paths, who has the unique ability to unite people for achieving common goals, is generally recognized.

Today, the successes of Kazakhstan in many areas are obvious and no one doubts.

The progress in own arrangement and solving economic problems is positively assessed by the international community.

From the first days of Independence, the Head of the State laid the foundation for the national model of the public service, which is dynamically developing and now deserves a positive assessment of the OECD experts.

If the successes of Kazakhstan in the industrial and agricultural sectors of the economy, science and education were known for a long time, then the approaches and methods of forming the state apparatus of our independent history had practically to be written from scratch.

At present, a package of regulatory legal acts regulating the institution of public administration has been formed and is in effect.

The vector direction was set by an important political document of Independent Kazakhstan in the Strategy of formation and development of Kazakhstan as a sovereign state adopted on May 16, 1992. For the first time the basis of the public service was politically formalized therein. The priorities of the public service were indicated through the prism of improving the status and social image of public servants, as well as increasing their responsibility.

The Constitution of 1993 and the Constitution of 1995 consistently enshrined the principles of the functioning of the public service, the right of citizens to have access to the public service, and requirements for the public servants.

For the purposes of the practical implementation of the public service policy, on August 29, 1994, on the basis of the former Higher Party School under the Central Committee of the Communist Party of Kazakhstan, the National Higher School of Public Administration was established, which trained senior administrative personnel and carried out applied scientific researches.

The Decree of the President of the Republic of Kazakhstan “On the Public Service”, having the force of law, has become a sectoral document in the field of the public service.

It is noteworthy that it was issued by the Head of the State on December 26, 1995, during the period in which the Law of the Republic of Kazakhstan “On Temporary Delegation of Additional Powers to the President of the Republic of Kazakhstan and the Heads of the Local Administrations” was in effect.

Then the Head of the State did a truly titanic law-making work. Implementing his legislative powers, Elbasy made an invaluable contribution to the formation of the law of young Kazakhstan, ensured the harmonization of the national legislation system and contributed to the elimination of discrepancies and conflicts.

In 1998, in order to improve the qualifications of the public servants, and to further integrate the training process into the global training system, a basic educational institution – the Public Administration Academy under the President – was established through the merger of the National Higher School of Public Administration and the Institute for Retraining and Advanced Training of Public Servants under the Government.

By the Decree of the President of the Republic of Kazakhstan “On the Public Service”, the public service was legislatively institutionalized, the concept and principles, the legal status and social guarantees of the public servants, the list of officials to which its provisions apply, as well as the classification of posts, classes, etc. were regulated.

The innovations concerning the competitive holding of the posts, requirements and restrictions imposed when taking the public service were among the important principles.

To detail the practical implementation of this Decree, a number of by-laws were issued: the Code of Official Ethics, the Regulations on the Procedure for Imposing Disciplinary Sanctions, the Regulations on the Procedure and Conditions for Certifying the Public Servants, the Regulations on the Procedure for Holding a Competition for Filling a Vacant Position, the Standard Contract for Admission to the Public Service, etc.

When analysing that period of time in the article “Plan of the Nation – the way to the Kazakhstan dream”, the Head of the State notes the positive role of the Decree “On the Public Service” and its innovative character not only for Kazakhstan, but also for the CIS countries.

The national public service also developed dynamically together with the country.

At the same time, the state apparatus, playing the role of a conductor of transformations in all spheres of public life, including, above all, building the statehood, strengthening the national economy and building a balanced foreign policy, simultaneously was a kind of a mirror reflecting the stages of the state development. In keeping with the spirit of the times a model of the public service in Kazakhstan in the period of formation was close to the positional one, when the state apparatus was as flexible as possible and open to admission from the outside.

Such a model of the public service was adequate at that stage when there was a need for a move away from the old system of governance and a qualitative renewal of the state apparatus.

The search for the most acceptable development models became the trends of the first years after gaining sovereignty.

With the progressive development of the country, it faced new challenges that required new solutions.

They determined the further evolution of the public service.

A brief retrospective analysis of the formation of the institute of public service shows that the country has made a breakthrough from the administrative traditions of the administrative-command system to the formation of a modern and effective pool of managers.

Let me remind you of particular achievements and trends in the contemporary history of the public service.

The formation of a professional state and management structure was considered in the Strategy of Kazakhstan Development until 2030 “Prosperity, Security and Improving the Welfare of All Kazakhstanis”.

It contains important trends that have been implemented at the present time: the creation of a personnel management system with a fair order of career advancement, a guaranteed social protection system, and a careful attitude to human capital assets.

The strategy defines the official of the new generation as the servant of the nation, patriotic and fair, professional, dedicated to its work, able to set long-term tasks and to solve them.

Within the framework of the implementation of the objectives of the Strategy and the acceleration of the public service reform, the President of the Republic made a decision to establish the Agency for the Public Service Affairs.

It is important that this body is directly subordinate and accountable to the Head of the State with assigning the tasks on labour management, monitoring the state of personnel, creating a reserve, training, retraining and advanced training, social and legal protection of the public servants, improving the wage system, etc.

In order to implement the tasks of the “Kazakhstan-2030” Strategy, on July 23, 1999, the Parliament adopted the Law of the Republic of Kazakhstan “On the Public Service”, which defined new approaches to the objective needs of forming a public service in a new format.

The implementation of the meritocracy principle in the public service system, enhancing its efficiency, transparency, strengthening accountability to the society – these tasks were set by the President of the country within the framework of the Concept of a new model of the public service.

The concept introduced fundamentally new provisions, for example, the formation of the administrative cabinet “A”, the introduction of the E-Kyzmet electronic personnel management system, evaluation and career planning.

The program political document Strategy “Kazakhstan-2050: a new political course of an established state” gave a powerful impetus to all institutions of state power and administration.

The strategy determines the need to improve the procedure for selection and professional training of the public servants, their gradual career progression.

A detailed solution of the tasks of the “Kazakhstan-2050” Strategy for the further strengthening of statehood and the formation of a professional state apparatus is reflected in the Concept on Kazakhstan joining the Top 30 most developed countries of the world and the “Plan of the Nation – 100 Specific Steps”.

It is symbolic that the first of the reforms and the first 15 steps of the Plan of the Nation are aimed at the formation of a professional, autonomous and efficient state apparatus as an operator of transformations in all spheres of social and state development.

Thus, the launch of the first direction of institutional reforms became another significant milestone in the modernization of the public service in Kazakhstan.

Particular attention is given to the country’s movement towards a model of a service state.

The fundamental idea in the formation of a service state should be the understanding that the state apparatus is contained by taxpayers who are entitled to expect timely and high-quality public services. The officials should be aware that the powers and authority are given to them specifically to serve the people, and their performance and focus on service recipients should be priorities in their activities.

The next stage is the transition to a career model of the public service, which ensures the preservation of institutional memory and the professionalization of the state apparatus.

According to the career model, entering the public service is carried out only from the grass-roots positions, and further promotion is carried out on a competitive basis taking into account the competencies and achievements of an individual servant.

Thus, a servant goes through all stages of career with accumulating knowledge and experience and regularly confirming his/her professional suitability and effectiveness.

The career model makes the public service attractive for young professionals. Having come once, they can be sure that they will certainly be promoted if they work efficiently.

Selection of candidates for the grass-roots positions and further career advancement should be based on the competence approach. If earlier the candidates were evaluated only for theoretical knowledge of the legislation in the selection for the public service, now, following the global trends, the emphasis is shifted to the competence.

In the context of human resource management, competence is a servant's personal ability to solve a certain block of professional tasks. In other words, the competence is the knowledge, abilities and skills the availability and use of which leads to high-quality and efficient activities.

In the strict sense, the competence is the aggregate of knowledge, abilities and skills necessary for the effective performance of professional activities in a specific public position.

Competence assessment is actively used by advanced countries in the selection and placement of personnel in both the public and private sectors.

With the transition to a career model, the candidates entering the public service are tested both for knowledge of laws and for the competence.

To implement the competence approach in the selection of candidates, an automated assessment of personal qualities has been developed.

So, applicants are assessed for initiative, relationship, analyticity, self-discipline, ethics, quality orientation, consumer orientation, and intolerance to corruption.

The applicants for the executive positions are additionally tested for leadership and strategic thinking.

At the same time, it is most probably that, over the time, the appropriate corrections will be made therein because changing realities bring to the fore all new types of competencies – leadership, strategic thinking, emotional intelligence, negotiation skills, ability to live with uncertainty and others.

Today, it can be stated that the public service system of Kazakhstan actually transited to a competent paradigm.

In turn, this is the key to the formation of a professional and meritocratic state apparatus.

In the course of use of the most effective tools of corporate governance, the public service of Kazakhstan is moving away from equalizing remuneration of the servants.

In order to motivate the servants to work effectively at the legislative level, a system for assessing public servants is linked with their remuneration.

In general, the new labour remuneration system will include fixed (official salary) and variable part (bonus system).

A new concept of “bonus” is introduced. A bonus is a cash payment that is established for the public servants based on the results of evaluation of the effectiveness of their activities. The amounts of bonuses will be fixed on the basis of a specific assessment received by a public servant in accordance with the established scale. The assessment depends on a degree of achievement of the indicators specified in the individual work plans.

This, in turn, ensures fairness and meets the “equal pay for equal work” principle.

A new institute has been created – the Commissioner for Ethics, which is intended to advise the citizens and public servants, to ensure protection of their rights, as well as to monitor and control observance of the official ethics by the public servants.

These and other innovations of Kazakhstan’s public service system were positively assessed by the international organizations.

The Republic of Kazakhstan is actively integrating into the modern system of political and economic interrelations, being located in the very centre of the Eurasian continent, at the junction of large regions, as well as various civilizations and cultures.

René David, an eminent French jurist of XX century, wrote: *“The world has become one whole. We cannot separate ourselves from people who live in other states, other parts of the globe... the necessary international interaction or, in any case, simple coexistence requires that we set our windows open and have a look at the foreign law.”*

Currently, the world has gained some experience in the implementation of integration processes. It is difficult to imagine the modern world without such a phenomenon as integration, which is the most important part of the evolution of the world community encompassing an increasing number of the countries.

One of the important areas of the integration policy on improving the public service institution is the study and implementation of the experience of the OECD member countries and it is a guideline in the national reform.

So, for the first time, the OECD prepared a report “Comparative Analysis of the Public Service of Kazakhstan and the OECD Countries”, where the institutions and some aspects of the public service are analysed and compared (hiring staff, career development, mobility thereof, staff turnover, organizational culture, remuneration, dismissal, planning human resources).

At present, the OECD experts assess the public service of Kazakhstan as professional with the elements of strategic management, with observance of the meritocracy principle and the recruitment of qualified personnel.

The international experts positively evaluated the introduction of a new labour remuneration system based on a factor-score scale and the introduction of the Unified Competence Framework.

55% of women work in the public sector of Kazakhstan, which is on par with Italy, Belgium or Spain, where this figure is 51-52%. Of these, the senior executive positions (from the director of departments in the central government agencies to the minister) are held by 29% of women, which corresponds to the OECD average.

