

ISSN 1563-0285
Индекс 75873; 25873

ӘЛ-ФАРАБИ атындағы ҚАЗАҚ ҰЛТТЫҚ УНИВЕРСИТЕТІ

ХАБАРШЫ

Халықаралық қатынастар және халықаралық құқық сериясы

КАЗАХСКИЙ НАЦИОНАЛЬНЫЙ УНИВЕРСИТЕТ имени АЛЬ-ФАРАБИ

ВЕСТНИК

Серия международные отношения и международное право

AL-FARABI KAZAKH NATIONAL UNIVERSITY

INTERNATIONAL RELATIONS AND INTERNATIONAL LAW JOURNAL

№1 (85)

Алматы
«Қазақ университеті»
2019



KazNU Science • ҚазҰУ Ғылымы • Наука КазНУ

ХАБАРШЫ

ХАЛЫҚАРАЛЫҚ ҚАТЫНАСТАР ЖӘНЕ
ХАЛЫҚАРАЛЫҚ ҚҰҚЫҚ СЕРИЯСЫ №1 (85)

ISSN 1563-0285
Индекс 75873; 25873



25.11.1999 ж. Қазақстан Республикасының Мәдениет, ақпарат және қоғамдық келісім министрлігінде тіркелген

Күәлік №956-Ж.

Журнал жылына 4 рет жарыққа шығады

Журнал саяси, философиялық ғылымдар және мәдениеттану бойынша диссертациялардың негізгі қорытындыларын жариялау үшін Қазақстан Жоғары Аттестациялық Комитетімен ұсынылған // Докторлық диссертациялардың негізгі қорытындыларын жариялау үшін Қазақстан Жоғары Аттестациялық Комитетімен ұсынылған ғылыми басылымдардың тізімі кіреді // ЖАК бюллетені, №3 1998; Нормативтік және методикалық материалдарын жариялайтын ғылыми басылымдар тізімі Қазақстан ЖАК төрағасының бұйрығы 26. 06. 2003, №433-3 // Нормативтік және методикалық материалдар жинағы №6 ЖАК

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ИБ № 12724

Пішімі 60x84 ¹/₈. Көлемі 11,3 б.т. Офсетті қағаз.

Сандық басылыс. Тапсырыс №1899. Бағасы келісімді.

Әл-Фараби атындағы Қазақ ұлттық университетінің

«Қазақ университеті» баспа үйі.

050040, Алматы қаласы, әл-Фараби даңғылы, 71.

«Қазақ университеті» баспа үйінің баспаханасында басылды.

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1-бөлім
**ХАЛЫҚАРАЛЫҚ САЯСАТТЫҢ
ӨЗЕКТІ МӘСЕЛЕЛЕРІ**

Section 1
**ACTUAL ISSUES
OF INTERNATIONAL POLICY**

Раздел 1
**АКТУАЛЬНЫЕ ВОПРОСЫ
МЕЖДУНАРОДНОЙ ПОЛИТИКИ**

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МЕХАНИЗМЫ МЕЖДУНАРОДНОЙ КООРДИНАЦИИ СЕРИЙНОЙ ТРАНСНАЦИОНАЛЬНОЙ НОМИНАЦИИ «ШЕЛКОВЫЙ ПУТЬ»

Серийные транснациональные номинации становятся на сегодняшний день одной из особенных направлений Конвенции всемирного наследия. Самой сложной и многообещающей серийной транснациональной номинацией стал уникальный феномен человеческой цивилизации – Шелковый путь. Значительное количество памятников, выдвигаемых странами после процесса гармонизации к последующему включению в Список ЮНЕСКО, безусловно резко увеличивает репутационные риски снижения значимости Списка Всемирного наследия, ведь именно в процессе включения большого количества памятников появляется возможность в рамках национальных и транснациональных номинаций вносить объекты, которые сами по себе не обладают достаточным потенциалом для включения в Список. Именно поэтому процессы гармонизации, а также международной координации выдвигаются в качестве первоначально важных. В развитии идеи международной координации основным вектором развития представляется система включения в процесс координации дополнительных ключевых институтов исполнительной власти. В этом случае принимаемые решения стали бы еще более сбалансированными, а последующая координация, особенно в сложных ситуациях, имела бы необходимую комплексность, в которой, как правило, заключается необходимый уровень принятия сбалансированных решений.

Ключевые слова: ЮНЕСКО, серийная транснациональная номинация, Шелковый путь, международная координация.

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International Coordination Mechanisms of the Serial Transnational Nomination «Silk Road»

The serial transnational nominations are becoming as of today one of the special directions of the World Heritage Convention. The most complicated and challenging serial transnational nomination is the unique phenomenon of the human civilization – the Silk Road. The significant number of sites proposed by countries after the harmonization process for the further inclusion into the UNSECO List definitely increases the risk of lowering the value of the World Heritage List, because exactly during the process of inclusion of a big number of sites it becomes possible in the national and transnational nominations to include the objects without enough potential to include into the List. Exactly that is the reason why the processes of harmonization, as well as the international coordination are put in the forefront. The system of inclusion of additional key executive authorities into the process of coordination is the basic vector of development in the concept of international coordination. In the case, the adopted decisions would be more balanced, and the next coordination, especially in the complex situations would have the necessary complexity with the required level of adoption of balanced decisions.

Key words: UNESCO, Serial Transnational Nomination, Silk Road, International Coordination.

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«Жібек жолы» атты сериялық трансұлттық номинациясы бойынша халықаралық үйлестіру тетіктері

Сериялы трансұлттық номинациялар бүгінгі күні әлемдік мұра Конвенцияның айрықша бағыттарының бірі болып табылады. Ең қиын және сериялық трансұлттық номинациямен берешегі мол адамзат өркениетінің бірегей құбылысы – Жібек жолы болды. ЮНЕСКО тізіміне кейіннен енгізу үдерісінен кейін мемлекеттермен ұсынылатын ескерткіштердің айтарлықтай саны Әлемдік мұра Тізімінің маңыздылығының күрт төмендеуі беделдік тәуекелді ұлғайтатыны сөзсіз, өйткені дәл осы Тізімге енгізу үшін қажетті мүмкіндікке өздігінен ие бола алмаған, ұлттық және трансұлттық номинациялар шеңберінде ескерткіштердің үлкен санын қосу барысында объектілерді енгізу мүмкіндігі пайда болады. Сол себептен үйлестіру үдерістері, сонымен қатар халықаралық координациялар аса маңызды ретінде ұсынылады. Халықаралық координация идеясының дамуындағы дамудың негізгі векторы ретінде қосымша атқарушы билік институттарының үйлестіру үдерісіне қосу жүйесі ұсынылады. Бұл жағдайда қабылданатын шешімдер одан әрі үйлестірілген еді, әсіресе күрделі жағдайларда кейінгі үйлестіруде қажетті кешенділігі болатын еді, ол әдетте теңгерілген шешім қабылдаудың қажетті деңгейі жасалады.

Түйін сөздер: ЮНЕСКО, сериялы трансұлттық номинация, Жібек жолы, халықаралық үйлестіру.

Введение

Конвенция всемирного наследия – одна из основных программ ЮНЕСКО. Конвенция повлияла на деятельность практически каждой страны мира в области сохранения наследия (Кэмерон, Росслер, 2017: 13).

С течением десятилетий стали более очевидными сильные и слабые стороны Конвенции о всемирном наследии. Положительно то, что Конвенция способствовала как началу уникального международного диалога по вопросам наследия, так и новому пониманию теории и практики наследия (Кэмерон, Росслер, 2017: 293).

Серийные транснациональные номинации стали одной из особенных направлений Конвенции всемирного наследия.

Новый прорывной проект – серийная транснациональная номинация «Шелковый путь» оценивается международными экспертами в качестве самой значительной по масштабу вовлеченности стран, географическому охвату, количеству и типу компонентов – памятников, возможности постоянного расширения и трансформации с точки зрения разработки новых направлений региональных маршрутов.

Методология и теоретические подходы

Великий Шёлковый путь (термин, введенный немецким географом Рихтгофеном в 1877 г.) – сеть караванных дорог, связывавшая

в древности и в Средние века Восточную Азию со Средиземноморьем. Название трансконтинентального пути связывается, прежде всего, с основной составляющей торговли Востока и Запада – шелка. Вместе с тем по нему перевозились и многие другие товары, распространение которых на протяжении тысячелетий проходило с вовлечением обширных географических пространств – трех частей света: Азии, Африки и Европы.

Маршрут Великого Шелкового пути не был чем-то застывшим, в течение столетий он изменялся в зависимости от различных факторов, наибольшую значимость приобретали те или иные участки и ответвления, другие же отмирали, а города и торговые станции на них приходили в упадок, появлялись новые маршруты, расцветала торговля.

С целью стимулирования исследований по вопросам, связанным с изучением Шелкового пути, был разработан проект-акция по реализации нескольких международных научных экспедиций, семинаров и встреч. Основной целью этого проекта стала идея возобновления интереса к Великому Шелковому пути. Задачей же явилось постоянное взаимодействие ученых-исследователей и представителей средств массовой информации.

Комбинируя науку с популяризацией посредством освещения в печати и телерадиовещании, были выполнены пять международных научных экспедиций:

- Пустынный путь от Сианя до Кашгара (июль-август 1990);
- Морской путь от Венеции до Осаки (октябрь 1990 – март 1991);
- Степной путь в Центральной Азии (апрель-июнь 1991);
- Путь кочевников в Монголии (июль-август 1992);
- Буддийский путь, Непал (сентябрь 1995) (Байпаков, Воякин 2014: 4).

В некоторых странах Востока (Индия, Китай, Шри-Ланка) созданы специальные научные институты по изучению Великого Шелкового пути: Институт Хироямы в Камакуре (Япония), издающий ежегодник «Археология и искусство Великого Шелкового пути»; по решению ЮНЕСКО Международный Институт по изучению Центральной Азии (МИЦАИ – ICAS) в г. Самарканде; Международный Институт изучения кочевых цивилизаций в г. Улан-Баторе. В Секретариате ЮНЕСКО в 1995 г. было создано специальное подразделение о Центральной Азии, сыгравшее важную роль в содействии плавной интеграции новых государств этого региона в многонациональную семью ЮНЕСКО. Особо следует остановиться на издании трудов ЮНЕСКО по всеобщей и региональной истории. Специально созданным Международным научным комитетом по истории цивилизаций Центральной Азии были изданы 5 томов (из которых 4-й том издан в двух книгах) (Байпаков, Воякин, 2014: 5).

Временной и территориальный масштаб этого уникального явления поистине сложно очертить.

Казахстанскими учеными установлено, что в определении времени функционирования Великого Шелкового пути в настоящее время следует выделить два этапа. Первый этап, который можно назвать «Протошелковый путь», связан хронологически с формированием в Средней Азии и Казахстане первых государств (Бактрия, Хорезм, Государства саков Жетысу и Приаралья). Китайский шелк и иранские ковры широко представлены в материалах из раскопок широко известных «царских» курганов Алтая – Пазырыка, Башадара, Туэкты, Шибе, Катанды, Уландрыка, Узуктала, Ак-Алаха и Береля; могильников Синьцзяня – Субаши, Кызылока, Затхунлука, Семиречья – Иссыка; Тувы – Аржана.

Таким образом, первый или начальный этап Великого Шелкового пути – «Протошелковый путь» датируется VI – первой половиной II в. до н.э. (Байпаков, Воякин, 2014: 11).

К нему привязываются города-ставки и «царские» могильники саков и усуней, хунну, савроматов и сарматов, античные города Центральной Азии. Второй этап Шелкового пути начинается с поездки Чжан Цзяня в 138 г. и заканчивается с приходом к власти династии Мин в 1405 г., когда сухопутный отрезок Великого Шелкового пути приходит в упадок из-за самоизоляции Китая и бурного развития морского пути. Когда Улугбек, внук Тимура в 1449, был убит, и закончилась сильная власть, в Центральной Азии началась смута. Торговые караваны, шедшие по Шелковому пути, подвергались нападению и грабежам (Байпаков, 2007: 14-17).

Вместе с тем, ходе обсуждений определена географическая и историческая концепция охвата Шелкового пути в области возможного номинирования в Список Всемирного наследия.

Формирование процесса транснациональной номинации

Одна часть, первое направление Шелкового пути, в качестве объекта, состоящего из 33 компонентов была внесена в Список Всемирного наследия ЮНЕСКО в 2014 году по четырем критериям – (ii)(iii)(v)(vi), что говорит о его выдающейся универсальной ценности сразу в нескольких аспектах. Объект относится к серийным и трансграничным: включает, как это было указано выше, 33 памятника (компонента), расположенных в трех странах – Китае, Казахстане и Кыргызстане. В объект включены древние города-столицы, комплексы дворцов разных империй и ханств, торговые поселения, буддийские пещерные храмы, древние пути, почтовые пункты, перевалы, башни-маяки, отрезки Великой стены, укрепления, погребения, религиозные сооружения и иные памятники археологии, расположенные вдоль 5000-километрового отрезка древнего торгового маршрута. Общая площадь всех компонентов объекта определена в 42 тыс. га, а их совокупная буферная зона – в 190 тыс. га.

Интенсивная совместная работа стран-участниц была сконцентрирована не только на подготовке объектов, отобранных на основании сравнительного анализа из обширного количества памятников, расположенных в границах значительного по территориальному охвату региона, но, прежде всего, на процедуре гармонизации предварительных списков, как того требовали рекомендации «Иттенгенской встречи». Гармонизация Предварительных списков – про-

цесс, посредством которого государства – стороны Конвенции, с помощью Консультативных органов, совместно оценивают свои Предварительные списки с целью выявления пробелов и идентификации общих тем. Результатом гармонизации может стать улучшение Предварительных списков, появление новых номинаций от государств – сторон Конвенции и сотрудничество в подготовке номинаций между группами государств – сторон Конвенции (Operational, 2017: 25).

Значительное количество памятников, выдвигаемых странами после процесса гармонизации к последующему включению в Список ЮНЕСКО, безусловно резко увеличивало репутационные риски снижения значимости Списка Всемирного наследия, ведь именно в процессе включения большого количества памятников появляется возможность в рамках национальных и транснациональных номинаций вносить объекты, которые сами по себе не обладают достаточным потенциалом для включения в Список. Именно поэтому процессы гармонизации, а также международной координации выдвигаются в качестве первостепенно важных.

Это отчасти нивелировалось тщательной работой экспертного сообщества. Процесс подготовки номинационного досье и механизмов его разработки фактически занял десятилетний период.

Начало этому сложному комплексному процессу было положено в ходе проведения регионального семинара по периодической отчетности 2003 г. по реализации Конвенции об охране Всемирного культурного и природного наследия в Центральной Азии, состоявшегося 31 октября – 3 ноября 2005 г., в Алматы, Казахстан. Семинар собрал вместе экспертов и представителей органов власти Казахстана, Кыргызстана, Таджикистана и Узбекистана, представителей ЮНЕСКО (Центра Всемирного наследия, офисов ЮНЕСКО в Алматы, Ташкенте и Тегеране), экспертов ICOMOS, IUCN и CRATerre-EAG. Целью проводимого семинара было оказание содействия центральноазиатским странам в укреплении потенциала для реализации Конвенции об охране Всемирного культурного и природного наследия через серию тренингов, организованных в ходе семинара.

Одной из основных тем дискуссий стало культурное и природное наследие: определение; основные критерии значимости объекта для включения в Список Всемирного наследия; специальные типы наследия: серийные, маршру-

ты, культурные ландшафты. В качестве одного из результатов встречи разработан детальный промежуточный план действий по реализации Конвенции по Всемирному наследию в регионе. Участниками семинара принят «План приоритетных действий на 2006-2009 гг.» по культурному наследию в рамках Программы «Центральноазиатские сырцовые памятники 2002-2012 гг.» и «Программы действий в Азии 2003-2009» (План, 2012: 13-21).

Последовавший за несколькими экспертными встречами проект, связанный с аналитическими работами по определению памятников центральноазиатского региона в качестве компонентов серийной номинации, и первичному рассмотрению их состояния, участие в которых приняли К.М. Байпаков и Е.Х. Хорош в качестве основных исполнителей, стал основой проведения 1-го Консультационного семинара ЮНЕСКО по номинации Всемирного наследия «Шелковый путь», который состоялся в августе 2006 года в Турфане, Китай. Основным результатом Турфанской встречи стал так называемый «Турфанский план действий» по подготовке номинации Всемирного наследия Шелковый путь.

Наиболее важным направлением плана действий являлась постановка вопроса о создании эффективного механизма национального и международного сотрудничества. Участники пришли к согласованному мнению, что, используя результаты Турфанской встречи, каждая страна должна активизировать работу по подготовке номинации Великого Шелкового пути.

Правительства соответствующих стран должны создать национальные комитеты по менеджменту и принять эффективные меры для создания объединенного комитета по менеджменту, ответственного за менеджмент всего трансграничного объекта в целом. Эту работу может координировать Центр Всемирного наследия ЮНЕСКО. Окончательный Рабочий план этой совместной работы был согласован и принят на следующем Консультативном семинаре в Самарканде в октябре 2006 года. Участники предложили создать веб-сайт для обмена информацией о материалах по культурному наследию Великого Шелкового пути на китайском, английском и русском языках (План, 2012: 29-31).

Интересным начинанием, так в последствии и не получившим практического продолжения, стало провозглашение необходимости создания Ученого совета: «В целях обеспечения научности и объективности процесса подготовки номинации страны согласились создать Ученый совет

из экспертов, которые будут рекомендованы национальными организациями. При необходимости будет предусмотрено участие соответствующих международных организаций – таких, как ИКОМОС.

Главной задачей этого Ученого совета будет подготовка окончательного документа трансграничной номинации на основе предварительных номинаций, представляемых каждой страной, а также обобщение содержащейся в них информации в соответствии с требованиями рабочего плана и графика. Рабочим языком Ученого совета будет английский. До Самаркандской встречи Центр Всемирного наследия ЮНЕСКО будет координировать работу с соответствующими странами и международными организациями по подбору состава Ученого совета, который будет утвержден во время этой встречи» (План, 2012: 29-31).

Отсутствие шагов в данном направлении прежде всего связано с тем, что каждая страна-участница представила нескольких ведущих национальных экспертов, которые и проделали основную работу. По сути, данные эксперты явились ядром рабочей группы, готовившей номинацию и, как очевидно изначально предполагалось, должны были стать базисом так и не созданного Ученого совета.

Перед экспертным сообществом, государственными и международными администраторами стояла огромная работа, но так и не были очерчены сколько-нибудь отчетливые рамки, что активно обсуждалось в ходе каждой встречи.

Необходимость тематического исследования Шелкового пути была четко обозначена в ходе первой встречи Координационного комитета по номинации «Шелковый путь» в Сиане в ноябре 2009 г., а проведение самого исследования впоследствии поручено ИКОМОС в июне 2010 г. Результаты исследования представлены на ашхабадской встрече Второго координационного комитета в 2011 г. (Результаты, 2014: 17).

В дополнение к вышеобозначенному необходимо дать пояснение: в мае 2009 года в Алматы (Казахстан) на консультативной встрече был создан межправительственный Координационный комитет по серийной транснациональной номинации Всемирного наследия Шелковый путь для наблюдения за процессом номинирования. Координационный комитет состоит из 12 азиатских стран, включая Афганистан, Китай, Индия, Иран, Япония, Казахстан, Кыргызстан, Непал, Республику Корея, Таджикистан, Туркменистан и Узбекистан. Международный центр

консервации ИКОМОС в Сиане (ИСС-Xi'an) выступал в качестве секретариата. Четыре встречи межправительственных координационных комитетов проводились в Китае, Туркменистане, Кыргызстане и Казахстане.

В рамках подготовленного Тематического исследования международному сообществу была предложена стратегия по определению Шелкового пути в виде серии «коридоров» (впоследствии получившего название «коридорный подход»), которые могли бы быть номинированы в качестве проектов индивидуальных номинаций (Williams, 2014). Принятие этой стратегии привело к следующему важному этапу данного процесса – подготовке первой номинации «Шелковый путь: сеть маршрутов Чанань-Тянь-Шанского коридора» (совместно номинированной Казахстаном, Кыргызстаном и Китаем) в Список Всемирного наследия (Результаты, 2014:17).

Принципиально важным будет отметить, что в основу процесса номинирования Шелкового пути положено разработанное в Иттингене (Швейцария) в феврале 2010 года руководство по трансграничным серийным номинациям.

Выводы и рекомендации Международной экспертной встречи в Иттингене в отношении серийных номинаций, в основе которых лежат объекты культуры, определяют следующее:

Их составные части должны отражать четко выраженные, культурные, социальные, исторические или функциональные связи с течением времени.

Каждая составная часть должна существенно, научно, полностью определенно и различимо вносить вклад в Выдающееся универсальное значение (OUV) объекта в целом, и может включать, среди прочего, нематериальные отличительные черты. Полученное в результате Выдающееся универсальное значение (OUV) должно быть общепонятным и легко передаваемым.

Постоянно, и во избежание чрезмерной фрагментации составных частей, процесс номинации объекта, включая отбор составных частей, должен полностью учитывать общую управляемость и когерентность объекта (UNESCO, 2010).

Именно с этой целью во время второй встречи Координационного комитета, которая прошла в Ашгабаде с 3 по 6 мая 2011 г., странами-участниками был принят так называемый «коридорный подход», предложенный Тематическим исследованием ИКОМОС, разработанным британским ученым-археологом, сотрудником Университетского колледжа Лондона Тимом Вильямсом

(Williams, 2014). Из пятидесяти определенных Тематическим исследованием ИКОМОС потенциальных коридоров на Шелковом пути около двадцати были обозначены в качестве среднего приоритета, а три коридора, проходящие по территории пяти стран Центральной Азии и Китая, были рекомендованы в качестве главного приоритета первой фазы Серийной трансграничной номинации «Шелковый путь» (Результаты, 2014: 27).

Разработка механизма управления транснациональным объектом наследия

Одной из наиболее сложных частей работы должна была стать разработка некоего механизма управления огромным серийным транснациональным объектом наследия.

Как определено в информационном руководстве, посвященном всемирному наследию – «система управления наследием представляет собой структуру, часто постоянную, состоящую из трех важных элементов: правовой основы, которая определяет причины ее существования, институциональной структуры, которая создает форму для удовлетворения организационных потребностей и принятия решений, а также ресурсов (кадровых, финансовых и интеллектуальных), которые используются, чтобы сделать такую систему функционирующей» (Управление, 2013: 117).

Важно отметить, что реагирующая, эффективная и полноценная система управления наследием должна соответствовать большинству дополнительных требований, предъявляемых к ней системой всемирного наследия, среди которых – разработка новых механизмов для номинирования и управления серийными и трансграничными объектами, а также для адаптации существующих систем управления с этой целью (Управление, 2013: 131).

С целью решения вопроса управления процессом подготовки серийной транснациональной номинации Шелковый путь странами-участницами в ходе проведения специально учрежденных координационных комитетов был разработан межгосударственный механизм, своего рода номинационная стратегия, которая заключалась в создании системы, состоящей из нескольких уровней управления, связанных по вертикали и горизонтали. Во главе системы поставлен международный Координационный комитет, состоящий из Рабочих групп каждой страны-участницы, которые, в свою очередь, со-

стоят из одного представителя уполномоченного органа страны-участницы и двух экспертов, представителей академических структур.

Количество стран-участниц Комитета было оставлено открытым для возможного присоединения заинтересованных стран-участниц (План, 2012: 64). Председательство в Координационном комитете носит двухлетний ротационный характер по принципу баланса между странами-участницами. Комитет в качестве технической поддержки имеет выбранный на основании открытого голосования представителей стран-участниц Секретариат. Основными функциями Секретариата являются: распространение информации в процессе подготовки номинации и последующего управления включенными в Список компонентами серийной номинации. Помимо секретариата странами-участницами был выбран региональный «фасилитатор» (от англ. *facilitate* – *облегчать; содействовать; способствовать; помогать, продвигать*) с целью усиления процесса обмена знаниями и опытом, а также продвижения форматов тренингов и семинаров в рамках центральноазиатского региона.

Параллельно для каждой отдельной номинации каждого коридора создается собственная транснациональная система координации. В таком более узком формате странами-участницами, работающими над подготовкой данной конкретной номинации, подписывается меморандум, который включает, помимо основных постулатов (таких как управление, охрана, мониторинг), план действий и временные рамки прохождения номинационной фазы. Каждый коридор Шелкового пути имеет Консультативный комитет, представленный в Координационном комитете на политическом и академическом уровнях. Консультативный комитет состоит из рабочих групп, представленных странами-участницами. В ходе подготовки номинационного досье залогом успеха стала работа между рабочими группами Консультативного комитета и экспертами (Vileikis, 2018: 90).

Несмотря на разработанную систему управления серийным транснациональным наследием, наличие некоторых негативных фактов, среди которых объекты центральноазиатского региона: Бухара, Шахрисабз, Ичан кала, городище Талгар и средневековый Тараз, высвечивает в части развития идеи управления наследием в центральноазиатских странах значительную проблему, своего рода трещину, существующую на уровне норм национального и международного законодательств в понимании культурного

наследия и приемлемого уровня интервенций, имеющих место быть в рамках реализаций современных проектов.

Вместе с тем, на уровне международного взаимодействия прослеживается позитивное направление в выработке и установлении официальной взаимосвязи между Координационным комитетом с секретариатом в г. Сиань, КНР и Консультативными комитетами, представляемыми вице-министрами уполномоченных в области культуры министерств стран-участниц. Это позитивное направление в практическом плане выражено в подписании соглашения (в данном случае имеется ввиду соглашение, подписанное Казахстаном, Китаем и Кыргызстаном) о сотрудничестве в области управления, консервации, мониторинга, интерпретации, предотвращения рисков, а также финансирования (Vileikis, 2018: 59-72). Развитие международных отношений и следование принципам разработанного механизма управления позволяет надеяться на сведение возникающих проблем к минимуму.

Разработанные и активно внедряемые механизмы международной координации, безусловно, являются прогрессивными и довольно эффективными. Вместе с тем, полученный четырехлетний опыт (в 2014 году первый отрезок Шелкового пути был включен в Список Всемирного наследия ЮНЕСКО) показывает дополнительные возможности прогресса и улучшения этого механизма.

Ведь даже в информационном руководстве по всемирному наследию указывается, что «систему управления для серийных или трансграничных / транснациональных объектов следует регулярно пересматривать, а также, по возможности, оптимизировать координационные механизмы в целях увеличения связности и эффективности управления объектом всемирного наследия. Кроме того, необходимо реагировать на изменения, которые воздействуют на составные части такого объекта» (Управление, 2013: 131). Во многом разноплановые процессы, как и система управления в части поддержания объекта (консервация), имеют определенную взаимосвязь с различными вопросами, даже, казалось бы, такими отдаленными, как, например, управление туризмом (посещением объекта) (Tourism, 2018: 39-47).

Страны-участницы, руководствуясь ранее разработанным и принятым механизмом управления серийным транснациональным объектом, в процессе подготовки номинационного досье продолжают руководствоваться идеей создания

единого международного координационного центра – секретариата, что отчетливо прослеживается в принимаемых участниками международных встреч решениях. Так, например, среди решений участников субрегионального семинара «Стратегия управления коридорами Шелкового Пути», прошедшего 3-4 октября 2018 г. в Алматы, Казахстан, значатся:

- поддержать предложение Министерства культуры и спорта Республики Казахстан выступать в качестве Секретариата по подготовке транснациональной номинации «Шелковый путь: Фергана – Сырдарьинский Коридор»;

- предложить Республике Казахстан разработать проект Меморандума между уполномоченными министерствами о совместной работе по подготовке номинации по Фергана-Сырдарьинскому Коридору, который будет представлен на заключительной встрече по проекту (запланирован на конец февраля 2019 года);

- каждая страна выделит необходимые финансовые ресурсы для работы национальной рабочей группы и проведения совещаний на национальном уровне; каждая страна будет финансировать участие своих представителей в рабочей группе в заседаниях субрегиональной рабочей группы (например, транспортные расходы);

- уполномоченные должностные лица на уровне Заместителя министра от каждой страны примут участие в мероприятии, чтобы подписать Меморандум о подготовке номинации объектов Фергана-Сырдарьинского Коридора;

- поддержать предложение делегации Кыргызстана разработать предварительный график и поэтапный план подготовки номинации объектов Фергана-Сырдарьинского Коридора, отражающий существующие и утвержденные документы;

- каждая страна будет стремиться избегать ротации и постарается обеспечить постоянство членов рабочей группы Фергана-Сырдарьинского Коридора на протяжении всей подготовки документа по номинации;

- Международный центр консервации ИКОМОС в г. Сиань, Китай (ИСС-Х, Китай), назначенный в качестве Секретариата Координационного комитета по Шелковому пути, будет полностью поддерживать, оказывать методологическую и техническую помощь Секретариату Фергана-Сырдарьинского Коридора и Секретариату Зарафшанского Коридора, основываясь на успешном опыте внесения в Список Чанъань-Тянь-Шанского Коридора (Финальное решение, 2018).

Закключение

Таким образом, основной вектор развития видится в вовлечении в процесс координации дополнительных ключевых институтов исполнительной власти. Так, наряду с Министерствами культуры стран-участниц, в обязательном порядке в официальный состав рабочих групп консультативного комитета, а возможно, и в качестве официальных представителей Координационного комитета, должны входить представители уполномоченных органов в сфере внешнеполитической деятельности, уполномоченный орган в сфере научной деятельности, уполномоченный орган в области особо охраняемых природных территорий. В этом случае принимаемые решения стали бы еще более сбалансированными, а последующая координация, особенно в сложных ситуациях имела бы необходимую

комплексность, в которой, как правило, заключается необходимый уровень принятия сбалансированных решений.

Такие дополнения, с другой стороны, могут привести к увеличению временного отрезка любого принимаемого решения, а также не всегда оправданное повышение финансовой составляющей. Разработка механизмов смягчения этих двух факторов (времени и бюджета) – тема отдельной работы. Очевиден факт, что оптимизация механизмов и каналов международной кооперации и координации в рамках подготовки серийных транснациональных номинаций, их включения в Список Всемирного наследия и последующее управление объектом всемирного наследия, состоящего из многочисленных компонентов, расположенных на территории нескольких стран-участниц, – задача, требующая детальной проработки в настоящее время.

Литература

- Байпаков К.М. Великий Шелковый путь на территории Казахстана. – Алматы, 2007. – 496 с.
- Байпаков К.М., Воякин Д.А. Казахстанский отрезок Великого Шелкового пути в серийной номинации ЮНЕСКО. – Алматы, 2014. – ТОО «Археологическая экспертиза». – 128 с.
- Кэмерон К., Росслер. М. Много голосов, одно видение: развитие Конвенции о всемирном наследии. – Казань: Издательство Казанского университета, 2017. – 388 с.
- План действий по культурному наследию в Центральной Азии, 2006-2009. // Шелковый путь Центральной Азии. Серийные номинации Центральной Азии / Под ред. Р. Лин, Ю. Пешков, Н. Турекулова. – Алматы, 2012. – 113 с.
- Результаты проекта ЮНЕСКО / Японского целевого фонда «Поддержка стандартов и процедур документации Серийной транснациональной номинации Шелковый путь в Центральной Азии для включения в Список Всемирного наследия ЮНЕСКО» 2011-2014 гг. / Сост. Д.А. Воякин, М.Н. Масанов. – Алматы, 2014. – 164 с.
- Управление объектами всемирного наследия. Всемирное наследие. Информационное руководство. – Париж, – ЮНЕСКО, 2013. – 318 с.
- Финальное решение субрегионального семинара «Стратегия управления коридорами Шелкового Пути». – Алматы, 3-4 октября 2018. – 3 с.
- Tourism Management at UNESCO World Heritage Sites // edited by Silvia De Ascaniis, Maria Gravari-Barbas and Lorenzo Cantoni Lugano Università. – Della Svizzera italiana, 2018. – 100 p.
- UNESCO. Выводы и рекомендации Международной экспертной встречи по вопросам серийных номинаций и объектов для включения в список Всемирного наследия, 25-27 февраля 2010 г., Иттинген, Швейцария. WHC-10/34.COM/9B. – Париж, 31 мая 2010 г.
- UNESCO. Operational Guidelines for the Implementation of the World Heritage Convention. – WHC.17/01 12 July 2017. – 172 p.
- Vileikis O. Integrating Monitoring in the Nomination Process of Cultural Serial Transnational World Heritage Using Geospatial Content Management System: The Silk Road Case Study. – KU Luven, 2018. – 252 p.
- Vileikis O., Voyakin D., Utegenova A., Allayarov S. Pragmatic Approaches to World Heritage Management: Along the Central Asian Silk Roads// Aspects of Management Planning for Cultural World Heritage Sites. Principles, Approaches and Practices/ under edition of Simon Makuzava. – Switzerland: Springer, 2018. – 59-72 p.
- Williams T. The Silk Roads: an ICOMOS Thematic Study, Paris: ICOMOS // <http://discovery.ucl.ac.uk/1356660/>. – 2014.

References

- Baipakov K.M. (2007) Velikiy Shelkovyi put na territorii Kazakhstana. [Great Silk Road on the territory of Kazakhstan]. Almaty: Adamar. 496 p. (In Russian)
- Baipakov K.M., Voyakin D.A. (2014) Kazhastanskiy otrezok Velikogo Shelkovogo puti v seriinoy nominacii UNESCO. [Kazakhstan Section of the Great Silk Road in the UNESCO Serial Nomination]. Almaty: TOO Archaeological Expertise. 128 p. (In Russian)

Cameron K., Rossler M. (2017) *Mnogo golosov, jedno videnie: razvitie kontsepcii o vseмирnоv nasledii*. [Many Voices, One Vision: the Early Years of the World Heritage Convention]. Kazan: Izdatelstvo Kazanskogo universiteta. 388 p. (In Russian)

Finalnoe reshenie sub-regionalnogo seminar (2018) «Strategiya upravleniya coridorami Shelkovogo puti» [Final Outcomes of the Central Asian Sub-regional Seminar «Management Coordination of the Silk Roads Corridors»]. Almaty, 3-4 October 2018. (In Russian)

Plan deistviy po kulturnomu naslediyu v Tsentralnoi Azii. (2012) [Action Plan for Cultural Heritage in Central Asia]. Central Asian Silk Road. Central Asian Serial Nominations/ Editors: R.Lin, Yu.Peshkov, N.Turekulova. Almaty: Kumbaz. 113 p., (In Russian)

Rezultati proekta UNESCO. (2014) Yaponskogo Tselevogo Fonda «Podderzhka standarnov i procedur dokumentacii Seriinoi transnacionalnoi nominacii Shelkoviy put v Tsentralnoi Azii dlya vklucheniya v Spisok Vseмирnogo naslediya UNESCO» 2011-2014. [Result of the UNESCO/Japanese Funds-in-Trust project «Support for documentation standards and procedures of the Silk Roads World Heritage serial and transnational nomination in Central Asia» 2011-2014]/ Editors: Voyakin D.A., Massanov M.N. Almaty: TOO Archaeological Expertise. 164 p. (In Russian)

Tourism Management at UNESCO World Heritage Sites // edited by Silvia De Ascaniis, Maria Gravari-Barbas and Lorenzo Cantoni Lugano Università della Svizzera italiana, – 100 p., 2018.