The national public service is characterized by a balance of different age groups: in the OECD countries, the number of employees over 55 years old is 24%, in Kazakhstan – 21%. The share of young employees is 26%, while the average for the OECD countries is 18%. Therefore, Kazakhstan is not faced with the problem of labour power aging.

The experts highlighted the introduction in Kazakhstan of the employee competence assessment system.

As in the OECD countries, in the public service of Kazakhstan, the results of evaluation of the effectiveness of employee performance affect the performance of bonuses to the employee.

In the Message to the People of Kazakhstan “New Opportunities for Development under the Conditions of the Fourth Industrial Revolution” and the Plan of Strategic Development of the Republic of Kazakhstan until 2025 the Head of the State paid much attention to the technological modernization of work of the public servants, increasing their labour productivity, and introducing new pragmatic principles and methods of work.

It is obvious that the up-to-date technologies offer new solutions to increase the motivation and quality of the result of labour.

It is important to build business processes with focusing on effective approaches and advanced technologies.

The implementation of the tasks set by the Head of the State will undoubtedly raise the public service to a higher level.

The reform of the public service and public administration is a continuous, long process.

The state apparatus must meet the needs of the country and effectively deal with the challenges it faces at this stage.

In essence, the formation of a modern, professional and autonomous state apparatus and its continuous improvement is one of the decisive factors for the further stable and progressive development of Kazakhstan, as well as its response to the global challenges.

The human resource is the most significant of all the resources of the state, including financial, material, and natural.

In this regard, the Bolashak International Scholarship established by the President of Kazakhstan deserves special attention.

The decision made by the Head of the State in 1993 on providing the talented young people with the opportunity to get high-quality education abroad in order to further use their acquired experience for the benefit of the State was far-sighted and underlined once again the global thinking of the President of the country to form a class of the modern managers particularly in the public sector, which would be able to face the challenges of globalization and to generate new ideas.

Under the contemporary conditions, an effective state personnel policy can be a powerful tool for transforming the State activity in all spheres.

That is why the development of the public service system is one of the most important strategic priorities of Kazakhstan.

Speaking about the development of the public service, one cannot but touch upon the issues of increasing its transparency.

Beyond any doubt, the absence of corruption risks is the key to an effectively functioning state apparatus.

* * *

Since gaining Independence, Kazakhstan has built and improves its own anti-corruption system, purposefully and gradually heads for creating effective anti-corruption institutions and mechanisms meeting the international standards.

A significant role in shaping the national anti-corruption policy and its implementation belongs to the President of the Republic – N.A. Nazarbayev.

In general, the process of forming a national anti-corruption policy can be notionally divided into three key stages of development.

At the first stage, the punitive practice was dominant, at the second stage – a mixed model with the use of criminal law and preventive measures, at the third stage – the prevention of corruption.

The first stage is characterized by the reform of the public administration system, introduction of the anti-corruption legislative mechanisms, enactment of the first anti-corruption law, as well as the other acts aimed at limiting the State intervention in economic activities of the economic entities.

The advantage of Kazakhstan within the post-Soviet area is that its Elbasy – Nursultan Abishevich Nazarbayev – was one of the first in the Commonwealth of Independent States to sign the Law of the Republic of Kazakhstan “On the Fight against Corruption” on July 2, 1998.

The law was aimed at protecting the rights and freedoms of the citizens from threats of corruption with ensuring the effective work of the public authorities and their officials by preventing and detecting the corruption offenses.

It also defined the basis, principles and methods of combating corruption, established the types of corruption offenses, the conditions of responsibility therefore, the elimination of their consequences and bringing guilty to responsibility.

At the second stage, the anti-corruption policy represented a mixed model, in which punitive practices were combined with new preventive measures such as elimination of administrative barriers, introduction of regulation and standardization of public services, legislative regulation of government purchases and other measures.

The third stage is marked by the administrative reform initiated on the initiative of the President of the Republic, the purpose of which, in particular, is to strengthen corruption countering and to fortify the system of protection of the rights and freedoms of the citizens.

The further anti-corruption regulation embodied the innovations successfully applied by the advanced countries. In this regard, this activity has been transferred to a qualitatively new level.

This is due to the new approach aimed at solving the most important task – changing the outlook of people and their views.

In particular, such tools and mechanisms have been adopted as material incentives for the citizens who assist in suppressing and disclosing the corruption offenses; imposing additional duties and restrictions on a public servant; establishing the responsibility of public servants for failing to report corruption facts; toughening personnel selection in the law enforcement agencies, developing measures to put an end to the “conflict of interest”, etc.

An analysis of corruption risks in the activities of the public authorities, as well as monitoring of their implementation of recommendations to eliminate the causes and conditions conducive to the commission of corruption offenses, is carried out on a systematic basis.

Anti-corruption instructions are also being implemented, including with a focus on the younger generation.

The Message of the President to the People of Kazakhstan “Kazakhstan’s Way – 2050: Common Goal, Common Interests, Common Future” pays special attention to the anti-corruption issues. Corruption has been characterized in the Strategy as a phenomenon that poses a direct threat to the national security and undermines confidence in the effectiveness of the State.

The “Kazakhstan-2050” Strategy was a response to the global challenges of XXI century and rapidly changing political, economic and social conditions that indicated the need to form qualitatively new approaches in the anti-corruption policy.

For the purpose of the comprehensive and integrated implementation of the tasks of the “Kazakhstan-2050” Strategy, the President of the Republic approved the Anti-Corruption Strategy until 2025 – a long-term state policy aimed at developing an integrated approach, creating new legal and social mechanisms and tools appropriate to the current state of corruption in the society, as well as improving the tactics of struggle and reformatting of certain corruption combatting principles.

In the Anti-Corruption Strategy, the current situation was analysed, the positive trends and achieved generally accepted results were noted, as well as the problems that need to be resolved were identified. Its main goal is to reduce the level of corruption not only in the public and quasi-public sector, but also in the private sphere.

The key areas of the Anti-Corruption Strategy include corruption combatting in the public service, introducing the social control institution, corruption combatting in the quasi-public and private sectors, preventing corruption in the courts and law enforcement agencies, forming an anti-corruption culture and developing international cooperation, introducing a mechanism for monitoring the implementation of anti-corruption policies and assessment of corruption risks.

The Anti-Corruption Strategy is a document that accumulates the opinion of the whole society, including social institutions that participated in the development of the draft thereof.

An additional impetus to the development of the anti-corruption policy was given by the “Plan of the Nation – 100 Specific Steps” in pursuance whereof 60 laws were adopted aimed at increasing transparency of the state apparatus and preventing corrupt practices.

Regarding the formation of a professional state apparatus in the “Plan of the Nation – 100 Specific Steps”, it was proposed to strengthen the fight against corruption, to develop a new anti-corruption legislation and a new law on public service applicable to the officials of all public authorities, including law enforcement agencies.

In furtherance of the priorities contained in the Anti-Corruption Strategy and the “Plan of the Nation – 100 Specific Steps”, the legislation regulating the anti-corruption policy issues has been updated. The new edition adopted the Law “On Countering Corruption” and “On the Public Service of the Republic of Kazakhstan”.

The Law of the Republic of Kazakhstan “On Social Councils” dated November 2, 2015, which is aimed at involving the population in the process of combating corruption, is of interest.

Participation of representatives of the general public in decision-making, public hearings, monitoring and expert examination of the regulatory legal acts contributes to increased transparency and accountability of the public authorities.

The participation of the civil society institutions in the analysis of corruption risks, the initiation by them of issues on elimination of administrative barriers makes it possible to correct work in this direction, because they, feeling the deficiencies and shortcomings of the legislation, specifically have a clear idea of the causes and conditions contributing to corruption.

The public authorities provide assistance and methodological assistance to anti-corruption subjects in the implementation of the training programs on

anti-corruption education and upbringing, informational and explanatory activities, and the execution of the state social orders aimed at developing an anti-corruption culture.

Taking into account the international experience of the most successful countries in the issues of consolidation of the society in anti-corruption activities, an Open Cooperation Agreement was developed in the country for the first time on creating an atmosphere of intolerance for any manifestations of corruption and the formation of an anti-corruption culture in the society.

The uniqueness of this project lies in the fact that the agreement is open for the public associations, non-profit organizations and other organizations to join it, regardless of the forms of ownership and legal form, as well as individual citizens of the Republic of Kazakhstan who recognize its goals and tasks. One of the important instruments for the implementation of the anti-corruption strategy is the Commission for the Fight against Corruption under the President of the Republic of Kazakhstan.

An equally important component of the anti-corruption policy is invariably countering corruption crimes and prevention of embezzlement of public funds, especially allocated to support the social sector affecting the exercise of the citizens' rights. Undoubtedly, the principle of inevitability of punishment for corruption should be fully ensured.

Careful attention is paid to the suppression of large-scale corrupt practices, with the discovery of the entire criminal chain, including with the participation of the high-ranked executives.

Thus, a complex of legal, organizational, and socio-economic measures to counter corruption has been adopted in our country at the present time.

The ongoing work is being done to increase the anti-corruption culture of the society; the policy of "zero tolerance" for corruption is intensively gaining momentum.

As a result of the large-scale work carried out in the country, a system of measures to prevent and reduce the negative impact of corruption on the society has been created in line with the present-day requirements, and the causes and conditions conducive to its emergence are eliminated in a timely manner.

A modern legislative framework has been created, the specialized state structures have been established, the national institutions and preventive mechanisms have been introduced.

Since 2004, the Republic of Kazakhstan has been a member of the Istanbul Anti-Corruption Action Plan for the countries of the Eastern Europe and the

Central Asia of the Organization for Economic Cooperation and Development. All measures taken are based on the international best practices and standards of the OECD countries.

Since 2008, Kazakhstan has been a full member of the UN Convention Against Corruption.

The active cooperation is carried out within the framework of the Association of Anti-Corruption Offices, the International Anti-Corruption Academy, and the Integrity Scan initiatives.

Currently, the work is performed to join the Council of Europe Group of States Against Corruption (GRECO).

The systemic measures taken have allowed significantly reducing the administrative barriers and reducing the corruption level. The principles of the law supremacy and the inevitability of punishment are consistently implemented.

At the beginning of its path, the Republic of Kazakhstan, as a young member of the world community, was receptive to the recommendations and requirements of the world community in terms of bringing its domestic legislation into conformity with the rules and provisions of the international law. It surely took a lot of time, but today it can be stated that the domestic law, in general, as well as, in particular, the criminal law of Kazakhstan generally complies with the world anti-corruption standards.

Successes in the formation and development of the country's public service and in counteracting corruption are based on the firm political will of the Head of the State. Thanks to his inner strength and wise policy, Elbasy managed to direct the social forces to build a new statehood.

N.A. Nazarbayev, the President of the country, is deeply aware of the new needs for developing the society, finds innovative methods for the implementation of the challenges and moves history forward.