UNESCO. Operational Guidelines for the Implementation of the World Heritage Convention. WHC.17/01 12 July 2017. 73. 172 p., 2017.

UNESCO. (2010) *Vivodi I recomendatsii Mejdunarodnoy ekspertnoy vstrechi po voprosam seriynix nominatsiy I obyektov dlya vklucheniya v spisok vseмирnogo naslediya*, 25-27 fevralya 2010, Ittengen, Shveytsariya. WHC-10/34.COM/9B. – Paris, 31 may. (In Russian)

Upravlenie obiektami vseмирnogo naslediya. (2013) *Vseмирnoe nasledie. Informacionnoe rukovodstvo*. [Management of the World Heritage Sites. World Heritage. Information Manual]. Paris: UNESCO. 318 p. (In Russian)

Vileikis O. (2018) Integrating Monitoring in the Nomination Process of Cultural Serial Transnational World Heritage Using Geospatial Content Management System: The Silk Road Case Study. KU Luven. 252 p. (In Russian)

Vileikis O., Voyakin D., Utegenova A., Allayarov S. (2018) Pragmatic Approaches to World Heritage Management: Along the Central Asian Silk Roads// Aspects of Management Planning for Cultural World Heritage Sites. Principles, Approaches and Practices/ under edition of Simon Makuzava. Switzerland: Springer. P. 59-72. (In Russian)

Williams T. (2014) The Silk Roads: an ICOMOS Thematic Study, Paris: ICOMOS // <http://discovery.ucl.ac.uk/13>.

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THE PROSPECT OF THE KOREA – EAEU COOPERATION BASED ON THE POSSIBLE BILATERAL FTA

This research is about the importance of economic cooperation between Korea and Russia and furthermore between Korea and EAEU based on the possible bilateral FTA. Because of Western economic sanctions and international low oil prices, Russia suffered economic hardships. As a solution to this situation, Russia is seeking new economic partners in the Asia-Pacific region with a policy of New East Asia Policy. As a result, EAEU is moving not only to expand its membership but also to strengthen economic cooperation with countries in the Asia-Pacific area. Recently, Russia's economic relations with the Asia-Pacific region, which is leading the EAEU, have steadily developed. In the meanwhile, Korea is facing a number of challenges under escalating economic uncertainty around the world. Korea will need to diversify its partnerships with emerging economies and reduce its economic dependence on the Chinese market. In these days, the Free Trade Agreements (FTAs) became the most popular preferential law style in various types of international economic agreements. In 2016, Korea and EAEU completed a joint study on the feasibility of concluding a free trade agreement. The EAEU member countries have shared a common consensus on the need to promote industrial cooperation through the expansion of EAEU investment by Korean companies beyond the limits of traditional FTAs. However, in comparison with the necessity and importance of FTA negotiations between Korea and EAEU, there are relatively few studies and researchers on the field of economic cooperation between Korea and EAEU. This research contributes to suggest way to strengthen economic cooperation between Korea and EAEU countries. This paper starts from the basic explanations of information on the FTAs in Korea, Russia and the EAEU and analyses the current statues of Korea and the EAEU economic cooperation. In order to carry out this research, the primary data such as documents related to the EAEU and the Intergovernmental Treaty Concerning the FTA were analysed. It also conducted statistical analysis through institutional and government reports related with EAEU and FTA.

Key words: Free Trade Agreement (FTA), Eurasian Economic Union (EAEU), Economic cooperation, Korea, Russia.

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Екі жақты еркін сауда туралы келісім негізіндегі Корея мен ЕЭО арасындағы ынтымақтастық перспективасы

Бұл зерттеу Корея мен Ресей арасындағы, сондай-ақ Корея мен ЕЭО арасындағы экономикалық ынтымақтастықтың маңызды екі жақты еркін сауда туралы келісім негізінде жүзеге асырылуының маңыздылығы туралы болды. Батыстың экономикалық санкцияларына және халықаралық мұнай бағасының төмендеуіне байланысты Ресей экономикалық қиындықтарға тап болды. Осы жағдайдан шығу үшін Ресей Жаңа-Шығыс Азия саясатымен Азия-Тынық мұхиты аймағында жаңа экономикалық серіктестер іздейді. Нәтижесінде ЕЭО мүшелікті кеңейтуге ғана емес, сондай-ақ Азия-Тынық мұхит аймағындағы елдермен экономикалық ынтымақтастықты

нығайтуға да ұмтылады. Соңғы уақытта Ресейдің ЕЭО басқаратын Азия-Тынық мұхиты аймағымен экономикалық байланыстары тұрақты дамып келеді. Сонымен бірге, Корея әлемдегі экономикалық белгісіздікке қарамастан бірқатар қиындықтарға тап болады. Корея дамушы елдермен серіктестікті әртараптандыруға және Қытай нарығына экономикалық тәуелділікті төмендетуге тура келеді. Бүгінгі күні еркін сауда келісімдері (FTA) халықаралық экономикалық келісімдердің әртүрлі түрлерінде ең танымалы заңгерлік стилі болды. 2016 жылы Корея мен ЕЭО еркін сауда туралы келісім жасасу туралы бірлескен зерттеуді аяқтады. ЕЭО-ға мүше елдер дәстүрлі ЕСК-н қоспағанда, корейлық компаниялардың ЕЭО-ға инвестицияларын кеңейту арқылы өнеркәсіптік ынтымақтастықты дамыту қажеттілігі туралы ортақ пікірге келді. Алайда, Корея мен ЕЭО арасындағы еркін сауда келіссөздерінің қажеттілігі мен маңыздылығымен қатар, Корея мен ЕЭО арасындағы экономикалық ынтымақтастық саласындағы салыстырмалы түрдегі зерттеулер өте аз. Бұл зерттеу Корея мен ЕЭО елдерінің арасындағы экономикалық ынтымақтастықты нығайту жолдарын ұсынуға көмектеседі. Бұл құжат Корея, Ресей және ЕЭО арасындағы еркін сауда туралы келісімдер туралы негізгі түсініктемеден басталады және Кореяның қазіргі жағдайын және Еуразиялық экономикалық қоғамдастықтың экономикалық ынтымақтастығын талдайды. Зерттеу барысында ЕЭО мен Үкіметтік Келісімге қатысты құжаттар сияқты бастапқы деректер талданды. Сондай-ақ ол ЕЭО мен ЕСК туралы ведомстволық және үкіметтік есептер шеңберінде статистикалық талдау жасады.

Түйін сөздер: Еркін сауда келісімі, Еуразиялық экономикалық одақ (ЕЭО), экономикалық ынтымақтастық, Корея, Ресей.

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**Перспективы сотрудничества Корея-ЕАЭС
на основе возможного двустороннего ССТ
(Соглашения о свободной торговле)**

В данной работе выявлены важности экономического сотрудничества между Кореей и Россией, а также между Кореей и ЕАЭС на основе возможного двустороннего ССТ. Из-за западных экономических санкций и низких мировых цен на нефть Россия испытывала экономические трудности. В качестве выхода из сложившейся ситуации Россия ищет новых экономических партнеров в Азиатско-Тихоокеанском регионе с политикой Новой Восточноазиатской Политики. Вследствие этого, ЕАЭС движется не только к расширению членства, но и к укреплению экономического сотрудничества со странами Азиатско-Тихоокеанского региона. В последнее время устойчиво развиваются экономические отношения России с Азиатско-Тихоокеанским регионом, которые являются главными в деятельности в ЕАЭС. В то же время Корея сталкивается с рядом проблем в условиях эскалации экономической неопределенности во всем мире. Корея необходимо будет диверсифицировать свои партнерские отношения с развивающимися странами и уменьшить свою экономическую зависимость от китайского рынка. В эти дни соглашения о свободной торговле (ССТ) стали наиболее популярным стилем преференциального права в различных видах международных экономических соглашений. В 2016 году Корея и ЕАЭС завершили совместное исследование о целесообразности заключения соглашения о свободной торговле. Страны-члены ЕАЭС пришли к единому мнению о необходимости развития промышленной кооперации путем расширения инвестиций корейских компаний в ЕАЭС за пределы традиционных ССТ. Однако, по сравнению с необходимостью и важностью переговоров о ССТ между Кореей и ЕАЭС, исследований и исследователей в области экономического сотрудничества между Кореей и ЕАЭС относительно немного. Данное исследование позволяет предложить пути укрепления экономического сотрудничества между Кореей и странами ЕАЭС. Данная статья начинается с основных разъяснений информации о ССТ в Корею, России и ЕАЭС и анализирует текущие статусы Кореи и экономического сотрудничества ЕАЭС. Для проведения данного исследования были проанализированы первичные данные, такие как документы, связанные с ЕАЭС и межправительственным Договором о ССТ. Также был проведен статистический анализ через институциональные и правительственные отчеты, связанные с ЕАЭС и ЗСТ.

Ключевые слова: Соглашение о свободной торговле (ССТ), Евразийский экономический союз (ЕАЭС), экономическое сотрудничество, Корея, Россия.

Introduction

Although the Multilateral system are still fundamental (The main ideas of a multilateral economic laws normally based on the principle of non-discrimination, all members of a laws are bound to grant as favourable treatment to each other as they give to any other member, for example, Most Favoured Nation (MFN) status), the Preferentialism is prominent in the economic structure of the international community. Many parts of economic cooperation are recently performed under the Preferential Trade Agreements (PTAs) these days. PTAs can be defined here in accordance with the terms of the WTO as 'trade agreements between two or more customs territories where the trade barriers are reduced or eliminated.' It may provide preferable treatment to the partner countries than third countries (Discriminatory liberalisation might be attractive for countries that seek to reap gains from trade in product areas where they cannot compete internationally).

The Free Trade Agreements (FTAs) became the most popular preferential law style in various types of international economic agreements. Although many of the FTA issues are still concentrated in the economic field, some FTA partners are also developing new functions in their international laws for non-economic field. With such aspect, the international laws can work as an important new engine to boost further cooperation between partners, eventually expanding the topics.

Korea basically has joined many types of multilateral economic agreements. Then, this small country also made several FTAs with its major economic partners since 2000s. Although Russia has a good position to start the role in the WTO rules, the state is still in favour of preferential system. Many Russian FTA partners were mainly CIS members or other neighbours such as Kazakhstan. EAEU is one of the major preferential economic cooperation system in the area. Russia may take non-CIS or neighbouring partners for their FTAs such as Korea.

Established in January 2015, the Eurasian Economic Union (EAEU) set a grand vision to create a «Eurasian Union» resembling the European Union by 2025 through a multi-stage integration plan. The EAEU consists of five countries – Russia, Kazakhstan, Belarus, Kyrgyz Republic and Armenia – with 180 million people and a combined GDP of 1.48 trillion dollars. Currently, free movement of goods, services, capital and labour is guaranteed within the region. The members of the EAEU are planning to integrate the drugs and medical market by 2017, the electric power market by 2019, and the oil and gas

market by 2025. EAEU membership is expected to expand, namely with the accession of Tajikistan, and the scope of partnership is also likely to extend out toward the APEC region.

The world powers such as China, the United States, and Europe are paying attention to the economic value of the EAEU market. Korea's nearest neighbour, China, is promoting economic cooperation and investment with the EAEU countries through the Silk Road Economic Belt policy. Previous research on economic cooperation and integration between China and EAEU has also been carried out steadily like «Central and Eastern Europe in Building the Silk Road Economic Belt» (Liu, 2014), «The Eurasian Economic Union and the Silk Road Economic Belt» (Gussarova, Aminjonov, Khon, 2017) and «China's belt and road initiative and the Eurasian economic union: integrating the integrations» (Svetlicinii, 2018). In consequence of these kinds of efforts as part of the Astana Economic Forum, representatives of the EAEU and China signed an agreement on trade and economic cooperation on May 17 2018. The document sets a high standard of regulation in various fields such as facilitation of the international trade procedures as well as protection of intellectual property rights. The priority cooperation areas are agriculture, energy, transport, information technology infrastructure and financial sector. The Chinese partners were offered 40 projects related to the transport industry.

In the meanwhile, Korea is facing a number of challenges under escalating economic uncertainty around the world. Protectionism in trade is spreading worldwide with the launch of the Trump administration, and China has engaged in economic against the deployment of a THAAD missile system in Korea. In addition, Korea has to escape from the geographical isolation imposed by the division of the Korean Peninsula. Responding to these developments, Korea will need to diversify its partnerships with emerging economies. Strengthening cooperation with the northern Eurasian countries, and securing new economic growth engines to replace old ones, will be a way for Korea to overcome the current challenges. Indeed, the EAEU can be an attractive partner as a window of new economic cooperation in developing future-oriented relations between Korea and the northern Eurasian countries.

In 2016, Korea and EAEU completed a joint study on the feasibility of concluding a free trade agreement (FTA). The EAEU member countries have shared a common consensus on the need to promote industrial cooperation through the expansion of EAEU investment by Korean companies be-

yond the limits of traditional FTAs. For this reason, it is even more important that Korea conducts in-depth studies to find ways to strengthen economic cooperation with Russia and other EAEU countries. Therefore, KOTRA (Korea Trade-Investment Promotion Agency) is constantly analysing CIS market and updating market reports like «2015 the market entry strategy: CIS Region», «Current state and market entry strategy of CIS large-scale distribution», «Progress and prospects of the Korea-EU FTA conclusion», «Expansion of Eurasian Economic Cooperation and Korea's Investment and Trade Strategy», etc. to help Korean companies who want to enter CIS markets.

However, in comparison with the necessity and importance of FTA negotiations between Korea and EAEU, there are relatively few studies and researchers on the field of economic cooperation between Korea and EAEU. This paper starts from the basic explanations of information on the FTAs in Korea, Russia and the EAEU and analyses the current statuses of Korea and the EAEU economic cooperation. It investigates the economic relationship among the countries and discusses how we can continue to improve the economic relationship by reviewing the policies toward each other. Then, it moves to the issues on the possibility of the Korea-EAEU FTA. The proposals or some hints for the FTA are provided as the final step in the study.

In order to carry out this research, the primary data such as documents related to the EAEU and the Intergovernmental Treaty Concerning the FTA were analysed. It also conducted statistical analysis through institutional and government reports related with EAEU and FTA.

Korean FTAs

Many countries can use PTAs as a vehicle for promoting deeper integration of their economies. This deeper integration covers PTA provisions dealing with product and market regulations such as standards and competition policies, environment and labour. Furthermore, it reaches the area of property rights such as protection of intellectual property, other intangible assets as well as physical and financial investments. Particularly with regards to trade in services, preferential access by an PTA may enable a supplier to steal an irreversible march on the competition.

The Asian Financial Crisis in the late 1990s provided the momentum to promote PTAs in Korea. The country intended to utilise the preferential rules in promoting qualitative growth of their eco-

nomie system. Therefore, the government expected that their PTAs could be used as the 'legal infrastructures' for their recovery from the crisis with the systemic reforms including the domestic economic rules. In fact, they have improved many types of domestic laws following the international standards with their PTAs. The country has established many FTA relations as their PTAs with various partners such as Chile, Singapore, EFTA, EU, ASEAN, India, Peru, Colombia, Turkey, the US and Australia, New Zealand, Vietnam and even China.

The Korea-Chile FTA is the first FTA for Korea in 2002. The road toward an FTA taught Korea some hard lessons. On the one hand, the government faced domestic opposition and on the other, it had to resolve issues of disagreement with the counterpart country. In preparing for a future FTA, it is important to gain a thorough understanding of the Korea-Chile FTA process, and the problems it faced from inception to its conclusion (Chung, 2003). Then Korea expected that the Korea-Singapore FTA can strengthen the foundation for Korean industries to make inroads into the East Asians markets (Moreover, Singapore is an international hub for business, finance and distribution and is increasingly becoming a target investment country for multinational companies).

The Korea-ASEAN FTA consists of four parts including Framework Agreement and Trade in Goods. The FTA created a strategic coalition that can mitigate any adverse effects arising from the acute China-Japan rivalry in the Southeast Asian region. The Korea-ASEAN FTA created a strategic coalition that can mitigate any adverse effects arising from the acute China-Japan rivalry in the ASEAN market. Furthermore, the FTA is enabling both economies to reform their agricultural and industrial sectors. The partners believe that the FTA can be useful as the legal infrastructure for their economic benefits and even other cooperation.

The Korea-US FTA concluded in 2007 (Although the FTA has been completed and enjoyed strong support from business in both countries, the ratification debate in the two countries was contentious) (Lee, 2007). However, it is controversial because the reforms required by the FTA will increase competition for the firms, workers and farmers of Korea and the US and thus will require adjustment (Jeffrey, 2007). The Korea-US FTA drew mixed reactions from the big competitors in the international economic stage. The FTA may give a boost to Korea's credit rating and a competitive advantage over China and Japan (Klinger, Kim, 2007). The Korea-US FTA also accelerated the Korea-EU FTA negotiations.

Russian PTAs

Russia has bilateral FTAs on trade with most CIS countries. Furthermore, Russia is a party to several regional arrangements in the Post-Soviet space. Russia has signed bilateral FTAs with many CIS states such as Azerbaijan, Kazakhstan, Uzbekistan, Armenia, Kyrgyzstan, Moldova, Ukraine and Georgia (Russia suspended Ukraine's status beginning on January 1, 2016.). The Russia-Belarus relation was the deepest bilateral integration. After the creation of an Economic and Monetary Union, they decided to proceed further and a Russian-Belarusian agreement on integration was signed (The agreements call for the creation of a common economic sphere, with a common currency and a unified tariff and trade policies in the future) (Roberts, Wehrheim, 2001).

The Eurasian Economic Community (EurAsEC) agreement was made by Belarus, Kazakhstan, Kyrgyzstan, Russia, and Tajikistan in 2000. The creation of a common economic space between the CIS countries of Russia, Ukraine, Belarus, and Kazakhstan was created in 2003 and they signed the Agreement on the formation of a Single Economic Space (The Concept of this single economic space is similar to the EurAsEC).

The Russia-Serbia FTA has made Serbia particularly attractive to foreign investors and manufacturers since 2000. The list of products not covered by the duty free agreement is updated annually. The FTA amended in 2009 and the list of items excluded from free trade regime was further modified. The accord is the first such agreement Russia has signed with any country outside the CIS. It can be said that Black Sea Economic Cooperation (BSEC) is the largest and strongest PTA among the Russia's cross-regional PTA. Russia also signed the FTA with Vietnam in 2015.

The regional countries discussed how to create an area where persons, capital and goods would move freely, where initiatives for cooperation would come from down to upwards vertically rather than vice versa, thus the area allows roles for states as arranging the legal framework for such cooperation. Russia should pursue its policy of following the WTO rules. Concerning the PTAs, the best option for Russia is to try and build its own regional economic bloc that would be made out of the willing CIS member countries. Their sheer sizes make this strategy the only possible option in the near future.

EAEU

Russia, Belarus and Kazakhstan signed an agreement forming a customs union, the ultimate

goal being to create a single common market. The Eurasian Economic Union (EAEU) was launched in 2015, which incorporates the regulations previously set forth in the Russia-Kazakhstan-Belarus Customs Union. The accession of Armenia and Kyrgyzstan into the EAEU came into force in 2015.

Established in January 2015, the Eurasian Economic Union (EAEU) set a grand vision to create a «Eurasian Union» resembling the European Union by 2025 through a multi-stage integration plan. The EAEU, like the European Union, is designed to develop the degree of economic integration at a very high level. The EAEU consists of five countries – Russia, Kazakhstan, Belarus, Kyrgyz Republic and Armenia – with 180 million people and a combined GDP of 1.48 trillion dollars. Currently, free movement of goods, services, capital and labour is guaranteed within the region. The members of the EAEU are planning to integrate the drugs and medical market by 2017, the electric power market by 2019, and the oil and gas market by 2025.

Since the launch of Putin's third term in 2012, Russia's New East Asia Policy has accelerated, and EAEU is moving not only to expand its membership but also to strengthen economic cooperation with countries in the Asia-Pacific area (Park, 2013). Recently, Russia's economic relations with the Asia-Pacific region, which is leading the EAEU, have steadily developed. Until the mid-2000s, Russia's foreign trade was highly dependent on Europe, but the proportion of foreign trade with the Asia-Pacific region increased sharply as the Putin government actively promoted the New East Asia Policy. As shown in [Figure 1], while the share of Europe in foreign trade in Russia decreased from 54.3% to 42.7% in 2006~18, the share of APEC steadily increased from 17.1% to 31.0%. The trend is expected to continue.

President Putin presented a grand idea of the creation of a large economic community linking EAEU, the Shanghai Cooperation Organization (SCO) and ASEAN (Association of South East Asian Nations) in his annual speech on December 4, 2015. Furthermore, he proposed that Russia and EAEU should establish a **Greater Eurasia or Greater Eurasian Partnership** relationship with China, India, Pakistan, the CIS and several other countries at the speech of the General Assembly of the International Economic Forum in St Petersburg (SPIEF2016) in June 2016.

As mentioned above, Putin wants to expand the scope of SCO, including India, Pakistan and Iran based on strategic cooperation with China. On the other hand, he has a policy of expanding and developing the concept of cooperation with the Eurasia

based on EAEU. In the process, the role and presence of EAEU led by Russia in the Asia-Pacific region including Northeast Asia will be strengthened steadily.

Meanwhile, the EAEU is planning to expand its membership to other countries such as Tajikistan in the former Soviet Union, and has signed an FTA with other countries and regions to strengthen its integration with the world economy. Since EAEU signed an FTA agreement with Vietnam in May 2015, the EAEU intends to develop economic cooperation with ASEAN and other Asian countries. Moreover, **agreement on trade and economic coop-**

eration between the EAEU and China was signed on May 17 2018 within the framework of the Astana Economic Forum. It is currently discussing the signing of a free trade agreement with Egypt, Cambodia, India, Peru and Chile, and discussions are under way to conclude an FTA with ASEAN, which includes Vietnam. Mongolia and Singapore are in the process of joint research on the feasibility of the FTA and completed joint research with Korea in 2016. In addition, Syria, Pakistan, Jordan, Albania and Serbia are considering the promotion. EAEU's global economic integration is expected to accelerate in the future.

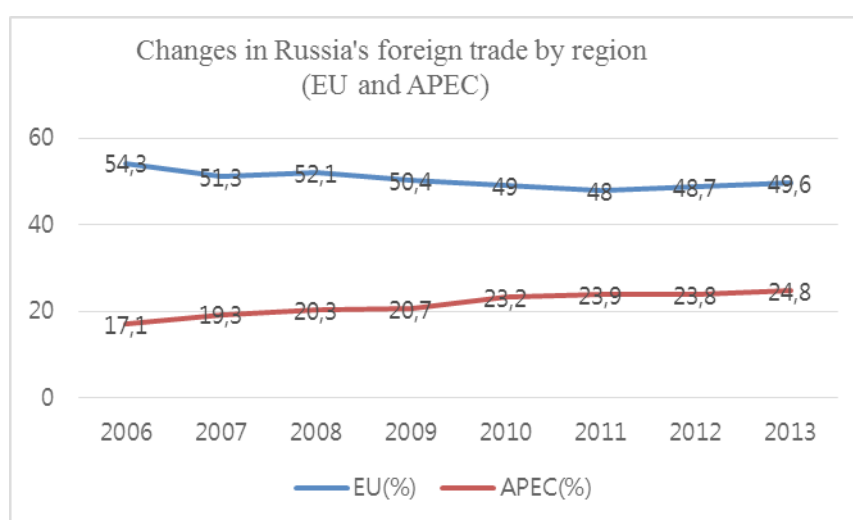


Figure 1

Source: Russian Federal Customs Service, <http://www.customs.ru>

Korea-EAEU economic cooperation status (Focusing on trade section)

On November 27, Seoul hosted the meeting, where the Minister for Trade of the Eurasian Economic Commission Andrey Slepnev and the Minister for Commerce, Industry and Energy of the Republic of Korea Yoon Sang-jick have signed a Memorandum of Cooperation between the Eurasian Economic Union (EAEU) and the Republic of Korea.

In 2016, Korea and EAEU completed a joint study on the feasibility of concluding a free trade agreement (FTA). The EAEU member countries have shared a common consensus on the need to promote industrial cooperation through the expansion of EAEU investment by Korean companies beyond the limits of traditional FTAs. For this reason, it is even more important that Korea conducts in-depth studies to find ways to strengthen economic

cooperation with Russia and other EAEU countries.

Economic cooperation between Korea and EAEU member countries has been growing for the past 20 years but has not yet reached the potential. Economic cooperation with Russia is relatively active among the five EAEU member countries, but trade relations between the two countries have decreased markedly since 2014.

In the same vein, trade relations between Korea and EAEU fell sharply after peaking in 2014. This is mainly due to the economic downturn in Russia due to low oil prices and western sanctions in 2014. As Russia underwent a recession, the economies of the EAEU member countries, which have close economic relations with Russia, became difficult, and the amount of trade between Korea and the EAEU member countries was greatly reduced. Table 1 below summarizes Korea's EAEU Trade Status in 2016.

Table 1 – Korea's EAEU Trade Status in 2016 (\$ 1,000 per unit, %)

Ranking	Country	Export amount	Amount of income	Aamount of trade	Ratio of trade
15	Russia	4,768,751	8,640,613	13,409,364	1.487
77	Kazakhstan	364,129	285,295	649,424	0.072
135	Belarus	28,469	37,163	65,632	0.007
136	Kyrgyzstan	63,763	556	64,319	0.007
178	Armenia	7,457	3,733	11,190	0.001
	World	495,425,940	406,192,887	901,618,827	

In the trade between Korea and EAEU, Russia occupies a very high share of 93 ~ 94%. Russia mainly exports energy resources such as petroleum, petroleum products, natural gas, coal, and LNG, and the share of raw materials in total exports is 34.3% and imports pharmaceuticals, transmission equipment, aircraft, automobiles, and digital automatic data processing equipment. Korea's major export items to Russia in 2016 include railway or track vehicles, related parts, boilers and machinery and related parts, electrical equipment, plastics, steel products, rubber, optics, metal, etc. Korea's major import items from Russia are mainly energy, marine products, steel, aluminium, metals and non-metallic mineral resources, and precious metals.

Among EAEU member states, Kazakhstan is the second largest economic partner of Korea after Russia. Since 1992, trade between Korea and Kazakhstan has been on the rise. The trade volume between the two countries reached a peak of about 1.47 billion dollars in 2014, but after that, the amount of trade declined due to the low oil prices and deterioration of the Russian economy. Korea has continued to trade surplus with Kazakhstan since 1997, except for 2008. Major export items of Korea to Kazakhstan include steel products, boilers and machinery, electrical equipment, railway and track vehicles and related parts, chemical industrial products, plastics, optical instruments and building materials. Korea's major imports from Kazakhstan mainly consist of raw materials such as steel, metal and non-metal minerals, and plant seeds.

Korea is active in trade with the Kyrgyzstan, which is relatively geographically closer than Armenia and Belarus. Trade between Korea and the Kyrgyzstan began in 1992, and Korea has been consistently dominating the Kyrgyzstan and trade since 1994. The trade volume between the two countries increased rapidly in the 2000s and peaked at about \$ 164 million in 2013. Since then, Kyrgyzstan has been experiencing a slowdown due to the deteriora-

tion of the Russian economy and has experienced a decline in trade with South Korea as well as a decrease in total trade.

Major export items of Korea to Kyrgyzstan are light industry products and machinery such as textile, railway or track vehicles and related parts, boilers and machinery, tobacco, plastic, cosmetics and human hair products. The main import items of Korea from Kyrgyzstan consist of agriculture products and their processed products, electric appliances, mainly agricultural products and manufactured goods.

The Future way for the Korea-EAEU economic partnership with the PTA talks

The goals of the Russian economic policy are to establish a diversified new economy through the development of competitive industries, progression of the services industry, and enhancement of the effectiveness of agriculture. The government hopes to expand economic cooperation with Northeast Asian countries for the goals. Russia also expects the cooperation of Northeast Asian countries in developing resources and marine routes in its polar regions (Vladimir, 12).

This situation can provide an opportunity for Korea. There is a need to focus on the technology-related industries that the Russian government plans to strategically develop. Manufacturing-related industries such as the automobile, ICT, and shipbuilding industries which Russia has focused on in terms of development and medical services industries can be regarded as promising fields in terms of the possible cooperation.

The Russian government has recently made efforts to develop industrial clusters as a part of its innovative policy. Consequently, Korea's own experiences establishing industrial clusters can serve as a useful tool for fostering Korea-Russia industrial cooperation. Sharing Korea's policy experiences and

successful cases of regional and sectoral industrial clusters with Russia as a part of inter-government and local government exchanges can help induce the expansion of economic cooperation in terms of projects such as the establishment of infrastructure and related services industry.

As we have seen, mutual trade and investment cooperation between Korea and EAEU has been relatively steady, except for temporary slowdown due to the global financial crisis that occurred in the second half of 2008. However, the trade between Korea and EAEU peaked in 2014 and continued to decline until 2016. The reasons for the recent trade decline between Korea and EAEU are as follows. First, Russia accounts for more than 90% of Korea's EAEU trade. In the wake of the Russian Crimean peninsula merger in early 2014, Western economic sanctions and international low oil prices have drastically reduced South Korea's trade in the real world, which has naturally reduced trade with the EAEU (KOTRA, 2018). **Another cause of trade decline** is found in the monotonous trade structure. In other words, when we look at the import and export items between Korea and EAEU member countries, there is a tendency to focus on some items. Especially, these characteristics are stronger in Korea's major EAEU import items centering on raw materials or mineral fuels, which implies that obstacles can arise in forming a complementary cooperation relationship between the two industries. In order to escape from this situation, Korea should expand its trade with EAEU and diversify its trade structure (Lee, 2015).

There is a high expectation for a win-win outcome of the partnership between the two partners Korea and EAEU. By understanding the situations and policies of the countries, the Korean government needs to cope with finding substantial and realistic measures such as partnership for developing the Far East rather than a rapid change in policies. Especially, EAEU member including Russia is likely to seek and pursue 'EAEU-South Korea-North Korea economic cooperation not only for practical profit but also for political influence. It is expected that EAEU member countries such as Russia and Kazakhstan will reinforce cooperation within the area to develop their economy gradually.

Concluding remarks

After Russia's joining the WTO, it is carefully expected that Korea and Russia can start the talk on the bilateral FTA (Korea and Russia established the joint research group to conclude the BEPA (Bilateral

Economic Partnership Agreement) in 2007. However, it had stopped due to different points). They can prepare a base for stable economic cooperation with the FTA. In addition, Korea can expand its market to CIS with the FTA. Korea will take good opportunities to expand agricultural sectors and enhance food security by investing agricultural infrastructure. The Russian government concentrates on economic development in Far East area and established Department of Far East Development under its federal government (Chung, 2012).

The discussion on the Korea-Russia FTA is naturally the topic of the Korea-EAEU FTA talk. Russia is a member of the EAEU and the other EAEU members can make more benefits from the goal of the FTA considering the recent economic relationship with Korea. According to the rules of the EAEU agreement, the economic bloc must establish the preferential economic cooperation system with a third country for the benefits of whole members.

Korea expects a deeper relationship with the EAEU members regarding not only economic matters but also political issues. Since Korea imports almost all the natural resources and Russia is one of the main resource exporting countries, these two countries needs are closely met. At the same time, surrounding Korean Peninsula, the political issue, especially the North Korean nuclear issue, may affect the relationship between Korea and Russia.

The Korea-EAEU FTA has enough possibilities. The FTA can build better economic relations with many benefits to the parties. Furthermore, the FTA relation will provide huge impact to the political situations in Korean peninsula and the Far East area. However, the partners must consider some points for more effective FTA and their cooperation. Sometimes, the points are related to the sensitive fields.

Although trade and investment cooperation between Korea and EAEU has decreased in recent years, it is expected to expand gradually in the future. First, as international energy prices have stabilized recently, the economies of Russia, Kazakhstan and other EAEU countries are expected to show a recovery. Recently, the foreign trade of EAEU, led by Russia, has gradually increased its share with Asia Pacific countries. In addition, after the EAEU entered into a Free Trade Agreement (FTA) with Vietnam in October 2016, it is expected to expand trade between Korea and EAEU as it is expanding to ASEAN. Therefore, Korea needs to strategically expand and strengthen economic cooperation with EAEU through institutional and environmental

foundation at the government level and prepare for international flow.

In addition, in order to promote economic cooperation between Korea and EAEU, it is important to establish an environmental basis for the conclusion of the Korea-EAEU Free Trade Agreement (FTA). If Korea concludes an FTA with EAEU, which Russia plays a pivotal role, it will not only form a new

strategic cooperation relationship with the Eurasian value chain system, but will also contribute to the creation of a new Eurasian growth space. In other words, the Korea-EEA FTA will become a window of opportunity to advance into the Asia-Pacific region of EAEU countries, including Russia, and will be a window of opportunity for Korea to enter the Eurasian region.

References

- Anna Gussarova, Farkhod Aminjonov, Yevgeniy Khon. (2017) The Eurasian Economic Union and the Silk Road Economic Belt. Central Asia Institute for Strategic Studies, THE EEU & THE SREB. // <https://library.fes.de/pdf-files/bueros/kasachstan/13620.pdf>
- Annual data of Russian foreign trade by regions, Official site: Таможенная Служба России [Russian Federal Customs Service], <http://www.customs.ru>.
- Balassa, B. (1961). The Theory of Economic Integration. Illinois: Richard D. Irwin.
- Bongchul Kim and Ho Kim. (2014). Analysis and Proposals to the Laws in the Kaesong Industrial Complex: For Better Regulations under New Environments on the Korean Peninsula, Korean National Commission for UNESCO, Korea Journal, vol. 54, no. 4.
- Bongchul Kim. (2015). Establishments of the Legal Infrastructure for the Korea-Siberian Economic Cooperation: Focusing on the Republic of Sakha (Yakutia) case, International Information Institute, Information Journal vol. 18, no.1.
- Bongchul Kim. (April 2006). Trade Remedy Rules in Regional Trade Agreements. Trade Remedy Review, Vol. 22, Korea Trade Commission.
- Bruce Klinger and Anthony B. Kim. (2007). The U.S.-South Korea FTA: A Defining Moment; The Heritage Foundation, <http://www.heritage.org/Research/AsiaandthePacific/wm1413.cfm>
- Chang-Hyun Park. (2008). The Role of the National Assembly in the Process of Trade Negotiation. Korea Legislation Research Institute.
- Data of Korean Trade Association, Official site: Korean Trade Association, <http://stat.kita.net>.
- e-Kiet Industrial Economic Information no. 534.
- Ernst & Young. (2013). «An overview of the Russian and CIS automotive industry.»
- Eunsuk Chung. (2012). The 3rd Putin presidency and S. Korea-Russia relations, Jeongse & Jeongchack.
- European Commission. (2008). «The economic aspects of the energy sector in CIS countries.» Center for Social and Economic Research, European Commission Economic Papers 327.
- Faye, M. L., McArthur, J. W., Sachs, J. D., and Snow, T. (2004) «The Challenges Facing Landlocked Developing Countries.» Journal of Human Development, Vol. 5, No. 1.
- Hae-kwan Chung. (2003). The Korea-Chile FTA: Significance and Implications, The Institute for East Asian Studies East Asian Review, vol. 15.
- Jae Young Lee, Chul Won Lee, Min Ji Young. (2017) Investment Environment of Eurasian Economic Union and Korea's entry strategy. Korea Institute for International Economic Policy, In-depth study of strategic areas 17-01
- Jeffrey J. Schott. (2007). The Korea-US Free Trade Agreement: A Summary Assessment, Policy Brief, Peterson Institute for International Economics, no. PB07-7.
- KIDMAC, <http://www.kidmac.com>.
- KOTRA. (2013). CIS 대형유통 현황 및 진출방안 [Status of CIS large distribution and progression plan]. Global Market Report 13-045.
- KOTRA. (2018). 2018 역별 시장진출 전략: CIS 지역 [2018 Market Entry Strategy by Region: CIS Region]. KOTRA 17-132.
- Krugman, P. (1998). «What's new about the new economic geography?» Oxford Review of Economic Policy, Vol. 14, No. 2.
- Lane, D. (2014). «Eurasian Integration: A Viable New Regionalism?» Russian Analytical Digest No. 146.
- Lee Jae-young. (2015). Evaluation of Korea-Russia Economic Cooperation and Mid- to Long-Term Vision.
- Liu Z. (2014). Central and Eastern Europe in Building the Silk Road Economic Belt. Working Paper Series on European Studies, Institute of European Studies, Chinese Academy of Social Science, vol. 8, no 3.
- Michael Roberts and Peter Wehrheim. (2001). Regional Trade Agreements and WTO Accession of CIS Countries, Intereconomics.
- Park Ji-won. (2013). CIS 경제통합에서 러시아의 역할 : 개발도상국간 경제협력에서 강대국의 경제적 구심력 [Russia's role in CIS economic integration: Economic centripetal force of a great power in developing countries' economic cooperation]. Slave newspaper, vol. 28, no. 1.
- Svetlicinii, A. (2018). China's Belt and Road Initiative and the Eurasian Economic Union: Integrating the Integrations. Public Administration Issues, Special Issue (electronic edition), pp. 7–20.
- The EAEU and South Korea Have Signed a Memorandum of Cooperation. (11.30.2015) Official site : Eurasian Economic Commission // <http://www.eurasiancommission.org>.
- Vladimir Putin. (2012). On our economic tasks, Vedomosti Newspaper.
- Yong-Shik Lee. (2007). The Beginning of Economic Integration between East Asia and North America?-Forming the Third Largest Free Trade Area between the United States and the Republic of Korea, Journal of World Trade, vol. 41, Issue 5.

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**CENTRAL ASIAN TRANSPORT CORRIDORS ISSUE
IN THE SCIENTIFIC LITERATURE**

The article describes the main views of domestic and foreign experts on the development of transport corridors in Central Asia. The relevance of the problem is explained by the expansion of transport infrastructure in the Central Asian region within the framework of both national and international programs. The participation of Central Asian countries allows to solve a number of problems through the realization of the country's transit potential. However, in the process of implementing infrastructure projects, regional states face risks that require a correlation of transport policies with the national interests of the countries. This explains the wide scientific interest in this issue. The expert community is increasingly focusing on issues of transport policy of states and international cooperation on transport projects. Despite the large number of works on various aspects of international and regional transport corridors, in the scientific literature there are no works of a complex nature, studying the transport corridors of Central Asia. This also applies to historiographic research.

Key words: transport corridors, Central Asia, transit potential, expert community, national interests, risks.

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Қазіргі ғылыми зерттеулердегі Орталық Азия көлік дәлізі мәселелері

Мақалада Орталық Азияның транспорттық дәліз дамуына отандық және шетел сарапшылардың негізгі көзқарастары қарастырылған. Орталық Азияның көлік дәлізі мәселесі шетелдік зерттеушілердің еңбектерінде белсенді түрде, жан-жақты қарастырыла бастады. Қаралатын мәселенің өзектілігі ұлттық және де халықаралық бағдарламалар шеңберінде Орталық Азия аймағындағы транспорттық инфрақұрылымның кеңеюімен түсіндіріледі. Орталық Азия мемлекеттерінің қатысуы мемлекеттің транзиттік потенциалын жүзеге асыру арқылы бірқатар мәселелерді шешуге мүмкіндік береді. Алайда инфрақұрылымды жобаларды жүзеге асыру барысында аймақтық мемлекеттерде ұлттық мүдденің транспорттық саясатпен өзара байланысты қажет ететін тәуекелмен түйісіп қалу қаупі бар. Бұл дәл осы мәселеге деген ғылыми қызығушылықты түсіндіреді. Сарапшылар қауымдастығы транспорттық жобалардағы халықаралық ынтымақтастыққа және мемлекеттің транспорттық саясатына көбірек көңіл бөлуде. Халықаралық және аймақтық деңгейдегі транспорттық коридорлар бойынша әр түрлі аспектілер жағынан жұмыстардың үлкен санына қарамастан, ғылыми әдебиетте Орталық Азияның

транспорттық коридоры саяси ғылымға тым шектеулі ғылыми қызығушылықты білдіреді. Қазіргі ғалымдардың ғылыми еңбектері көтеріліп отырған мәселенің көлеңкелі тұстарын ашуға кешенді көмектер бере алады.

Түйін сөздер: транспорттық коридор, Орталық Азия, транзиттік потенциал, сарапшылар қауымдастығы, ұлттық мүдде, қауіп-қатер.

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Проблемы транспортных коридоров Центральной Азии в современных исследованиях

В статье рассмотрены основные взгляды отечественных и зарубежных экспертов на развитие транспортных коридоров Центральной Азии. Актуальность рассматриваемой проблематики объясняется расширением транспортной инфраструктуры в центральноазиатском регионе в рамках как национальных, так и международных программ. Участие стран Центральной Азии позволяет решать целый ряд проблем через реализацию транзитного потенциала страны. Однако в процессе реализации инфраструктурных проектов региональные государства сталкиваются с рисками, которые требуют корреляции транспортных политик с национальными интересами страны. Это объясняет широкий научный интерес к данной проблематике. Экспертное сообщество все больше внимание уделяет вопросам транспортной политики государств и международному сотрудничеству в транспортных проектах. Несмотря на большое количество работ по различным аспектам транспортных коридоров международного и регионального масштаба, в научной литературе транспортные коридоры Центральной Азии представляли собой весьма ограниченное поле научного интереса для политических наук. Работы аналитиков чаще носят описательный характер. Они описывают состояние современной транспортной сети в Центральной Азии, проекты, предлагаемые зарубежными партнерами, и проблемы, с которыми сталкивается регион при реализации этих проектов. Однако в работах нет перспективных сценариев и анализа ситуации, которая может возникнуть в ближайшем будущем на основе существующих фактов.

Ключевые слова: транспортные коридоры, Центральная Азия, транзитный потенциал, экспертное сообщество, национальный интерес, риски.

Introduction

Expansion and improvement of the transport infrastructure in the Central Asian region has a number of positive aspects for the sustainable development of the region and for attraction non-regional economic partners.

In Central Asia, there is an extensive infrastructure network, and the region is located at the crossroads of several international highways and rail routes. However, the infrastructure network cannot fully satisfy all the transit needs of the region. In Central Asia there is being implemented a number of foreign concepts, promoting the development of transport corridors, such as, for example, the «New Silk Road» and «Economic Belt of the Silk Road.» In turn, the Central Asian states apply their own efforts for the development of transport infrastructure. Currently, each of the five republics of the region has adopted the state program aimed at the development of the transport sector, which should allow them to get an

access to the international trade routes. However, the implementation of these plans can be hindered by a whole range of internal and external factors. On the one hand, there is a lack of the necessary infrastructure and legislation in this area, on the other hand – there appear escalated contradictions between the external forces. However, despite all the contradictions, the Central Asian countries follow accepted programs, aimed at the development of transport.

In foreign and domestic political science, more and more attention is paid to the transport policy of states and international cooperation in transport projects. At the same time, the development of international transport corridors in the global economy, their role as a «circulatory system» of the emerging in the world integration partnership spaces, have not yet been adequately considered in scientific circles. In the scientific literature, the role of international transport corridors is studied by various sciences, the problem itself is at the interface:

political, economic and sociological disciplines. At the same time, the subject matter of this research is political science, although data from adjacent fields of knowledge were used.

Methods

The purpose of the article is the analysis of the scientific literature about the development of transport corridors and transit potential of the Central Asian countries in order to identify the influence of external players on this development.

Methods and theoretical approaches in study the public diplomacy. An analysis of the literature on the stated topic shows that there is still no unified theoretical and methodological approach to the problem of the transport corridors formation and functioning. The neo-functional approach allows to analyze the possibilities to achieve peace and security through cooperation and rapprochement in all geographic regions of the world through the development of transport infrastructure. Proponents of this approach international argue that technical cooperation can be beneficial to states without any violation of the national sovereignty of states (Philippe, Schmitter, Ernst, Haas, 2008).

The theory of geopolitics as a scientific direction uses both different methodological approaches and specific methods and research techniques. Among them are the methods of geographical, political and related sciences. The choice is dictated by research objectives.

The stated issues will be analyzed within the framework of the realism neoclassical theory. As part of its key thesis that the main system variable is the distribution of material capabilities between states. This variable determines both their place in the system and the strategy of behavior towards each other. In the case of China, this is the use of the periphery for the implementation of its geo-economic plans. For Central Asian states this is an opportunity to develop transit potential by forming an alliance with a stronger economic partner.

Foreign and domestic studies on transport corridors of Central Asia

Transport corridors in the context of globalization. Contemporary world politics is under the constant influence of two processes: globalization and regionalization. Economies are being combined within the globalization processes and protect their interests through regional associations. The control over markets and ways of goods and raw materials

delivery becomes a cause of political confrontations between great regional and non-regional powers, as well as various integration associations. In this situation transport begins to take increasing importance.

Transport is one of the major components of the monetary base of the economy of each country. It has long been considered to be the engine of progress. Man used any means at hand for the purpose of transportation of goods and people. In the modern world transport services provide the increase of the efficiency of social production, the normal functioning of the economy. They create the conditions for a rational distribution of the productive forces of the country, considering the most suitable approach to the areas of production and consumption of sources of raw materials enterprises in different sectors of the economy, which allows people to develop such industries as agriculture, trade and others. Important role is played by transport in the resolution of social problems, in providing cultural, business and tourist trips of the population, as well as in the development of cultural exchange in the country and abroad. The role of transportation in the modern world is so enormous that the state puts its development on one of the priority places.

The basic idea of any transport corridor – is the concentration of transport, cargo and passenger traffic on the highways, which have the maximum bandwidth and a high level of arrangement. The principle of the creating a transport corridor itself is known for a long time. However, the modern systems of transport corridors have been actively established on all continents since the 1970-s, as a tool for trade and development in the era of the globalization of the economy. The main purpose of any transit corridor – is to ensure the conditions for the unimpeded and cost-effective movement of vehicles in a certain direction. In this case there are solved, mainly transport and technological problems connected with the construction and modernization of the means of communication, terminals, information systems and so on.

Central Asia, located at the junction of two continents, is a historical bridge between Europe and Asia. Historically, Central Asia has been considered to be a region, located at the crossroads between East and West, North and South. Constantly it is recognized the fact that this region is an important participant of trade and economic processes that take place between the countries of Europe and Asia. A huge influence on the development of the region has made the Great Silk Road, which runs

through Central Asia, because for centuries it has brought various goods and culture to the region. Today Central Asia is once again engaged in the development of the strategy for the improvement of transport infrastructure. Unimpeded movement from one point to another is necessary for the development and improvement of regional trade. The construction of highways and railways in the countries of the region and between them is a priority of the foreign policy. For this purposes in the countries of Central Asia there are being issued special national strategies and government programs aimed at the development of transport and communications. The states of the region recognize the increasing role of transport in the modern system of international relations and the importance of international transport corridors for the further sustainable development.

In order to assist national strategies of the Central Asian countries there are developed various international programs with the support of foreign countries. In the framework of these projects there is provided an expert support in the field of transport and trade. It promotes the facilitation of trade, the integration of the international transport corridors between countries, as well as solving problems in the transport and trading systems in the region. The projects also attract funding from international financial institutions, partners and private investors. Providing financial, scientific and technical support for the implementation of transport projects, regional and non-regional players are also seeking to obtain certain benefits, which include profits from the future operation of the international transport corridors; geopolitical interests in the region; the creation of stronger ties with the countries of Central Asia and so on.

The development of transport corridors in Central Asia corresponds to the Ninth Goal of the United Nations in the field of Sustainable Development. With the establishment and operation of routs in this region there will be created flexible infrastructure; transport corridors will contribute to inclusive and sustainable industrialization, encourage innovations and develop high-quality, reliable, stable and robust infrastructure, including regional and cross-border infrastructure. International transport corridors are created in order to support economic development and human well-being, with special emphasis on the real and equal access for all people.

Expert opinion. Various aspects of the development of transport corridors in Central Asia are the subject of research of historians, political scientists, economists and analysts worldwide. During the consideration of the degree of scientific

elaboration of the problem, the authors used the country- problembased approach.

A major role in the analysis and review of the problems and prospects of the development of transport corridors is given to American academia. The particular interest in the study of Central Asia appeared in the US expert community with the creation by the Director of the Institute of Central Asia and the Caucasus, Professor Frederick Starr, «Greater Central Asia» project (Frederick Starr, 2005). F. Starr in his work proposed a scenario that should be directed to the military-strategic and geopolitical union of Central Asia and Afghanistan. In the framework of the geopolitical unification there has been envisaged the development of the region's transport network which would link Afghanistan with other republics of Central Asia. Thus, the work of Starr had practical and recommendation character. On the diplomatic level, US officials began discussing the project with the Heads of the Central Asian states, which is a proof that the Central Asian region is in the scope of US geopolitical interests. This fact is indicated in the work of another American political scientist – Zbigniew Brzezinski's «The Grand Chessboard» (Brzezinski, 1998).

It can be concluded that in most cases, the problem of transport corridors is considered by the US researchers in terms of geopolitical interests in the region, with the establishment of concrete and practical programs and projects. However, some analysts are paying great attention to the analysis and review of the state of the road network of post-Soviet countries and the problems associated with its reconstruction and maintenance. For example, an economist at the US Department of Justice, Director of Economic Research of the antimonopoly control of the Ministry of Justice of the United States, Russell Pittman in his work «Railway reform in the former Soviet space: not quick progress,» considered the current state of the road network in Central Asia, inherited from the Soviet Union (Pittman, 2013). He points to the problems faced by countries in the region and the reasons for the slow development of transport infrastructure. Thus, it can be concluded that the works of American researchers and analysts are diverse in nature – on the one hand, they include theoretical consideration and analysis of Central Asian transport infrastructure. On the other hand – they carry practical plans and projects for the modernization and development of the region's transport network with the further creation of transport corridors.

The issues of the development of transport corridors are also analyzed in other countries. In

the foreign historiography there is a certain number of works devoted to the subject, among them the work of Ali ResulUsul, Director of the Center for Strategic Studies of the Turkish Republic, «Eurasian transport corridors – a new way of cooperation: the geopolitical and economic benefits» (Ali ResulUsul, 2015: 26-29). In this paper, he analyses a variety of international initiatives in the field of transport development in Eurasia, such as the American strategy of «New Silk Road», the Chinese program «One Belt – one way» and so on. At the same time the analyst provides a detailed evaluation of these strategies, and shows the attitude of the Turkish Republic to the projects. This work is of interest in terms of the analysis of foreign policies.

The research of problems and issues of the development of transport corridors in Central Asia is currently becoming popular in the academic environment of China, because the country has a major interest in the creation of stronger ties with the region by highways and railways. One of the researchers in this field is Sun Li – deputy director of the Institute of Russia, Eastern Europe and Central Asia of the Chinese Academy of Social Sciences, Professor, with his work «The Economic Belt of the Great Silk Road – together to build a bright future» (Sun Li, 2015: 5-12).

In this work, a lot of attention is paid to the analysis of the Chinese initiative for the construction of transport corridors in Central Asia. Additionally the researcher noted the characteristics of China's foreign policy in the field of transport cooperation. In this paper was indicated the fact that the Chinese initiative is extremely beneficial not only for the Chinese partners, but especially for the countries of Central Asia. Another hallmark of the work of Sun Li is the emphasis on the interface between the Chinese initiative and internal policy of the Republic of Kazakhstan. This fact demonstrates an active policy of China to develop closer ties with the region. Thus, the Chinese historiography is analytical in nature, aimed at demonstrating the current Chinese policy on rapprochement with the countries of Central Asia in the context of the development of transport and communications.

The issues of the development of transport corridors in Central Asia are also studied by Iranian analyst. For example, the Director of the Central Asia and Caucasus Institute for Political and International Studies at the Ministry of Foreign Affairs of the Islamic Republic of Iran Eradzh Elahi in his work «Transport corridors of Iran as a factor of the economic integration of the region» pays a lot of attention to the development

of Iran's relations with the republics of the region in the field of the development of transport corridors (Eradzh Elahi, 2015). In addition, the researcher pays attention to the current state of the region's road network and the fact that Iran's ties with Central Asia are at a low level due to the lack of high-quality roads. Based on these facts, the analyst provides a detailed description and describes future uses of the new road Kazakhstan – Turkmenistan – Iran. In addition Eradzh Elahi in his work refers to the specific advantages that get Iran and the Central Asian countries from the exploitation of the international corridor, focusing on the fact that through Iran it can be provided an access to seaports. Thus, the author, referring to the advantageous position of Iran, tries to prove that the operation of the international transport corridors on this route will be the most profitable and perspective.

The development of transport corridors in Central Asia is analyzed by Russian political scientists, historians, economists and analysts. The analysis of certain works allowed finding out and giving the definition of «transit potential of the country» and the criteria by which the country's transit potential is assessed. Some authors have quite different points of view on this issue and give their own definition and derive their laws related to the level of development of transport. So, A.M. Kudryavtsev – Employee of OJSC «Sberbank of Russia» and A.A. Tarasenko – the Head of training and retraining of personnel, Director of the Institute of training and retraining at Tyumen State Oil and Gas University in their joint work «The methodical approach to the evaluation of transport infrastructure of region» used a scientific approach (Kudryavtsev, Tarasenko, 2014). The authors derived a special mathematical formula by which it can be determined the level of the development of transport infrastructure in the region. In their approach, they used mostly the density of the transport network in the 1000 sq. km. At the same time, using the derived formula, it can be calculated not only the level of the development of transport infrastructure, but also the level of the development of other types of infrastructure.

Another approach to this issue was used in the work of analyst from the Group of experts, updating the Russian «Strategy – 2020» V.A. Veremeyev «Macroeconomic assessment of the railway infrastructure» (Veremeyev, 2011). In his work the author examines the pattern of the relationship between the development of infrastructure, public railway transport and macroeconomic indicator – GDP per capita. And according to the results of

his analysis it can be determined the level of the development and the use of transport infrastructure of the country depending on the level of GDP and the density of roads in the country.

At the same time, another Russian analyst, associate professor of Murmansk Technical University Y.V. Zadvorny in his work «The criteria for assessment of the development of transport infrastructure in the region» brings his own evaluation criteria (Zadvorny, 2011). However, they do not match the criteria that have been identified by other analysts, mentioned above, because Y.V. Zadvorny divides them into two categories: the criteria showing the characteristics of the transport (cost, the time of cargo transportation and so on); criteria, reflecting the activities of the transport complex, or a single economic entity as a whole (the share of service products in this market segment, quality performance indicators and so on).

According to the works of Russian political scientists and historians it can be analyzed the state of the transport infrastructure in Central Asia and considered foreign initiatives on transport development in the region, using an independent point of view and the statistical data of Russian universities and think tanks. In this context, particular value has the work of a leading researcher of the Sector of the Eurasian Regionalism of the Center for Post-Soviet Studies at the Institute of the Russian Academy of Economics, Doctor of Economics M.O. Turaeva «Transport infrastructure of Central Asia in the conditions of modern regionalization» (Turaeva, 2014). In her report there are examined regional trends of transport infrastructure development in the region, analyzed the major transport projects in the region with the help of various sources of funding and with the participation of foreign states. The data contained in the report, were used to analyze the current state of the transport network in Central Asia and for the analysis of projects of regional and non-regional powers in the development of transport corridors in the region.

The most Russian studies analyze the possibility of a politically and economically efficient conjunction of the Eurasian Economic Union and the Chinese initiative of the Silk Road Economic Belt. The EAEU and the SREB can successfully dock, despite the fact that their initial goals differ significantly. However, analysts do not exclude that Beijing's ambitious plans may conflict with Russia's integration projects. The effective conjunction of the Eurasian project and the Chinese global initiative BRI is hindered by «national egoism» and the lack of coordination between the members of the EAEU,

in particular, between the founding states of the integration association, Kazakhstan and Russia (Kazantseva, 2015).

Russian historiography includes work with completely different analytical point of views. Consideration of these points of view allowed the authors of the article to reveal the differences and similarities, and based on these indicators to highlight the definition of «transit potential» and to find out the criteria for the country's transit potential. In addition, based on the Russian historiography there were analyzed transport projects in the region with the participation of foreign states.

Problems of the transport development and the construction of transport corridors are also highlighted in the works of analysts from the republics of Central Asia. Experts from Kyrgyzstan Murat Suyunbaev in his work «Geopolitical peculiarities of Kyrgyzstan: internal and external aspects» (Suyunbaev, 2004) and A.K. Dolotbakova in the work «Improvement of logistics – the way to expand the scope of the Kyrgyz Republic tourism» (Dolotbakova, 2015) wrote that Kyrgyzstan and throughout the Central Asian region need to modernize and develop the transport system, as transport – is a basis of development of any country in the today world. Analysts generally focus attention on the problems of transport development in Kyrgyzstan, as in the mountainous country, where the terrain is a deterrent. However, during the analysis of the works it can be traced a common idea that the country seeks to overcome this problem and develops the transport network. Thus, the authors seek to demonstrate the fact that the entire region needs to develop transport and logistics network for further effective development of the economy and address the various global challenges.

The scientific work of T.I. Tohirov, the Tajik analyst at the Polytechnic Institute of Tajik Technical University named after Academician M. S. Osimi «The concept of the transit potential of the road transport system in the region» considers a transit capacity of the road transport system in the region, provides a brief description of some projects and a description of the strategy of Tajikistan in the field of development auto transport (Tohirov, 2014). In general, the work is more descriptive.

Specific attention to the problem of development of transport corridors is given in the works of analysts from Turkmenistan. For example, the employee of the Institute of Strategic Planning and Economic Development of Turkmenistan Natalia Ovezova in her works «Golden link» of the international North – South corridor» (Ovezova, 2014) and «Transport

route of North-South: the economic aspect of transit» (Ovezova, 2016) describes the prospective use of the transport corridor North – South, which passes through the territory of Turkmenistan and Kazakhstan. Much attention is paid to the advantages that can be benefited by the countries of Central Asia during the operation of this route.

The Republic of Uzbekistan, as one of the main actors in transport corridors in Central Asia is also interested in this issue. The work of the employee of the Center for Geopolitical Expertise Ivan Alexandrov «Uzbekistan in the system of the Central Asian regional geopolitics» partially pays attention to Uzbekistan's participation in the development of the region's transport network (Alexandrov, 2003). In the work, the great attention is paid to the relations of the Republic with other countries of the region and geopolitical interests of Uzbekistan. Thus, basing on some aspects of this work, it is possible to draw conclusions about the role of the Republic of Uzbekistan in the development of transport corridors in Central Asia.

The works of analysts from Central Asia also describe the problems that are constraining factor for the development of transport corridors. For example, an independent expert from Tajikistan BakhtiyorSanginov in his work «The Ferghana factor and security in Central Asia» dwells on the geopolitical threats and internal problems of the region (Sanginov, 2013). Analysis of these factors leads to the conclusion that the existence of intra-regional conflict has a negative impact on transport corridors. In addition, there are questions about benefits from the operation of international routes. It is also a limiting factor in the development of highways. This issue is covered in the work of the correspondent of the German newspaper Deutsche Welle in Dushanbe GalimFaskhutdinov «Railways in Central Asia: which route is more profitable?» (Faskhutdinov, 2013).

Kazakh politicians, political scientists, historians and analysts also analyze the issue of transport corridors. Kazakhstan historiography is of great value in the study of the issues of development of transport corridors and regional transport infrastructure, as conceptualization of the problem first occurred in the State Program of infrastructure development «NurlyZhol» on 2015 – 2019 years, which was announced by the President of the Republic of Kazakhstan N. A. Nazarbayev in his Message to the people of Kazakhstan in November 2014 (State Program of infrastructure development «NurlyZhol», 2015). The first item of this program is the development of transport and logistics complex

in the country, since, under the terms of the strategy, on the basis of the transport complex will be based the economic development of Kazakhstan. Thus, the problem of transport was highlighted as a particularly urgent and requires special attention.

The conceptualization of the transport and transport infrastructure development issue has also been made in the Program of the President of the Republic of Kazakhstan «Plan of Nation – 100 concrete steps, 5 institutional reforms» (Plan of Nation – 100 concrete steps, 5 institutional reforms, 2015). This program is the result of the analytical work aimed at studying the basic perspective directions of the development of the state, and is a set of specific transformations of various spheres of activity. The development of transport and communications is one of the most perspective and necessary steps for the future of industrialization and economic growth of the whole country.

Kazakh political scientists and analysts in their work often turn to the issue of the development of the region transport network and Kazakhstan in particular, as major issues of foreign policy that require careful consideration. For example, much attention is paid to this issue in the works of Sultan Akimbekov, especially in scientific articles «Choice of the year» (Akimbekov, 2015: 8), «Hard Times» (Akimbekov, 2015: 7-8) andsoon. In his paper «A new twist in Kazakh politics» (Akimbekov, 2014: 9) there is reviewed and analyzed the new economic policy of Kazakhstan «NurlyZhol» and foreign initiatives that are carried out under this program. S. Akimbekov in this paper emphasizes on the fact that the development of infrastructure, namely transport infrastructure is the long-term investment in the development of any country. In this work there is determined the need for the development of transport and communications of the Republic of Kazakhstan.

Kazakhstan expert Aset Ordabayev in his work «Geopolitics of transport corridors in Central Asia» (Ordabayev, 2015) detailed analysis of the current state of the Central Asian transport infrastructure. In addition it highlights and analyzes the projects of regional and non-regional powers for the development of transport corridors in the region. The author highlights the geopolitical interests of these powers, which they pursue in the construction of certain corridors. However, there is no definition of the transit potential and specified criteria of transit potential. Accordingly, during the analysis it is impossible to say which of the countries of Central Asia has the highest transit potential, the most committed to its development and is of particular

interest for foreign projects.

Kazakhstan historiography includes works of political scientists, who pay attention to the problems that have a negative impact on the development of transport corridors, not only in Kazakhstan but also in the whole region. So, the Kazakh political analyst Dosym Satpayev in his analytical work «Tinderbox of Central Asia» (Satpayev, 2013) focuses on the inter-state confrontations, as the primary source of all conflicts and problems within the region. Analysis of this work allowed to associate the problems of development of transport corridors with the unresolved inter-state issues in Central Asia.

Kazakhstani analysts' works make it possible to reveal the value of foreign projects for the development of transport and communications in the region and to analyze the geopolitical interests of foreign players in Central Asia. For example, in the work of the employee of the Institute of World Economics and Politics under the Foundation of the First President of the Republic of Kazakhstan A. S. Kaukenov «Features of Chinese diplomacy in Central Asia» (Kaukenov, 2008) there is given an overview of the Chinese projects in the region.

Konstantin Syroezhkin, the well-known expert of the Kazakhstan Institute for Strategic Studies under the President of Kazakhstan, considers that be implementing the SREB project, China is expanding its list of investments into Kazakhstan's economy. Apart from the oil and gas sector, Chinese money will go towards infrastructure, industry, agriculture, tourism, among others.

Apart from economic problems, Kazakhstani experts have also discussed cultural differences and how they may hinder successful realization of SREB. Fatima Kukeyeva, professor of al-Farabi University argues: «Apart from the possibilities, the implementation of the SREB contains risks that the Kazakhstani side needs to manage. The main risks are in the economical, as well as the ideological and civilizational spheres» (Kukeyeva, Duysrbaev, 2018).

In the Republic of Kazakhstan there are held a variety of conferences devoted to the development of

transport and communications in Central Asia. They are organized with the support of the Kazakhstan Institute for Strategic Studies, Institute of World Economics and Politics under the Foundation of the First President of the Republic of Kazakhstan, think tanks, various universities and other educational institutions. During the conference, experts from different countries present their research works and the results of research and analysis. This demonstrates the fact that the development of transport corridors are particularly relevant in today's world.

Conclusion

Thus, it can be concluded that the development of transport corridors in Central Asia is being discussed in the works of analysts, historians and political scientists from different countries – the United States, Iran, Turkey, Russia, and Central Asian countries. However, the problem falls into the category of contemporary urgent problems that are poorly researched and understood. The works of analysts are mostly descriptive – they describe the state of modern transport network in Central Asia, projects that are offered by foreign partners and the challenges, faced by the region in the implementation of these projects. However, the works does not have any forward-looking scenarios and analysis of the situation which may arise in the near future on the basis of the existing facts. In addition, most studies doesn't emphasize on the geo-political interests of foreign actors in the development of transport corridors in Central Asia. Due to the fact that this issue relatively recently has received conceptualization and is particularly relevant for the study, the whole historiography has a relatively small set of information. Therefore, this issue requires constant monitoring and research, as is relevant and is currently being studied.

The analytical community studying transport corridors in Central Asia is still forming, which is largely associated with the implementation of the Chinese Belt and Road Initiative in the region and

its component Silk Road Economic Belt.

References

- Akimbekov S. (2014) A new twist in Kazakh politics // Center of Asia. November/December. 6 (94), 9
- Akimbekov S. (2015) «Hard Times» // Center of Asia. September/October. 5 (99), 7-8
- Akimbekov S. (2015) «Choice of the year» // Center of Asia. January/February. 1 (95), 8.
- Alexandrov I. (2003) Uzbekistan in the system of the Central Asian regional geopolitics // Center for Geopolitical Expertise. Retrieved from http://cge.evrazia.org/sng_3.shtml 29.01.2003

Ali ResulUsul (2015) Eurasian transport corridors – a new way of cooperation: the geopolitical and economic benefits // Transport corridors of Eurasia: new ways of cooperation. Materials of international conference on April 20, 2015, Astana Kazakhstan Institute for Strategic Studies under the President of the Republic of Kazakhstan, 26-29. Retrieved from http://www.google.kz/url?url=http://kisi.kz/uploads/33/files/KuXXVFLd.pdf&rct=j&q=&esrc=s&sa=U&ved=0ahUKEwiEw9ayiN7KAhUC_XIKHU9pC8sQFggZMAE&usg=AFQjCNEq8x42v1TuNL9Bmt0jB_KCHYWqtA

Brzezinski Z. (1998) The Grand Chessboard (America's dominance and its geostrategic imperatives) // M.: International relations, 1998

Dolotbakova A.K. (2015) Improvement of logistics – the way to expand the scope of the Kyrgyz Republic tourism // Current Issues in Economics and Management: proceedings of the III international scientific conference (Moscow, June 2015). – M.: Buki-Vedi, 2015, 146

Eradzh Elahi (2015). Transport corridors of Iran as a factor of the economic integration of the region // Transport corridors of Eurasia: new ways of cooperation. Materials of international conference on April 20, 2015, Astana Kazakhstan Institute for Strategic Studies under the President of the Republic of Kazakhstan, 13-19. Retrieved from http://www.google.kz/url?url=http://kisi.kz/uploads/33/files/KuXXVFLd.pdf&rct=j&q=&esrc=s&sa=U&ved=0ahUKEwiEw9ayiN7KAhUC_XIKHU9pC8sQFggZMAE&usg=AFQjCNEq8x42v1TuNL9Bmt0jB_KCHYWqtA

Faskhutdinov G. (2013) «Railways in Central Asia: which route is more profitable?» // Deutsche Welle. Retrieved from <http://www.dw.com/ru/железная-дорога-в-центральной-азии-какой-маршрут-выгоднее/a-16863765> 06.06.2013

Frederick Starr (2005) A «Greater Central Asia Partnership» for Afghanistan and Its Neighbors. Central Asia-Caucasus Institute and Silk Road Studies Program

http://2004-2010.iwep.kz/index.php?option=com_content&task=view&id=1498&Itemid=63 31.07.2008

http://2020strategy.ru/data/2011/04/22/1210948572/VA_Veremeev_Macroec_Evol.pdf

<http://adilet.zan.kz/rus/docs/U1500001030>

http://economics.iibt.ifmo.ru/ru/article/11122/koncepciya_tranzitnogo_potenciala_avtotransportnoy_sistemy_regiona.htm].

http://www.google.kz/url?url=http://kisi.kz/uploads/33/files/KuXXVFLd.pdf&rct=j&q=&esrc=s&sa=U&ved=0ahUKEwiEw9ayiN7KAhUC_XIKHU9pC8sQFggZMAE&usg=AFQjCNEq8x42v1TuNL9Bmt0jB_KCHYWqtA

http://www.google.kz/url?url=http://www.imepi-eurasia.ru/baner/Turaeva_paper_2014.pdf&rct=j&q=&esrc=s&sa=U&ved=0ahUKEwiEw9ayiN7KAhUC_XIKHU9pC8sQFggZMAE&usg=AFQjCNEq8x42v1TuNL9Bmt0jB_KCHYWqtA

http://www.rae.ru/fs/?section=content&op=show_article&article_id=10003509

<https://www.tandfonline.com/author/Schmitter> Program of the President of the Republic of Kazakhstan «Plan of Nation – 100 concrete steps, 5 institutional reforms» // RSE on Economic Right the Republican center of legal information of the Ministry of Justice of the Republic of Kazakhstan. Retrieved from <http://adilet.zan.kz/rus/docs/K1500000100>

Kaukenov A.S. (2008) Features of Chinese diplomacy in Central Asia// Institute of World Economics and Politics (IWEP) at the Foundation of the First President of the Republic of Kazakhstan. Retrieved from

Kazantseva O. (2015) EEU and SREB: in a trajectory of complementarity. Retrieved from <https://ia-centr.ru/experts/20882>

Kudryavtsev A.M., Tarasenko A.A. (2014) The methodical approach to the evaluation of transport infrastructure of region // Basic research. 2014. № 6 (part 4) 789-793. Retrieved from

Kukeyeva F., Duysrbayev D. (2018) The SREB project in Kazakhstan: opportunities and risks // Silk Road to Belt Road: Reinventing the Past and Shaping the Future. -Springer. – 2018, 296-305

Ordabayev A. (2015) Geopolitics of transport corridors in Central Asia. Report. April, 2015. Institute of World Economics and Politics (IWEP) at the Foundation of the First President of the Republic of Kazakhstan. – Astana – Almaty, 2015, 48.