**ASSEMBLY OF PEOPLE OF KAZAKHSTAN –
A KEEPER OF FRIENDSHIP, HARMONY AND
CIVIL PEACE IN THE COUNTRY**

On December 14, 1992, at the Forum of the Peoples of Kazakhstan in Almaty City, for the first time the Head of the State N.A. Nazarbayev came up with the idea of creating a new public institution that “would reflect the whole spectrum of aspirations, ideals and interests of all the peoples of Kazakhstan”. It was then that the President of the country designated the future outlines of the activity of a “non-political, non-governmental organization that solves the problems of the nationwide strengthening of inter-ethnic harmony in Kazakhstan”. The Assembly was to become one of the key institutions that consolidate the society on the basis of the “development of all national groups through the search for compromises and the strengthening of the unifying principles”.⁹⁹

The tasks assigned to the Assembly required well-considered and painstaking work aimed at “finding the points of contact, expanding the areas of harmony and trust among the nations”.¹⁰⁰

The step-by-step solution of these tasks allowed “keeping in the focus of the public attention all the main issues of interethnic harmony based on the traditional values, standards, ideals of all peoples of our republic”.¹⁰¹

The idea of a new social institution in the world ethno-politics became a reality with the publication of the Decree of the President of the Republic of Kazakhstan “On the establishment of the Assembly of the Peoples of Kazakhstan” dated March 1, 1995. The Assembly of the Peoples of Kazakhstan was given the status of a consultative body under the President of the country. Its regional (oblast) units acted as consulting and advisory bodies under the heads of the regional administrations.¹⁰²

The tasks of the new consultative and advisory body included:

- promoting the preservation of the interethnic harmony and stability in the country;

⁹⁹ Kazakhstan khalky Assambleyeyassy: algashky kadamdar (1995-1997) Kuzhattar men materialdar zhinagy. – Astana, 2015. – P. 9.

¹⁰⁰ Loco citato. P. 42.

¹⁰¹ Loco citato. P. 9.

¹⁰² Collected Acts of the President and the Government of the Republic of Kazakhstan. – 1995, No.8, art. 84.

- development of proposals for the implementation of the state policy that promotes the development of friendly relations between representatives of the nationalities living in Kazakhstan, promoting their spiritual and cultural revival and development based on the principle of equality;

- formation of a political culture of the citizens based on the civilized and democratic standards;

- promoting the consideration of diverse national interests in the national policy pursued by the state;

- search for compromises to resolve social contradictions arising in the society.

Structurally, the Assembly was formed from among the representatives of the ethno-cultural centres, the council of veterans, as well as the public figures having authority among the population and extensive practical experience. On March 24, 1995, speaking at the I session of the Assembly of the Peoples of Kazakhstan, the Head of the State stated that the “inter-ethnic tensions and varying degrees of collision are characteristic of all stages of human development”. In addition, “there are no universal recipes for resolving the national question”, and “we live in a very fragile and unstable world”.¹⁰³

The unique status of the Assembly was largely determined by its organic integration into the system of the public and social institutions. The executive secretariats of the Assembly were created in the structure of the administration of the President of the Republic of Kazakhstan and the offices of heads of the regional administrations, and the activities of the Assembly were financed from the state budget.

Already at the first stage of its creation (1992-1995), the Assembly of People of Kazakhstan played a tremendous stabilizing role. It was with the participation of the APK that the referendums were initiated to adopt a new constitution and to extend the term of powers of the President N.A. Nazarbayev until December 1, 2000. During these years, the foundations of the Kazakhstan model of social harmony and national unity in the sphere of language, civil identity, and culture were laid.

On October 20, 2010, the President of the Republic N.A. Nazarbayev in his speech at the XVI session of the Assembly of People of Kazakhstan emphasized the interrelation between the Assembly and the Constitution of the Republic of Kazakhstan. “In 1995, the Assembly supported the adoption

¹⁰³ Nazarbayev N.A. Independence Strategy. – P. 151-152.

of the country's Framework Law at the nationwide referendum. Today, the Constitution and the Assembly of the Peoples of Kazakhstan are not just peers. These are two great values that have become the foundation of stability, modernization and prosperity. Having created the Assembly, we have found our own way to the national unity”.

The creation of the Assembly of the Peoples of Kazakhstan and its first steps caused a positive international response. Since the early 90-s of the XX century, the APK members were regularly included in authoritative international commissions on interethnic relation issues within the OSCE. In order to study the Kazakhstan experience, the Assembly was visited by delegations of the diplomatic missions of France, South Korea, Bulgaria, Poland, and a number of the CIS countries.

The first steps of the APK, including the establishment of cooperation with all border constituent entities of the Russian Federation, have influenced the adoption of the Decree of the President of the Russian Federation B.N. Yeltsin dated June 15, 1996, to consider the establishment of the Assembly of the Peoples of Russia. It is worth noting that much was done on the basis of study of the Kazakhstan experience.

During the period from 1996 to 2010 the exclusive Kazakhstan model of unity and harmony, its principles and the basic foundations of identity were formed. It was based on common values consolidating the nationwide historical consciousness; the integrating role of the Kazakh people was defined. During this period, the fears of citizens about the aggravation of interethnic relations were completely removed.

When analysing the strengths of the Kazakhstan society, the program document – “Kazakhstan-2030” Strategy – adopted in 1997 noted that the Kazakhstan society had managed to overcome one of the most serious challenges to the stability of the new independent states – internal confrontation and fragmentation of the society. The Kazakhstanis have always felt like a single family, knew their goals and moved towards them in concert.¹⁰⁴

Such landmark dates as May 1 (the Feast of Unity of the Peoples of Kazakhstan) and May 31 (the Day of Remembrance for the Victims of Political Repression and Hunger) became the traditions of public life of Kazakhstan with the direct participation of the Assembly. Within the framework of the development and strengthening of the strategy of unity, the years of unity and

¹⁰⁴ Nazarbayev N.A. Independence Strategy. – P. 13.

national accord, unity and national history, unity and continuity of generations were spent.

In 2007, the Assembly of the Peoples of Kazakhstan became the Assembly of People of Kazakhstan (hereinafter – the APK) and gained the constitutional status.

Also, since 2007, 9 deputies of the Mazhilis of the Parliament of the Republic of Kazakhstan began to be elected at the session of the APK ensuring that the interests of all ethnic groups in the country are represented in the highest legislative body of the country. In addition, according to the legislation, the Head of the State personally appoints 15 deputies of the Senate of the Parliament of the Republic of Kazakhstan “taking into account the need to ensure the national-and-cultural and other significant interests of the society”.

On October 20, 2008, the Law of the Republic of Kazakhstan “On the Assembly of People of Kazakhstan” was adopted for the first time. In order to further specify and ensure the implementation of the rules of the adopted law, the Decree of the President of the Republic of Kazakhstan No.149 dated September 7, 2011, approved the Regulations of the Assembly of the Peoples of Kazakhstan. Now the APK has begun to hold itself out as a supra-political institution that does not claim to obtain and exercise power, while expressing the interests of the people – the main source of power.

On April 19, 2010, the APK Council approved the Doctrine of National Unity of Kazakhstan. The document once again confirmed the commitment of the citizens of Kazakhstan to the basic principles of the policy in the field of interethnic relations, such as:

- equal rights and freedoms of a man and citizen regardless of race, ethnicity, religion, membership of social groups and public associations;
- prohibition of any form of restricting the rights of citizens on social, racial, ethnic, linguistic or religious grounds;
- suppression of activities aimed at inciting social, racial, national and religious hatred, undermining the security of the State;
- respect for the state language and its role in the society;
- respect for the national traditions, promoting the development of ethnic cultures and languages;
- right of each citizen to determine and indicate or not indicate his/her national, religious affiliation;
- timely and peaceful resolution of contradictions and social conflicts;

- unitarity and indivisibility of the territory of the Republic of Kazakhstan;
- protecting the rights and interests of citizens of the Republic of Kazakhstan outside its borders, supporting compatriots living in the foreign countries in preserving and developing their native language, culture and traditions, and in strengthening their ties with their historical Motherland.¹⁰⁵

The Assembly of People of Kazakhstan has become the core of the Kazakhstan model of public harmony and national unity, its foundation. This is confirmed by more than 20 years of practice. The systematic activity of the APK to maintain and support public harmony and national unity confirmed the correctness of the chosen strategy, making it possible to broadcast public requests in an up-to-date mode and to help correct ethno-politics, and to facilitate timely resolution of emerging issues by the competent public authorities.

We emphasize that each step to strengthen the socio-political, legal, organizational and financial situation of the APK is directly related to the name of the APK Chairman – Elbasy, N.A. Nazarbayev. It is carried out on his initiative and with his direct support.

Ethno-cultural associations in the structure of the APK

The ethno-cultural associations have become the “organizing core” of the Assembly of People of Kazakhstan.¹⁰⁶

During the first two years since the formation of the Assembly of People of Kazakhstan, the number of the republican and regional national cultural centres significantly increased (up to 27). It was the national cultural centres that became the main levers of the revival of the national languages, cultures, traditions and customs. The relations with the Kazakh diaspora abroad, ties of various ethnic groups of Kazakhstan with their historical homeland began to strengthen.

In accordance with the current legislation of the Republic of Kazakhstan, the republican status is assigned to the associations operating in the territory of more than a half of the regions of the Republic of Kazakhstan, and the regional associations include those having their own structural units (branches and representative offices) in the territory of less than a half of the regions; the associations are considered local if they operate within the same area.

¹⁰⁵ Doctrine of National Unity. Quoted at: <http://assembly.kz/ru/doktrina-nacionalnogo-edinstva>.

¹⁰⁶ Kazakhstan khalky Assambleyeyassy: algashky kadamdar (1995-1997) Kuzhattar men materialdar zhinagy. – Astana, 2015. – P. 45.

29 republican, 75 regional, as well as 530 local registered ethno-cultural associations in Kazakhstan were operating as of 1 quarter of 2018. There were 1071 ethno-cultural associations in the country in total.

The republican ethno-cultural associations include: the Association of Russian, Slavic and Cossack Organizations of Kazakhstan with more than 45 primary independent public associations; the member of the World Congress of Ukrainians – “Rada of Ukrainians of Kazakhstan”, which unites the legal entities of 11 regions of the country; the Association of Armenian Cultural Centres of the Republic of Kazakhstan “Nairi” operating in 14 cities of the republic; the Association of Belarusians of Kazakhstan uniting 12 Belarusian ethno-cultural associations; the Association of Greek Societies “Filia” comprising 17 associations in Kazakhstan and the Greek Society of Kyrgyzstan; branches of the Association of Koreans of Kazakhstan operating in the cities of Astana, Almaty and in all regional centres; the Association of Public Unions of Germans of Kazakhstan “Renaissance” including 20 regional communities; the Association of Chechens and Ingush of Kazakhstan “Vainakh” uniting 16 ethno-cultural associations.

The members of the Assembly of People of Kazakhstan are representatives of the World Association of Kazakhs, which was created after the first World Kurultay of Kazakhs in Almaty City in September 1992. Currently, the Association’s branches operate in Astana City and seven regional centres. Its representative offices and cultural centres operate in 35 countries of the world.