Ovezova N. (2016) Transport route of North-South: the economic aspect of transit // Institute of Strategic Planning and Economic Development of Turkmenistan // Electronic newspaper: Turkmenistan: the golden age». Retrieved from <http://www.turkmenistan.gov.tm/?id=10381> 13.02.2016

Ovezova N. (2014) «Golden link» of the international North – South corridor // Institute of Strategic Planning and Economic Development of Turkmenistan // Electronic newspaper: Turkmenistan: the golden age». Retrieved from <http://www.turkmenistan.gov.tm/?id=7769> 03.12.2014

Philippe C. Schmitter, Ernst B. Haas (2008) The legacy of neofunctionalism // West European Politics, Volume 31, 2008 – Issue 1-2. Retrieved from

Russell Pittman (2013) Railway reform in the former Soviet space: not quick progress // Domestic notes 2013, 3(54). High school of Economics, Fund «Domestic notes». Retrieved from <http://magazines.russ.ru/oz/2013/3/11p.html>

Sanginov B. (2013) The Ferghana factor and security in Central Asia // Information and analytical portal «Geopolitics». Retrieved from <http://www.geopolitica.ru/article/ferganskiy-faktor-i-bezopasnost-centralnoy-evrazii#.VyiN8MZk9Yw>

Satpayev D. (2013) Tinderbox of Central Asia // Forbes Kazakhstan. Retrieved from http://forbes.kz/process/porohovaya_bochka_tsentralnoy_azii

State Program of infrastructure development «NurlyZhol» (2015) on 2015-2019. It is approved by the Decree of the President of the Republic of Kazakhstan of April 6, 2015 No. 1030. Astana, 2015 // RSE on Economic Right the Republican center of legal information of the Ministry of Justice of the Republic of Kazakhstan. Retrieved from

Sun Li (2015). The Economic Belt of the Great Silk Road – together to build a bright future // Transport corridor of Eurasia: new ways of cooperation. Materials of international conference on April 20, 2015, Astana Kazakhstan Institute for Strategic Studies under the President of the Republic of Kazakhstan, 5-12. Retrieved from

Suyunbaev M. (2004) Geopolitical peculiarities of Kyrgyzstan: internal and external aspects // Center of Asia. Retrieved from <http://www.centrasia.ru/newsA.php?st=1088993280>

Syroezhkin K. (2014) Kazakhstan and China: analysis of recent agreements // Central Asian Bureau for Analytical Reporting. Retrieved from <https://camonitor.kz/26117-konstantin-syroezhkin-kazakhstan-i-kitay-analiz-poslednih>

Tohirov T.I. (2014) The concept of the transit potential of the road transport system in the region. Scientific journal NRU ITMO. Series «Economics and Environmental Management».2(17). Retrieved from

Turaeva M.O. (2014) «Transport infrastructure of Central Asia in the conditions of modern regionalization: Report. – M.: Institute of Economics of Russian Academy of Sciences, 2014, 62. Retrieved from

Veremeyev V.A. (2011) Macroeconomic assessment of the railway infrastructure. Documents of Exper Group 19 by updating the Russian «Strategy – 2020». Overcoming territorial and informational fragmentation: the development of transport systems, communications and information. Retrieved from

Zadvornyy Y.V. (2011) The criteria for assessment of the development of transport infrastructure in the region // Russian business. № 1. (175), 168.

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**REGIONAL INTEGRATION OF THE COUNTRIES
OF CENTRAL ASIA AND ENVIRONMENTAL PROBLEMS**

Now there is a problem of the transfer to the plane of the practical embodiment of strategic interests of the Republic of Kazakhstan on the international scene, and Central Asia in general. New global and regional integration trends demand calibration of integration policy of the countries of Central Asia for the purpose of use of their opportunities for social and economic and ecological development of the country, formation of own agenda in the international organizations and preservation of foreign policy of the countries taking into account the geoeconomic and geopolitical interests of the leading world powers designing the neo-Eurasian space. It is especially important to provide interstate cooperation, having filled it with constructive political and social and economic forms and mechanisms of cooperation. The ecological situation in many countries of the world can be characterized as unsuccessful now. At the same time negative ecological impacts do not recognize frontiers and negatively influence the habitat and quality of life of a large number of people including living in adjacent territories. Environmental problems in most cases get regional, and often both global characters, respectively, and measures for their decision also have to become international, demanding the clear coordinated policy of all co-present states and, the most important, their good will and readiness to divide responsibility for the decisions made at national and supranational level. This situation, in particular, is relevant for the countries of Central Asia.

Key words: integration, Central Asia, transboundary resources, water problems.

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**Орталық Азия мемлекеттерінің аймақтық
интеграциясы және экологиялық мәселе**

Қазіргі кезде халықаралық аренада Қазақстан Республикасы және де жалпы Орталық Азия мемлекеттерінің стратегиялық мүдделерін практикалық жүзеге асырудың мәселелері тұр. Жаңа жаһандық және аймақтық интеграциялық үрдістер олардың мүмкіндіктерін мемлекеттің әлеуметтік-экономикалық және экологиялық дамуына қолдану, халықаралық ұйымдарда жеке күн тәртібін қалыптастыру және нео-еуразиялық кеңістікті құрастыратын жетекші әлемдік державалардың геоэкономикалық және геосаяси мүдделерін ескере отырып, мемлекеттің сыртқы саясатын сақтау Орталық Азия мемлекеттерінің мақсатымен интеграциялық саясатын калибрлеуді талап етеді. Ең басты мәселе ынтымақтастық механизмдері мен конструктивті саяси және әлеуметтік-экономикалық формалармен толықтыратын мемлекетаралық өзара әрекетті қамтамасыз ету. Қазіргі кезеңде әлемнің көптеген мемлекеттерінде экологиялық жағдайды сәтсіз деп сипаттауға болады. Жағымсыз экологиялық ықпал мемлекеттік шекараларды мойындамай және тіршілік ортасына, сонымен қатар, іргелес аймақтарда өмір сүретін көп мөлшердегі адамдардың өмір сүру сапасына жағымсыз әсерін тигізеді. Экологиялық мәселелер көп жағдайларда аймақтық, көбінесе жаһандық сипатқа ие, тиісінше олардың шешімі бойынша

қабылданатын шаралар барлық ортақ мемлекеттердің келісілген нақты саясатын талап ететін интернационалды болуы қажет және де ең бастысы, шешім қабылдаудың ұлттық деңгейінде қабылданатын жауапкершілікті бөлісуге дайындықты талап етеді.

Түйін сөздер: интеграция, Орталық Азия, трансшекаралық ресурстар, су мәселесі.

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Региональная интеграция стран Центральной Азии и экологические проблемы

В настоящее время стоит задача перевода в плоскость практического воплощения стратегических интересов Республики Казахстан на международной арене, и в Центральной Азии в целом. Новые глобальные и региональные интеграционные тренды требуют калибровки интеграционной политики стран Центральной Азии с целью использования их возможностей для социально-экономического и экологического развития страны, формирования собственной повестки дня в международных организациях и сохранения внешней политики стран с учетом геоэкономических и геополитических интересов ведущих мировых держав, конструирующих неоевразийское пространство. Особенно важно обеспечить межгосударственное взаимодействие, наполнив его конструктивными политическими и социально-экономическими формами и механизмами сотрудничества. Экологическую ситуацию во многих странах мира в настоящее время можно охарактеризовать как неблагоприятную. При этом негативные экологические воздействия не признают государственных границ и отрицательно влияют на среду обитания и качество жизни большого количества людей, в том числе и проживающих на сопредельных территориях. Экологические проблемы в большинстве случаев приобретают региональный, а зачастую и глобальный характер, соответственно, и меры по их решению также должны стать интернациональными, требующими четкой согласованной политики всех сопричастных государств и, самое главное, их доброй воли и готовности разделить ответственность за принимаемые на национальном и наднациональном уровне решения. Данная ситуация, в частности, актуальна для стран Центральной Азии.

Ключевые слова: интеграция, Центральная Азия, трансграничные ресурсы, водные проблемы.

Introduction

In the modern international relations, the concept «integration» became an integral part of political and economic life of the majority of the countries of the world. Globalization and regional integration come to the forefront. The ratio of these two processes and their influence on foreign policy courses of the states can explain difficult processes of the modern international relations.

Participation of Kazakhstan in the international economic integration is a condition of creation of an economic basis of sovereignty of RK, ensuring economic growth, its entry into the international community as the full member. The Republic of Kazakhstan is some their first leaders and the active consecutive organizer of regional integration processes. Therefore, integration became an integral part of foreign policy strategy of the state and the strategic choice on prospect. For years of independence Kazakhstan became the member of many international economic organizations (the WTO, EEU) that, certainly, corresponds to current global

trends. Cooperation within integration processes at the subregional and interregional levels, with various blocks promoted formation of conditions for sustainable development of a national economic system. The continuing transformation of RK and integration of national economy of the country into world economy demonstrate the movement to open economy. Kazakhstan uses abilities to integrate in the former Soviet, Eurasian and international Union.

Methodology

Now in high gear there is a formation of theoretical-methodological base of integration processes. The theoretical directions or schools of sciences of federalism and neofederalism, school of functionalism and neofunctionalism and school of transnationalism (pluralistic school) are the most known. However, the school of realism/neo-realism also did not lose the relevance. Realists (E.Karr and G. Morgenthau) consider the state as key unit of the foreign policy analysis regardless of about what historical

period and about what type of the states there is a speech (Jonathan Thucydides, 2006: 3-25).

Authors pay special attention to creation of systems of military-political alliances which are considered as the easiest and fast way of integration of the states. In 1960-1970 the increased level of economic interdependence in the world and an institutionalization of the international relations influenced change of important provisions of realism. The American political scientist Kenneth Waltz proved that questions of military safety are not the main agenda of world politics. So, questions of economic, social, ecological character fell within the scope of researches of neorealists (Waltz K.N., 1979: 87-88).

However a thesis about a role of the strong state as in stabilization of the international modes remains invariable. If the hegemonic power is lost, and imperious resources are more or less evenly distributed between the states, the international modes also fall and there comes the period of anarchy and fight for hegemony while the strongest leader does not manage to set the new hegemonic mode which will restore a condition of balance of forces and stability (Waltz K.N., 1979: 93).

The main thesis of the federalistic theory of integration is need of an institutionalization economic and, first of all, the political relations which result has to be a creation of supranational institutes. It is explained by them, first of all, they claim by inability of the state to fully ensure safety of people from wars, violence, radical nationalism and extremism, etc. Besides, that to concentrate the power at the people and only supranational institutes can guarantee maintaining democratic principles of living arrangement. (A. Hamilton, K. Ueyr and R. Watts). Founders of neofederalism (A. Etzioni), etc. consider that the purpose of integration is creation of the «political community» directed to formation in citizens of the corresponding identification reference points. D. Paynder considers federalism as the concept of integration, and A. Sbradzh sees in it philosophy, scientific orientation (Cronin, 2013: 124).

Thus, federalism and neofederalism consider integration as a possibility of the State Parties to protect the national interests and to ensure safety through delegation of the powers to supranational institutes.

For a theoretical design of neofunctionalism extremely important also concept of loyalty. It was borrowed by E. Haas from methodology of the sociological analysis. It is necessary for realization of the integration based on the ideas of functionalism that the population divided values of society of welfare (White, 2003: 111-333). Involvement in

integration process of the countries which are not dividing similar values is problematic. It explains aspiration of neofunctionalist (E. Haas) to be limited to the processes happening in the European Union. Neofunctionalist also for the first time defined the basic structural elements of integration: the interests of the state, group of interests, political parties, international trade, politically mobile public masses and competing elite which relationship is regulated by the constitution, traditions and parliamentary or presidential democracy (Попович, 2015).

The pluralistic model offered K. Doychem is also based on a thesis about the supranational nature of integration. On this model integration can happen in two ways: first (amalgamic) – association of a number of the countries in one state education and the second (pluralistic) – creation of community when maintaining political independence of the states. A condition of creation of amalgamny integration is the commitment to identical values, the general historical past, similar expectations of benefit from association and also similar forms of the organization of life. The idea creation of «feeling of community» which is also connected with a concept of «communities of safety» is explained by it. Followers of pluralistic model consider that creation of regional associations is promoted by creation of formal institutes (Rasler, Thomson, 2005: 11).

Literature review

In the analysis of a historiography of work were divided into four groups: the works of general-theoretical character devoted structural system to the analysis of integration and its compound processes; general researches of the historical and political direction on the international relations; works on the integration stories covering it global and regional aspects; the researches of comparative character devoted to comparison of integration experience in various regions of the world.

Theoretical works of the leading Russian and foreign scientists relying on system approach in studying of the international relations became a starting point of a research. In the concentrated look the basic principles and the ideas of this approach were formulated in T. Parsons's works (Parsons, 1968: 817; Parsons, 1951: 575; Parsons, 1951: 506), A. Etzioni (Etzioni, 1968: 324; Etzioni, 1993: 157; Etzioni, 2004: 32-47), J. Rosenau (Rosenau, Aydinli, Ersel, 2005: 247; Rosenau, 2007: 200). Developments of school of system and structural approach in the Russian science were continued in the 1990th and especially the 2000th years, in particular

in works of the academician E.M. Primakov (Примаков, Хрусталеv, 2006: 163) and professor M.A. Khrustalyov (Хрусталеv, 2008: 246-278) In the monograph by M.A. Khrustalyov «Analysis of the international situations and political examination» published in 2008 in the most unrolled form applied system and structural approach to the analysis of international and political reality is stated.

Among the foreign works of a general-theoretical profile used within the project first of all it should be noted the works on theoretical judgment of the international system which are belonging to the leading modern American theorist K. Waltz (Waltz, 1979: 185) and also became already classics of J. Rozenau (Rosenau, 1991: 253) work, etc. (Gilpin, 1987: 146-167; Deutsch, Singer, 1975: 14-32; Kissenger, 2014: 26-67; Keohane, 1984: 53-68; Morgentau, 1955: 24-30; Nye, 1990: 35-87) in which under different points of view attention to development of a conceptual framework of the international and political system analysis assuming methodological and logical unity of global, regional and individual and country cuts of a world system is paid.

New trends of global and regional integration in case of Central Asia

On the basis of the analysis of global and regional processes of the modern international relations new trends which demonstrate that in the conditions of change of political structure of the world and formation of a new system of the international relations density of economic interrelations, especially at the regional level increases were sun-dried.

The new trend should be considered «new regionalism» which main characteristic is use by developing countries of abilities to integrate within the region for strengthening of the positions on the world economic scene and protection of national interests in the conditions of globalization. Regional structures are better adapted for cooperation in such sensitive spheres as migration, environment protection, development of telecommunications, etc. Regional blocs open access to the market in exchange on certain concessions from external partners.

Gains strength new forms of integration in Eurasia which it is possible to call neo-Eurasian. The Eurasian integration which is the key force of economic development, interactions in the field of trade in energy resources and other goods, cooperation in the transport sphere, integration of capital flows and labor, tourism and fight against drug traffic and epidemiological threats gains new characteristics.

Eurasian Post-Soviet and Eurasian continental integration – two interconnected processes. The Eurasian Post-Soviet integration has to be surely complemented with the Eurasian continental integration understood as development of open regionalism in Eurasia. Central Asia can be regarded as «laboratory of the Eurasian integration».

In the foreign policy strategy Kazakhstan did not remain away from a modern trend of «new regionalism». The analysis of the Central Asian direction of integration policy of RK showed that 2017 gave a new impulse to discussions about «uniform» Central Asia. Meetings of the Central Asian leaders without participation of the Russian President became a subject of discussion of issues of regional integration in world information space. New prospects in regional policy became possible after coming to power in Uzbekistan of the president Shavkat Mirziyoev. Which foreign policy initiatives led to considerable warming in the bilateral relations of the Central Asian states, improvements were outlined in border territories, trade and economic relations quickened. The president Mirziyoev suggested to create association of heads of regions of Central Asia, association of business communities, the international research center of an Islamic civilization and etc. (*Узбекистан предлагает создать Ассоциацию глав регионов стран Центральной Азии*, 2010).

Having supported multilateral cooperation, Tashkent strengthened a regional component of the foreign policy. In November, 2017 under the auspices of the UN in Samarkand the international conference «Central Asia took place: one last and general future, cooperation for the sake of sustainable development and mutual prosperity». Delegates of a conference agreed with the offer on holding regular meetings of Foreign Ministers of the countries of Central Asia for discussion of current problems of the region. The Program of cooperation between the Ministries of Foreign Affairs of the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan for 2018-2019 was signed (*Международная конференция по вопросам безопасности и развития в регионе ЦА состоялась в Самарканде*, 2017). Kazakhstan supported the initiative of the Uzbek president, having brought together the Central Asian leaders in March, 2018 in Astana.

It should be noted that the modern geopolitical and geoeconomic situation updates a question of the nature of future integration. All countries of the region for the objective reasons were participants of the projects initiated by external actors. And, in one

integration alliance of this sort the countries of Central Asia do not act together (SCO, EEU, the CSTO, Turkic Council). In this regard the question of is lawful whether Central Asia will be able to become independent integration association, or integration will take place under the auspices of global and players.

Now environmental protection stopped being a narrow departmental task which execution is assigned only to nature protection bodies. It is rather a subject which gets into various fields of activity more and more deeply – whether it be power, transport, agriculture, the industry or trade. Such approach to environmental protection is caused by the fact that roots – and often as well the decision – many environmental problems are in branch strategy.

In the absence of interindustry integration, economic growth can have an adverse effect not only on state of environment, but also the budgetary expenses. There are examples of the countries which were forced to incur essential expenses on restoration of the environment and a covering of social expenses instead of less expensive activities for prevention of ecological damage. In order to avoid such situations, the state needs to go on the way of integration of environmental policy.

Problems of environmental safety are directly connected with ensuring general safety of the region and demands collective efforts of all states. Problems of environment protection and creating favorable conditions of life for the person demands acceptance of preventive measures and creation of strong international legal bases of cooperation of the Central Asian states already now. So far in the international cooperation in Central Asia in environmental safety leans on: The agreement «About interaction in the field of ecology and protection of the surrounding environment», Agreements «About interaction in the field of prevention and mitigation of consequences of emergency situations of natural and technical character», the Agreement «About information cooperation in ecology and protection of the surrounding environment», «The agreement on border cooperation in studying, development and protection of a subsoil», etc. But development of effective mechanisms is necessary for implementation of these international legal documents.

Ecological factor in relationship of the countries Central Asia

For Central Asia there are common ecological threats: gradual destruction of the wild nature, the menacing trend loss of fauna and flora, excessive chemicalization of once fertile lands and their re-

moval from the system of land resources, irrational use of water resources, pollution of elevated and underground water resources, airspace. For carrying out security policy in the field of ecology efforts of the states in a bilateral format on hydro-electric problems, on rational use of resources of fresh water are important for watering of agricultural grounds. In this case use of modern technologies of drop irrigation, application of special sprinkling installations, carrying out pipelines is important for irrigation of fields, instead of expensive breakthrough of channels, etc. In the conditions of globalization the problem gradual disappearance of a historical and ethnographic ecosystem within which the traditional culture of the people of the region, decrease in a role of historical division of labor in climatic conditions of Central Asia was formed is particularly acute.

Special zone of risk for stability of the region the Fergana Valley where on vital space loading of demographic weight is excessive represents, the deficiency of the earth, water, food along with the environmental problems left in inheritance from economic activity of the person are notable. As well as in the world in general, for an ecosystem of the Central Asian region air pollution, the connected emissions of the harmful pollutants (the carbon dioxide, methane, etc.) destroying an ozone layer and leading to manifestation of greenhouse effect and to warming of climate constitutes danger. Researchers note that these emissions have a direct bearing on thawing of glaciers, severe droughts, desertification, reduction of a drain of the rivers, loss of a biodiversity, increase in intensity of rainfall and formation of dust storms, etc. It is predicted that by 2030-2050 in Central Asia temperature will increase by 1-3 degrees. It is known that when warming the intensity of evaporation from a surface of the water of oceans, seas, lakes, reservoirs inevitably increases. It can increase already established level of loss of rainfall in mountains. The erosion of slopes of mountains increases, become more active landslides sat down. The intensity of instruction of water objects such as reservoirs will increase. For accumulation of the increasing drain of liquid and firm rainfall, researchers suggest to increase volumes of big reservoirs in order to avoid instruction (*Апуфоров, Апуфоров, 2014: 173-177*).

In the territory of the Fergana Valley after the collapse of the USSR and chaotic curtailment of production and processing of uranium ores there were numerous mines, mines, dumps and tailings dams. These ecologically dangerous objects located in close proximity to settlements and also near the rivers of the basin of the Syr Darya, pose a serious

threat for the environment and the population of the region.

Speaking about environmental problems, separately it is necessary to emphasize the common water problem in Central Asia. Hydrogeography of Central Asia such is that water resources in the region more than are sufficient, but they are distributed extremely unevenly. The main water resources in the Central Asian region are located in its south-east part – in Tajikistan and Kyrgyzstan. The main consumers of water are Uzbekistan, Turkmenistan and Kazakhstan. At the same time shallow and waterless spaces are occupied in the region territorially most part. It means that for the states of the region the water problem has not only economic, but also strategic value. For this reason every time when strengthening interstate contradictions, questions of functioning of water and river and water-conservation systems in Kyrgyzstan and Tajikistan which systematically show discontent in connection with the heavy expenses connected with own reservoirs and accumulation of water in them which is regulated in the agrarian purposes of Uzbekistan, of Kazakhstan and Turkmenistan are brought up and demand to promote them in this regard.

Thus, environmental problems are presented to Central Asia:

- drying of the Aral Sea (Kazakhstan, Uzbekistan);
- possible break of a dam in the Sarez Lake (Tajikistan);
- the problems connected in the past with nuclear and atomic tests, processings and waste (Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan);
- irrational use and water resources management;
- impact of artificial reservoirs and dams, hydroelectric power stations on the environment (Kyrgyzstan, Tajikistan).

The above-stated problems cannot be solved unilaterally. Let's note that for the last decades in the world the integration processes proceeding in different regions and covering various spheres of the relations of the states became more active. An important role in development of these processes is played by the international organizations which promote cooperation of the states in the sphere of implementation of the sovereign rights by them. Interest in Central Asia and in problems of this region from the leading states of the world and the world centers of force increased with the advent of new military, ecological and other serious threats to security of the countries of the region, such as terrorism, drug traffic and religious extremism.

One of such international organizations is the European Union. The new ecological EURECA 2 program adopted in October, 2015 in Milan during the summit between representatives of the states of Central Asia and the European Union. In principle, it is not the first ecological program as all this is carried out within the general Strategy of the EU. But, despite it, there are no noticeable improvements – in CA the dependence between irrational water use and deficiency of water, reduction of efficiency of lands and a biodiversity, growth of incidence, poverty and the conflicts is still shown. One of key problems is poor control and a lack of potential.

The suspense of an environmental problem in the basin of the Aral Sea and destruction of the habitat, owing to not account эко system restrictions in management, was led to aggravation of social and economic problems and growth of conflict potential. In basins of the Caspian Sea, Irtysh and Balkhash observed manifestations of a crisis ecological situation have the same reasons, as well as in the basin of the Aral Sea.

At the same time, the majority of regional environmental problems is caused by resource-intensive and raw orientation of economy. The share of the natural and raw industries makes in economy of the Central Asian countries about 50% with active negative impact on the environment.

It is necessary to consider that change of the mode of water use in one country inevitably infringes on the interests of other countries. Need of the general scheme of management of water basins of Central Asia is caused by the nature and demand development and development of mechanisms of cooperation. Change of approach of the states in the decision all of the becoming aggravated problems is pressed.

Globalization as new factor of the modern world, also influences opportunities of management in CA. It acts as an external factor of development of the countries of the subregion and now, mainly, leads to increase of threats to security and forces the countries of CA to strengthen operation of natural and social potential, to increase pressure upon water ecosystems (Актуальные проблемы безопасности и сотрудничества в каспийско-центральноазиатском регионе: материалы XI ежегодной алматинской конференции, 2013: 204).

It should be noted that the existing legal framework of the relations between the countries of CA and also between the subregion and the international community does not allow to use as much as possible both own potential, and possibilities of the international community. The solution of problems of

the environment, water and safety will require creation of new forms for intersectoral and subregional cooperation and strengthening of potential.

Addressing a bad experience of the EU, it is possible to claim that the solution of environmental problems in CA cannot be realized only at the national level as the interests of the adjoining states are too closely bound. Only cooperation of the states at various levels and various sectors has to be a right way. Characteristic of CA is that counteraction to aggravation of environmental problems of the region is impossible without involvement in this process of the third parties among which it is possible to call the following organizations: Interstate ecological council at the CIS, Intergovernmental council for investigation, use and protection of a subsoil at the CIS, etc.

Environmental issues and equitable distribution of cross-border resources are a significant factor in modern economy and policy, at the same time every year influence of an ekologo-resource component in the interstate relations only amplifies.

The ecological situation in many countries of the world can be characterized as unsuccessful now. At the same time negative ecological impacts do not recognize frontiers and negatively influence the habitat and quality of life of a large number of people including living in adjacent territories. Environmental problems in most cases get regional, and often both global character, respectively, and measures for their decision also have to become international, demanding the clear coordinated policy of all copresent states and, the most important, their good will and readiness to divide responsibility for the decisions made at national and supranational level.

This situation, in particular, is relevant for the countries of Central Asia which are closely connected by the uniform hydrological system of barred basins of the Caspian and Aral seas, Lake Balkhash and Issyk Kul. The Central Asian region (CAR) located in a zone of continental arid climate, with the population over 57 million people, critically depends on availability of water resources. The lack of an exit to the World Ocean in combination with droughty weather conditions imposes significant restrictions for any economic activity in the region.

It should be noted that water resources are distributed across the territory of the CAR extremely unevenly. Their main part (up to 85%) is formed in upper courses of the rivers in territories of Kyrgyzstan and Tajikistan, and spent in lower reaches – in Uzbekistan, Kazakhstan and Turkmenistan where

more than 83% of the irrigated lands of Central Asia are concentrated. All large rivers of Central Asia have cross-border character and the interstate status.

Thus, security with water resources of the countries which are in the lower reach of the river basin critically depends on the nature of use and extent of pollution of waters by the countries located above on a current. In turn, the countries located in upper courses of the rivers also experience difficulties and restrictions in connection with needs of the lower countries. As a result the economic and economic interests of the top and lower countries significantly differ and do not coincide on a number of positions (**Актуальные вопросы безопасности в Центральной Азии: Материалы X Ежегодной Алматинской конференции**, 2012: 284).

As a result Tajikistan and Kyrgyzstan possessing considerable water energy resources periodically suffer an acute shortage of the electric power that substantially limits their economic development. On «short rations» there is not only a population, but also industrial giants of the top countries, such as leader of the Tajik industry – Talko aluminum company.

It should be noted that are the reasons of a permanent energy crisis as well natural factors, for example low water level in the Nureksky reservoir on the Vakhsh River during cold winters. As a result the annual power shortage in Tajikistan is estimated at 3 – 4 billion kWh. In this regard construction of the 3.6 GW Rogunsky hydroelectric power station, certainly, in many respects would solve a power shortage problem for Tajikistan.

One of ways of overcoming an energy crisis for the Tajik government is attraction of the foreign capital in development of hydropower. However existence of acute contradictions to Uzbekistan concerning construction of large hydraulic engineering constructions significantly complicates this process. Trying to solve a problem of power hunger, the countries of headwaters are forced to lower water for receiving the electric power as well during the winter period, causing flooding of a part of underlying territories of Kazakhstan and Uzbekistan.

The situation is complicated by the fact that competitive demand for water in the region exceeds the available stocks of water resources for a long time and steadily. Further increase of deficiency of water resources in the CAR owing to growth of population, development of industrial production, increase in the areas of the irrigated lands and also warming of the climate leading to thawing of gla-

ciers – the chief suppliers of fresh water is in the long term predicted (**Водно-энергетические ресурсы Центральной Азии: проблемы использования и освоения**, 2008: 42).

Thus, amplifying every year imbalance of power and irrigational interests, pollution, inability to come to consensus lead to increase of contradictions between sectors of economy and the countries of the region that causes tension in the interstate relations and, undoubtedly, causes significant damage to regional security (**Инвестиционные аспекты развития регионального водного сектора**, 2011: 48).

The international experience showed that construction of small hydroelectric power stations has the broad prospects of development in regions with cross-border river basins. The small hydropower is free from many shortcomings of large hydroelectric power stations, it is one of the most economic and ecologically safe ways of receiving the electric power.

For Central Asia hydropower and agriculture – the interconnected regional agrarian and power complex. Further opposition of these industries leads to deepening of the competition for water. It is known that long-term attempts of creation of hydro-electric consortium in the Central Asian region were ineffectual. And the reason of it, according to many analysts, not only in political contradictions, but also in the nature of economic cooperation of the countries of the region, weakness of mechanisms of integration. Therefore it is necessary to investigate other mechanisms of use of capacity of the cross-border rivers of Central Asia. For example, creation of agrarian and power clusters at local, national and interstate level is possible under the conditions which are not breaking unity of the hydrographic basin of the cross-border river and management of it of the existing regional basin organizations on mutually advantageous conditions (**Вода, преобразующая и объединяющая мир**, 2009).

The international financial institutions can become the most important financial instrument of development of hydroenergy potential of the cross-border rivers of the CAR. However, considering high degree of conflictness of questions of hydroelectric regulation and development of hydroenergy potential of the international water currents of Central Asia, the policy of participation of international financial institutions in the projects having cross-border influence has to be most comprehensively weighed, transparent and consecutive (Саидов, 2012: 26).

Conclusion

The deficiency of water in the region is caused not only natural factors, in particular the observed climate change, but also not least the weak organization of water use in the industry and agriculture, an unsatisfactory condition of water management infrastructure, lack of funds on maintenance and development of water management objects.

The supranational nature of many environmental problems persistently demands from the countries of CAR of adoption of urgent joint decisions. Only cooperation of the border states not only among themselves, but also with specialized international funds, the organizations, donors and financial institutions has to become a right way.

As a positive example of similar interaction it is possible to consider the creation of the International fund of rescue of the Aral Sea which allowed to attract world technologies for water processing, revival of the soil, to draw the attention of the international organizations to ecological threat not only for the CAR, but also for global ecological equilibrium in general. Construction of the Kokaralsky dam and gradual filling of the Small Aral Sea became one of the main already achieved results that already provided considerable positive effect for local population. Thus, it is possible to note that still unresolved and permanently becoming aggravated problems of use of transboundary water resources of the countries of CAR significantly reduce extent of ensuring food, energy and environmental safety in the region.

Objective reality such is that economies of the Central Asian countries are in the closest interdependence from each other in questions of use of water resources. In these conditions it is important that the contradictions arising between the countries of CAR in the hydro-electric sphere did not lead to block delimitation and conflict situations between the states of the region. Achievement of this purpose is possible only by means of the joint solution of problems in the water management sphere, activization of investment cooperation, carrying out the coordinated policy on use of water, the earth and energy resources.

Pollution and deficiency of quality drinking water, unsatisfactory sanitary conditions, lack of water resources for needs of agriculture and the industry are a source of social tension and the regional conflicts. Considering it, joint efforts on improvement of water supply and sanitation, development of an irrigation and power security have to become the

strategic direction of cooperation of the states of CAR.

At the same time, the general trend concerning use of transboundary water resources consists in aspiration of most the states to settlement of contro-

versial issues on the basis of the universally recognized norms of international law. In this regard the countries of Central Asia need to adopt the international experience of the civilized mutually advantageous solution of water problems.

References

- Jonathan Thucydides and Modern Realism // *International Studies Quarterly*. – Vol.50. – No.1, 2006. – p. 3-25.
- Waltz K.N. Theory of international politics. – Addison-Wesley Pub. Co., 1979. – C. 87-88.
- Cronin D. Corporate Europe. – London: Pluto Press, 2013.-124 p.
- White J. P. J. Theory Guiding Practice: the Neofunctionalists and the Hallstein EEC Commission // *Journal of European Integration History*. – 2003. – p.111-133.
- Попович А. Интеграция: теоретические аспекты [Электронный ресурс]. – 2015 // <http://fmp-gugn.narod.ru/pop2.html> (дата обращения 25.01.2019).
- Rasler K., Thomson W.R. Puzzles of the Democratic Peace: Theory, Geopolitics and the Transformation of the World Politics. – NY: Palgrave Mac Millan, 2005. – p. 11.
- Parsons T. The structure of social action: A study in social theory with special reference to a group of recent European writers. – New York: Free Press, 1968. – 817 p.
- Parsons T. The social system. – Glencoe, Illinois: The Free Press, 1951. – 575 p.
- Parsons T. Toward a general theory of action. – Cambridge, Massachusetts: Harvard University Press, 1951. – 506 p.
- Etzioni A. The Active Society: A Theory of Societal and Political Processes. – N.Y.: Free Press, 1968. – 324 p.
- Etzioni A. The Spirit of Community: Rights, Responsibilities and the Communitarian Agenda. – N.Y.: Crown Publishers, Inc., 1993. – 157 p.
- Etzioni A. From Empire to Community. – N. Y.: Palgrave Macmillan, 2004. – p. 32-47.
- Rosenau J. Aydinli, Ersel. Globalization, security, and the nation-state: paradigms in transition. – NY: State University of New York Press, 2005. – 247 p.
- Rosenau J. People Count: The Networked Individual in World Politics. – Routledge, 2007. – 200 p.
- Примаков Е.М., Хрусталева М.А. Ситуационные анализы: методика проведения. Выпуск 1. – М., 2006. – 163 с.
- Хрусталева М.А. Анализ международных ситуаций и политическая перспектива. – М., 2008. – С. 246-278.
- Rosenau J. Turbulence in World Politics: a Theory of Change and Continuity. – Washington, 1991. – 253 p.
- Gilpin R. The Political Economy of International Relations. – Princeton, 1987. – p.146-167.
- Deutsch K., Singer D. Multipolar Power Systems and International Stability. – In: *Analyzing International Relations: a Multi-method Introduction*. Ed. By W. Coplin and Ch. Kegley. – New York, 1975. – p. 14-32.
- Kissinger H. World Order. – New York: Penguin Press, 2014. – p. 26-67.
- Keohane R. After Hegemony: Cooperation and Discord in the World Political Economy. – Princeton: Princeton University Press, 1984. – p. 53-68.
- Morgenthau H. Politics Among Nations. The Struggle for Power and Peace. Second Edition, Alfred A. Knopf. – New York, 1955. – p.24-30.
- Nye J. Bound to Lead: The Changing Nature of American Power. – New York, 1990. – p. 35-87.
- Узбекистан предлагает создать Ассоциацию глав регионов стран Центральной Азии [Электронный ресурс]. – 2010 // <https://rus.azattyq.org/a/28846387.html> (Дата обращения 3.12.2018).
- Международная конференция по вопросам безопасности и развития в регионе ЦА состоялась в Самарканде [Электронный ресурс]. – 2017 // https://ru.sputniknews-uz.com/trend/samarkand_konferentsiya (Дата обращения 28.09.2018).
- Арифов Х.О., Арифов П.Х. Климатические изменения как фактор угрозы энергетической безопасности региона и необходимость принятия превентивных мер // Мат-лы междунар. конф. «Проблема безопасности государств Центральной Евразии в условиях современного мироустройства: тенденции и подходы к обеспечению стабильности. – Душанбе, 2014. – С. 173-177.
- Актуальные проблемы безопасности и сотрудничества в Каспийско-Центральноазиатском регионе: материалы XI ежегодной алматинской конференции (г. Алматы, 20 июня 2013 г.) / отв. ред. Б.К. Султанов. – Алматы: КИСИ, 2013. – 204 с.
- Актуальные вопросы безопасности в Центральной Азии: Материалы X Ежегодной Алматинской конференции (г. Алматы, 6 июня 2012 г.) / Отв. ред. Б.К. Султанов. – Алматы: Казахстанский институт стратегических исследований при Президенте Республики Казахстан, 2012. – 284 с.
- Водно-энергетические ресурсы Центральной Азии: проблемы использования и освоения. Отраслевой обзор. – Алматы: Евразийский банк развития, 2008. – С. 42.
- Инвестиционные аспекты развития регионального водного сектора. Отраслевой обзор №12. – Алматы: Евразийский банк развития, 2011. – С. 48.
- Мироненков А., Сарсембеков Т. Вода, преобразующая и объединяющая мир // <http://www.worldenergy.ru>.
- Саидов С. Совершенствование экономического механизма регулирования трансграничного водопользования (на примере стран Центральной Азии): Автореф. дисс. на соиск. учен. степ. канд. экон. наук. – Душанбе, 2012. – С. 18.

References

- Aktual'nye problemy bezopasnosti i sotrudnichestva v kaspiskoy-central'noaziatskom regione: materialy XI ezhegodnoj almatinskoy konferencii (2013). [Topical issues of safety in Central Asia: Materials of the XI Annual Almaty conference]. / Responsible edition B.R. Sultanov. – Almaty: KISI, p. 204. (In Russian)
- Aktual'nye voprosy bezopasnosti v Central'noy Azii: Materialy H Ezhegodnoy Almatinskoy konferencii (2012) [Topical issues of safety in Central Asia: Materials of the X Annual Almaty conference]. / Responsible edition B.K. Sultanov. Almaty: The Kazakhstan institute of strategic researches at the President of the Republic of Kazakhstan, p. 284. (In Russian)
- Arifov H.O., Arifov P.H. (2014). Klimaticheskie izmeneniya kak faktor ugrozy energeticheskoy bezopasnosti regiona i neobhodimost' prinyatiya preventivnykh mer. [Climate change as a threat to the region's energy security and the need for preventive measures]. // Proceedings of the international conference «The problem of security of the states of Central Eurasia in the modern world order: trends and approaches to ensuring stability». Dushanbe, p. 173-177. (In Russian)
- Cronin D. (2013). Corporate Europe. London: Pluto Press, 124 p.
- Deutsch K., Singer D. (1975). Multipolar Power Systems and International Stability. – In: Analyzing International Relations: A Multimethod Introduction. Ed. By W. Coplin and Ch. Kegley. New York, p.14-32.
- Etzioni A. (1968). The Active Society: A Theory of Societal and Political Processes. N.Y.: Free Press, p. 324.
- Etzioni A. (1993). The Spirit of Community: Rights, Responsibilities and the Communitarian Agenda. N.Y.: Crown Publishers, Inc., p. 157.
- Etzioni A. (2004). From Empire to Community. N. Y.: Palgrave Macmillan, p. 32-47.
- Gilpin R. (1987). The Political Economy of International Relations. Princeton, p. 146-167.
- Hrustalev M.A. (2008). Analiz mezhdunarodnykh situatsiy i politicheskaya perspektiva. [Analysis of international situation and political perspective]. M., p. 246-278. (In Russian)
- Investitsionnye aspekty razvitiya regional'nogo vodnogo sektora. Otrasevoy obzor №12. (2011) [Investment aspects of development of the regional water sector. Industry review №12]. Almaty: Eurasian Development Bank, p. 48. (In Russian)
- Jonathan Thucydides (2006). Modern Realism // International Studies Quarterly. Vol.50. No.1, p. 3-25.
- Keohane R. (1984). After Hegemony: Cooperation and Discord in the World Political Economy. Princeton: Princeton University Press, p. 53-68.
- Kissinger H. (2014). World Order. New York: Penguin Press, p. 26-67.
- Mezhdunarodnaya konferentsiya po voprosam bezopasnosti i razvitiya v regione CA sostoyalas' v Samarkande [Elektronnyy resurs] (2017) [International conference on Security and Development in the Central Asian Region held in Samarkand [Electronic resource]]. // https://ru.sputniknews-uz.com/trend/samarkand_konferentsiya (In Russian)
- Mironenkov A., Sarsembekov T. Voda, preobrazuyushchaya i ob'edinyayushchaya mir [The water transforming and uniting the world] // <http://www.worldenergy.ru>. (In Russian)
- Morgenthau H. (1955). Politics Among Nations. The Struggle for Power and Peace. Second Edition, Alfred A. Knopf: New York, p. 24-30.
- Nye J. (1990). Bound to Lead: The Changing Nature of American Power. New York, p. 35-87.
- Parsons T. (1951). The social system. Glencoe, Illinois: The Free Press, p. 575.
- Parsons T. (1951). Toward a general theory of action. Cambridge, Massachusetts: Harvard University Press, p. 506.
- Parsons T. (1968). The structure of social action: A study in social theory with special reference to a group of recent European writers. New York: Free Press, p. 817.
- Popovich A. (2015). Integratsiya: teoreticheskie aspekty [Elektronnyy resurs]. [Integration: theoretical aspects [Electronic resource]]. // <http://fmp-gugn.narod.ru/pop2.html> (data obrashcheniya 25.01.2019). (In Russian)
- Primakov E.M., Hrustalev M.A. (2006). Situatsionnye analizy: metodika provedeniya. Vypusk 1. [Situational analysis: methodology. Release 1]. M., p. 163. (In Russian)
- Rasler K., Thomson W.R. (2005). Puzzles of the Democratic Peace: Theory, Geopolitics and the Transformation of the World Politics. Palgrave Mac Millan, NY, p. 11.
- Rosenau J. (1991). Turbulence in World Politics: A Theory of Change and Continuity. Washington, p. 253.
- Rosenau J. (2007). People Count: The Networked Individual in World Politics. – Routledge, p. 200.
- Rosenau J. Aydinli, Ersel. (2005). Globalization, security, and the nation-state: paradigms in transition. NY: State University of New York Press, p. 247.
- Saidov S. (2012). Sovershenstvovanie ekonomicheskogo mekhanizma regulirovaniya transgranichnogo vodopol'zovaniya (na primere stran Central'noy Azii) [Improvement of the economic mechanism of regulation of cross-border water use (on the example of the countries of Central Asia)]. // Abstract of the thesis on a degree of Candidate of Economic Sciences. – Dushanbe, p. 18. (In Russian)
- Uzbekistan predlagayet sozdat' Associatsiyu glav regionov stran Central'noy Azii [Elektronnyy resurs] (2010) [Uzbekistan proposes to create an association of heads of regions of Central Asian countries [Electronic resource]]. // <https://rus.azattyq.org/a/28846387.html> (In Russian)
- Vodno-energeticheskie resursy Central'noy Azii: problemy ispol'zovaniya i osvoeniya. Otrasevoy obzor (2008) [Hydro-electric resources of Central Asia: problems of use and development. Industry review]. Almaty: Eurasian Development Bank, p. 42. (In Russian)
- Waltz K.N. (1979). Theory of international politics. Addison-Wesley Pub. Co., p. 87-88.
- White J. P. J. (2003) Theory Guiding Practice: the Neofunctionalists and the Hallstein EEC Commission // Journal of European Integration History. p. 111-133.

2-бөлім
**ҚАУІПСІЗДІК ЖӘНЕ ХАЛЫҚАРАЛЫҚ
ҚҰҚЫҚ МӘСЕЛЕЛЕРІ**

Section 2
**ISSUES OF SECURITY AND
INTERNATIONAL LAW**

Раздел 2
**ВОПРОСЫ БЕЗОПАСНОСТИ И
МЕЖДУНАРОДНОГО ПРАВА**

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**THE PRINCIPLES OF CRIMINAL TRIAL IN THE SYSTEM
OF GUARANTEES OF THE RIGHTS AND LEGITIMATE INTERESTS
OF THE SUSPECT AND DEFENDANT**

Protecting citizens from crime is the most important function of any state. The object of it is as persons who have suffered from unlawful encroachments, in respect of which urgent action is required to take government measures to uncover, investigate and judicially resolve criminal cases, as well as illegally subject to criminal prosecution. From this position, both groups of people are victims of criminal encroachment, involved in the sphere of criminal jurisdiction. The principles of criminal procedural law, along with the categories of the subject and method of legal regulation, are one of the categories of a very general nature and expressing the essence of the criminal process. This article discusses the principles of criminal proceedings relating to and ensuring the rights, freedoms and legitimate interests of suspects and defendants in the criminal proceedings of the Republic of Kazakhstan. To achieve the goal and objectives, an analysis of the scientific principles of the criminal process has been carried out. Some recommendations on introducing amendments to the criminal procedure legislation in the field of ensuring the rights, freedoms and legitimate interests of suspects and accused are given. Separately, the essence and content of the principle of personal immunity, the principle of the presumption of innocence, and the principle of ensuring the right to defense of the suspect and the accused are examined and analyzed. The point of view is substantiated, according to which the principles of criminal procedure should be essentially a kind of concept of building the activities of state bodies and officials conducting the proceedings on the protection of the rights and legitimate interests of an individual in criminal proceedings.

Key words: criminal procedure legislation; criminal trial; principles; bodies of preliminary investigation; court; prosecutor; lawyer; participants of criminal procedure; suspect; defendant; presumption of innocence; rights, freedoms and legitimate interests; inviolability of the person; right of protection.

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**Күдікті мен айыпталушының құқықтары мен
заңды мүдделерін қорғаудағы қылмыстық сот өндірісінің қағидалары**

Азаматтарды қылмыстан қорғау – кез келген мемлекеттің маңызды функциясы. Оның объектісі заңсыз қол сұғушылықтан зардап шеккен, оларға қатысты қылмыстық істерді ашу, тергеу және сот арқылы шешу бойынша мемлекеттік шараларды жедел қабылдау талап етілетін, сондай-ақ қылмыстық жауапкершілікке заңсыз тартылған адамдар болып табылады. Осы ұстанымнан бастап сол және басқа да адамдар тобы қылмыстық юрисдикция саласына тартылатын қылмыстық қол сұғушылықтың құрбандары болып табылады. Қылмыстық іс жүргізу құқығының принциптері, құқықтық реттеудің мәні мен әдісінің категорияларымен қатар, шекті жалпы сипаттағы және қылмыстық процестің мәнін білдіретін санаттардың бірі болып

табылады. Аталған мақалада Қазақстан Республикасының қылмыстық процесінде күдіктілер мен айыпталушылардың құқықтарын, бостандықтары мен заңды мүдделеріне қатысты және оларды қамтамасыз ететін қылмыстық сот өндірісінің принциптері қарастырылады. Мақсат пен қойылған міндеттерге қол жеткізу үшін қылмыстық процесс принциптерінің ғылыми тәсілдеріне талдау жүргізілді. Күдіктілер мен айыпталушылардың құқықтарын, бостандықтары мен заңды мүдделерін қамтамасыз ету саласында қылмыстық іс жүргізу заңнамасына өзгерістер енгізу бойынша кейбір ұсынымдар берілді. Жеке басқа қолсұғылмаушылық қағидасының, кінәсіздік презумпциясы қағидасының, сондай-ақ күдіктіге және айыпталушыға қорғану құқығын қамтамасыз ету қағидасының мәні мен мазмұны жеке қаралады және талданады. Қылмыстық процестің принциптері іс бойынша іс жүргізуді жүргізетін мемлекеттік органдар мен лауазымды адамдардың қылмыстық сот ісін жүргізуде жеке адамның құқықтары мен заңды мүдделерін қорғау жөніндегі қызметін құрудың қандай да бір тұжырымдамасы болуға тиіс деген көзқарас негізделеді.

Түйін сөздер: қылмыстық-процестік заңнама, қылмыстық сот өндірісі, қағидалар, алдын ала тергеу органдары, сот, прокурор, қорғаушы, қылмыстық процесс қатысушылары, күдікті, айыпталушы, кінәсіздік презумпциясы, құқықтар, бостандықтар мен заңды мүдделер, жеке басқа қолсұғылмаушылық.

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Принципы уголовного судопроизводства в системе гарантий прав и законных интересов подозреваемого и обвиняемого

Защита граждан от преступлений – важнейшая функция любого государства. Объектом ее выступают как лица, пострадавшие от неправомерных посягательств, в отношении которых требуется срочное принятие государственных мер по раскрытию, расследованию и судебному разрешению уголовных дел, так и незаконно подвергшиеся привлечению к уголовной ответственности. С этой позиции и та и другая группа лиц являются жертвами преступного посягательства, вовлекаемыми в сферу уголовной юрисдикции. Принципы уголовно-процессуального права, наряду с категориями предмета и метода правового регулирования, являются одной из категорий, носящей предельно общий характер и выражающей сущность уголовного процесса. В данной статье рассматриваются принципы уголовного судопроизводства, касающиеся и обеспечивающие права, свободы и законные интересы подозреваемых и обвиняемых в уголовном процессе Республики Казахстан. Для достижения цели и поставленных задач проведен анализ научных подходов принципов уголовного процесса. Даны некоторые рекомендации по внесению изменений в уголовно-процессуальное законодательство в области обеспечения прав, свобод и законных интересов подозреваемых и обвиняемых. По отдельности рассматривается и анализируется сущность и содержание принципа неприкосновенности личности, принципа презумпции невиновности, а также принципа обеспечения подозреваемому и обвиняемому права на защиту. Обосновывается точка зрения, согласно которой принципы уголовного процесса должны быть по сути некоей концепцией построения деятельности государственных органов и должностных лиц, ведущих производство по делу, по защите прав и законных интересов личности в уголовном судопроизводстве.

Ключевые слова: уголовно-процессуальное законодательство, уголовное судопроизводство, принципы, органы предварительного расследования, суд, прокурор, адвокат, участники уголовного процесса, подозреваемый, обвиняемый, презумпция невиновности, права, свободы и законные интересы, неприкосновенность личности, право на защиту.

Introduction

Human rights are the supreme value of a human civilization. The principle of respect for human rights as the leading beginning of legal activity became fundamentals of constitutionalism of the states not only in the European region, but also almost over the world. The international and regional

organizations which appeared in the 20th century proclaimed the principle of respect for human rights as their purpose.

The Republic of Kazakhstan approves itself by the democratic, secular, constitutional and social state which supreme values are the person, his life, rights and freedoms (The Constitution of the Republic of Kazakhstan of August 30, 1995).

On the basis of the Legal Policy Concept of the Republic of Kazakhstan (point 2.9) for the period from 2010 to 2020 approved by the Presidential decree of the Republic of Kazakhstan No. 858 of August 24, 2009 (The Presidential Decree of the Republic of Kazakhstan of August 24, 2009), a main goal of the state is formation of the criminal procedure act based on recognition of the constitutional norms on the rights and personal freedoms, since the most important indicator of the state development is the protection efficiency of citizens' constitutional rights and freedoms, availability and transparency of justice. Therefore further realization of the fundamental principles of criminal trial directed to protection of the person's rights and freedoms remains a priority of development of the criminal procedure law (Karataev, 2015: 315-318)

The solution of this task gains extremely important value in the sphere of the criminal procedure activity which is inevitably connected with constraint of the person's constitutional rights within the permit of the law. Criminal trial is the sphere of the state activity where the person's rights are affected most noticeably. The application of various measures of criminal procedure coercion is possible here; the issue of the fate of the person facing criminal prosecution, his freedom and even his life is resolved.

It is not by chance that among violations of standards of the criminal procedure law by some scientists are distinguished for a special research connected with non-compliance of constitutional rights and freedoms of the person and citizen in criminal procedure (Nazarov, 2003: 24).

In this regard, special position is held by the suspect and the defendant in criminal procedure as those participants of legal proceedings concerning whom criminal prosecution is carried out, criminal procedure coercion is concentrated and which therefore have to be allocated with rather effective remedies.

Studying bodies' activity which is carrying out criminal prosecution demonstrates existence in their work of the facts of violation the suspects and defendants' constitutional rights and legitimate interests.

As we see, the problem considered by us is an object of many researches that confirms need of its further studying.

Methodology

During work on this article the dialectic approach which allowed considering the principles of criminal trial on ensuring the rights of the suspect

and defendant of the criminal procedure legislation in various aspects was applied.

The methods like logical, comparative and legal, historical, etc. were applied as the main scientific methods.

Also the international documents were studied in the course of working on article.

The separate direction of the conducted research was complex studying of the criminal procedure legislation of the Republic of Kazakhstan on ensuring the rights and legitimate interests of suspects and defendants in criminal trial.

Discussion

Nowadays Kazakhstan is reformed to the constitutional state where fight against crimes has to be carried out on the basis of the laws protecting persons' rights and freedoms involved in the sphere of criminal trial, guaranteeing protection them against violations. Recognition and observance, protection of the rights and freedoms have to be provided with lawmaking, law-enforcement practice of the competent authorities of the government which are carrying out criminal trial and also with institute of public control. For successful realization of this complex problem there is rather strong international and interstate legal base now.

Criminal procedure as a special kind of activity of special public authorities exists and is necessary only so far as continues will remain crime – the negative social phenomenon which direct consequence is heavy violations of the citizens' rights and freedoms, infringement of the society and state's interests (Bayshev, 1991: 65-68). At investigation and judicial proceedings of concrete case in the sphere of criminal procedure is involved, as a rule a great number of the citizens are taking part in this case in different procedural forms as suspects, accused (defendants), victims, witnesses, experts, specialists, translators, witnesses, etc. All of them in various forms they interact with body of inquiry, pretrial investigation, prosecutor's office and courts and also with each other as participants of process, i.e. the concrete criminal procedure relations settled by the provisions the law.

For the expired years a lot of things are made in respect of formation in Kazakhstan of the modern system of criminal trial meeting high international standards. On July 4 in 2014 is accepted the Code of penal procedure of the Republic of Kazakhstan (took legal effect in 01.01.2015), which significantly changed the systems of implementation conducting criminal proceedings. Therefore, in a certain

measure changes a format of the rights and legitimate interests of participants of criminal proceedings, including the rights of the suspect and defendant and respectively demands from us new mechanisms of ensuring protection and interests.

As in every legal relationship, they have certain rights and bear corresponding responsibility that in general makes a subject of the procedural relations. There is no such participant who only have alone duties, but have no rights in relation to procedural contractor, whether it will be a state, official or citizen (Grishin, 1984: 23).

Ensuring the rights of participants involved in investigation according to the Constitution of the Republic of Kazakhstan has to answer to vision about the person, his life, the rights and freedoms as about the supreme values and to meet the international principles and standards in the field of human rights. If the personality has constitutional right on inviolability, then the state is obliged to guarantee realization of it in relation to each individual. This situation is especially relevant in conditions when the person gets to the sphere of criminal and legal influence. Inviolability of the person become predetermining and core principle of criminal trial.

In the Russian pre-revolutionary criminal procedure was considered that bodies of preliminary investigation can establish only probability guilt of the accused, but not reliability of his fault. Therefore, even making up the indictment, the prosecutor had been guided by the assumption of guilt of the accused (Lukashevich, 1959: 28-32).

Professor I.Ya. Fojnitskij wrote that accusation «makes significantly an important part of criminal case, determining the content and the direction of judicial proceedings. Its existence is necessarily supposed in all stages of criminal process, besides not only in adversarial part, but also in investigative one. The last, as well as the first, assumes construction on a certain person of the suspicions allowed by criminal court (Fojnitsky, 1996: 145-151).

In the system of the principles of criminal trial promoting the rights and legitimate interests of suspects and defendants, the principle integrity of human beings play an important role. Ensuring integrity of human beings is an unconditional indicator of a maturity level and development of the constitutional state.

The right to personal integrity is understood as the personal security and freedom of the person guaranteed by the state consisting in prevention, suppression and punishability of encroachments on:

1) Life, health, corporal inviolability and sexual freedom (physical integrity);

2) Honor, advantage, moral freedom (moral inviolability);

3) Mentality of the person, for example, application of illegal means of influence on mentality of person interrogated (psychological inviolability);

4) Individual freedom, i.e. possibility of communication with the outside world (personal liberty and safety) (New Code of Criminal Procedure of the Russian Federation and human rights, 2003: 3).

The human right to individual freedom and personal integrity consists that he can have completely dispose of oneself, not be exposed to arbitrary detentions and arrests, to dispose of the time, to move freely around the country, to choose the residence

Thus, the inviolability of the personality, first of all, is the highest social blessing established at the constitutional and branch levels, including an obligation of public officials for ensuring restriction of both mental and physical integrity in criminal trial only in strict accordance the cases provided by the law and with the established procedural procedure.

According to article 14 of the existing Code of Criminal Procedure of the RK, nobody can be detained on suspicion of commission of criminal offense and taken into custody or otherwise imprisoned differently as on the bases and in the manner, which established by Codes of Criminal Procedure of the Republic of Kazakhstan (Criminal Procedure Code of the Republic of Kazakhstan dated July 4, 2014).

Need of ensuring due behavior of participants of criminal trial for the purpose of suppression of an opportunity from their party of illegal acts and also providing appropriate conditions for successful solving of problems of criminal legal proceedings induces the bodies conducting preliminary investigation to invasion into the sphere of the personal rights of citizens. The state coercion in criminal trial is inevitable.

The Constitution of the Republic of Kazakhstan according to article 16 has provided an exception and has allowed detaining the person suspected of crime commission for the term of no more than 72 hours without sanction of court. Arrest and detention are allowed only in the cases provided by the law and only from the sanction of court with providing the appeal to the arrested of the right to appeal. Each detainee, arrested, accused in crime commission has the right to use the help of the lawyer (defender) from the moment of detention, arrest or indictment respectively (The Constitution of the Republic of Kazakhstan of August 30, 1995).

Application of coercive measures has to be carried out according to the legality principle, i.e. only provided by law rules; the participants of process authorized on that; to the subjects specified in the law (Ongarbekova, 2004: 6).

The empirical material collected by us at a research of this problem has revealed the following picture: the citizens' rights and interests violation who have got to an orbit of criminal prosecution continues to remain problem. The main reason for violation of the rights and the criminal trial participants' interests is a neglect and ignorance by the persons authorized by the law for application on measures of criminal procedure coercion, substantive norms and procedural law. Namely: violation of a procedural form and conditions of criminal procedure detention on the person suspected in commission of crime is observed in 89,5% of cases.

The above violations pose a threat to the interests of the suspect and defendant's rights protection. Entering the sphere of criminal legal proceedings, by the general rule, the person protects the general constitutional legal status guaranteeing measures of his freedom in society and also gets special procedural position on the suspect accused, etc. with the legal status inherent in each of them.

The suspect and defendant's legal status in the current legislation of the Republic of Kazakhstan is regulated by the following acts:

- Universal Declaration of Human Rights from 1948;
- The Convention of the UN against tortures and other cruel, inhuman or degrading treatment or punishment;
- Declaration on protection of all faces and tortures and other cruel, inhuman or degrading treatment or punishment of 1975;
- Constitution of the Republic of Kazakhstan from August 30, 1995;
- Criminal Code of the Republic of Kazakhstan from July 03, 2014;
- Code of Criminal Procedure of the Republic of Kazakhstan from July 04, 2014;
- The Law of the Republic of Kazakhstan from March 30, 1999 No. 353-I «About an order and conditions on keeping the persons in the special facilities providing temporary isolation from society»;
- The Order of the Ministry of Internal Affairs of RK No. 182 from March 29, 2012. «Regulations of pre-trial detention centers in committee of a penal correction system on the Ministry of Internal Affairs of the Republic of Kazakhstan», etc.

Studying of court practice shows that in some cases criminal prosecution authorities, working

on the stereotype which developed for many years, ignore separate provisions of the law which observance is recognized by the new criminal procedure law as obligatory.

Let's stop at suspects' right in more detail.

So, the suspect has the right to know what he is suspected of and to receive copies of resolutions on recognition by the suspect, the civil defendant, qualifications on act, the detention protocol, the petition and the resolution on election and term extension of a restraint's measure, the resolution on the termination of criminal case.

In order to allow a suspect actively oppose or agree with a suspicion, prove his innocence to a crime or tell about the events of a crime, he must know the essence of suspicion.

The law demands that the criminal prosecution authority explained essence of suspicion (an article, a part of the Criminal Code of Kazakhstan under which act is qualified). Such explanation allows the suspect to take the measures provided by the law for production of innocence's evidence. The suspect's right to know in what he is suspected, provided with an obligation of criminal prosecution authority at the time of detention, i.e. criminal prosecution authorities immediately prior to production of any investigative actions with participation of the suspect are obliged to explain to the suspect his rights about what the mark in the protocol of detention, the record of suspect's interrogation and resolutions on person's recognition by the suspect and suspect's act qualification is made.

In Zh. Ongarbekova's opinion, it is not enough to tell the suspect only the name of crime in which he is suspected, it is necessary that the formula of suspicion included also the instruction on those concrete circumstances of crime about which it is possible to report to the suspect without prejudice to the interests of investigation (the place, time of crime execution and other data). Full realization of this right allows the suspect to challenge legality of detention in necessary cases, to produce the evidence of the innocence, to bring complaints and to file reasonable petitions. On the other hand, bodies of investigation will also be able to investigate more fully and objectively all circumstances of criminal case (Ongarbekova, 2004: 7).

There is one more problem. Frequently, assuming that a certain person commits a crime, bodies of preliminary investigation in some cases do not inform the citizen about available suspicions concerning him in order to ensure that he would not impede to establishment of the truth in the given case or evade the investigation agency or from the

court. Some investigators, breaking the law, for a long time hiding the suspicion against the alleged guilty person, interrogate him as the witness. Moreover, for confirmation or a denial of suspicion the investigator carries out a number of investigative actions concerning this person.

Also, unfortunately, in practice on the vast majority of cases requirements of the law are not observed:

- about the immediate message to the detainee about detention bases and also about commission of the act provided by the criminal law he is suspected in;
- about the right to invite the defender independently or through relatives or authorized representatives;
- about the right to have an appointment with the selected or appointed defense lawyer in private and confidentially, including before interrogation period;
- about right to remain silent;
- about the right to file petitions, including measures of taking safety, and formulate objections;
- about the right to give evidences in the native language or language in which they are fluent;
- about the right to use the free help of the translator;
- about the right to get acquainted with protocols of the investigative actions made with its participation and to submit remarks on protocols;
- about the right to bring complaints to actions (inactions) and decisions of the investigator, inquiry agent, procurator and court;
- about the right to petition for additional interrogation of the witness showing against him, to obtain attendance and examination as witnesses of the persons specified by him on a confrontation with them, etc.

Today there is a task to develop the effective system of procedural guarantees of integrity of human beings. In this process the following directions of development of institute of detention are attractive for us:

- improvement of a procedural order of detention application;
- strengthening of the procedural status of the persons detained on suspicion of having committed an offence;
- expansion of a legal basis of public prosecutor's and judicial control on legality and validity of detention;
- improvement of departmental procedural control of detention application.

Another vital guarantee of protection of the suspect and defendant from illegal and insubstantial

accusation, condemnation, restriction of their rights and freedoms is the presumption of innocence, meaning that the defendant is considered an innocent until his guilt in crime commission is not recognized by an effective court sentence (Chalyh, 2007:91-95).

An ancient Roman formula *praesumptio boni viri* sometimes is called as prototype of a presumption of innocence that means: the participant of a lawsuit is considered acting honestly until other is proved. However in Ancient Rome this formula was applied in trial of property cases, did not extend to criminal cases at all. They were solved in other mode, especially cases which affected bases of a slaveholding system or in which the emperor or his confidants were directly or indirectly interested.

Emergence of ideas about the presumption of innocence in criminal procedure and legal fixing of its separate provisions is connected with the English Great Charter of Liberties of 1215. Article 39 of the Charter states: «Any free person will not be arrested or imprisoned, either deprived of possession, or outlawed standing, or expelled, or is destitute by any (other) way, and we will not go to him differently, as on a lawful sentence equal to it and under the law of the country». «We will sell nobody the right and justice, we will refuse them to nobody or to slow down them» (Article 40 of the Charter of Liberties) (Cheltsov-Bebutov, 1995: 154). As D.M. Petrushevsky notes, right to «equal tribunal» had only barons, serfs were subject to court of the feudal lord therefore it is impossible to say about creation by the Charter of the jury trial, equal for all, subordinated only to the law (Petrushevsky, 1908: 45). Nevertheless, the Charter is an important milestone in the history of formation of the presumption of innocence; in fact, the source of this legal status expressed in common form, corresponding to level of the legal culture of that time. Development of separate provisions of the presumption of innocence in England is acceptance of Habeas Corpus Act (1679) that allows certain scientists to speak about the presumption of innocence as about the principle of the English bourgeois criminal procedure (Cheltsov-Bebutov, 1995: 168).

The principle of the presumption of innocence is fundamental credo of any civilized state, it is written down in all international covenants on human rights.

Legal basis of the presumption of innocence is first of all the Constitution of the Republic of Kazakhstan adopted on August 30 in 1995; determination of the principle of the presumption of innocence is given in the p. 3 of Art. 77: The person is deemed innocent until his guilt is established by

an enforceable court judgment» (The Constitution of the Republic of Kazakhstan of August 30, 1995). And also the content of the principle of the presumption of innocence can be reduced by standards of article 19 of the Criminal Procedure Code of the RK to the following basic provisions:

1. Everybody shall be deemed innocent until his culpability in a commission of a crime is proven in accordance with the procedure established by this Code and as established by a court sentence which entered into legal force.

2. Nobody shall be obliged to prove his innocence.

3. Irresolvable doubts with regard to the culpability of an accused person shall be interpreted for his benefit. Any doubts which arise when applying criminal and criminal procedure laws must be settled for the benefit of the accused.

4. Sentence of guilt may not be based on presumptions and it must be confirmed by sufficient aggregation of credible evidences (Grishin, 1984:24).

In the international legal acts the presumption of innocence received expression in Universal Declaration of Human Rights accepted by the United Nations General Assembly on December 10 in 1948: «Each person accused in crime commission has the right to be deemed as the innocent until his guilt is not established lawfully in order of public judicial proceeding at which all opportunities for protection are provided to him» (Art. 11) (Universal Declaration of Human Rights, 1948). More concise wording of the presumption of innocence is given in the International Covenant on Civil and Political Rights accepted by the United Nations General Assembly on December 16 in 1966: «Each defendant in a criminal offense has the right to be deemed innocent until his guilt is proved according to the law» (The international covenant on civil and political rights, 1976). According to paragraph 2 of Art. 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms: «Each defendant in a criminal offense is considered an innocent until his guilt is proved according to the law» (European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950).

Thus the analysis of a legal basis of the presumption of innocence allows determining its content. It is represented that the essence of this presumption is made by the following provisions:

– the guilt of the defendant in crime commission is subject to proof in conducting the preliminary investigation and court proceeding;

– the court, the prosecutor, the investigator and the inquiry has no right to shift a burden of proof onto the defendant;

– prosecuting the defendant, the court or the judge do not determine a question of his guilt;

– the conviction judgment cannot be based on the assumptions and is decided only under a condition if during judicial proceedings the guilt of the defendant is proved;

– all doubts have to be interpreted in favor of the defendant;

The fundament of the presumption of innocence is based upon the idea about what can never be considered established what is not proved yet. The deep moral, humane beginning of the principle is put in it.

Also, the principle of criminal trial promoting the rights and legitimate interests of suspects and defendants is providing to the suspect and defendant a right to protection.

The right of the suspect, accused on protection follows directly from the norms of the Constitution of the Republic of Kazakhstan, guaranteeing right to recognition of its legal personality, protection of the rights and freedoms in all ways which are not contradicting the law, including justifiable defense; right to judicial protection of the rights and freedoms; the right to qualified legal aid.

The right of the suspect, accused person to protection is a set of the procedural opportunities (means and ways) for a denial of the arisen suspicion given him by the law, the indictment or mitigation of responsibility and punishment. It can be realized by the suspect and defendant as directly, and through court and also by means of the defender and (or) the lawful representative.

The right to protection is affirmed in Article 13 of the Constitution of the RK according to which «everyone has the right for judicial protection of the rights and freedoms and that everyone has the right to the qualified legal aid». In the cases provided by the law, legal aid appears free. These norms have not just proclaimed that the suspect and defendant have a right to protection, but place emphasis on security of this right. These constitutional provisions found consecutive continuation in the criminal procedure principle of providing to the suspect and defendant the right to protection enshrined in Article 26 of the Code of Criminal Procedure of the RK. The content of this principle comes down to the following provisions: firstly, the right to protection which he can personally carry out, or by means of the defender and (or) the lawful representative is provided to the suspect and defendant; secondly, the court,

prosecutor, investigator, inquiry explain them their rights and provide an opportunity to be protected in all ways and means which are not forbidden by the law; thirdly, in the cases provided by the law, obligatory participation of the defender and (or) lawful representative of the suspect and defendant is provided with the public officials conducting proceeding; fourthly, in the cases determined by the law, the suspect and defendant can use the help of the defender free of charge.