Another republican ethno-cultural association of the Kazakhs is the international community “Kazakh tili”. Its representative offices are in all regional centres and the cities of Astana, Almaty, in Russia, PRC, Mongolia, Uzbekistan, Kyrgyzstan, Turkey, and in a number of the European countries.

The regional ethno-cultural associations include the Bulgarian Cultural Centre, which has 5 branches in different regions of Kazakhstan; Kazakhstan Dungan Community; National Cultural Centre “Suomi” uniting the Karelians and the Finns, and others.

Scientific-and-analytical and expert support of the APK activity

On January 28, 2009, the Scientific Expert Council of the Assembly of People of Kazakhstan (APK SEC) was established. This was done as part of the implementation of the instructions of the Head of the State – Chairman of the APK, given at the XIV session of the APK.

The APK SEC performs the tasks of providing expert support for decisions made in the field of interethnic relations. Within the framework of the SEC, the work is performed on an in-depth study of the state of interethnic relations and predicting trends in the situation. The members of the scientific and expert council take part in forecasting the future of interethnic interactions in the republic.

The work of the APK SEC is based on such fundamental problems as: improving the methodology of research of interethnic relations; improving the quality of analysis and expanding the analytical field to include new areas of interethnic relations – the issues of integration of multicultural and multi-ethnic societies, ethno-social markers of Kazakhstan society; opening up latent ethnic processes; strengthening the forecasting functions of Kazakhstan's humanitarian science in the interethnic sphere with access to practical specific recommendations on strengthening Kazakhstan's identity and national unity.

The APK SEC includes 48 scientists, including 31 doctors, 11 candidates of sciences, heads of research institutes and public figures. The APK SEC includes representatives of such humanitarian spheres as sociology, political science, jurisprudence, history, philosophy, philology, economics, and pedagogy. This allows ensuring an interdisciplinary approach in the ongoing scientific and expert work.

The scientific and expert groups have been created in all regions to support the activities of the assemblies of the peoples of Kazakhstan in the regions, the cities of Almaty and Astana. Their scientific bases are regional universities. 262 people in total are involved in their activities, among them 57 doctors of sciences, 117 candidates of sciences, and 5 PhD doctors.

The chairpersons of the scientific and expert groups of the APK are university rectors and heads of research institutes. They participate in constant monitoring, sociological research on the study of the interethnic situation, are the initiators and executors of projects, including international ones, which projects are aimed at studying the state policy in the field of public harmony and national unity. The specific nature of the scientific and expert support of the APK activity lies in the widespread introduction of an interdisciplinary approach. This is done through a clear structural approach that defines the research topic:

in the field of historical science – the formation of historical consciousness through the lessons of the past, new approaches to studying the history of Kazakhstan, the history of the ethnic groups of Kazakhstan, the history of multi-ethnic Kazakhstan;

in the field of political science – the modernization of the political system, the election of deputies from the APK, management of interethnic processes;

in the field of sociological research – monitoring of the interethnic situation, isolated ethnic groups, border-zone, diaspora politics;

in the field of philological research – language policy, development of the methods for studying the state language, codification of the Kazakh language, languages of the ethnic groups of Kazakhstan;

in the field of legal science – legal support of ethno-politics, international standards;

in the field of pedagogical science – youth education, traditions of educating the people of Kazakhstan, patriotism, youth policy.

After the publication of the program article of the President of the Republic N.A. Nazarbayev “A look into the future: the modernization of public consciousness”, the sphere of interests of the APK SEC included topical issues of scientific and expert support for the Assembly’s participation in the implementation of the Rukhani Zhangyru program, in the projects related to spiritual modernization.

The APK SEC working body is the Centre for the Study of Interethnic and Interfaith Relations of the Academy of Public Administration under the President of the Republic of Kazakhstan.

The Centre makes its contribution to the process of training and advance training of persons working in the field of interethnic relations.

At the end of 2017, the Centre trained 3,293 people, among them: 2,126 – public servants; 1167 – representatives of the state-funded organizations, ethno-cultural associations, other APK structures, youth organizations, faiths, and mass media.

The departments of the Assembly of People of Kazakhstan participate in the upbringing of new Kazakhstan patriotism on the basis of the formation of a whole, positive perception of history among young people with uniting rather than dividing the society.

Today, 35 departments, 3 centres, 1 public council, 2 sections and 1 institute of the APK operate on the basis of Kazakhstan universities. The Association of the APK Departments was created on the basis of the Eurasian National University named after L.N. Gumilyov.

Such special educational disciplines as: “Kazakhstan model of ethno-confessional harmony”, “Kazakhstan model of tolerance and social harmony”, “Fundamentals of tolerance in social relations” are taught in the universities at the APK departments.

In the 2016-2017 academic year, the APK Department in L.N. Gumilyov ENU introduced an academic discipline to study the concept of “Mangilik El” with the aim of forming the national consciousness, a value attitude to the national culture, the spiritual heritage of the Kazakh people, the people of Kazakhstan as a whole; as well as the formation of a competitive personality with intercultural communication skills.

A scientific depository of the APK has been opened at the National Academic Library. It includes over 1300 sources the most of which are on electronic media.

Councils of Public Consent of the APK

Creation of the councils of public consent was a response to the instruction of the Head of the State expressed at the XX session of the APK. Addressing the session participants, Nursultan Abishevich emphasized that “public harmony should be the main principle of the life of the whole people”¹⁰⁷ and this is the crux of the matter and the tasks of the councils of public consent of the Assembly of People of Kazakhstan.

The councils of public consent have become an important link in the social structure of the APK. They are not legal entities and their activities are not regulated by the legislation.

2978 councils of public consent operate at large enterprises under the APK as of 1 quarter 2018 in all regions from regional centres to rural districts.

The councils of public consent are created by decisions of the regional assemblies. As a rule, they include authoritative and reputable people of the region, the public opinion leaders, representatives of the ethno-cultural associations, the mothers’ councils, and the NGOs.

Unlike the Public Councils established under the central and local public authorities, the activity of the councils of public consent is not limited to the activities of a particular public authority. They can take part in solving a variety of socially significant issues.

Today, the Assembly pays great attention to the development and strengthening of the system of the councils of public consent, the widespread use of mediation in their work. There are positive examples of increasing the influence and authority of this institution when the local akims report on their work at the meetings of the public councils.

¹⁰⁷<http://assembly.kz/ru/vystuplenie-prezidenta-respubliki-kazahstan-nanazarbaeva-na-xx-sessiiassamblei-naroda-kazahstana>.

The status and powers of the Councils of Public Consent allow:

- performing the public control functions working closely with the public councils under public authorities;
 - contributing to the development of a system of public self-government through involving the active part of the population in solving local problems;
 - accumulating the creative potential of civil society institutions and ensuring their constructive interaction with the public authorities in solving urgent problems of the population.
- The councils for public consent are actively involved in solving the urgent problems of the local population working in the field of prevention of any conflict.

Just in 2017, the APK Council of Public Consent conducted more than 16 thousand different events. With the direct participation of the councils of public consent, 6019 problematic issues of the population were resolved related to youth employment and labour disputes, accessibility, quality of education and public health, charity, land improvement, ensuring public order, resolving family problems and domestic conflicts, etc.

Analysis of their activities shows the significant contribution and potential of the councils in strengthening stability, public harmony and national unity.

The practice of work of the councils of public consent has confirmed their viability and wide opportunities in organizing the citizens' participation in the affairs of the society.

Mothers' Councils

Another public structure of the Assembly of the Peoples of Kazakhstan is the Mothers' Councils. They perform the function of strengthening the Kazakhstan identity and social harmony through participation in the spiritual and moral education of the younger generation, preservation and augmentation of family values

The main directions of the activities of the APK Mothers' Councils include:

- study of problematic issues related to spiritual and moral education in the family;
- assistance in children upbringing in the spirit of the national traditions and culture;
- promoting women's legal literacy;
- dissemination of experience of successful families;
- organization of preventive work with troubled families;

- assistance to troubled teenagers, families in socially dangerous situations, as well as troubled and single-parent families;
- participation in solving the problems of children without parental care.

The number of the Mothers' Councils increased from 823 to 1 774 during 2015-2017. 16 oblasts, 47 cities, 270 districts, 1,239 rural councils, and 33 councils at enterprises are among them. 105 Mothers' Councils were created directly under the ethno-cultural associations.

For example, 265 Mothers' Councils in Almaty Oblast, 131 – in Karaganda Oblast, and 117 – in Kyzylorda Oblast operate at the district level.

The Mothers' Councils in each region cooperate with relevant public authorities, educational institutions, and public organizations. The result of interaction is the implementation of socially significant initiatives and projects aimed at strengthening family values and social harmony

Just in 2017, the mothers' councils conducted 7,851 events.

For example, the campaigns of the Mothers' Council of Akmola Oblast: "Following the road of good", "Give a smile" allowed to collect 6 million tenge for the treatment of children in clinics in Turkey and Russia.

Mediation Council and Cabinets

One of the new directions of the APK work, which was approved by the APK Chairman – Elbasy N.A. Nazarbayev, is to promote the development of the institution of mediation.

The republic-wide inclusive mediation network of the APK includes 13 Mediation Councils, 772 mediation cabinets under the Houses of Friendship, as well as Councils of Public Consent and the Mothers' Councils of the APK.

The mediation councils actively interact with the professional mediators, promote the training and education of the public mediators, including representatives of the ethno-cultural associations, members of the councils of public consent, and the other APK structures.

In order to promote the development of mediation, the practice of using mediation technologies in resolving conflicts and disputes, the APK has concluded memoranda of cooperation with the Supreme Court of the Republic of Kazakhstan, the Union of Judges, the Republican Bar, the Republican Notary Chamber, the National Chamber of Public Health of the Republic of Kazakhstan, the National Chamber of Entrepreneurs Atameken, and the Akimat of the South Kazakhstan region.

16 regional mediation cabinets of the APK have concluded memoranda on mediation with the regional, city and district courts.

625 professional mediators and 3,301 public mediators are entered in the Unified Register of the APK mediators.

The practical work of the APK includes conducting seminars on the whole range of mediation issues with the participation of mediators and lawyers, creating mobile groups of mediation cabinets to carry out outreach activities to the population and in institutions regarding advantage of use of the mediation procedures.

As part of the Digital Kazakhstan Program, in May 2017, the Virtual Mediation Cabinet project was implemented in the House of Friendship of the East Kazakhstan region, allowing anyone submitting an application for the mediation procedure through the website. This project also will be implemented with the assistance of the APK in the other regions of the country.

APK deputy group in the Mazhilis of the Parliament

The APK deputy group in the Mazhilis of the Parliament of the Republic of Kazakhstan is a voluntary association of the deputies of the Mazhilis of the Parliament of the Republic of Kazakhstan elected by the Assembly of the Peoples of Kazakhstan, as well as according to the lists from political parties, which association is created to jointly exercise their powers, acting in accordance with the regulations of the Mazhilis of the Parliament of the Republic of Kazakhstan.