Being generalizing concept, the right to protection includes: 1) all procedural laws of the suspect and defendant which they personally have, entering the criminal procedure relations and carrying out various legal proceedings; 2) the right of the suspect and defendant to have the defender, to use his legal aid; 3) the right of the suspect and defendant to have the lawful representative.

In the criminal procedure law «the right to protection as the isolated constitutional principle is considered in the form of set of the concrete rights granted to the defendant and suspect for a full or partial denial of charge or mitigation of a criminal responsibility (Reznik, Slavin, 1980: 25)». Each concrete procedural law of the defendant plays a part in protection of his legitimate interests, promotes a denial of charge or clarification of the circumstances extenuating his fault. The role of these procedural laws, extent of their influence on clarification of all circumstances which are subject to proof on criminal case are various, but all of them, undoubtedly, are aimed at providing protection of the defendant against charge, and in this sense make the maintenance of its right to protection.

The defendant, of course, can be protected itself and without assistance. However if the investigator, inquiry, prosecutor are professional lawyers, the defender having the same qualities has to resist to them, but not just the defendant who is usually inexperienced in legal issues (Stetsovsky, Larin, 1988: 7).

I.Ya. Foynitsky's opinion is represented interesting concerning this: «1. The defendant overtaken by criminal prosecution quite often falls into such spirit depression or loses self-control and worries to the point that he cannot give himself an appropriate answer in value of both the charge, and the facts of the case so that the help of the third party, quietly relevant, can be extremely necessary, and in any case can be useful for the benefit to identify the truth. 2. If accusatory functions have already managed to be allocated in especially organized institute of prosecutor's office

in process, it is necessary to give the corresponding organization to protective side, otherwise the legal educated, skilled representative of crown case will have against himself weak, inexperienced protection (Foynitsky, 1996: 62-63)». According to G.M. Reznik, «lack of legal issues knowledge in combination with the mental state peculiar to the person who got into heavy and, besides that, conflict situation, seriously interferes with the defendant in realization of his rights. That these rights could be exercised completely and effectively, the defendant needs a help from the knowing and skilled lawyer whose only task is implementation of its protection (Reznik, Slavin, 1980: 35)». Deep personal interest in the result of criminal case in itself already deprives an opportunity to protect the interests coolly and prudently. Especially it becomes obvious in case of application concerning the suspect's suppression measures – detention when rather passive protection of the interests is objectively possible. The lawyer only is capable to make productive representation of his interests under such circumstances (Andrianov, Shvarev, 2000: 4). All given points of view absolutely fairly consider need of lawyer-defender participation in criminal trial from different perspectives, developing and supplementing each other.

The analysis of the existing criminal procedure legislation of RK allows to mark out the following features in relationship of the defender with the suspect and defendant: 1) the defender can become the participant of criminal procedure only by the invitation of the suspect and defendant or from their consent; 2) the suspect and defendant have the right to refuse from the defender at any time; 3) the law provides that the lawyer has no right to refuse from assumed protection of the suspect and defendant; 4) a guarantee of a right to protection is the indication of the law on obligatory participation of the defender in some categories of criminal cases; 5) a guarantee of the right of the suspect and defendant to protection are defender's procedural rights and duties.

The lawyer has no right to refuse from protection that serves for the defendant and suspect as the guarantee of receiving legal aid irrespective to the seriousness of the offence and other circumstances. Therefore the divergence with the client in a question of his guilt is not the basis for refusal to a protection. The opinion of the lawyer is based not on his awareness on the committed crime, but on the conviction created as a result of proofs assessment, the defender is not belong to those process participants, who obliged to make the decision on

the basis of the internal belief. The decision on guilt or innocence is accepted not by the lawyer, but the judge. «The professional duty of the defender consists in the qualification and conscientious analysis of protective evidences. And such proofs exist in any case, especially in those, where the defendant does not plead guilty. Testimonies of the defendant are judicial evidence. The reproaches to lawyers when their active work is characterized as «opposite to justice» bias in favor of criminal» are possible to explain only with the low level of culture, misunderstanding of the tasks facing the lawyer in criminal procedure (Reznik, Slavin, 1980: 49).

The requirement of procedural solidarity of the lawyer with the client has to extend to all suspects and defendants including the persons suffering from physical and mental defects. They are recognized as the law responsible persons, i.e. capable to give the answer to the actions and to direct them and therefore are subject to a criminal responsibility and punishment. On the basis of it we can draw a conclusion that the lawyer has no right to ignore their position at protection implementation (Chebotaryova, 2004: 165).

Conclusion

Further consecutive realization of the fundamental principles of criminal trial directed to protection of the person's rights and freedoms remains a priority of criminal procedural law development.

In this article were considered the principles of criminal trial on ensuring the suspect and defendant's rights and legitimate interests in criminal procedure legislation of the Republic of Kazakhstan. The authors conducted a complex research of the matter, including the analysis of rules of international law that allowed receiving a complete picture of the current situation.

The conducted research allowed drawing the following conclusions:

1. Strict observance of the requirements following from the principles of criminal trial which are especially connected with restriction of the person's absolute and inalienable rights is extremely important during proceedings. The feature of the principles of criminal trial is that most of them are enshrined not only in the Criminal Procedure Code of the RK, but mainly in the Constitution of the RK, thereby in fact being all-legal principles. The principles of criminal trial allow not just to open already allowed violations of the criminal procedure law, but also to optimize process of adoption of proceeding decisions in the conditions of uncertainty.

2. The principle of inviolability of the person is understood as the conventional principle of the right consisting in the ban of implementation of the illegal actions without person's will which are belittling independence and directly limiting integrity of human beings and spheres of their activity.

3. The presumption of innocence is one of the basic concepts in criminal procedure, the fixing innocence of the person until the otherwise is not proved lawfully and is established by a court sentence which entered into legal force.

In the criminal procedural law the presumption of innocence is the necessary element of the mechanism of legal regulation providing realization of the purposes and problems of criminal procedure activity.

4. The right of the suspect and defendant to protection is set of the procedural rights granted by the law to suspected (defendant), his defender and lawful representatives directed as to establishment of innocence of the person or the circumstances softening his responsibility and to protection of his other legitimate interests: honor, dignity, life, health, personal liberty and property.

References

- The Constitution of the Republic of Kazakhstan of August 30, 1995 (with changes and additions). – Almaty: Lawyer, 2017. – 70 p.
- The Presidential Decree of the Republic of Kazakhstan of August 24, 2009 No. 858 «About the Concept of Legal Policy of the Republic of Kazakhstan for the period from 2010 to 2020» // <https://online.zakon.kz>
- Karatayev T. Zh. (2015) Guarantees of the rights and legitimate interests of the victim and accused (suspect) in criminal procedure // the Bulletin of the Kazakh-Russian International University = Kazakh-Orys halykaralyk universitetinin habarshysy. – No. 2. – P. 315-318.
- Nazarov A.D. (2003). Influence of investigative mistakes on court's mistakes. – St. Petersburg: Legal Press center, – 125 p.
- Bayshev Zh.N. (1991). Ensuring the person's rights in activities of investigating bodies for realization of legal reform // Pretrial investigation in the conditions of legal reform. – Volgograd – P. 65-68.
- Grishin S.P. (1984). Legal and moral values of protection of honor and dignity of the personality in the Soviet criminal proce-

ture law // Legality and morality of law-enforcement activity of investigating bodies of the Ministry of Internal Affairs of the USSR: Collection of scientific works. – Volgograd– P. 23-24.

Lukashevich V.Z. (1959). Guarantees of the defendant's rights in the Soviet criminal process / V.Z. Lukashevich: stage of preliminary investigation. – L.: LIE publishing house – 167 p.

Foynitsky I.Ya. (1996). Course of criminal trial. T. 2. / Under. edition of A.V. Smirnov. – SPb.: Alpha – 552p.

New Code of Criminal Procedure of the Russian Federation and human rights (2003). Seminar training materials for judges and prosecutors on the project: «Holding seminars for employees of law enforcement agencies».- Krasnoyarsk – 140 p.

Criminal Procedure Code of the Republic of Kazakhstan dated July 4, 2014 (with amendments and additions as of 07/12/2018) // https://online.zakon.kz/Document/?doc_id=31575852

Ongarbekova Zh. (2004). Problems of respect for constitutional rights of citizens during detention on suspicion of crime commission // the Kazakhstan police.- N.7 (84) – P. 6-9.

Chalyh D. (2007). Social and legal control as the effective mechanism of ensuring the rights of the defendant in criminal procedure // Current problems of the criminal procedure law: Materials of international scientific and practical conference (30 November 2007).-Karaganda: KARYU of the Ministry of Internal Affairs of RK of B. Beysenov – P. 91-95.

Cheltsov-Bebutov M.A. (1995). The course of criminal procedure: essays on the history of the court and the criminal process in the slave, feudal and bourgeois states. – St. Petersburg – 316 p.

Petrushevsky D.M. (1908). The Great Charter of liberties and the constitutional fight in the English society in the second half of the 13th century. Publishing house 2-e. – Moscow – 176 p.

Universal Declaration of Human Rights (1948). Adopted by the resolution 217 A (III) of the United Nations General Assembly on 10 December 1948 // <http://www.un.org/en/universal-declaration-human-rights/index.html>

The international covenant on civil and political rights. Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 23 March 1976, in accordance with Article 49 // <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

European Convention for the Protection of Human Rights and Fundamental Freedoms (1953). It was signed in 1950 and entered into force on September 3, 1953 // http://www.echr.coe.int/Documents/Convention_ENG.pdf

Reznik G.M., Slavin M.M. (1980). Constitutional right to protection. – Moscow. – 113 p.

Stetsovsky Yu.I., Larin A.M. (1988). Constitutional principle of providing right to protection.- Moscow. – 316 p.

Andrianov I., Shvarev A. (2000). Whether the additional lever of impact on the defendant is necessary to the prosecutor? // Russian justice. – No. 4. – P. 4.

Chebotaryova I.N. (2004). Accused in a stage of preliminary investigation of modern Russian criminal procedure: Status, guarantees of the rights and legitimate interests: diss.... cand. jur. sciences: 12.00.09. – Voronezh., – 233 p.

Andrianov I., Shvarev A. Nuzhen li prokuroru dopolnitel'nyy ryuchag vozdeystviya na obvinyayemogo? [Does the prosecutor need additional leverage on the accused?]/ Rossiyskaya yustitsiya, 2000.- № 4.- S. 4.

Bayshev ZH.N. Obespecheniye prav lichnosti v deyatel'nosti sledstvennykh organov po realizatsii pravovoy reformy [Ensuring the rights of the individual in the activities of the investigating authorities for the implementation of legal reform].// Predvaritel'noye sledstviye v usloviyakh pravovoy reformy.- Volgograd, 1991.- S. 65-68.

Chalykh D. Sotsial'no-pravovoy kontrol', kak effektivnyy mekhanizm obespecheniya prav obvinyayemogo v ugovnom protsesse [Social and legal control, as an effective mechanism to ensure the rights of the accused in the criminal process]/ Aktual'nyye problemy ugovno-protsessual'nogo prava: Materialy mezhdunar. nauch.-prakt konf. (30 noyab. 2007 g.).- Karaganda: KarYUI MVD RK im. B.Beysenova, 2007.- S. 91-95.

Chebotareva I.N. Obvinyayemy v stadii predvaritel'nogo rassledovaniya sovremennogo rossiyskogo ugovnogo protsessa :Status, garantii prav i zakonnykh interesov: dis. ... kand. yur. nauk: [Accused at the stage of preliminary investigation of the modern Russian criminal process: Status, guarantees of rights and legal interests] 12.00.09.- Voronezh, 2004.- 233 s.

Chel'tsov-Bebutov M.A. Kurs ugovno-protsessual'nogo prava: ocherki po istorii suda i ugovnogo protsessa v rabovladel'cheskikh, feodal'nykh i burzhuanizmskikh gosudarstvakh [The course of criminal procedural law: essays on the history of the court and the criminal process in the slave, feudal and bourgeois states].- Sankt- Peterburg, 1995.- 316 s

European Convention for the Protection of Human Rights and Fundamental Freedoms. It was signed in 1950 and entered into force on September 3, 1953 // http://www.echr.coe.int/Documents/Convention_ENG.pdf

Foynitskiy I.YA. Kurs ugovnogo sudoproizvodstva [Criminal Justice Course]. T. 2. /Pod. red. A.V.Smirnova.- Spb.: AI'fa, 1996.- 552 s.

Grishin S.P. Pravovyye i nravstvennyye znacheniya okhrany chesti i dostoinstva lichnosti v sovetskom ugovno-protsessual'nom prave [Legal and moral implications of the protection of the honor and dignity of the individual in the Soviet criminal procedural law].// Zakonnost' i nravstvennost' pravoprimenitel'noy deyatel'nosti sledstvennykh organov MVD SSSR: Sb. nauch. tr.- Volgograd, 1984.- S. 23-24.

Karatayev T.ZH. Garantii prav i zakonnykh interesov poterpevshego i obvinyayemogo (podozrevayemogo) v ugovnom protsesse [Guarantees of the rights and legitimate interests of the victim and the accused (suspect) in the criminal process]. // Vestnik Kazakhsko-Russkogo Mezhdunarodnogo universiteta = K.azak.-Orys Khalyk, aralyk, universitetinín khabarshysy.-2015.- № 2.- S. 315-318

Konstitutsiya Respubliki Kazakhstan ot 30 avgusta 1995 goda (s izmeneniyami i dopolneniyami) [Constitution of the Republic of Kazakhstan dated August 30, 1995 (with amendments and additions)].- Almaty: Yurist, 2017.- 70 s.

Lukashevich V.Z. Garantii prav obvinyayemogo v sovetskom ugovnom protsesse [Guarantees of the rights of the accused in the Soviet criminal process]/ V.Z. Lukashevich: stadiya predvaritel'nogo rassledovaniya.- L.: izd-vo LGU, 1959.- 167 s.

Nazarov A.D. Vliyaniye sledstvennykh oshibok na oshibki suda [The effect of investigative errors on court errors].- Sankt-Peterburg: Yuridicheskiy tsentr Press, 2003.- 125 s.

Novyy UPK RF i prava cheloveka. Materialy seminarov-treninga dlya sud'ey i prokurorov po projektu: „Provedeniye seminarov dlya rabotnikov pravookhranitel'nykh organov« [New Code of Criminal Procedure and Human Rights. Workshop materials for judges and prosecutors on the project: „Conducting seminars for law enforcement officials«].- Krasnoyarsk, 2003.- 140 s.

Ongarbekova ZH. Problemy soblyudeniya konstitutsionnykh prav grazhdan pri zaderzhanii po podozreniyu v sovershenii prestupleniya [Problems of compliance with the constitutional rights of citizens during detention on suspicion of committing a crime]// Kazakhstanskaya politsiya.-2004.- N.7 (84) – S.6-9.

Petrushevskiy D.M. Velikaya Khartiya vol'nostey i konstitutsionnaya bor'ba v angliyskom obshchestve vo vtoroy polovine XIII veka [Magna Carta and Constitutional Struggles in English Society in the Second Half of the XIII Century]. Izd-vo 2- ye.- Moskva, 1908.- 176 s.

Reznik G.M., Slavin M.M. Konstitutsionnoye pravo na zashchitu [Constitutional right to protection].- Moskva, 1980.- 113 s.

Stetsovskiy YU.I., Larin A.M. Konstitutsionnyy printsip obespecheniya prava na zashchitu [The constitutional principle of ensuring the right to defense].- Moskva, 1988.- 316 s.

THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS. Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 23 March 1976, in accordance with Article 49 // <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

Ugolovno-protsessual'nyy kodeks Respubliki Kazakhstan ot 4 iyulya 2014 goda (s izmeneniyami i dopolneniyami po sostoyaniyu na 12.07.2018 g.) [Criminal Procedure Code of the Republic of Kazakhstan dated July 4, 2014 (with amendments and additions as of 07/12/2018)] // https://online.zakon.kz/Document/?doc_id=31575852

Ukaz Prezidenta Respubliki Kazakhstan ot 24 avgusta 2009 goda № 858 «O Kontseptsii pravovoy politiki Respubliki Kazakhstan na period s 2010 do 2020 goda» [Ukaz Prezidenta Respubliki Kazakhstan ot 24 avgusta 2009 goda № 858 «About Kontseptsii pravovoy politiki Respubliki Kazakhstan on a period of 2010 to 2020 goda»]. // <https://online.zakon.kz>

Universal Declaration of Human Rights. Adopted by the resolution 217 A (III) of the United Nations General Assembly on 10 December 1948 // <http://www.un.org/en/universal-declaration-human-rights/index.html>

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CRITICAL ANALYSIS OF THE CASE OF KAZAKHSTAN'S ACCESSION TO THE WORLD TRADE ORGANIZATION

Kazakhstan's application to join the World Trade Organization began less than five years after achieving full independence from the Soviet Union, when economy of the country required reforms and progress. The accession process differs on a case-by-case basis depending on the country's economy and policy. In comparison with General agreement trade and tariffs, the World Trade Organization accession has become more political due to the negotiation issues subject to the domestic politics of the country and geopolitical considerations World Trade Organization Membership is regarded as a fundamental step towards Kazakhstan's full integration into the international economy. As a hydrocarbon rich state, the government realized that by remaining outside the World Trade Organization, the country would lose economic opportunities to take benefits of global market. Kazakhstan's involvement in the international trade through the World Trade Organization would commence a new wave of economic growth. Nineteen years later on, the Republic of Kazakhstan has become the full member of the World Trade Organization. In this article the complex and lengthy process of Kazakhstani accession to the World Trade Organization will be explored. Specifically, referring to Kazakhstan's accession case, the essay will critically analyse some of the main issues of accession in terms of legal perspective view.

Key words: General agreement trade and tariffs, World Trade Organization, accession negotiation, the Marrakesh agreement, multilateral trade agreement.

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Дүниежүзілік сауда ұйымына Қазақстанның қосылу процесін критикалық талдау

Қазақстанның Дүниежүзілік сауда ұйымына қосылу туралы өтініші Кеңес Одағынан толық егемендік алғаннан кейін және ел экономикасы әртүрлі реформалар мен ілгері қадамдарға мұқтаж болған кезеңде басталды. Тәжірибе көрсетіп отырғандай, Дүниежүзілік сауда ұйымына қосылу процесі мемлекеттің экономикасы мен саясатына байланысты әрқилы болуы мүмкін. Кеден тарифтері және сауда бойынша бас келісіммен салыстырғанда Дүниежүзілік сауда ұйымына қосылу мемлекеттің ішкі саяси және геосаяси жағдайларына байланысты келіссөздер жүргізу мәселелерінің салдарынан саясилана түсті. Дүниежүзілік сауда ұйымына мүшелік – бұл Қазақстанның халықаралық экономикаға толыққанды өтудегі іргелі қадамы болып табылады. Қазақстанның Дүниежүзілік сауда ұйымынан тыс қалуы мемлекеттің жаһандық нарықтағы әртүрлі артықшылықтар мен экономикалық мүмкіншіліктерден айырылып қалу қаупін туғызатыны туралы Қазақстан үкіметі өз тұжырымдарын айтқан болатын. Бұл орайда Дүниежүзілік сауда ұйымы арқылы Қазақстанның халықаралық саудаға қосылуы экономикалық өсім үшін жаңа қадам болып табылады. Тек он тоғыз жылдан кейін Қазақстан Республикасы Дүниежүзілік сауда ұйымының толық мүшесі атанды. Бұл мақалада Қазақстанның күрделі әрі ұзаққа созылған Дүниежүзілік сауда ұйымына кіру процесі қарастырылады. Сондай-ақ, мақалада ұйымға кірудің негізгі мәселелеріне құқық тұрғысынан талдау жасалады.

Түйін сөздер: Дүниежүзілік сауда ұйымы, Кеден тарифтері және сауда бойынша Бас келісім, ұйымға кіру келісімі, Маракеш келісімі, көпжақты сауда келісімі.

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Критический анализ процесса вступления Казахстана во Всемирную торговую организацию

Заявка Казахстана на вступление во Всемирную торговую организацию началась менее чем через пять лет после достижения полной независимости от Советского Союза, когда экономика страны нуждалась в реформах и прогрессе. Процесс присоединения отличается в каждом конкретном случае в зависимости от экономики и политики страны. По сравнению с Генеральным соглашением по тарифам и торговле, вступление во Всемирную торговую организацию стало более политическим из-за проблем ведения переговоров с учетом внутренней политики страны и геополитических соображений. Членство во Всемирной торговой организации рассматривается как фундаментальный шаг к полной интеграции Казахстана в международную экономику. Как государство, богатое углеводородами, правительство осознало, что, оставаясь за пределами Всемирной торговой организации, страна потеряет экономические возможности воспользоваться преимуществами глобального рынка. Участие Казахстана в международной торговле через Всемирную торговую организацию будет способствовать новой волне экономического роста. Спустя девятнадцать лет Республика Казахстан стала полноправным членом Всемирной торговой организации. В частности, ссылаясь на случай вступления Казахстана, в статье будет критически проанализирован ряд основных вопросов вступления во Всемирную торговую организацию с точки зрения юридической перспективы.

Ключевые слова: Генеральное соглашение по тарифам и торговле, Всемирная торговая организация, переговоры о вступлении, Марракешский договор, многосторонний договор о торговле.

Introduction

The WTO, formerly known as the General Agreement on Tariffs and Trade (GATT), is commonly accepted as having been a success if the size of its membership is considered as a criterion. From 1948 to 2015, 160 countries acquired full membership. In 1948 the GATT was signed by 23 countries, in 1970 the number of member countries reached 100, then 150 in 2005, subsequently increased to 160 member states which constitute 98 % of world trade and 98.7 % of global GDP (Cattaneo, 2009: 7). There are several countries which have become recently the member of the World Trade Organization (WTO), including Kazakhstan, which is the focus of this article. The accession process differs on a case-by-case basis depending on the country's economy and policy. In comparison with GATT, the WTO accession has become more political due to the negotiation issues subject to the domestic politics of the country and geopolitical considerations (Hindley, 2008).

It is generally established from the economic perspective that two major forces could push globalisation forward. The first is technology, which is a potential driver. The second is the liberalisation of trade and attracting direct foreign investment. The role of the latter driver mainly realises by the cooperation and integration of the world states. This has

become particularly important for transition economy countries, especially for Kazakhstan as a former member of the Soviet Union and a landlocked country and very distant from key world markets. On the path of implementing transition in Kazakhstan from a 'controlled' economy to a 'market-oriented' one, the role of the WTO is appropriate. Thus, in following this path Kazakhstan applied for membership of the WTO on 29 January 1996 after 5 years of independence. The immediate decision of the Kazakhstan government to join the WTO was certainly associated with geopolitical considerations and economic reforms. The long accession process is the rule, not the exception: for emerging market states and transition economies, the typical example is the Russian Federation. On that occasion accession took 19 years negotiation.

The entry membership price for Kazakhstan was high. This is because the negotiation generated a number of controversial accession issues. The Director-General of the WTO, Roberto Azevedo, has indicated that accession negotiations are complex and challenging, on average, it takes a decade to conclude the negotiations. In particular, the Director-General highlighted that 'in the year under review, the accession negotiation of Kazakhstan, presented unique negotiating challenges, of the type that the Organization had never previously addressed' (WTO Accessions Annual Report 2004:4).

One of the sophisticated questions was associated with the integration of individual members of a Customs Union to the WTO. Other accession issues were mainly subject to the domestic policy of the country.

Methodology

By solving the task of the article, the author relies on some research methods such as social-legal method, the method of comparative legal analysis, statistical method. These methods play a vital role in determining the accession process of Kazakhstan to the WTO and specific characteristics of this complicated process. Also, economic analysis will be widely used to define some advantages and disadvantages of the process.

In recent years, the accession process of Kazakhstan has aroused an international interest. Several publications have appeared in recent years raising a number of important discussions. The World Bank, ECIPE, EDRB etc. have published 'Kazakhstan Accession to the WTO: A Quantitative Assessment', 'The Impact of Kazakhstan Accession to the World Trade Organization'. Kazakh authors have also written extensively on this subject, particularly focusing on contentious changes in tariff rates and legislation.

This paper will examine the complex procedure of accession of new Members to the WTO, mainly focusing on Kazakhstan's case, and evaluate current progress and remaining obstacles. The structure is organized as follows. In this article I will examine the whole process of the WTO accession, mainly, focusing on the steps of accession and process in the example of Kazakhstan. Secondly, the whole development of the process will be reviewed. In this part, certain attention is paid to the implemented measures, legislation modifications and improvements.

Rules that governs WTO accession

The basic rules of accession stemmed from the Article XII of the Marrakesh Agreement on establishing the World Trade Organization. Article XII sets out:

1. 'Any state or separate customs territory possessing full autonomy in the conduct of its external commercial relations and of the other matters provided for in this Agreement and the Multilateral Trade Agreements may accede to this Agreement, on terms to be agreed between it and the WTO. Such accession shall apply to this Agreement and the Multilateral Trade Agreements annexed.

2. Decisions on accession shall be taken by the Ministerial Conference. The Ministerial Conference

shall approve the agreement on the terms of accession by a two-thirds majority of the Members of the WTO'.

3. Accession to a Multilateral Trade Agreement shall be governed by the provisions of that Agreement' (Agreement on Establishing the WTO).

This Article mainly was formed referring to the corresponding clause of the GATT (1947), which had regulated the accession process for more than 40 years. The overall language of the Article remained largely unchanged, but with minor changes. Despite the complex accession process, the unique characteristic of this clause would be the brevity. At first glance, some doubts could appear regarding to the lack of explicit instructions in the Article about the terms and conditions of joining the WTO. Moreover, it might seem easier to sign and ratify the Agreement (e.g. the UN) rather than to be through the process of negotiation. The reason is that in comparison with other organisations, the WTO accession is an increasingly complicated and lengthy process in practice. All general applicable rules in the Article could not be reflected due to the complex nature of negotiations. Mainly, this process demands thorough case-by-case study, focusing on the candidate's national policy (WTO, Handbook Accession to the WTO, 2008). Each negotiation requires a great deal of effort and balance between applying measures and accommodating them in concordance with the WTO rules. Furthermore, the scope of the WTO measures substantially exceeds those of the GATT 1947 by including intellectual property and services (Cattaneo, 2009). Therefore, accession generally followed by the relatively well-defined set of procedures of customary practice. Article 16:1 of the WTO Agreement sets out:

'Except as otherwise provided under this Agreement or the Multilateral Trade Agreements, the WTO shall be guided by the decisions, procedures and customary practices followed by the Contracting parties to GATT 1947 and the bodies established in the framework of GATT 1947' (Article IX:I (d) Agreement on Agriculture, 2015).

Besides, Article 12 and customary practice, and other additional rules facilitate the accession procedures. For instance, the Note by the Secretariat about 'Procedures for Negotiations under Article 12' and 'Guidelines on Accession of Least-developed countries', Ministerial Declarations devote special instructions for acceding countries. Simultaneously, WTO ensures technical assistance and training programs for acceding least developed and developing countries.

Procedural explanation of accession

In order to achieve the membership, applying states submit the request for accession. Initially, two ways provided to become a member of the WTO. First way principally has given to 'original members' at the time of establishment of the WTO. By accepting the terms of the WTO Agreement and Multilateral Trade Agreements, 123 countries (original members) became Members in accordance to Article 11:1 of the WTO Agreement. The second way is set out in Article 12 of the WTO Agreement. In case of Kazakhstan, the second way of accession has taken place.

Pursuant to the Article 12:1, an applicant must accept the terms of WTO Agreement and Multilateral Agreements as well as it has to make binding market access commitments. Applicants according to the procedures of accession must submit a formal written request to a Director-General indicating its desire to accede (Article IX:I (d) Agreement on Agriculture, 2015). Kazakhstan party submitted the request for WTO accession on 29 January 1996. After the submission of the request, the next step is the establishment of the Working Party to deal with the application. Kazakhstan's accession Working party was founded in 6 February 1996. Membership for working Party is open to all members who have an interest. Pursuant to accession procedures Chairperson of the working party is appointed by consultations, conducted by the Chairperson of the General Council in cooperation with an applicant and working party members. Finland nationals were appointed as a Chairperson for Kazakhstan's Working Party, current Chairperson appointed in July 2012 is Ambassador Vesa Himanen (WTO, 'Status of Accession Working Party', 2015). At the beginning of the Kazakhstan accession, Chairpersons have always been actively engaging and meeting with representatives of Members and Kazakhstan in various formats providing assistance in resolving complex issues.

In accordance with procedure rules, candidate is required to submit a memorandum, which generally called 'tell-us-about-yourself' (Van de Bossche and Zdouc, 2013: 110). It means that an applying state has to report in detail all aspects of its current trade and economic policies providing all relevant statistical data in a Memorandum. Working Party principally deals with the request and the matters represented in a Memorandum (Shukurova, 2013). Therefore, Memorandum must be scrutinized comprehensively on the consistency of regimes with the WTO rules. Furthermore, on this stage, two main stumbling blocks can appear: the first is adopting

laws and regulations that fully compliant with WTO disciplines; the second is the collection of relevant documents, additional questions and replies. These procedures can be time-consuming and sophisticated for both, candidate state and the Working Party. At the same time, Applicant's current tariff schedule in the harmonized system (HS) nomenclature meant to be submitted.

If the examination of trade and economic policies of applicant has a satisfactory progress, it allows flow to the second stage of accession, which is the bilateral agreements and negotiation of market commitments. This stage is generally known as 'work-out-with-us-individually-what-you-have-to-offer'. An applicant offers negotiation package for each member of the working party and applicant must negotiate with them individually. Participants must exchange equal concessions. Most of applicants face increasingly lengthy and complex challenges in this part, and Kazakhstan party is one of them. This is due to unequal bargaining power of the developed and developing countries. Thus, applicants bind tariffs on agricultural goods and non-agricultural goods. In accordance with the World Bank review, the level of market access commitments and concessions required from candidates is much higher compare with the early demands of the GATT (Cattaneo, 2009). For example, acceding countries are obliged to incur additional liabilities that go outside the GATT provisions or so-called 'WTO plus' requirements' (Ya Qin, 2003). Furthermore, countries with transition economies are proposed to join multilateral agreements such as Agreements on Government Procurement (Selivanova, 2005: 12). The outcomes of negotiations and market access commitments will be examined in the meeting of Working Party. Kazakhstan's Working Party meetings have been held 19 times the last one was in July 2014 (WTO Newsletter, 2018).

Subsequently, the third stage of accession will be started. The starting point is the submission of the 'Working Party Report', 'Draft Protocol of Accession', 'Draft of Goods and Services Schedule'. This stage is commonly recognized as a 'let-us-draft-membership-terms'. The package of documents is submitted to the Ministerial Conference or General Council. Kazakhstan's accession Draft Working Party reports were revised for consideration eleven times (WTO, 'Status of Accession Working Party', 2015). Consequently, final stage of the accession pursuant to Article 12:2 of the WTO Agreement, Ministerial Conference shall approve the agreement by two-thirds majority of the Members of the WTO.

Discussion

Bilateral agreements trade in goods and services

Accordingly, the main achievement is that Kazakhstani government has concluded 29 bilateral agreements (Investment Climate Statement-Kazakhstan, 2013) on goods ('The current state of negotiations', 2015). Within 2013, negotiation rounds on free trade have been held with Vietnam and Indonesia; bilateral negotiations with Ukraine suspended temporarily due to the political instability in that country ('The current state of negotiations', 2015). Furthermore, ultimately after the long negotiation process, agreement 'Enhanced Partnership and Cooperation' was signed between EU and Kazakhstan 'on 9 October 2014 in Brussels (EU-Kazakhstan Enhanced Partnership and Cooperation Agreement, 2014). The agreement ensures improved regulatory environment for the economic operators in trade in services, establishment of companies and operation, capital movement, government procurement and intellectual property. As a result of bilateral negotiations, the average level of customs tariff constituted 7.9 %. Inter alia, for manufactured goods and agricultural products tariffs are 6.5% and 13.2% respectively (Report Minister of Economic Integration, 2013: 7). The results of these negotiations allow protecting domestic products from foreign competition with imported products, also help to develop non-extractive industries.

In addition to bilateral agreements on goods, 15 bilateral agreements on services were deposited with the Secretariat in 2012 (The current state of negotiations, 2015). These negotiations were conducted in 12 major sectors, which would play vital role in the development of the economy. Negotiations on telecommunications and financial sector would be an appropriate illustration for that. For instance, after 2,5 years of the accession, 49% of foreign limit ownership will be removed for telecommunication companies, providing long-distance and international calls (exception state-owned 'Kazakhtelecom' company) (Report Minister of Economic Integration, 2013: 7). It would contribute positively to the increase of competition in the telecommunication market. Additionally, after 5 years of accession, it will be allowed to establish direct branches of foreign banks and insurance companies. However, special mandatory conditions will be imposed to ensure financial market stabilization (Report Minister of Economic Integration, 2013: 7). Such conditions could become a minimum amount of assets of parent companies

and minimum size of deposits of population. The outcomes of the service negotiations added to the Consolidated Draft Service Schedule and, therefore, were verified by the Signatory members and envisaged in December 2014 (WTO Newsletter, 2018).

Negotiation on agriculture support

As stated in Article III of the SCM Agreement, the prohibition on export subsidies applies to agricultural export subsidies with exception provided in the Agreement on Agriculture. Thus, under negotiation process of WTO, the Agreement on Agriculture, Article IX requires Member countries to minimize the export subsidies. Due to the remoteness from major agricultural markets and waterway transport routes, Kazakhstani government continues to subsidize rail transport facilities for agricultural products. Average subsidies for transport facilities on agricultural goods constitute around 9-15 US dollars per ton of agricultural products (Abdimoldaeva, 2010). Article IX:I (d) clearly sets out that export subsidies on the costs of international transport and freight are subject to the reduction (Article IX:I (d) Agreement on Agriculture, 2015). Accordingly, Kazakhstani government has concluded the agreement to be bound on export subsidies at zero upon accession (Kazakhstan accession negotiations make incremental progress but major questions unresolved, 2013). However, the issue on domestic support has remained contentious.

Comprehensive legislation changes

Another core outcome is the modification of national laws in conformity with the WTO standards. Modifying and adapting national laws and practices of foreign economic activity regulation in accordance with the WTO standards is essential for applicants and the most difficult one. Government of the RK adopted the 'Order No 56, 12 January 1996' on adoption of 25 new laws and re-drafting of 13 laws (Salamatov and Gubenco, 2013:11). For this purpose, during 2004-2011, substantial changes were made to the legal framework of Kazakhstan, namely in the areas of customs regulation, intellectual property, technical regulations and some others. From 2011 until now, the legal framework has improved considerably, taking into account the legal base of the Eurasian Economic Union. Overall changes occurred in more than 50 Kazakh laws since 2004 (Report Minister of Economic Integration, 2013: 2). Besides, ten Agreements signed under the Customs Union which relevant to foreign trade.