The main goal of the deputy group is to actively participate in the legislative support of the implementation of the Constitution of the Republic of Kazakhstan, the laws of the Republic of Kazakhstan “On the Parliament of the Republic of Kazakhstan and the status of its deputies”, “On the Assembly of People of Kazakhstan”, Messages of the President of the Republic of Kazakhstan N.A. Nazarbayev to the people of Kazakhstan “Kazakhstan-2050 Strategy: New Political Course for the Established State”, “Plan of the Nation – 100 Specific Steps to Implement Five Institutional Reforms of the Head of the State N.A. Nazarbayev “100 specific steps – a modern state for all”, the annual Messages of the President to the people of Kazakhstan, the Doctrine of National Unity, the Concept for Strengthening and Developing Kazakhstan Identity and Unity, the Development Concept for the Assembly of People of Kazakhstan (until 2025), instructions of the Chairman of the Assembly of People of Kazakhstan, its strategic and program documents, decisions of the Council of the Assembly of People of Kazakhstan.

So, during the third session, the priority directions in the law-making work of the deputies were the tasks of legislative support of the implementation

of the Strategy of Kazakhstan Development until 2050, the Strategy for Kazakhstan becoming one of the most competitive countries in the world, and the Message of the President of the Republic of Kazakhstan N.A. Nazarbayev to the people of Kazakhstan “Third Modernization of Kazakhstan: Global Competitiveness”, program article of N.A. Nazarbayev “Look into the Future: Modernization of Public Consciousness”, instructions of the Chairman of the Assembly of People of Kazakhstan, strategic and program documents, decisions of the Council of the Assembly of People of Kazakhstan, in accordance with the instruction of the Head of the State, discussion and development of proposals for amendments and alterations to the Law “On the Assembly of People of Kazakhstan”.

In the period from September 4 to December 29, 2017, the members of the deputy group of the Assembly of People of Kazakhstan, together with the deputies from the party fractions, continued to work on the initiated draft laws, 1328 proposals and amendments to the laws of the Republic of Kazakhstan were submitted and prepared, 344 materials were published in the mass media (articles, interviews), briefings were held on various issues of the life activity of the country and society.

An important aspect of the practical activities of the deputies from the Assembly remains regular meetings with the population of the regions, the members of the Assembly, the leaders of the ethno-cultural associations, during the current session (as of April 1, 2018) the members of the deputy group accepted 556 citizens at personal appointment.

The President of the country called the deputies of the Mazhilis elected by the APK as the “real Friendship Ambassadors”.

Youth organizations of the ethno-cultural associations

The social base of the Assembly of the Peoples of Kazakhstan is constantly expanding and replenishing.

135 youth organizations have been created under the ethno-cultural associations of the country, which organizations unite more than 22 thousand people.

The main areas of work of the youth organizations of the APK: involving youth in the implementation of the tasks of the Assembly of People of Kazakhstan; familiarization with cultural values and the development of spirituality; ensuring the continuity of moral guidelines in the youth environment; stimulation of social mobility, citizen activism and self-realization of the youth.

Representatives of the youth organizations under the ethno-cultural associations participate in international conferences and meetings; one of the most striking international events is the World Festival of Youth and Students in Russia.

On March 15, 2018, the participants of the Republican youth conference “Become a Leader!”, the leaders of the youth organizations of the ethno-cultural associations decided to create the republican youth movement of the APK “Zhangyru Zholy”.

During the conference, the participants discussed the directions of modernization of public consciousness, 5 social initiatives of the President, approved the Strategy of the Zhangyru Zholy movement for 2018-2020, adopted the Structure and Regulations, elected the Headquarters, identified the regional coordinators, and agreed on the Action Plan for 2018 year.

The republican youth movement of the Assembly of People of Kazakhstan “Zhangyru Zholy” is a voluntary movement without establishing a legal entity, which is formed by the Assembly of People of Kazakhstan.

The goal of the RYM Zhangyru Zholy is to involve young people in the implementation of the spiritual modernization program “Rukhani Zhangyru” initiated by the President of the country, to support and promote youth initiatives, vivid projects, and to help in forming a new constellation of young leaders.

Each young and active citizen of the Republic of Kazakhstan who shares the goals and objectives of the movement can become a member of “Zhangyru Zholy”.

Clubs of Journalists of the APK

The APK Club of Journalists is a standing consultative and expert platform that facilitates to consolidate the efforts of the mass media in strengthening tolerance, maintaining public harmony and national unity. Along with the republican APK Club of Journalists, 13 regional clubs of journalists operate.

The Club of Journalists includes representatives of the republican and regional mass media, journalists, bloggers and experts in the field of interethnic relations.

The APK Club of Journalists holds seminars (“Mass media in strengthening interethnic tolerance”, “Ethno-culture and mass media”, etc.), master classes for Kazakhstan mass media, with the participation of famous domestic and foreign journalists, researchers in the field of the mass media.

The journalists and experts from 20 countries participated in the international media forums of the APK (2013, 2015, and 2017). On June 20,

2017, an expanded meeting of the Club of Journalists of the APK “Rukhani Zhangyru: openness of consciousness” was held. The innovation of the event was the meeting held in the format of the TEDx conference.

52 ethnic newspapers and magazines in 15 languages were involved in covering the activities of the Assembly in the work of the Club. The Club’s foreign information partners include such well-known mass media as the French magazine *Essentiel des relations*, the Italian news agency *And Kronos*, the German radio *ARD*, the Armenian information and analytical agency *Armedia*, etc.

Today, the APK Club of Journalists has been given the task of further developing a culture of coverage of interethnic and interfaith relations; work in the Internet space with famous and novice bloggers; orientation on the creation of the final media product on behalf of the Club.

Houses of Friendship

The Houses of Friendship of the Assembly of People of Kazakhstan are resource, cultural and methodological centres for the ethno-cultural associations; centres for the formation and dissemination of ideas of unity, interethnic harmony, propaganda of Kazakhstan patriotism, centres for the provision of financial and methodological assistance and support for priority projects aimed at strengthening the public harmony and national unity, holding mass cultural events.

The first house of friendship in Kazakhstan began its work in 1992 in the East Kazakhstan region.

Today the APK Houses of Friendship has been created in all regions of the country. 39 Houses of Friendship, including 1 republican, 16 regional, 7 city, 15 district ones, operate all together at the moment in the republic.

A total of 139 ethno-educational complexes (Sunday schools) operate under the Houses of Friendship in all 16 regions.

The activity of the Houses of Friendship is aimed at preserving the traditions, languages, cultures of the ethnic groups of Kazakhstan, integrating the efforts of the ethno-cultural associations in achieving the goals and objectives of the APK. Just in 2017, more than 6,973 events were held under the auspices of the APK Houses of Friendship.

While integrating the efforts of the ethno-cultural associations in achieving the goals and objectives of the APK, the Houses of Friendship determine the main areas of activity: further increase of material and technical support, human resources, the formation of a system of methodological training of

specialists, information and analytical support of activities, and development of institutional relations with the civil society institutions.

Charity

In accordance with Article 7 of the Law of the Republic of Kazakhstan “On Charity”, the Assembly of People of Kazakhstan promotes the development of charity in the country and provides coordinating and other support in the field of charity.

All public structures of the APK are involved in this work: Councils of Public Consent, Mothers’ Councils and ethno-cultural associations, more than 31.6 thousand people are involved as funders.

The various charitable events are organized annually in the regions of the country under the auspices of the APK.

For example, within the framework of the national project of APK “Kaiyrymdy El-2017”, the events “Bala Bauyr etin” were organized to popularize family-type children’s homes, as well as to support orphans, graduates of orphanages and Youth Houses; “Ayaly Alakan” campaign to provide qualified medical care to people in need with complex disorders, the organization of their treatment and rehabilitation; “Kamkor” campaign – to provide material support to the WWII veterans and homefront workers; “El Rukhy” campaign is a continuation of the APK projects of Sports Alandary and Street Workout (the construction of sports grounds and playgrounds for street sports).

The results of the APK’s charitable activities were summed up on December 8, 2017, at the republican forum of charitable organizations and funders “Caravan of Mercy”, where the solemn ceremony of awarding the “Zhomart zhan” APK badge established in honour of public recognition and encouraging the citizens for their services in the development of philanthropic and charitable activities was officiated for the first time.

Significant projects and initiatives of the APK implemented in 2017

In 2017, the Assembly of People of Kazakhstan held 207 republican and 4,389 regional events aimed at strengthening social harmony and national unity.

The following projects are the most significant and major: The international project “Tarikhtan tagylym – otkenge tagzym” (“Memory in the name of the future”) dedicated to the Day of Remembrance of the Victims of Political Repressions (May 31 was declared the Day of Remembrance of the Victims of Political Repressions).

Within the framework of the project, the events, rallies, meetings are held with the descendants of the repressed and deported people, thematic exhibitions, theatre performances, “history lessons”, conferences and round-table meetings with the participation of the leading domestic and foreign experts. The project locations are the Museum-Memorial Complex of Victims of Political Repression and Totalitarianism “ALZHIR”, CARLAG (Karaganda correctional labour camp), STEPLAG (steppe correctional labour camp), etc.

International project “Talks on the Silk Road” with the participation of UNESCO. The aim of the project is to contribute to the strengthening of comprehensive relations between countries and peoples of the Central Asian region, the preservation of common cultural and common historical values in the context of the development of intercultural dialogue.

“Talks on the Silk Road” have been held annually since 2007 with the participation of the countries of the Central Asian region in the form of an open, confidential conversation, with an analysis of the main problems and search for their solutions. According to the results of the project, a series of interesting books and materials were published and released.

The cultural and educational project “Myn bala” aimed at activating the process of formation of Kazakhstan identity, strengthening social harmony and national unity through teaching the state language.

Within the framework of the project, from 2015 to 2017, more than 35 thousand events were held with the participation of about 837 thousand children and youth representatives. As a result of the events held, 159,766 children were able to learn the state language.

The Assembly of People of Kazakhstan actively participates in the implementation of the program for the modernization of public consciousness “Rukhani Zhangyru” and contributes to the modernization of modern society, facilitating cultivating patriotism, the preservation of the cultural and genetic code of the nation, and the strengthening of national identity. As part of the project offices in the regions, 1,146 APK projects were implemented. 12,641 representatives of the Assembly of People of Kazakhstan took an active part in the implementation of these projects.

So, for example, within the framework of the project “100 New Persons of Kazakhstan”, the Assembly actively participated in the process of searching for personal success stories and selecting candidates for the list. Out of 3,078 questionnaires posted on the web-portal <http://100esim.el.kz> portal for open voting, 893 questionnaires were received from the APK. To organize discussion of candidate success stories and to popularize them on the Facebook social

network, the APK young activists created the group “Uly dalanyn zhana esimderi” (“New faces of the Great Steppe”) (at the end of 2017 the number of group members was 13,700 people). More than 30 videos were produced by the regional assemblies, which were broadcast on the republican channels, on the information web-portal www.youtube.com and on the social platform www.facebook.com.

Summarizing the results of public voting, 102 people became the winners of the project, and 25 of them – from the Assembly of People of Kazakhstan.

International cooperation

The Assembly of People of Kazakhstan is actively establishing international cooperation in the field of interethnic relations with the CIS countries (Russia, Belarus, Azerbaijan, Moldova, Kyrgyzstan and Georgia).

In 2017, a model of peace and harmony was presented at the UN headquarters as part of a campaign to support the candidacy of the Republic of Kazakhstan for non-permanent members of the UN Security Council. The representatives of 36 countries of the world applied for the study of Kazakhstan experience in the APK.

In 2017, the Memoranda of Cooperation were signed between the Assembly of People of Kazakhstan and the International Cultural Centre of the Republic of Uzbekistan, the Federal Agency for Ethnic Affairs of the Russian Federation.

As part of the annual Festival of Friendship of the People of Kazakhstan, the civil forum of the national and cultural centres was held on June 29-30, 2017, in Astana, with the participation of representatives of the member states of the Conference on Interaction and Confidence-building Measures in Asia (CICMA).

In 2017, 13 international events and meetings in total were held under the auspices of the APK.

* * *

The first President of the Republic of Kazakhstan – Elbasy, the Chairman of the Assembly of People of Kazakhstan, N.A. Nazarbayev compares in his book “The Era of Independence” the interethnic harmony and life-giving oxygen.

“We don’t notice it when we breathe, we do it automatically – we just live. We ourselves must protect our unity. No one will ever come from the outside to do this for us.”¹⁰⁸

In the Kazakhstan model of social harmony and national unity developed through the institution of the Assembly of People of Kazakhstan, there is no absorption of some ethnic components by others, as well as there are no isolated ethnic groups therein.

The Assembly of People of Kazakhstan is a unique institution for strengthening unity and harmony in the society on the basis of the common civil values and moral imperatives: “one country – one destiny”, “different origin – equal opportunities”, “unity in diversity”, “development national spirit”.

Today, the main priority in the work of the APK is to participate in the large-scale program of spiritual modernization of the society – “Rukhani Zhangyru”, which was initiated by the President of the country in 2017. The spiritual modernization of the society in a dynamically changing world is the main condition for achieving the strategic goal – Kazakhstan’s entry into the Top 30 most developed countries of the world by 2050. The advanced modernization of public consciousness is becoming one of the main tasks of the State, civil society, and every citizen.

At the same time, the APK ensures broad civil participation in the implementation of the whole complex of socio-political, economic and social reforms based on the preservation of a unique culture and national code. Since all of them are aimed ultimately at building a united Nation of strong and responsible people making the common national values the cornerstone of their ethnic behavioural patterns.

¹⁰⁸ N.A. Nazarbayev. The Era of Independence. – P. 415.

**TRANSFORMATION OF LOCAL GOVERNMENT
AND SELF-GOVERNMENT: POWER AND RESOURCES
FROM THE CENTRE TO THE LOCATIONS,
FROM THE STATE TO THE SOCIETY**

Since gaining State Independence, one of the key tasks in establishing Kazakhstan as a sovereign state has been the creation of effective systems of local government and self-government. It is an indispensable condition for the effectiveness of the state policy as a whole, since it is the systems of local government and self-government that bear the main burden of implementing the state policy in the regions in all areas.

In reforming the system of local government and self-government, a special role belongs to the Head of the State – N.A. Nazarbayev. Elbasy was the initiator of making decisions in this area, which first of all related to the general course of democratization and the expansion of opportunities for the participation of the population in governing the country. Thus, the significance and relevance of phased reform and improvement of the state policy of the local government and self-government system was noted in the Message of the President of the Republic N.A. Nazarbayev to the people of Kazakhstan “New development opportunities in the context of the fourth industrial revolution”. In particular, the Head of the State focused on the need to fully realize the potential for the effectiveness of public service in the regions through increasing their economic independence and responsibility.

The local government in Kazakhstan is implemented by the local representative and executive authorities. The local representative body of the people is maslikhat. The akimats are the local executive bodies. The process of formation and development of the system of local government and self-government can be divided conditionally into several stages.

In general, Kazakhstan is characterized by a mixed model, which contains both the elements of centralization and a movement towards expanding the capacity of local communities to independently solve local issues. It is in a state of evolution.

The **first stage** of development was associated with the adoption of the Law of the Kazakh SSR “On Local Self-Government and Local Councils of People’s Deputies of the Kazakh SSR” on February 15, 1991. It determined the foundations for the development of local self-government, the material and financial base of the Councils, the principle of supremacy of the representative

bodies. The Law also showed a tendency towards centralization of the representative bodies. The adoption of this Law served as the basis for the formation of the institution of local self-government in Kazakhstan.¹⁰⁹

The **next stage** in the development of the local government and self-government authorities was marked by the adoption in January 1992 of the laws “On the suspension of certain norms of the Constitution of the Kazakh SSR in the transition period” and “On amendments and alterations to the Law of the Kazakh SSR “On the local self-government and the Councils of People’s Deputies of the Kazakh SSR” for the transition period”. In connection with the entry into force of these laws, the election of permanent commissions by the Councils, the creation by them of the executive and regulatory, as well as the other bodies accountable to them, was suspended. Such a new regulatory principle was introduced as the principle of “delineation of functions and powers of the representative and executive-regulatory bodies”, which replaced the principle of “supremacy of the representative bodies”.

At that time, on February 7, 1992, the President of the Republic of Kazakhstan also signed the Decree “On improving the organization and activities of the agencies of State administration of the Republic of Kazakhstan in the context of economic reform”. A unified system of executive-regulatory bodies from the President of the Republic of Kazakhstan to the heads of the local administrations was enshrined therein for the first time. With the introduction of the institution of the administrations’ heads, the vertical system of executive power was restored, but the local representative bodies were still represented by the Councils of People’s Deputies. So, on December 10, 1993, the Supreme Council of the Republic of Kazakhstan adopted the Law “On Local Representative and Executive Bodies of the Republic of Kazakhstan”, which completed the formation of a unified system of the governmental executive power.

Moreover, despite the adoption of legislative acts regarding the formation of a system of local self-government, the first Constitution of the Republic of Kazakhstan adopted on January 28, 1993, did not provide for such a democratic institution of the society as local self-government. However, it is worth noting that public self-government committees (PSGC), street, house and quarter committees were set up at the local level in many territorial communities, which addressed many issues of a social nature, public utility services for population, environmental problems, etc.¹¹⁰

¹⁰⁹ Suleimenov A. Local self-government in the Republic of Kazakhstan. – <http://e-history.kz/ru/contents/view/4828>.

¹¹⁰ A. Suleimenov. Op. cit

The **third stage** is related to the adoption on August 30, 1995, of the current Constitution of the Republic of Kazakhstan, which recognizes “local self government” carried out “by the population directly through elections, as well as through elected and other local self-government bodies in rural and municipal local communities covering the territories on which the population groups live compactly”.¹¹¹

By 2000-2001, the pace of political reform in the society began to lag somewhat behind the scale of economic transformation. In this regard, it was required to additionally investigate the strategic course for further democratic transformations the main directions of which were determined in the Message of the President to the people of Kazakhstan for 2001 “Towards a free, efficient and safe society”. In particular, the Message put forward the tasks of further democratizing the society in four main areas such as the expansion of the powers of the representative authorities, the expansion of electivity and the improvement of electoral legislation, as well as the strengthening of the civil society institutions, which played a special part.

In this regard, in order to expand the powers of representative bodies, the Law of the Republic of Kazakhstan “On Local Government in the Republic of Kazakhstan” was adopted on January 23, 2001. This law has delimited in sufficient detail the powers between the supreme executive body, central bodies and local executive bodies. As for the local representative bodies of government power, the adopted Law has not changed much their status.

In order to further develop local government, on December 6, 2004, the President of the Republic of Kazakhstan issued the Decree “On conducting, as an experiment, the election of akims of certain regions of the Republic of Kazakhstan”, which enshrines the election of akims of this level. The Decree of the President of the Republic of Kazakhstan dated December 6, 2004, “On the election of akims of aul (rural) districts, auls (villages), settlements of the Republic of Kazakhstan” also planned to conduct the country-wide (direct and indirect) elections of akims of this level. As a result of the adoption of these regulatory legal acts, the experimental elections of akims of certain districts were held in August 2005, and in 2013 a system of electivity of akims of villages and cities of regional significance was introduced. In the elections 2013 2,457 akims were elected, which is more than 91% of the total number of akims of villages and cities of regional significance in the country. The average

¹¹¹ G.M. Beisembayeva, A.Zh. Mussina, R.B. Sartova. Development of local self-government in the Republic of Kazakhstan at the modern stage. In: Bulletin of the KarSU – Jurisprudence. – 2015.

age of akims was 47 years, which indicates a rejuvenation of the leadership at the local level.

During this period of time the work was also carried out to improve the activities of local self-government. Thus, the draft Law of the Republic of Kazakhstan “On Local Self-Government in the Republic of Kazakhstan” developed by the Government in 2006 and submitted for nation wide discussion was aimed at introducing local self-government in urban areas, cities of regional significance, villages, aul (rural) districts, auls (settlements). The organizational structures of this institution were supposed to be keneses (representative bodies) and Tor-Aga (executive bodies). However, in the process of passing in the Parliament of the Republic of Kazakhstan, the draft law caused a lot of censure and was recalled by the Government.

The next step to create a system of local self-government was taken on May 21, 2007, when amendments and alterations were made to the current Constitution [3]. According to the amendments, the Constitution of Kazakhstan does not contain a clear wording of the concept under consideration, however, it establishes that “the Republic of Kazakhstan recognizes local self-government that provides an independent decision by the population of issues of local importance”.

The amendments to the current legislation continued to form a system of local self-government (hereinafter – LSG). In order to further improve it, the Decree of the President of the Republic of Kazakhstan dated November 28, 2012, approved the Concept for the development of local self-government in the Republic of Kazakhstan, which contains an analysis of problematic issues in this area and determines the main directions and parameters for their solution.¹¹²

Fundamental principles of the Concept

The concept of developing local self-government in Kazakhstan is based on the universally recognized values of municipal democracy and municipal governance, which are enshrined in the European Charter of Local Self-Government. The following signs are indicated among them:

- authorities operating within the limits established by law;
- vesting local self-government with the right to independently use resources;
- power with clearly defined functions in the state;
- existence of elected local government bodies.

¹¹² Decree of the President of the Republic of Kazakhstan “On Approval of the Concept of Development of Local Self-Government in the Republic of Kazakhstan” dated November 28, 2012. – ILS Adilet.

In the process of developing approaches to implement an independent local self-government budget, the National Commission for Modernization under the President of the Republic of Kazakhstan took into account the experience of the OECD countries, in particular Poland.

Stages of implementation of the Concept

The concept of development of local self-government in the Republic of Kazakhstan is implemented in two stages at which the following measures are planned for the implementation of new principles of local self-government:

1. The first stage (2013-2014) – expanding the potential of the current system at the lower levels of government:

- increasing the role of the population in solving local issues through meetings and gatherings of the local community at the level of auls (villages), settlements, cities of regional significance;
- creation and development of mechanisms for the active involvement of the urban population in the process of managerial decision-making;
- introduction of the election of akims in cities of regional significance, aul (rural) districts, auls (villages) that are not part of the aul (rural) district by maslikhats of districts (cities);
- expansion of financial independence of the lower levels of government;
- organization and implementation of measures to increase the legal literacy of the population on the enforcement of rights and opportunities for self-government.