Modifications in legislation can be divided into three main parts:

- Changes that help to improve the investment and business climate, by simplifying procedures for establishing and maintaining business;

- changes in the light of sensitive sectors of the economy that require transitional period after the accession to the WTO;

- changes which aim at liberalization of tariffs, reducing the trade barriers;

Fundamental changes have taken place, as an illustration, in the following laws: (Report Minister of Economic Integration, 2013: 3-7)

- Law of the RK № 214-III 11 January 2007 'On Licensing' (with changes 07.11.2014). Purpose of the alteration was to simplify licensing procedures in Kazakhstan. For instance, as a result of the changes, time for issuing licenses on import of goods reduced from 30 days to 15 days; mandatory state licensing for medical products and ethyl alcohol and etc. was cancelled.

- modifications in Customs, Tax, Administrative Codes of the RK in order to make this sphere of activities more transparent and simplistic. Five new laws in Intellectual Property were adopted.

- the law of the RK № 603-II 9 November 2004 'On Technical Regulation' (with last changes 29.12.2014). This law (2004) facilitated the work on harmonization of national standards with international standards. Hence, conducted work allows enhancing the national technical regulation system and increasing consumer preferences towards Kazakh products in domestic market as well as abroad. Overall, 33 new modifications were adopted related to the technical regulation.

- significant changes were carried out to bring the sanitary and phytosanitary measures in conformity with the WTO requirement such as the ratification of 13 International Agreements on SPS. In accordance with applied modifications, by today, a number of potential activities were held by the Government to improve the material and technical basis for veterinary, food safety. For instance, 48 modular veterinary laboratories started to work in 2013, and 78 more were yet to come. These kinds of measures would contribute to increase the credibility of the Kazakh products in foreign market, also ensure the safety and quality of products.

- as mentioned above 10 agreements were signed under the EEU (Customs Union). 6 July 2010, the Customs Code of the Customs Union came into force. It is a key legal instrument regulating the customs administration and procedures (Ceysenns, 2006). In particular, it sets out the obligations and rights of national custom authorities, exporters and importers. One of the affirmative outcomes was

in the field of railway transport under Customs Code (Ceysenns, 2006). This allowed for national manufacturers to export products through Russia to Western Europe at the same tariff rates as applied to Russian exporters (Report Minister of Economic Integration, 2013:7). Particularly, it is beneficial for petroleum exporters to minimize export expenses.

Barriers on conclusion of accession

Despite the successful negotiations, there are still unresolved issues on accession that can be classified as below:

The high tariff rates, TBT, SPS;

Sensitive sectors of economies as domestic agriculture support, VAT preferences, and TRIMS.

The reason for the first category is mainly linked with the formation of the Customs Union with Russia, Belarus. Article XXIV of the GATT provides the general rules for formation and functioning of customs unions, free trade zones and other state regional associations (General Agreement on Tariffs and Trade 1994, Article XXIV). Such agreements and unions promote free trade and do not lead to the creation of barriers to trade with Members. Hence, the main aim of the EEU is to provide free movement of goods, services, capital and labor, also pursue coordinated, harmonized, single policy in the sectors determined by the Treaty (Treaty on the Eurasian Economic Union, 2014: art 4). However, the economic integration of Kazakhstan with Russia and Belarus led to the difficulties on conclusion of accession. The membership automatically impacted and entangled the process of Kazakhstan's accession to the WTO (Tarr, 2012). Therefore, in the following paragraphs the emerged barriers will be analyzed.

Tariff rate barriers

The first stumbling block for the accession is the sudden change of the tariff adjustment in the draft schedule. It has occurred due to the tariff rate divergence between bilateral market access agreements of Kazakhstan with other WTO member countries and the acceptance of the common external tariff of the EEU (Heal, 2014:4). WTO's negotiating parties raised objections to Kazakhstan's membership to the EEU, and its adoption of new tariff with Russia and Belarus (Heal, 2014:4). The following graph demonstrates the tariff alterations after the Customs Union.

Tariff adjustment modifications differ significantly by sector. The main sectors such as electrical machinery, transport equipment, clothing, wood had a large experience compared to other sectors. It can be seen from the graph, that tariff lines decreased merely in two sectors, namely manufacturers and petroleum, 5,7 % and 12%

respectively. During the negotiation of the EEU tariff regime, Kazakhstan and Belarus mutually and effectively agreed to adopt the tariff profile of the Russian Federation with some exceptions. As a result, Kazakhstan had the tariff rate increase on some 5400 tariff lines. Kazakhstani government could retain some exceptions on more than 400 tariff lines, that contain raw materials for chemical, non-produced raw materials, light manufacturing, wood processing industries, some medical drugs

and medical equipment. Other tariff exemptions from transport means such as international freight, rail wagons, goods imported by international financial institutions (EEU Commission, 2009). Overall, Kazakhstan underwent a double increase in tariff lines, the simple mean *Ad valorem* Equivalent tariff rates increased from 6,78 % to 12,31% and the weighted mean *Ad valorem* grew up from 5,52% to 12,66% (indicative tariff protection levels) (Jandosov, 2011).

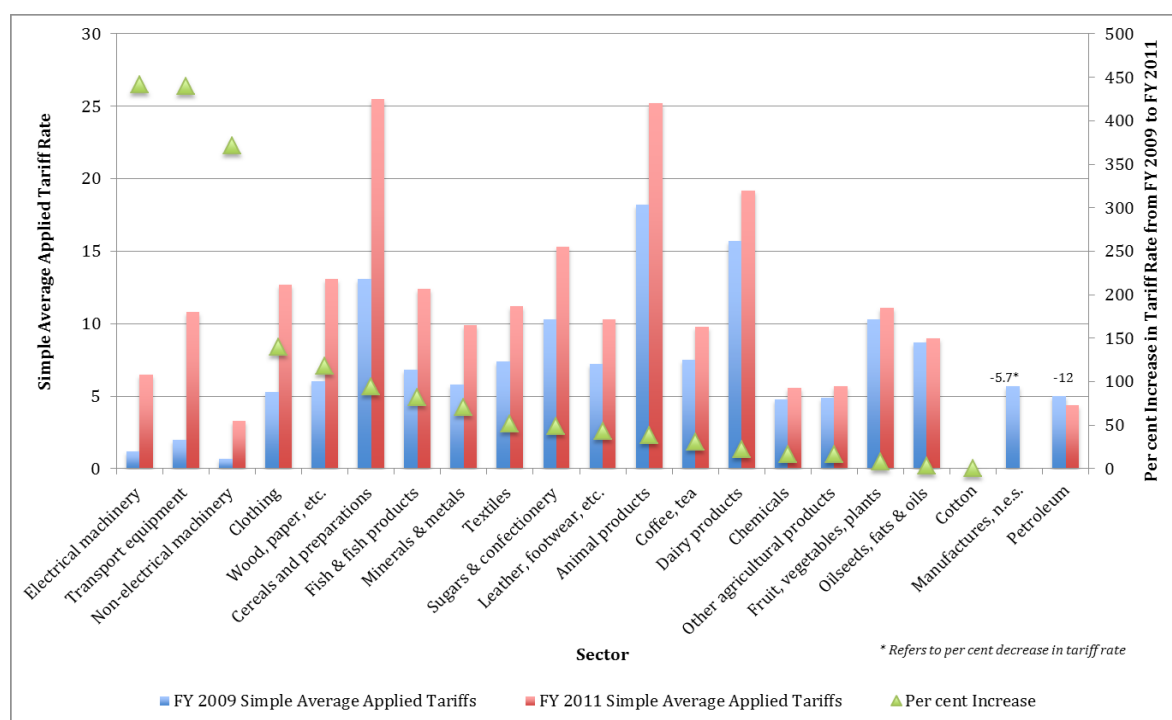


Figure 1 – Tariff changes in Kazakhstan pre- and post-Customs Union for certain tariff lines.

Source: ESCAP calculations based on WTO, World Trade Profiles (Heal, 2014:5).

It is important to note that prior to the establishment of the EEU, Kazakhstan had lower tariff rates compared to Russia and Belarus (Heal, 2014: 4). Analysis demonstrated that the MFN rates were 6,45 % as a simple mean and 4,30% as a weighted mean (EEU Commission, 2009: 9). Moreover, comparative analysis shows that the level of tariff protection in Kazakhstan before the membership of the CU was roughly proportionate with the level of middle and high-income countries (Jandosov, 2011:11). After the accession to the CU, tariff protection level has increased significantly. Approximately, this level is now even higher compared to low and middle-income countries.

These tariff changes could be affected by the trade policy differences of Russia and Belarus on the one hand, and of Kazakhstan on the other hand. According to the World Bank assessment, tariffs that doubled in the Kazakhstan's tariff's line had detrimental consequence on trade between non-EEU countries. For instance, the increase in tariffs *vis-à-vis* with non-EUU countries resulted in the increase in imports from Russia and replacement of imports from Europe. To conclude, tariffs on around 5000 out of a total of 11,000 tariff lines reduced by 1 and 2 % due to the Russian's accession to the WTO (Heal, 2014: 6). However, tariff reduction has not reached the degree they were at before the establishment of the CU.

Non-tariff barriers

Apart from tariff measures, there are other measures caused the significant impediments to accession process. In order increase transparency and predictability, Kazakh government implemented potential arrangements to harmonize non-tariff measures with European Union and other countries (Heal, 2014: 6). As known, the reduction of non-tariff measures is one of the main requirements of the WTO accession, but after accession to the EUU, Kazakhstan adopted the EUU standards and regulations that are closer to Russian Federations technical regulations with the increased protectionism (Heal, 2014: 7). As a good illustration, in 2012 the EUU applied a regulation on emissions from compounds used as solvents in glues in furniture items, which imposed standards twice as stringent as those required by the EU. This regulation prepared by the Russian Health Ministry and applied across the EUU. Licensing requirements were also subject to modifications, for example, metals, stones and items of cultural value. The crucial problem in EUU with the SPS and TBT standards is that they derives from the Soviet Union based regulation system (Tarr, 2012: 1). However, after the accession of Russia to the WTO, non-tariff measures required the liberalization. Thus, in Kazakhstan has also begun the transition process from mandatory standards to voluntary.

Advantages

Initially, the local community welcomed the ambition of the Government on establishing open economy and open society. It is estimated that after Kazakhstan's accession, the country will gain about 6.7% of the value of Kazakhstan consumption in the medium run and up to 17.5% in the long run (Jensen, 2007). However, currently the membership is a subject of discussion in terms of advantages and disadvantages.

By the special request of Kazakhstan, World Bank assessed the possible advantages of the WTO accession for Kazakhstan (Jensen, 2007). One of the notable advantages is that Kazakhstan will have an access to the markets of non-CIS countries. Therefore, relying on non-discriminatory market access will facilitate export of Kazakh products (petroleum, wheat). For instance, export of wheat through non-CIS countries to Europe will cost comparatively (Wheat export by country, 2018) less for Kazakhstan. Secondly, tariff reduction on goods and services will increase diversification of goods and services in local market. Thus, it could strive local manufacturers to increase the quality of

produced goods in order to compete with foreign importers. Next advantage is that the elimination of local content requirement will positively affect on the investment climate (Additional considered advantages could be found in World Bank Data). Subsequently, the foreign investors will be stimulated and interested in investing their capital, which might bring new wave of opportunities. Furthermore, the presence of Government Procurement, Import License and Procedures agreements may prevent from the potential corruption in governmental institutions. All these advantages fundamentally will lead to the diversification of the economy by reducing the reliance on natural resources, which is highly important for current situation in Kazakhstan.

Disadvantages

While the above-mentioned advantages certainly buttress Kazakhstan's accession to the WTO, there are a number of negative repercussions and concerns that the Kazakhstani government must address in order to minimize the drawbacks of the trade liberalization. Agreeing with the position of Sagadiyev (Sagadiyev, 2013: 1), the lack of competitiveness of domestic manufactures will certainly have detrimental influence on national economy. Virgin domestic products cannot definitely compete with cheaper and higher qualified foreign products that have already proved their own credibility. In this regard, benefits are distant and long-term, while losses may affect quickly and detrimentally. Therefore, government should carefully define strategically important sectors and protect them in order to avoid jeopardy of national economy.

Thus, there might be some proposals from the economic prospective in order to conclude the negotiation. However, from my point of view, the most correct solution for a smooth adoption of membership is a discreet acceptance of WTO standards. No importance is that this process can take another ten years to equate with the benchmarks of WTO that are very much required at the moment. The importance is that Kazakh government should strike a balance between EEU and WTO rules. Government must take into account the untimed decision of Kyrgyz Republic in order to escape undesired repercussions.

Conclusion

From the critical analysis that was carried out, it is possible to conclude that the findings of this research have shown that substantial work on accession has been conducted. In particular, between

2004-2010 the Kazakh government made substantial progress in the field of modifications in national laws, bilateral agreements on goods and services. These advancements have brought WTO accession closer. In the second phase of the accession process the negotiations reached a deadlock. This was linked with the Kazakhstan's membership to the Customs Union. New issues subsequently emerged which the WTO did not address before. With respect to the subsidies, the continuous support of the agriculture industry for transition countries such as Kazakhstan was indispensable. There was the possibility that the deal on the removal of export subsidies and the reduction of domestic subsidies could have an unfavorable influence on agriculture manufactures. The decision on export subsidies has been made, under the agreement, Kazakhstan accepted to be

bound to halt export subsidies, while domestic subsidies still remained in the line of unresolved issues. The unsettled questions demanded a new approaches and a new set of measures. This period of time required patience and persistence from both the Working Party and the Kazakhstan government in order to complete the course of accession. Furthermore, the collaboration of all interested Member countries also was essential, technical and legal support by the WTO bodies would assist the accession.

By focusing on the specific accession questions, this essay would provide a deep understanding of accession problems, which mostly developing CIS countries face. The findings of this research give future implications for lawyers specializing in WTO law.

References

- Cattaneo O., Primo Braga C. (2009). 'Everything You Always Wanted to know about the Accession' World Bank Research Paper 11/2009 URL: <http://www10.iadb.org/intal/intalcdi/PE/2009/04400.pdf> accessed 15 November 2018
- Hindley B. (2008). 'Kazakhstan and the World Economy: An assessment of Kazakhstan's trade policy and pending accession to the WTO' European Centre for International Political Economy 01/2008. <URL:<http://www.ecipe.org/app/uploads/2014/12/kazakhstan-and-the-world-economy-an-assessment-of-kazakhstan2019s-trade-policy-and-pending-accession-to-the-wto.pdf>> accessed 20 November 2018
- WTO Accessions Annual Report by the Director-General (2014) 14-6856.4
- Agreement on Establishing the WTO, art XII URL: <http://docsonline.wto.org/>
- WTO, Handbook on Accession to the WTO. (2008). (WTO Secretariat Publication) para 2.1 URL:https://www.wto.org/english/thewto_e/acc_e/cbt_course_e/c2s1p1_e.htm> accessed 15 November 2018
- Article IX:I (d) Agreement on Agriculture. URL:<http://docsonline.wto.org/>
- 'Status of Accession Working Party' WTO website. URL: https://www.wto.org/english/thewto_e/acc_e/a1_kazakhstan_e.htm accessed 14 November 2018
- Van de Bossche P., Zdouc W. The Law and Policy of the World Trade Organisation (2013): (3rd edition, Cambridge University Press. P.12
- Shukurova S. (2013). 'Accession to the WTO: regulation of issues of granting subsidies' G-Global. URL: <http://group-global.org/en/node/3865/> accessed 04 December 2018
- Ya Qin J. (2003). 'WTO Plus Obligations and their implications for the WTO Legal System' 37 (3) Journal of World Trade. URL:<http://205.251.117.79/articles/qinwtoplus.pdf> accessed 02 December 2018
- Selivanova J. (2005). 'Country report Russia' in Patrick F.J Macrory* (eds) WTO: Legal, Economic and Political Analysis (Springer). P.22
- WTO Newsletter (2018). (WTO). URL: <https://www.wto.org/>
- Investment Climate Statement-Kazakhstan. (2013). (Bureau of Economic and Business Affairs) /2014 NTE Report on FTB Kazakhstan.pdf/ accessed 22 November 2018
- 'The current state of negotiations' (Ministry of National Economy of the Republic of Kazakhstan Official Website). URL:<http://economy.gov.kz/economyabout/8445/32836/> accessed 21 November 2018.
- EU-Kazakhstan Enhanced Partnership and Cooperation Agreement. (2014). (141009/01)
- General Agreement on Tariffs and Trade 1994, Article XXV URL:<http://docsonline.wto.org/>
- Report Minister of Economic Integration, 'The current state of negotiations on the accession of the Republic of Kazakhstan to the WTO'(2013). (Governmental hour in Majilis Parliament). P.7
- Abdimoldaeva N. (2018). 'Support for agriculture in the member countries of the WTO and the integration of agricultural markets of the Customs Union in the world economic system'. (2010)./ podderzhka-selskogo-hozyaystva-v-stranah-chlenah-vto-i-integratsiya-agrarnyh-rynkov-stran-tamozhennogo-soyuzav-mirovuyu-ekonomicheskuyu-2.pdf
- Kazakhstan accession negotiations make incremental progress but major questions unresolved. (2013) (WTO website). URL: https://www.wto.org/english/news_e/news13_e/acc_kaz_23jul13_e.htm accessed 08 November 2018
- Salamatov V., Gubenco R. (2013). Russian Business Strategy in the context of the WTO. (Infographer Agency)
- Ceysens J. (2006). 'The impact of Agriculture-Related WTO Agreements on the Domestic Legal Framework of the Kazakhstan' URL: http://www.fao.org/fileadmin/user_upload/legal/docs/lpo57.pdf / accessed 25 November 2018

General Agreement on Tariffs and Trade 1994, Article XXIV. URL:<http://docsonline.wto.org/>

Treaty on the Eurasian Economic Union. (2014). art 4

Tarr D. (2012). 'The Eurasian Union among Russia, Belarus and Kazakhstan: Can It Succeed Where Its Predecessor Failed'. URL:<http://freepolicybriefs.org/2012/11/05/the-eurasian-customs-union-among-russia-belarus-and-kazakhstan-can-it-succeed-where-its-predecessor-failed/> accessed 14 November 2018

Heal A. (2014). 'Kazakhstan's membership of the Eurasian Customs-Union: Implications for trade and the WTO accession' Asia-Pacific research and training network on trade. P.4 URL: <http://artnet.unescap.org/pub/polbrief39.pdf> accessed 05 December 2018

EEU Commission 'Decision on Common tariff and Customs regulation of the CU'. (2009) No130. URL: http://www.tsouz.ru/KTS/meeting11/Pages/kts11_130.aspx/ accessed 30 November 2018

Jandosov O., Sabyrova L. (2011). 'Tariff Protection Level in Kazakhstan: Before and After the Customs Union' (Part II) RAKURS Center for Economic Analysis, 5/2011 URL:http://www.cear.kz/cont/rakurs_discussionpaper5.4_tariffs2_260511_english.pdf accessed 30 November 2018

Jensen J. (2007). 'The Impact of Kazakhstan Accession to the WTO: A Quantitative Assessment. URL: <https://openknowledge.worldbank.org/bitstream/handle/10986/7207/wps4142.pdf> accessed 05 December 2018

Wheat export by country. (2018). URL:<https://worldexports.com/>

Additional considered advantages could be found in World Bank Data. URL: <https://openknowledge.worldbank.org/bitstream/handle/10986/7207/wps4142/>

Sagadiev K. (2013). 'WTO Accession: Problems, Consequences, Perspectives'. Kazakhstan Business Magazine. URL:<http://www.investkz.com/journals/34/290.html/> accessed 06 December 2018

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THE LAWMAKING FORMS: THEORETICAL AND PRACTICAL ISSUES

Article is devoted to studying the forms of lawmaking and their features in Kazakhstan and abroad. As a rule, in world practice lawmaking can be implemented in three forms: the specialized authorized legislature, the people of the republic on a referendum and a certain person with the delegated powers. Adoption of laws by legislature is the usual, daily used lawmaking form. It is the most widespread, the most important and the lawmaking form providing high degree of responsibility of its participants. Realization of lawmaking by specialized authorized public authority (parliament) it is possible to consider as a fundamental basis of lawmaking, the others – as auxiliary institutes. The second form of lawmaking is national lawmakings. It is very seldom used in legislative practice. The most important aspect, feature of this form is the adoption of acts on the basis of direct will of the people, that is by a referendum. In spite of the fact that the adoption of laws by a referendum very seldom meets the countries of the world, national lawmaking is very important and significant. It is reflection of democratic nature of the state. Other form of lawmaking – creation of laws other not legislative subject within the delegated powers. Feature of this form of lawmaking: the related legislative activity is carried out by the subjects which do not have legislative powers, therefore, legislative activity on the basis of the delegated powers does not belong to an appropriate subject in a type of its direct duties.

The purpose of scientific research – to define the main forms of lawmaking used in world practice, the analysis of their importance, features and conditions of regulation by their comparison. The scientific importance of work is that article considers along with the established lawmaking form – lawmakings of Parliament, features of lawmaking in the conditions of the delegated powers, conditions of its emergence and practice of realization, value and the importance of national lawmaking, the reason of its rare application.

Key words: lawmaking, national lawmaking, adoption of law on the basis of delegation of powers, the bill, the legislation, legal regulation, national powers, a referendum, democracy.

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Заң шығарушылық нысандары: теориялық және тәжірибелік мәселелері

Мақала заң шығару нысандарын зерттеуге арналған, олардың ерекшеліктері Қазақстанда және шетелде қолданылады. Заң шығарушы органның заң шығаруы ең көп тараған, ең маңызды нысан болып табылады және оның мүшелеріне қатысты жоғары жауапкершілікті қалыптастырады. Заң шығарудың екінші түрі – танымал заң шығару. Әлемдік тәжірибеде республикалық референдумда заңдарды қабылдау өте сирек кездесетініне қарамастан, кез келген мемлекеттің демократиялық сипатының көрінісі болып табылады. Екіншісі, заң шығарудың ерекше нысаны – заң шығарушы емес, заң шығарушы билікке ие болатын басқа да субъектілер. Заң шығарудың осы формасының ерекшелігі заң шығару өкілеттігі жоқ заңды тұлғалардың заңнамалық қызметті

жүзеге асыруы болып табылады, яғни өкілеттігін кеңейту негізінде заңнамалық қызмет оның тікелей жауапкершілігіне байланысты тиісті тақырыпқа жатпайды. Ғылыми зерттеулердің мақсаты заң шығарудың негізгі нысандарын анықтау, олардың құндылықтарын талдау, ерекшеліктер мен реттеудің жай-күйін анықтау болып табылады. Жұмыстың ғылыми маңызы: мақалада заң шығарудың әдеттегі формасы, Парламент, заңнамалық өкілеттіктерді беру, оның пайда болу шарттары мен жүзеге асыру практикасы, халықтың заң шығармашылығының сипаты мен маңызы, оның сирек қолданылу себептері қарастырылған. Практикалық маңыздылығы: мақаланың мазмұнында келтірілген мәліметтер, заң шығарушы практикада, заң шығару нысандарын зерттеуде пайдаланылуы мүмкін.

Зерттеу әдістері: талдау, салыстыру, статистикалық, философиялық, шегерім, индукция. Зерттеу нәтижесінде референдумда қабылданған заңдар конституциялық құқықтық қатынастар жүйесіндегі халықтың орнын ескере отырып, басым құқықтық күшке ие болуы тиіс деп негізделген. «Нормативтік құқықтық актілер туралы» заң актілерінің иерархиясында, заң нормалары мен референдумда қабылданған өзге де актілердің нормаларына қайшы келген жағдайда, халықтың тікелей ерік-жігерімен қабылданған заң нормаларының басымдықты ережесін реттейді. Зерттеудің маңыздылығы: мақалада заң шығарушы билік өкілдерінің, құқықтық реформаның заң шығарушы жүйесінде қабылданған заңның орны негізінде заң шығарудың ерекшеліктерін анықтайды. Жұмыстың практикалық маңызы: зерттеу нәтижелерін заң шығару тәжірибесінде қолдануға болады.

Түйін сөздер: заң шығару, заң шығару өкілеттігі, құқықтық реттеу, халықтық өкілдігі, референдум, демократия.

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Формы законотворчества: теоретические и практические проблемы

Статья посвящена изучению форм законотворчества, их особенностей, используемых в Казахстане и за рубежом. Законотворчество законодательного органа является самой распространенной, наиболее важной формой законотворчества и создающей для ее участников более высокую степень ответственности. Второй формой законотворчества является народное законотворчество. Несмотря на то, что в мировой практике принятие законов на республиканском референдуме встречается очень редко, это проявление демократического характера любого государства. Другая, необычная форма законотворчества – принятие законов не законодателем, а иным субъектом, наделенным законодательным полномочием. Особенностью данной формы законотворчества является осуществление законодательной деятельности субъектами, не обладающими специальными законодательскими полномочиями, то есть на основе наделяния полномочиями законодательская деятельность не может принадлежать соответствующему субъекту в силу его непосредственной обязанности. Целью научного исследования является определение основных форм законотворчества, анализ их значения, особенностей и состояния регулирования. Научная значимость работы: в статье рассматривается наряду с обычной формой законотворчества – Парламента, особенности законотворчества при делегировании законодательных полномочий, условия его возникновения и практика реализации, сущность и значение народного законотворчества, причины его редкого применения. Практическая значимость: данные, выводы, изложенные в содержании статьи, могут быть использованы в законотворческой практике, в исследовании форм законотворчества.

Методы исследования: анализ, сравнение, статистическая, философская, дедукция, индукция. В результате исследования было обосновано, что законы, принятые на референдуме, должны иметь приоритетную юридическую силу с учетом места населения в системе конституционно-правовых отношений. В законе «О правовых актах» следует регламентировать место акта народного законотворчества в иерархии правовых актов, приоритетное положение норм закона, принятых посредством прямого волеизъявления населения в случае противоречия между нормами закона и нормами иных актов, принятых на референдуме. Ценность исследования: в статье определены особенности законотворчества на основе делегирования законодательных полномочий, место закона, принятого на референдуме, в системе правотворчества. Практическая значимость результатов работы: выводы исследования можно использовать в правотворческой практике.

Ключевые слова: законотворчество, делегирования законодательных полномочий, правовое регулирование, народное представительство, референдум, демократия.

Introduction

In any state adhering to a civilized way of development besides lawmaking questions of adoption of regulations in general, lawful registration of various processes in society are important. Ensuring various legal reforms by necessary legal base undertaken in the state, execution of tasks of any state programs demand law-making, including the main – lawmaking. As, in any developed state the law makes a basis of a legal system of this state, also in laws freedoms and the interests of citizens as members of democratic society are established, legal, human, personal qualities develop. Respectively, the fact that finding of increase in degree, stable development of the law and activities for its creation in the center of attention of science at a present stage of social development is objectively reasonable phenomenon.

As domestic and foreign practice shows, in a realization form lawmaking is various. In spite of the fact that in any state lawmaking belongs to legislature, the Parliament is not the only form. From world practice of lawmaking we see several forms of realization of such activity. These forms differ among themselves according to subjective contents (direct participants), on process of creation of legal statuses, in the ways and methods of their generalization in the uniform normative legal act and also according to the main procedures used at their acceptance. Differences of forms of lawmaking can be noticed on actions of participants, on ways of execution of the functions by them. Procedures for providing validity to legal acts show these differences and give the chance to study them and to analyse.

Theoretical-methodological bases of the article

Acquaintance with the Kazakhstan and foreign practitioners shows three main forms of lawmaking:

1. Legislative activity of public authority of the power. Adoption of laws public authority is daily used main form of lawmaking. Here it is about activities for creation of acts within execution of the functional duties by the special representative by public authority.

In this form of lawmaking the adoption of laws carries out specialized authorized body – the state legislative authority (Parliament of the Republic of Kazakhstan). Besides, other subjects also participate in this form of lawmaking in formation of a legislative system (the President, the Government).

The corresponding form of the legislation means performance by the staff of specialized authorized body of all necessary actions for creation of an effective complex of acts. They define, make precepts of law for a legal statement and reflection and form their text contents, uniting them in a uniform complex and also perform formal procedures for official adoption of the legal act and allocate it with validity. Adoption of laws by authorized public authority (parliament) is the most widespread, the most important and the lawmaking form assuming the highest degree of responsibility of participants. The regulating possibilities of formation by parliament of the legislation of the republic are generally connected with professionalism and personal qualities of the legislators and other persons participating in process of creation of the law. It is possible to note that now among personal qualities of legislators there are legal culture and professional consciousness play an important role. As the quality and efficiency of the acts adopted by the legislator are defined by the level of legal culture and professional consciousness of the legislator. (Ibrayeva, 2017: 78)

On condition of high level of training of the subjects participating in lawmaking process, law-making activity of Parliament is the most effective form of lawmaking. Respectively, purposeful and correctly organized activity of the experts who perfectly mastered rules of the legislative equipment allows to achieve successfully the lawmaking objectives, fully, specifically and systemically to show elements of legislative rules in provisions of regulations. In other words, provides the regulating effectiveness of corresponding acts. Only in the course of the lawmaking realized in such form legislators have an effective opportunity of realization of the professional and creative potential. (Deppe, 2008)

Discussion

As we already noted, in Kazakhstan specialized public authorized body on realization of lawmaking is the Parliament of RK. As it is approved in Article 49 of the existing Constitution of Kazakhstan the Parliament of RK is the supreme representative body of the Republic which is carrying out legislature. As we can notice, the Constitution of the Republic assigned legislature to Parliament. The legislature of Parliament of RK means set of its powers on adoption of laws. According to the Constitution adopted in 1995, the Parliament of the Republic is not the supreme body of the government as in Soviet

period, also as well as is not the only legislature which is carrying out legislative activity as it was established in the Constitution of 1993, it is simple «the supreme representative body which is carrying out legislature». Non-recognition of Parliament not only as the supreme body of the government, but also not the only legislature in the Constitution of 1995 is not casually. The reason of deprivation of Parliament of function of the only body which is engaged in legislative activity is the new form of lawmaking approved in the Constitution of 1995, that is lawmaking of the President of Kazakhstan on the basis of delegation of powers. (Dave, 2007)

The adoption of laws Parliament is a daily form of lawmaking. This public authority, directly and indirectly created by the people, represents the people of the Republic, means integrity of all people, is the main manifestation of democratic character of the state, that is is recognized as the main form of realization of the power citizens. Therefore, the Parliament is considered as the representative of interests and will of the people, that is all citizens of the state. In this regard the main activity of Parliament of RK is recognition, studying and reflection in laws of freedoms, the interests of indigenous people, providing a direct, continuous communication of the people with the state through the deputies. The similar nature of Parliament defines a basis of activity of its members – representatives of the people. For deputies the most important – care of satisfaction of interests of citizens by expression of will of all population. (Bigeldy, 1996)

Realization of lawmaking by specialized authorized body of the government is a fundamental form of lawmaking, other forms are considered as auxiliary institutes and in practice meet seldom. (Davis, 2002)

2. In world practice it is possible to meet realization of lawmaking not by legislature, and other person. In that case, the following form of lawmaking is the adoption of laws on the basis of delegation of legislative powers. This form of lawmaking admits quality of special institute of legal regulation. Following essence: lawmaking is implemented by the subjects which do not have special legislative powers on the basis of the law or an order of authorized body of the government. Therefore, feature of lawmaking on the basis of delegation of powers is that legislative activity does not belong to appropriate authority owing to its direct duties. In the Big Soviet encyclopedia the institute of delegation of the law-making right is determined as the edition by the Government of the regulations having validity by representation

of Parliament. (Prokhorov, 1972: 56) Thus, in this form of law-making the right of adoption of law is given to the public authority or a certain person who does not have the right for adoption of laws owing to the corresponding competence.

If to speak about the one who is specifically allocated with legislative powers the main subject having legislative powers is the Government (a naprmiyer, in Italy, Spain, France, etc.). As for the Republic of Kazakhstan, the legislative institute on the basis of delegation of powers at the constitutional level was for the first time introduced by the Constitution of 1995. According to edition of the Constitution before the constitutional reform on March 10, 2017 the Parliament of the Republic at a joint meeting of Chambers two thirds of voices of the total number of deputies of each of Chambers at the initiative of the President has the right to delegate to it legislative powers for the term which is not exceeding 1 years. (Constitution, 1995: Article 53 Paragraph 3) Therefore, the Constitution of 1995 fixed a possibility of delegation of legislative powers in Kazakhstan not to the Government, and the President of the Republic. (Kanter, 1993)

As a rule, in foreign countries with the regulated legislation on the basis of delegation of powers the circle of the questions which are a subject of lawmaking of the delegated person (Government), a form of the act of the Government published by the relevant institute, rules which need to be taken in attention at implementation of powers are specified in the act of delegation of powers the concrete term of use by the Government of the delegated powers (that is legislative powers). Classification of the above-stated standard of the Constitution of RK of 1995 operating till 10.03.2017, the analysis of the legislation of that time regulating the status of the President and the Government show regimentation in these acts only of an order and the term of delegation by Parliament of the Republic of legislative powers to the President, respectively a side of the questions which are a subject of lawmaking of the President was not defined in the legislation of the republic. Uncertainty in the constitutional legislation of border of the relations presented on the legislation of the President indicated a possibility of the adoption of laws on any public relations considered in Paragraph 3 of Article 61 of the Constitution including borders of the relations regulated by the constitutional law.

The President of Kazakhstan in the order of delegation of powers had the delegated powers twice: in December, 1993 after self-dissolution of the Supreme Council on the 12th convocation and in March, 1995 on the basis of the decision of the

Constitutional Court of RK on recognition of powers of deputies of the Supreme Council unconstitutional. As it is possible to notice, the case of early stay of powers of two convocations of Parliament was caused by delegation of legislative powers to the President and these two cases took place before adoption of the Constitution of 1995. Therefore, in spite of the fact that the legislation form on the basis of delegation of powers in Kazakhstan at the constitutional level was for the first time regulated by the Constitution of 1995, it was not put into practice after adoption of the Constitution. According to the changes and additions made on March 10, 2017 in the Constitution of the Republic the President does not carry out legislative activity. That is, the institute of delegation of legislative powers was excluded by the law on modification and additions in the Constitution of RK on March 10, 2017. (Law, 2017) Thus, today in the Republic of Kazakhstan it is possible to allocate the following forms of implementation of lawmaking:

1. Legislation of Parliament of the Republic of Kazakhstan;

2. The legislation of the people of Kazakhstan by a referendum.

In general, the analysis of practice of the legislation on the basis of delegation of powers showed the following: – it is possible to tell that when functioning of the installed lawmaking mechanism – legislature, the legislature plays a supporting additional role and this legislature it is designed to supplement legislative activity of legislature in case of its inability adequately effectively and in due time to govern a certain complex of the public relations. (Nafziger, 1995)

Though institute of delegation of powers in present time in some countries are recognized as necessary institute and takes the place, in a number of the countries delegation of legislative powers to other person is not considered necessary. To take, for example, China. In China it is caused by feature of legal regulation. More precisely, in this state it is widespread and not the adoption of laws, and bylaws is widely used. In this regard in the legal system of China the number of laws are not enough. The complexity of legislative process is one more reason for that. The scientist V.V. Sevalnev in article of 2014 noted: «Despite high requirement of society for the law «About Counteractions of Corruption and to Bribery», this bill many years agreed in committees and groups, the question of adoption of the relevant document still is under consideration» (Sevalnev, 2017: 91) One more feature of adoption of laws in China: a possibility of making decision on refusal

in adoption of any law. The scientist Troshchinsky P.V. notes that in spite of the fact that in China drafts of the Civil code and the Administrative code were discussed by experts several times, the corresponding projects did not reach acceptance process (Troshchinsky, 2017: 158-159)

If in China the procedure of adoption of law in parliament is very long and difficult process that forms a basis of acceptance of a set of bylaws, then in some other countries the long period of lawmaking became the reason of emergence of institute of delegation of legislative powers. Due to the long-term process of adoption of law in Parliament it is difficult to notice all changes happening in society and quickly legally to react to them.