2. The second stage (2015-2020) – further development of local self-government:

- consideration of issues of further delineation of functions of local government and self-government (with the transfer of functions);
- study of issues of budgeting and ownership of self-government bodies;
- optimization of administrative territorial units at the level of rural districts (in order to increase the potential for the formation of full-fledged local self-government).

A logical continuation of the reform of local self-government bodies and their empowerment with additional powers was the inclusion of a number of measures in **the Plan of the Nation – 100 specific steps to implement five institutional reforms of the Head of the State N.A. Nazarbayev** in May 2015. According to the Plan of the Nation, the reform should be implemented in three stages.

The main stages of reforming the public administration system according to the Plan of the Nation are 100 specific steps to implement five institutional reforms (96-97 steps).

The first stage is 2016-2017:

- coordination of the candidatures proposed by the akim of the district for the post of akim of the city of regional significance, settlement, village and rural district for further inclusion in the maslikhat of the district and the conduct of elections;
- initiating the issue of the release of the akim;
- consideration of draft program documents on the development of the local community and discussion of topical issues of improvement and public order;
- consideration of proposals of the akimat of the district for the alienation of property acquired using the control cash account;
- control over the targeted use and prevention of illegal occupation by individuals of land plots within the population centres;
- making proposals on the appointment of heads of the public institutions of the local community;
- strengthening the tax potential of local self-government by transferring to them the right to additionally levy two taxes – transport and land tax from the legal entities.

The second stage – from 2018:

- phased formation of the local self-government budget to be approved by the maslikhat of the district;
- approval by the meeting of the draft budget of the local community, submitted by the akim for approval by the maslikhat of the region, and approval of the report on its implementation for submission to the maslikhat;
- issues of managing community property of the local community;
- introduction of the budget only for administrative territorial units with a population of more than 2 thousand people and its approval by the district's maslikhat;
- introduction of the institution of “community property of local self-government”;
- addressing the issue of enlargement of the administrative territorial units at the level of rural districts in order to increase their potential.

The third stage – from 2020:

- creation of a representative local self-government body;
- introduction of an independent local self-government budget in the population centres with a population of less than 2 thousand people;

- introduction of procedures for considering citizens' proposals on draft local budgets that touch on socially significant issues [5].

Thus, the process of reforming the local government and self-government continues to the present day.

The current state of the system of local government and self-government.

The functioning of local government and self-government systems in Kazakhstan is currently determined by articles 85-89 of the Constitution of the Republic of Kazakhstan, the Law of the Republic of Kazakhstan “On local government and self-government in the Republic of Kazakhstan”, the Concept of local self-government development, and the laws and other regulatory acts, regulations (charters) on local self-government.

The Law “On Local Government and Self-Government in the Republic of Kazakhstan” dated January 23, 2001, was amended and altered several times. One of the latest changes was related to the implementation of the Plan of the Nation, as well as constitutional reform, which included the strengthening of the role of local representative authorities.

The Law, as the determining regulatory legal act, gives the following definition to local government and self-government:

- local government means activities carried out by local representative and executive bodies with the aim of pursuing the state policy in the relevant territory, its development within the competence, as well as being responsible for the state of affairs in the relevant territory;

- local self-government means activities carried out directly by the population, as well as through maslikhats and other local self-government bodies, aimed at independently resolving issues of local importance under their own responsibility.¹¹³

At the same time, it is noteworthy that the differences between these concepts are slightly fuzzy, i.e. the maslikhats relate to both local government and self-government bodies, which can cause confusion, moreover, the other possible self-government institutions are not described, which erodes the idea of them.

The main institutions whose activities are regulated by law are the maslikhats as representative bodies, as well as the akimats – the executive ones.

At the legislative level, the principle of checks and balances is enshrined when representative (legislative) bodies have leverage over the executive branches at the local level.

¹¹³ Law of the Republic of Kazakhstan “On Local Government and Self-Government in the Republic of Kazakhstan” dated January 23, 2001. – ILS Adilet.

The competence of the maslikhats includes a fairly wide range of functions, mainly related to the approval of various rules, plans, rates, authorization documents for managing the territory, control over the activities of the local executive bodies.

One of the latest innovations, which is first of all related to the expansion of the maslikhat's powers, is the possibility of the maslikhat of the district (city of regional significance) to approve the budget of the city of regional significance, village, settlement, rural district and to report on its implementation, which will expand financial independence of the local governments in solving urgent issues of local importance and the possibility of citizen participation in the decision-making process. In addition, the maslikhats have the competence to consent to the appointment of akims of the region, city of republican significance, the capital, as well as candidates for this position, and it seems possible to express a vote of non-confidence in the akim.

As the latest changes in the system of authority of the akim and akimat, there are also innovations that are related to budgeting and the election of akims of the city of regional significance, village, settlement, rural district.

Regarding the development of local self-government, it is possible to highlight the opportunity of population participation through gatherings and meetings of the local community on the most important issues of local importance. In addition, the recent amendments to the law imply an accretion of powers of such meetings, in particular:¹¹⁴

- discussion and consideration of draft program documents and local community development programs;
- coordination of the draft budget of the city of regional significance, village, settlement, rural district and the report on budget execution;
- coordination of decisions of the administration of akim of the city of regional significance, village, settlement, rural district for the management of community property of the city of regional significance, villages, settlement, rural district;
- formation of a commission of the local community from among the participants in the meeting of the local community in order to monitor the implementation of the budget of the city of regional significance, village, settlement, rural district;

¹¹⁴ For the cities of regional significance, villages, settlements, rural districts with the population of more than two thousand people.

- coordination of alienation of community property of the city of regional significance, village, settlement, rural district;

- monitoring the meeting on the effective implementation of the budget of the city of regional significance, village, settlement, rural district.

At the same time, the akim of the corresponding territory submits to the next meeting of the local community a reasoned conclusion on the results of the consideration of recommendations on the effective implementation of the budget.

Thus, at the legislative level, in order to enlarge the powers of local self-government and the opportunities of population participation in the governance process, a number of changes have been made allowing expanding the independence of the representative bodies and increasing the accountability of executive ones, with distinguishing especially the innovation associated with the formation of a new 4th level of the state budget. The budget of local self-government at the level of a city of regional significance, village, settlement, rural district has been introduced as the 4th level of the state budget since 2018 in the administrative territorial units with a population of over 2000 people, and since 2020 – everywhere.

In total, there are 2,444 rural administrative territorial units in the republic, of which 1,066 rural districts have population of more than 2 thousand people and 1,378 districts have population of less than 2 thousand people. Thus, since January 1, 2018, an independent local government budget has been introduced in 1,066 administrative territorial units.

The following taxes will be credited to Level 4 budgets:

- individual income tax on income not taxable at sources of payment;
- tax on individuals' property;
- transport tax from individuals and legal entities;
- land tax from individuals and legal entities on the land of population centres;
- fee for the placement of outdoor (visual) advertising in the right of way of roads passing through the territory of the cities of regional significance, villages, settlements, rural districts.

They will also receive the following non-tax revenues: income from property rental (leasing) of the state property, voluntary fees of individuals and legal entities, penalties imposed by the akims for administrative offenses provided for in the Code of Administrative Offenses, incomes from sale of community property, transfers from district budget.

The local self-government budget will be approved by the maslikhat of the district after its discussion at a meeting of the local community, and the implementation of the local self-government budget is assigned to the administration of the village akim. All community properties on the village territory are part of the community property of the district and are managed by the district akimat. The local self-government property will consist of property of the local treasury (LSG budget funds, other community property not assigned to community legal entities) and property assigned to community legal entities.¹¹⁵

Organizational structure of local government.

After analysing the structure of the administrations of the regional akims, as well as the cities of republican significance, the capital, we can distinguish the overall picture, which is presented as follows:

- akims have 5 deputies in their subordination, who, as a rule, oversee certain regional divisions;
- the activities of the akimat itself are supervised by the head of the akim's administration of the region, who also has the deputies. The number of deputy chiefs of the administration here varies from 1 to 3 depending on the region. Moreover, each regional akimat has from 7 to 17 departments. For example, there are 7 departments in Kostanay Oblast, while in Karaganda region – 17;
- approximately the same number of regional divisions is in each oblast – 24;
- a similar structure can also be seen at the next stage of local government (districts), where departments operate instead of divisions.

When considering the functioning system of regional maslikhats, one can also highlight certain features:

- the number of deputies in each region varies, which is associated with the number of districts in the region, as well as with the population size. For example, in the Mangistau region (5 districts) – 23 deputies, in the Karaganda (17 districts) – 38;
- deputies of regional maslikhats are on permanent commissions that consider a certain range of issues. As a rule, the number of permanent commissions ranges from 2 to 6. The most common commissions are those in charge of economics and budget, socio-cultural development, as well as legality, law and order, respect and protection of citizens' rights. The following is a

¹¹⁵ Law of the Republic of Kazakhstan “On amendments and alterations to certain legislative acts of the Republic of Kazakhstan regarding the development of local self-government” dated July 11, 2017. – ILS Adilet.

different set of areas: agricultural issues, ecology, transport, construction, housing and communal services, nature management, entrepreneurship, SMEs, etc.;

- it should be noted that the maslikhats' administrations are relatively small – from 6 to 14 employees.

Organizationally, the maslikhats do not have a sufficient number of employees for the quality performance of their functions, which negatively affects the overall effectiveness of local self-government.

Currently, there are a number of barriers in the system of local government and self-government that impede the effective functioning of local self-government.

One of the main of these is the low activity of the population, which is due to a number of reasons.

Firstly, the current political culture of the society, which does not imply active interaction between the citizens and the authorities and participation in direct management and decision-making. Such a situation can be explained by the influence of the Soviet political culture, the presence of paternalistic attitudes and the lack of “democratic” experience. For example, according to a research conducted by the Ebert Foundation in 2015, even among young people there is a high level of paternalism. So, we can assume that among the adult population of the country it is even higher, and significantly. Thus, the share of young people counting on their own strengths and family is 35.8%, while those who differ in paternalistic attitudes and expect help from the state – 46.4%. The remaining 17.8% are “neutral”.¹¹⁶

Secondly, the population non-confidence in the government institutions, which is partly due to manifestations of corruption at the local level. According to the results of a sociological survey conducted by the Public Foundation “Centre for Social and Political Research “Strategy”, in 2016 one of the most worrying problems was corruption and lawlessness for the population of Kazakhstan (78.0%).¹¹⁷

According to the Committee for Legal Statistics and Special Registrations of the General Prosecutor’s Office of the Republic of Kazakhstan, in 2017, 2,982 criminal offenses related to corruption and the interests of the public service and public administration were committed, including 933 offenses

¹¹⁶ Research of the Ebert Friedrich Foundation “Youth in Central Asia. Kazakhstan”. – <https://camonitor.kz/26270-lish-malaya-chast-kazahstancev-vovlechena-v-politicheskie-processy.html>.

¹¹⁷ Results of survey of the PF “Centre for Social and Political Research “Strategy”. – <http://www.ofstrategy.kz/index.php/ru/>.

for taking a bribe and 378 – for giving a bribe. The National Anti-Corruption Report contains the following data: in 2016, the number of persons convicted of corruption-related crimes was 910 of which 520 crimes were committed by the employees of the central public authorities, 238 – local executive bodies, and 152 – others. At the same time, out of 238 employees convicted of corruption offenses, more than a half are employees of educational institutions (82) and akim administrations (50). Among the akim administration employees held criminally responsible, almost a half are directly attributable to the akims of all levels (21 out of 50). Kostanay (8), East Kazakhstan (7), Zhambyl (7) and Karaganda regions (7) stand out in a regional context.¹¹⁸

In general, as practice shows, in most cases corruption crimes are associated here with bribery, abuse of land allocation, allocation of subsidies, theft of budget funds during government purchases.

Thirdly, poor awareness of the activities of local representative and executive bodies, the possibility of their own participation and influence on the decision-making process regarding the development of their region, district, village, etc., as well as low legal literacy of the population. It is worth noting here that this factor also contributes to the formation of a negative perception of authorities, maslikhats, etc.

The second barrier to the development of local government and self-government can be called an imbalance in the system of relations between representative and executive bodies and institutions of local self-government with an advantage in the direction of the first. Although mechanisms of checks and balances are envisaged at the legislative level when coordinating akim's candidatures, reporting of akimats to maslikhats, etc., in practice the maslikhats, which do not have their own material and financial resources, as well as employees for the high-quality performance of their own functions, and which are unable to provide the true reporting of akims to them have actually been turned into advisory bodies.

In addition, there is a disinterest in the executive branch in the development of local self-government. This institution is perceived by individual public servants as a supervisory body that criticizes their activities, which leads to the fact that the public authorities are trying to control the process of formation of such institutions.

¹¹⁸ National Anti-Corruption Report. 2017. – http://kyzmet.gov.kz/sites/default/files/pages/naccoklad_o_protivodeystvii_korruptcii.pdf.

Along with identifying the main barriers that may impede the effective implementation of innovations related to the implementation of Level 4 budget in the system of local government and self-government, the possibilities and risks of this process are identified: responsibility for the current state of the village and for decisions made will be fully vested to the local population; the responsibility of akims of these administrative units and active citizens, which will be part of the meetings and gatherings of the local population, will increase significantly; the effectiveness of decisions of local authorities should increase because the problems that need to be solved are before their eyes; the political heft of the deputies of the regional maslikhats will sharply increase – after all, if they elected before the akims who do not have a budget, now they choose the akims with a budget.¹¹⁹

The formation and development of the system of local government and self-government is directly related to the establishment and approval of the Republic of Kazakhstan as an independent, modern, strong, democratic and legal state, the highest values of which are a person, his life, rights and freedoms. In line with the Concept approved by the President of the Republic, Elbasy, a set of measures has been developed and is being implemented to further democratize life in the regions, to increase the social activity of citizens, to redistribute authority from the centre to the locations, while necessarily strengthening the organizational and material and financial base of the ongoing administrative reforms. They fully meet the solution of the tasks defined in the Strategy “Kazakhstan-2050” for Kazakhstan joining the Top thirty of the most developed countries of the world.

¹¹⁹ M. Shibusov. Local self-government in Kazakhstan: villages will gain their budget. [Electronic resource] – Access mode https://regnum.ru/news/polit/2269471.html?utm_medium=source&utm_source=rnews.

CONCLUSION

Kazakhstan State Independence has a little more than 27 years. Over these years, thanks to the wisdom and foresight of Elbasy, the priorities and tasks of building and operating the main state institutions that have been working effectively to this day have been identified.

The experience of the titanic work of the First President of the Republic on the creation and consolidation of new Kazakhstani statehood has yet to be evaluated by the historians. However, today we can firmly state already that it was thanks to the reforms of N. Nazarbayev that Kazakhstan confidently stepped into a new era of its development and prosperity.

TABLE OF CONTENTS

Foreword	3
Kuanysh SULTANOV – deputy of the Mazhilis of the Parliament of the Republic of Kazakhstan, doctor of political sciences, professor AT THE ORIGINS OF THE STATE INDEPENDENCE	7
Makhmud KASYMBEKOV – Head of the Secretariat of the President of the Republic of Kazakhstan (2004, 2018-2019), doctor of political sciences, professor THE PRESIDENTIAL GOVERNMENT IS THE LEVERAGE OF FORCED DEVELOPMENT	25
Nurtai ABYKAYEV – president of the Kazakhstan National Academy of Natural Sciences, Head of the Administration of the President of Kazakhstan (2001-2004), Chairman of the Senate of the Parliament of the Republic of Kazakhstan (2004-2007), Chairman of the National Security Committee of the Republic of Kazakhstan (1998-1999, 2010-2015), veteran of public service COORDINATING ROLE OF THE ADMINISTRATION OF THE PRESIDENT OF THE REPUBLIC IN IMPLEMENTING AMBITIOUS REFORMS	38
Viktor MALINOVSKII – member of the Constitutional Council of the Republic of Kazakhstan, doctor of legal sciences THE FIRST CONSTITUTION OF KAZAKHSTAN OF 1993: STANDING AT THE CROSSROADS OF THE EPOCHS	54
Adilbek DZHAXYBEKOV – Head of the Administration of the President of the Republic of Kazakhstan (2016-2018), akim of Astana City (1997-2003, 2014-2016) NUR-SULTAN (ASTANA) IS THE SYMBOL OF INDEPENDENCE OF KAZAKHSTAN	72
Talgat DONAKOV – Chairman of the Supreme Judicial Council of the Republic of Kazakhstan, acting Head of the Administration of the President of the Republic of Kazakhstan (2008-2015, 2016-2018), candidate of legal sciences CONSTITUTION OF THE REPUBLIC OF KAZAKHSTAN 1995: PROPOSAL OF THE PRESIDENT ACCEPTED BY THE PEOPLE AT THE REFERENDUM	83
Marat BEKETAYEV – Minister of Justice of the Republic of Kazakhstan FORMATION AND MODERNIZATION OF THE NATIONAL LAW	98
Maulen ASHIMBAYEV – First Vice-Chairman of the Nur Otan Party, candidate of political sciences «NUR OTAN» – ELBASY PARTY	114
Berik IMASHEV – Chairman of the Central Election Commission of the Republic of Kazakhstan, candidate of legal sciences TRANSFORMATION OF ELECTION SYSTEM ACCORDING TO THE NEEDS OF THE TIME	130

Kassym-Jomart TOKAYEV – President of the Republic of Kazakhstan, Chairman of the Senate of the Parliament of the Republic of Kazakhstan (2007-2011, 2017-2019), Minister of Foreign Affairs of the Republic of Kazakhstan (1994-1999, 2002-2007), doctor of political sciences FOREIGN POLICY OF ELBASY: MULTIPLE-VECTOR COURSE WITHSTOOD THE TEST OF TIME	140
Kairat KELIMBETOV – Chairman of the National Bank of the Republic of Kazakhstan (2013-2015), Governor of the Astana International Financial Centre, Minister of Economics and Budget Planning of the Republic of Kazakhstan (2002-2006) FORMATION AND DEVELOPMENT OF THE FINANCIAL SYSTEM OF THE COUNTRY	174
Nurlan NIGMATULIN – Chairman of the Mazhilis of the Parliament of the Republic of Kazakhstan, doctor of political sciences BICAMERAL PARLIAMENT: PARLIAMENTARY GOVERNMENT FORMATION AND CONSOLIDATION	187
Sergey TERESHCHENKO – Prime Minister of the Republic of Kazakhstan (1991-1994) EXECUTIVE BRANCH: ROLE IN CONSTRUCTION OF KAZAKHSTAN’S STATEHOOD	205
Igor ROGOV – Deputy Executive Director of the Foundation of the First President of the Republic of Kazakhstan – Elbasy, Chairman of the Constitutional Council of the Republic of Kazakhstan (2004-2017), member of the Venice Commission of the Council of Europe from the Republic of Kazakhstan, doctor of legal sciences, professor CONSTITUTIONAL CONTROL: AFFIRMATION OF THE SUPREMACY AND DIRECT OPERATION OF THE CONSTITUTION	220
Kairat MAMI – Chairman of the Constitutional Council of the Republic of Kazakhstan, President of the Supreme Court of the Republic of Kazakhstan (2000-2009, 2013-2017), Chairman of the Senate of the Parliament of the Republic of Kazakhstan (2011-2013), doctor of legal sciences INDEPENDENT AND RESPONSIBLE JUDICIAL POWER IN THE SOVEREIGN KAZAKHSTAN	240
Jakip ASSANOV – President of the Supreme Court of the Republic of Kazakhstan, Prosecutor General of the Republic of Kazakhstan (2016-2017), candidate of legal sciences PUBLIC PROSECUTION IS A TOOL TO ENSURE LEGITIMACY AND PROTECTION OF A MAN, HIS LIFE, RIGHTS AND FREEDOMS	263
Vladimir JUMAKANOV – Assistant to the President of the Republic of Kazakhstan – Secretary of the Security Council of the Republic of Kazakhstan (2016-2018) SECURITY OF THE NATION AND PUBLIC ORDER ARE THE DEMAND OF THE SUSTAINABLE DEVELOPMENT OF THE STATE AND SOCIETY	282

Kairat KOJAMJAROV – deputy of the Senate of the Parliament of the Republic of Kazakhstan, Prosecutor General of the Republic of Kazakhstan (2017-2019), Chairman of the Agency of the Republic of Kazakhstan for the Public Service Affairs and Countering Corruption (2014-2017)
 PUBLIC SERVICE AND ANTI-CORRUPTION POLICY – SURE SUPPORT OF THE EFFECTIVE STATE 298

Darkhan MYNBAY – deputy of the Mazhilis of the Parliament of the Republic of Kazakhstan, acting Chairman of the Assembly of People of Kazakhstan – chief of the Secretariat of the Assembly of People of Kazakhstan (2017-2018), candidate of technical sciences

Leonid PROKOPENKO – Vice-Chairman of the Assembly of People of Kazakhstan – chief of the Secretariat of the Assembly of People of Kazakhstan (2018-2019), candidate of historical sciences
 ASSEMBLY OF PEOPLE OF KAZAKHSTAN – A KEEPER OF FRIENDSHIP, HARMONY AND CIVIL PEACE IN THE COUNTRY 311

Imangali TASMAGAMBETOV – Ambassador Extraordinary and Plenipotentiary of the Republic of Kazakhstan to the Russian Federation, Prime Minister of the Republic of Kazakhstan (2002-2003), akim of Almaty City (2004-2008), akim of Astana City (2008-2014), doctor of political sciences
 TRANSFORMATION OF LOCAL GOVERNMENT AND SELF-GOVERNMENT: POWER AND RESOURCES FROM THE CENTRE TO THE LOCATIONS, FROM THE STATE TO THE SOCIETY 330

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