If to prove, leaning on historical situations, during certain periods of social development in life of a number of the countries in the private sphere stagnation, instability took place, besides, on regularity of development public life became complicated, process of its development went violently, in connection with acceleration of public processes the role of the state amplified, in lawmaking of Parliament new problems appeared. In particular, from Parliament rapid response to changeable circumstances was required. However, despite possession of necessary opportunities for adoption of qualitative laws, in connection with the arisen problems the Parliament was not capable to adopt concrete, priority laws quickly. If to speak about one more way of lawmaking – national lawmaking, the adoption of laws by a referendum on the nature is unsuitable for the operational solution of problems. In such cases, lawmaking on the basis of delegation of powers is the only mechanism allowing to adopt quickly the law necessary for society, the state. In addition to the aforesaid, the regulated order of lawmaking interferes with expeditious adoption of the priority law. In particular, according to the developed regularity change, addition of the current legislation perhaps not with other acts, but only the law. In case of need other law is required to publish changes of the current law. Need of modification and additions in any laws leads to excessive increase in work of Parliament. In turn, in connection with the decision private, sometimes formal questions, it takes away a lot of time from Parliament. In this regard, owing to increase in amount of works, the Parliament does not have enough time for deep discussion, the analysis of the major bills. It is possible to tell that this fact served as the cause of institute of delegation of legislative powers in a number of foreign countries. So, we will consider the main conditions of emergence of institute of

delegation of legislative powers, first, as we noted, excessive increase in work of legislature. As a rule, in such situation the Parliament can charge the solution of some questions on the agenda, that is legislative regulation, to the Government (in some countries to the President). (Kotov, 2013: 457) Secondly, consideration of legislative regulation of some public relations by Parliament as private questions. In spite of the fact that regulation of such relations requires the law, these issues can be resolved by executive power. Thirdly, need of expeditious regulation of any public relations. It caused by the long procedure of discussion, adoption of the bill in Parliament. Fourthly, need of timely regulation of the public relations. Adoption of laws is timely, neither early, nor late, the most important, gives the chance to the legislative base of the state to go along with development of society and also defines quality of laws. As last and current practice of social development shows, the quality of laws is defined not only their legal qualities, but also that, how in due time they are accepted. Fifthly, there can be other situations. In some countries, despite legal not regimentation of delegation of legislative powers, in practice cases of adoption of acts by persons meet, on the status not of representatives to adopt laws. For example, in the neighboring Russian Federation despite not regimentation in the constitutional legislation of a question about delegations of legislative powers, it is possible to notice cases when the Parliament of the Russian Federation charged to the Government or the President regulation of any appropriate questions by adoption of laws. As for our state, we cannot tell that a lack of time at legislature to be engaged in direct lawmaking owing to increase in amount of works or impossibility of expeditious regulation in Parliament in case of need of expeditious regulation of certain relations, promoted fixing of institute of delegation of legislative powers in the Constitution of 1995. The analysis of historical events in the political system before adoption of the Constitution of 1995 showed that implementation of lawmaking by the President was connected with absence at that time in the system of the government of specialized authorized body for execution of legislative activity – legislature. (Grajzl, 2009)

In world practice of adoption of acts on the basis of delegation of powers it is possible to meet cases when the number of the acts adopted by this form of lawmaking much more exceeded the number of the acts adopted by specialized authorized body – Parliament. For example, V.E. Chirkin wrote in the work that in Great Britain in a year no more than

100 laws whereas on the basis of delegation of powers in a year about 2 thousand acts are accepted are adopted (Chirkin, 2012: 142)

In practice of application of the relevant institute it is possible to meet cases when the government (in Kazakhstan the President) on the basis of the delegated powers successfully resolved the issues which arose in life of the state. For example, in Kazakhstan the President of the Republic in connection with self-dissolution of the Supreme Council on its delegation adopted 54 valid decrees (according to the Law «About Temporary Delegation to the President of the Republic of Kazakhstan and Heads of Local Administrations of Additional Powers»). Valid these decrees resolved important issues of the political system, an economic refoma, social protection of the population, strengthening of legality and a legal order, external political and foreign economic activity. (Mukhamedzhanov, 1995) As N.A. Nazarbayev told personally: «In the absence of Parliament it was necessary to fill shortcomings of the sphere of legal regulation, to adopt a package of economic laws especially important for formation of market economy by means of valid decrees. Therefore continuous functioning of an economic complex of the country was ensured by necessary legislative bases. (Nazarbayev, 1996) Thus, practice of application of the relevant institute showed that it not only provides uninterrupted operation of lawmaking, but also continuously provides public administration and social development by legal base.

3. National law-making is very seldom used lawmaking form. It is about adoption of acts on the basis of direct will of the people, that is by a referendum. If in the previous forms of lawmaking by subjects there were a legislature of the government and the person given legislative powers (the President, the Government), then a subject of adoption of law by a referendum are the people. In spite of the fact that this form of lawmaking in the countries of the world meets seldom, adoption of laws by the people very important and significantly. It is expression of democratic character of the state.

The referendum is one of the most influential and indicative forms of democracy. It provides the direct decision with the people of certain questions of the state life, determination of freedom of the population and legislative registration. According to introduction of the law of the Russian Federation of June 28, 2004 «About a referendum of the Russian Federation» the referendum the highest is direct expression of the power of the people, way of implementation of its sovereignty. (Federal

constitutional act) According to Article 3 of the Constitution of the Republic of Kazakhstan the only source of the government are the people. The people carry out the power directly or through the representatives. The referendum is recognized as the only main way of direct implementation of the government by the people.

In fact the referendum is a national vote of the citizens having the right for participation in a referendum concerning the state value. Treat the similar questions (the state value) which are brought up for a popular vote also adoption of laws.

Studying and the analysis of institute of a referendum showed that it was recognized as national vote not at once. The history of formation and development of a referendum, as well as any other phenomenon showed that in at one time it was considered as national poll, was determined as the appeal to the case of voters for the purpose of acceptance of the final decision by certain questions later. The provision on regulation of the relevant institute in the Constitution of the USSR of 1936 became the reason of definition of the bill of a referendum not as national vote, and as national poll. In particular, in this Constitution the referendum was established as national poll.

At a stage of the development the referendum as we noted, was determined as the address to the people by certain questions. In particular, in due time professor A.A. Mishin specified in the legal encyclopedic reference book a referendum as «the appeal to the case of voters for the purpose of acceptance of the final decision on the constitutional, legislative questions or other internal political and foreign policy affairs». (Sukharev, 1984: 320) In its definition of a referendum not as decision-making on appropriate questions but only as the address to the people «is not present the speech about vote, adoption of the concrete decision by the relevant institute», D.M. Baymakhanova (Baymakhanova, 1998: 64) says.

In the Constitution of Kazakhstan of 1978 removal at national discussion of the most important public questions of the state life and also removal at a national voting (referendum) was regulated. The corresponding definition of a referendum caused misunderstanding from society concerning its character. In this regard we consider it necessary to stop on the following opinion of the outstanding erudite lawyer G.S. Sapargaliyev: «ambiguity of nature of a referendum became result of conventional attitude to its importance as important issues of the state life were resolved not by the people, but the Communist Party. Result of

the referendum held in 1991 on preservation of the USSR, the proof of ambiguity of its character. That is, in spite of the fact that most of citizens voted for preservation of the Union, the result of this referendum did not receive obligatory validity». (Sapargaliyev, 2009: 307-308)

In the history of independent Kazakhstan two laws on a referendum were adopted. In the decree of the President of Kazakhstan of March 25, 1995, the valid Constitutional law, «About a republican referendum», the referendum was determined as national vote by drafts of laws and decisions on the most important questions of the state life of the Republic of Kazakhstan. (Decree, Art.1) The second law on a referendum adopted the same year (02.11.1995) added a concept of a referendum. In particular, according to the relevant law a referendum as in definition of the law of March 25, also solutions of rather most important questions of the state life, the most important is not only vote according to drafts of laws, it is national vote according to drafts of decisions for the most important questions of the Constitution of the Republic of Kazakhstan, the constitutional laws, laws and the state life. (Constitutional Law, Art. 1) Participation of the only source of the government – the people in legislative activity of the Republic by adoption of the Constitution of RK, the constitutional laws and laws is enshrined in the specified republican legislation only theoretically. In the history of independent Kazakhstan the referendum was held only two times and it is obvious that without adoption of the Constitution of 1995 it would not treat lawmaking. Thus, adoption of laws by a referendum in the history of the Republic of Kazakhstan still is not applied. This democratic institute was not used also in Soviet period.

The people are a special subject of lawmaking. In the Russian Federation the people are considered as the legislator having universal powers. Feature of national lawmaking in this state: here the people have the right to adopt the acts regulating any sphere of the public relations and in Russia some acts can be adopted only by holding a referendum. Adoption of the new Constitution of the Russian Federation and the law on modification of it can become an example. Adoption of these acts is not allowed in the durgy way. Therefore, in Russia the referendum in appropriate questions happens a binding character. If to speak about our state, at us legal regulation of a referendum stands on its optional hind legs. The optional referendum is a referendum which can be held on a certain question or to solve without its carrying out. As a rule, holding such referendum

depends on desire of the person authorized to appoint it.

As we noted above, the following feature of lawmaking by a referendum of Russia: the people have the right to adopt the acts regulating any spheres of the public relations. According to the current legislation of Kazakhstan a lawmaking subject by a referendum can be the Constitution of the Republic, the constitutional laws and laws (the consolidated laws and simple laws), laws on modification and additions. In the Law of RK «About a Republican Referendum» the circle intolerable on a referendum is defined. According to the corresponding praivl the following questions cannot be a referendum subject.

1) which can cause violation of constitutional rights and freedoms of the person and citizen;

2) changes of the status of the Republic of Kazakhstan as independent state, unitarity and territorial integrity of the Republic, form of its board and also fundamental principles of activity of the Republic underlain by the Founder of independent Kazakhstan, the First President of the Republic of Kazakhstan – Elbasa, and his status;

3) administrative-territorial device and borders of the Republic;

4) justice, defense, national security and protection of public order;

5) budgetary and tax policy;

6) amnesties and pardons;

7) appointments and elections to a position, dismissal of persons relating to maintaining the President, Chambers of Parliament and Government of the Republic;

8) implementation of the obligations following from international treaties of the Republic. (Constitutional Law, Art. 3)

Results

The result of the related activity of the people as direct subject of lawmaking does not need any confirmation by acts of the President of the Republic of Kazakhstan or the public governmental bodies and also are binding in all territory of the Republic. The laws adopted on a referendum anyway have validity, respectively act on all territory of the republic.

As we noted above, the people of the Republic are the only source of the government. The role of the people in the system of constitutional legal relations means need of existence of priority validity for the laws adopted on a referendum, that is need of priority of result of national lawmaking – the law in a legislative system. According to the law «About

a Republican Referendum» (the 2nd Paragraph 35 of article) «Discrepancies between the decision made by a referendum, and the Constitution, the constitutional laws, laws and other regulations of the Republic are eliminated by reduction of the Constitution, the constitutional laws, laws and other regulations in compliance with the decision accepted by a referendum». As we see, this norm shows priority of the law adopted by the held referendum in all legal system. However, the analysis of the following legislation of the republic shows the probability of non receipt of priority of the law adopted by direct will of the people in a legislative system. In particular, in spite of the fact that the law «About a Republican Referendum» set rule of the law (act) adopted on a referendum (Article 35, Paragraph 2), is enshrined in Article 12 of the law «About Legal Acts» that in the presence of contradictions in standards of regulations of different level standards of the act of higher level work, and in the presence of contradictions in standards of regulations of one level the standards of the act which later are put into operation work. Respectively, this norm allows to draw a conclusion that the level of the act adopted by national lawmaking can be low. Besides, it is normal of the above-stated law, defining a stage of normative legal acts (Article 10), the role of the law adopted on a referendum in the corresponding stage is not defined. Thus, in the law «About Legal Acts» it is necessary to settle a role of the act of national lawmaking at a stage of normative legal acts and also priority position of the legislative rules accepted by direct will of the people in case of contradictions between the legislative rules and standards of other acts accepted on a referendum. (Cummings, 2004: 688)

According to the Constitution of the Republic of Kazakhstan of 1995 the right to make decisions on holding a referendum belongs to the Republic President. In the previous Constitution of 1993 the similar right was granted to the Supreme Council and after the Supreme Council to the President. As we noticed, today the legislature is incompetent to prinmat decisions on holding a referendum. The parliament has the right only for manifestation of an initiative to destination of a referendum. Scientists V.A. Kim and G.V. Kim prove the relevant decision of a question so: «... in that case announcement of referendum will not be overlapping. If division of the right for decision-making according to holding a referendum into two parts as it is fixed in the constitutional norm of 1993, that is existence of a parallel mechanism continued further, it could lead to crisis of the power, such referendum would turn

into the instrument of split of the people from a form of the direct power». (Kim, 1998: 69)

Further, concerning an issue of change of the laws adopted on a referendum, in Kazakhstan special rules, a special order concerning change, addition of the laws adopted in such form are not established. Therefore, the laws adopted on a referendum can be changed by other forms of lawmaking (Parliament). Foreign practice showed that the appropriate question in all countries is regulated differently. In the neighboring Russian state in Paragraph 4 of Article 83 of the above-stated Law of June 28, 2004 «About a referendum of the Russian Federation» it is fixed that the decision made on a referendum can be cancelled or changed precisely by decision-making on a new referendum if in the decision other order is not specified. As we see, this situation claims that the law adopted in the form of national lawmaking can change or be repealed only in the corresponding form, that is by means of the relevant law adopted on a referendum.

In science it is considered that such order of change of the laws adopted on a referendum, has the difficulties. In particular, such order very much complicates improvement of the laws adopted on a referendum and causes danger of emergence of insuperable contradictions (for example if the law adopted on a referendum contradicts the new law). (Chukhvicev, 2012: 103)

Such high role of the laws adopted by the people on a referendum in Russia shows the following special results of national lawmaking: the laws adopted during direct will of the people are fundamental for other normative legal acts (and for laws). Therefore, the laws adopted on the Russian public referendum are designed to form a basis, base for the whole system of a zakonodatelstvo, including for the laws adopted in the parliamentary way.

In the Kazakhstan legislative practice an example of national lawmaking by direct will of the people is the existing Constitution of the Republic. At the moment it is the only act adopted on a republican referendum by direct will of the people.

Showed studying of the law «About a Republican Referendum» that in the republic process of national lawmaking is regulated generally and superficially and as we spoke, has very rare practical application, that is today national lawmaking is limited to adoption of the existing Constitution. The incomplete and inexact regimentation of this form of lawmaking can be noticed on the following signs: the special procedures realized during national lawmaking completely are not defined, not clearly and unclear who and as will create the bill submitted

for discussion who and as will make changes to the relevant bill what special procedures need to be performed for pronouncement of the bill at a referendum. (Hanfling, 2006)

In general, this form of lawmaking has as well shortcomings. In particular, in case of adoption of laws by holding a referendum its participants (people) have no real opportunity to participate in preparation of the bill. Citizens (people) have no competence to define contents of future law, to influence an essence and a form of the provisions stated in it. They only agree or do not agree with the ready text of the bill made by other subject. Besides, on a referendum its participants have to vote for the whole bill. That is, citizens cannot vote for a certain part of the bill submitted for a referendum which they want which is pleasant to them. In turn, in case the legislator, that is the citizen voting on a referendum, agrees not with the whole bill, and only with its certain part, such order of adoption of law forces it to choose one or the other actions: votes for adoption of the whole bill, approving along with the pleasant provisions of the bill and not pleasant provisions, or despite existence in the bill which were pleasant to it and the being equitable its interests of provisions, but owing to presence at the bill of not pleasant provisions, does not approve it. Therefore, in that case the citizen acts against the will, that is votes against the project, despite existence in it of the provisions which were pleasant, being equitable to its interests. It not only lowers degree of objectivity of a referendum, but also raises doubts in a possibility of use of this referendum as the instrument of expression of will of the people. (Harrington, 2005)

Conclusion

Studying of the law considering the organization and an order of holding a referendum showed that it specifically does not regulate carrying out or not carrying out national discussion on the bill submitted for discussion of a referendum. Therefore before submitting bills for a referendum, it is necessary to fix carrying out national discussion specifically. Incomplete and inexact regulation of the law on a referendum gives the grounds to draw a conclusion that participating citizens of a referendum will have no opportunity to make changes to the bill which is brought up for national vote, to offer new, edition of the bill.

Practical importance: the materials, conclusions presented in contents of article can be used when training in the sphere of constitutional right,

institute of lawmaking, when studying legislative practice, lawmaking forms. Research methods: analysis, comparison, statistical, philosophical methods, deduction, induction. As a result, taking into account a role of the people in the system of constitutional legal relations, this research proved need of the introduction in priority validity of the laws adopted on a referendum, that is need of priority of the law, which is result of national lawmaking in a legislative system, defines the role of acts of national lawmaking at a stage of normative legal acts in the law «About Legal Acts», need of regulation of a priority position of the legal norms accepted by voluntary will of the people in case of contradictions between the legal standards and standards of other acts accepted on a referendum. Research value: article defines feature of institute of lawmaking on the basis of the delegated powers, a role of the law adopted on a referendum in the system of law-making. Practical importance of results of work: conclusions of a research can be used in law-making practice. (Qandilov, 2013)

The above-mentioned does not give the grounds to criticize and doubt the importance of institute of a referendum in general as a way of expression by the

people of the will. The referendum is necessary for the population as the only way of direct statement of the will, without connecting it with views and opinions of the representatives. However, as we noted, now in the conditions of emergence and regulation of this mechanism in the country the referendum is necessary for expression of views on in advance certain, created question. Further improvement, development of this constitutional and legal institute in the future can create opportunities for formation by rather important form of will of the people in the course of lawmaking. In the developed, advanced case the referendum not only will fill up legal base of the republic, but also will become the reason of increase in activity of certain public authorities (faces), will help growth of legal consciousness of citizens. As on a referendum are implemented the following social function of public authority: public control of activity of public authorities. Because on a referendum the bills offered on a popular vote by the subjects who showed an initiative in announcement of referendum are given appreciation. In addition, by a referendum participation of citizens in affairs of the state will increase, influence and impact on all spheres of life will amplify.

References

- Баймаханова Д.М. Конституционные проблемы развития непосредственной демократии (на материалах Республики Казахстан): Дисс. к.ю.н. – Алматы, 1998.
- Большая советская энциклопедия / Гл. ред. А.М. Прохоров. – М.: «Советская энциклопедия», Т.8, 1972. – 592 с.
- Байгелді Ө. Ата заң – арайлы болашақ кепілі // Егемен Қазақстан. 29 тамыз 1996 ж.
- Чиркин В.Е. Законодательная власть. – М.: Норма, 2012. – 336 с.
- Чухвичев Д.В. Законодательная техника. – 2-е издание. – М.: Юнити-Дана. Закон и право, 2012. – 415 с.
- Қазақстан Республикасының Конституциясы (1995 жылғы 30 тамызда республикалық референдумда қабылданған) (2011.02.02. берілген өзгерістер мен толықтыруларымен).
- Cummings S.N., Norgaard O. Conceptualising State Capacity: Comparing Kazakhstan and Kyrgyzstan // Political Studies. – 2004. – 52(4). – p.688
- Dave B. Kazakhstan : ethnicity, language and power // Routledge: Taylor and Francis Group. – 2007. – p.140
- Davis K.W. Purging the system: recent judicial reforms in Kazakhstan // UC Davis J. Int'l L. & Pol'y. – 2002. – p. 258
- Deppe J.J. Comments on lawmaking and legal reforms in Central Asia // Leiden University Press. ed. J. Arnscheidt, B. van Rooij, J.M. Otto. – 2008. – pp.218-221
- Федеральный конституционный закон РФ «О референдуме Российской Федерации» <http://www.consultant.ru/cons/cgi>
- Құқықтық мемлекетті бекіту және азаматтық қоғамды дамыту жағдайында құқықтық мәдениеттің қалыптасуы: монография / Жауапты ред. А.С.Ибраева. – 2 бас. – Алматы: Қазақ университеті, 2017. – 224 б.
- Grajzl P., Dimitrova-Grajzl V. The Choice in the Lawmaking Process: Legal Transplants vs. Indigenous Law // Review of Law & Economics. – 2009. – 5(1). – p.615
- Hanfling P. Development of Democracy in Kazakhstan through eParticipation? // Mapping eParticipation. – 2006. – p.44
- Harrington J. Redressing the Democratic Deficit in Treaty Law Making: (Re-) Establishing a Role for Parliament // 50 McGill L.J. – 2005. – p.465
- Kanter S. Constitution Making in Kazakhstan // Int'l Legal Persp. – 5(1). – 1993. – p. 65
- Ким В.А., Ким Г.В. Конституционный строй Республики Казахстан. – Алматы, 1998. – 170 с.
- Kotov A. The Parliamentary Process in the Republic of Kazakhstan // Widener J. Pub. L. – 8. – 1998-1999. – p.457
- Юридический энциклопедический словарь / Гл. ред. А.Я. Сухарев. – М.: Советская энциклопедия, 1984. – 415 с.
- Мұхамеджанов Б. Президенттің нормативтік қызметі нені көздейді // Егемен Қазақстан. 01.03.1995
- Nafziger J.A.R. A Comparison of Processes for Reforming Migration Laws in Transitional States: China, Kazakhstan, and Albania // Wash. L. Rev. – 70. – 1995. – p.757

- Назарбаев Н.Ә. Қазақстанның екі палаталы тұңғыш Парламенті – еліміздің заң шығармашылығындағы жаңа кезең // Егемен Қазақстан. 31 шілде 1996 ж.
- Partlett W. The dangers of popular constitution-making // *Brook. J. Int'l L.* – 38. – 2012-2013. – p.193
- Сапарғалиев Г.С. Парламентское право. – Астана, 2009. – 284 с.
- Севальнев В.В. Противодействие коррупции: опыт КНР // *Журнал зарубежного законодательства и сравнительного правоведения.* – 2014. – №1. – С. 91.
- Қазақстан Республикасының Конституциясына өзгерістер мен толықтырулар енгізу туралы ҚР заңы 2017 жылғы 10 наурыздағы №51-VI ҚР // Егемен Қазақстан, 11 наурыз 2017 ж.
- «Республикалық референдум туралы» Қазақстан Республикасының 1995 жылғы 2 қарашадағы № 2592 конституциялық заңы
- The law of the Republic of Kazakhstan of March 10, 2017 No. 51-VI ZRK On modification and additions in the Constitution of the Republic of Kazakhstan.// *Egemen Kazakhstan* on March 11, 2017
- Трошинский П.В. Общая характеристика правового регулирования в современном Китае // *Право и государство.* – №3-4 (76-77), 2017. – С. 157-168.
- Qandilov M. Some Problems Of Perfection Of Normative Contracts In Kazakhstan // 2013. – p.7

References

- Baygeldi O. (1996). Ata zan – araly bolashaq kepili [The constitution – a guarantee of bright future] // *Egemen Qazaqstan.*
- Baymakanova D.M. (1998). Konstitutsionnyye problemy razvitiya neposredstvennoy demokratii (na materialakh Respubliki Kazakhstan) [The constitutional problems of development of direct democracy (on materials of the Republic of Kazakhstan)]. Diss. k.yu.n.. Almaty.
- Bolshaya sovetskaya entsiklopediya [Big Soviet encyclopedia] // Gl. red. A.M. Prokhorov. M.. «Sovetskaya entsiklopediya». T.8. 1972 – 592 s.
- Chirkin V.E. (2012). Zakonodatel'naya vlast [Legislature]. M.: Norma. – 336 s.
- Chukhovich D.V. (2012). Zakonodatel'naya tekhnika. Vtoroye izdaniye [Legislative technics. The second edition]. – M.: Yuniti-Dana. Zakon i pravo. – 415 s.
- Cummings S.N., (2004). Norgaard O. Conceptualising State Capacity: Comparing Kazakhstan and Kyrgyzstan // *Political Studies.* – 52(4). – p.688
- Dave B. (2007). Kazakhstan : ethnicity, language and power // Routledge: Taylor and Francis Group. – p.140
- Davis K.W. (2002). Purging the system: recent judicial reforms in Kazakhstan // *UC Davis J. Int'l L. & Pol'y.* – p. 258
- Deppe J.J. (2008). Comments on lawmaking and legal reforms in Central Asia // Leiden University Press. ed. J. Arnscheidt, B. van Rooij, J.M. Otto. – pp.218-221
- Federalnyy konstitutsionnyy zakon RF «O referendume Rossiyskoy Federatsii» [Federal constitutional act of the Russian Federation «About a Referendum of the Russian Federation»]. <http://www.consultant.ru/cons/cgi>
- Grajzl P. (2009). Dimitrova-Grajzl V. The Choice in the Lawmaking Process: Legal Transplants vs. Indigenous Law // *Review of Law & Economics.* – 5(1). – p.615
- Hanfling P. (2006). Development of Democracy in Kazakhstan through eParticipation? // *Mapping eParticipation.* – p.44
- Harrington J. (2005). Redressing the Democratic Deficit in Treaty Law Making: (Re-) Establishing a Role for Parliament // 50 *McGill L.J.* – p.465
- Kanter S. (1993). Constitution Making in Kazakhstan // *Int'l Legal Persp.* – 5(1). – p. 65
- Kim V.A., Kim G.V. (1998). Konstitutsionnyy stroy Respubliki Kazakhstan [Constitutional system of Republic of Kazakhstan]. Almaty. – 170 s.
- Kotov A. (1999). The Parliamentary Process in the Republic of Kazakhstan // *Widener J. Pub. L.* – 8. – p.457
- Mukhamedzhanov B. (1995). Prezidenttin normativtik qyzmeti neni kozdeydi [That standard activity of the President] // *Egemen Qazaqstan.*
- Nafziger J.A.R. (1995). A Comparison of Processes for Reforming Migration Laws in Transitional States: China, Kazakhstan, and Albania // *Wash. L. Rev.* – 70. – p.757
- Nazarbayev N.A. (1996). Qazaqstannyq eki palataly tungysh Parlamenti – elimizdin zan shygarmashylygyndagy zhana kezen [The first two-chamber parliament of Kazakhstan – a new stage in lawmaking of the country] // *Egemen Qazaqstan.*
- Partlett W. (2013). The dangers of popular constitution-making // *Brook. J. Int'l L.* – 38. – p.193
- Qandilov M. (2013). Some Problems Of Perfection Of Normative Contracts In Kazakhstan – p.7
- Qazaqstan Respublikasynyn Konstitutsiyasy (1995 zhylgy 30 tamyzda respublikalyq referendumda qabyldangan) (2011.02.02. berilgen ozgerister men tolyqtyrularmen) [The constitution of the Republic of Kazakhstan (accepted on republican referendum on August 30, 1995) (with changes and additions on 2011.02.02)]
- Qazaqstan Respublikasynyn Konstitutsiyasyna ozgerister men tolyqtyrular engizu turaly QR zany 2017 zhylgy 10 nauryzdagy №51-VI QR [The law of the Republic of Kazakhstan of March 10, 2017 No. 51-VI ZRK On modification and additions in the Constitution of the Republic of Kazakhstan] // *Egemen Qazaqstan.* 11 nauryz 2017 zh.
- Quqyqtyq memleketti bekitu zhane azamattyq qogamdy damytu zhagdayynda quqyqtyq madeniyettin qalyptasuy: monografiya [Formation of legal culture in the conditions of the statement of the constitutional state and development of civil society: monograph] / Zhauapty red. A.S.Ibrayeva. – 2 bas. – Almaty: Qazaq universiteti. 2017. – 224 b.

«Respublikalyq referendum turaly» Qazaqstan Respublikasynyn 1995 zhylgy 2 qarashadagy № 2592 konstitutsiyalyq zany [Constitutional Law of the Republic of Kazakhstan of November 2, 1995 N 2592 «About a republican referendum»]

Sapargaliyev G.S. (2009). Parlamentskoye pravo [Parliamentary right]. Astana.– 284 s.

Sevalnev V.V. (2014). Protivodeystviye korruptsii: opyt KNR [Anti-corruption: experience of the People's Republic of China] // Zhurnal zarubezhnogo zakonodatelstva i sravnitel'nogo pravovedeniya. №1. S.91.

Sukharev A.Ya. (1984). Yuridicheskiy entsiklopedicheskiy slovar [Legal encyclopedic dictionary]. Gl. red. M.: Sovetskiya entsiklopediya. 415 s.

The law of the Republic of Kazakhstan of March 10, 2017 No. 51-VI ZRK On modification and additions in the Constitution of the Republic of Kazakhstan.// Egemen Kazakhstan on March 11, 2017

Troshchinskiy P.V. (2017). Obshchaya kharakteristika pravovogo regulirovaniya v sovremennom Kitaye [In the General characteristic of legal regulation in modern China] // Pravo i gosudarstvo. №3-4 (76-77). 157-168 s.14.

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**ХАЛЫҚАРАЛЫҚ ҚҰҚЫҚТА
ЖЕКЕ ТҰЛҒАНЫҢ ҚҰҚЫҚСУБЪЕКТІЛІГІН
ЖОҚҚА ШЫҒАРАТЫН
ЖӘНЕ ІШІНАРА МОЙЫНДАЙТЫН
ТҰЖЫРЫМДАМАЛАРЫНЫҢ НЕГІЗГІ ҚЫРЛАРЫ**

Халықаралық құқықта адамның құқыққабилеттілігі туралы мәселе маңызды аспект болып табылады, олар XX ғасырдың ортасынан бастап егжей-тегжейлі зерттеле бастады, өйткені осы уақытта адам құқықтарының жалпы ұғымдары (концепциялары) қалыптаса басталды. Адам құқықтарына қатысты қабылданған халықаралық құжаттар осы мәселені шешу үшін бір қадам болса да жеке тұлғаның құқық қабилеттігіне жақындаттырды және маңызды мәселесін шешуге мүмкіндік берді. Алайда, халықаралық құқық теориясында осы мәселе жеткілікті түрде толық емес екенін мойындау керек, бірақ осы бағыттағы кейбір елеулі әрекеттер жасалды. Халықаралық құқық саласындағы осы жеке тұлғаның мәртебесі, оның құқықтық жағдайы зерттелгенімен, тақырыпты халықаралық құқыққа қатысты толық қарастырмаған. Біз осы тұрғыда қазіргі уақытқа байланысты осы мәселені қалай зерттеліп жатқанын түсіндіреміз. Сондықтан, бұл мақала, бірінші кезекте, жеке тұлғаның құқыққабилеттілігін танымаудың немесе ішінара танудың негізі болып табылатындығын анықтауға бағытталған. Ең алдымен, мақалада әртүрлі ғалымдардың пікірлеріне көңіл аударып, олардың әрбір пікірлері қарастырылды және осы негізде олардың әрқайсысының маңызын және семантикалық мағынасын ашуға, сондай-ақ кейбір жеке тұлғаның құқыққабилеттілігінің негізгі элементтерін анықтауға жан-жақты тырыстық.

Түйін сөздер: индивид, жеке тұлға, халықаралық құқық субъектісі, құқықсубъектілік.

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**The main aspects of the complete or partial non-recognition
of the legal personality of individuals in international law**

In international law, an important aspect remains the question of the legal personality of an individual, which they began to examine in more detail from the middle of the XX th century. This was due to the fact that by this time the general concepts of human rights had been worked out. The adopted international documents on human rights made it possible to closely approach the solution of another equally important issue of the legal personality of an individual. Despite the fact that the topic in the field of international law seems to be investigated, regarding both the status and the legal status of a person in international law, we set a goal in clarifying how it is currently studying this problem. Therefore, this article was aimed primarily at finding out what constitutes the basis of the non-recognition or partial non-recognition of the legal personality of an individual. First of all, the article focused on the diversity of opinions of scientists, and, on this basis, tried to uncover the essence and semantic meaning of each

of them, as well as identify some key elements, contributing to the non-recognition of the legal personality of an individual.

Key words: individual, natural person, subject of international law, legal personality.

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Основные аспекты полного или частичного непризнания правосубъектности физических лиц в международном праве

В международном праве важным аспектом остается вопрос правосубъектности физического лица, который более детально начали рассматривать с середины XX века. Это было связано с тем, что к этому моменту уже были проработаны общие концепции прав человека. Принятые международные документы по правам человека позволили вплотную приблизиться к решению еще одного не менее важного вопроса правосубъектности физического лица. Следует признать, что в теории международного права эта проблема не является достаточно завершенной, хотя уже были сделаны некоторые значительные попытки в этом направлении. Несмотря на то, что тема в области международного права кажется исследованной касательно как статуса, так и правового положения личности в международном праве, мы ставили цель в прояснении, как обстоит изучение данной проблемы в настоящее время. Поэтому данная статья была направлена, прежде всего, на выяснение того, что составляет основу непризнания или частичного непризнания правосубъектности физического лица. В первую очередь, в статье акцентировали внимание на разнообразные мнения ученых, и, исходя из этого, попытались раскрыть суть и смысловое значение каждого из них, а также определить некоторые ключевые элементы, способствующие непризнанию правосубъектности физического лица.

Ключевые слова: индивид, физическое лицо, субъект международного права, правосубъектность.

Кіріспе

Халықаралық құқықта жағдай ең басынан күрделірек болды. Оның субъектілері мәртебесіне үміткерлер әлі күнге дейін құқықтарға қол сұғып келеді, ал мемлекетке тән бірыңғай заңдар қайнар көздерінің болмауы оларға бұл мәртебені берудің жалпы ережелері мен критерийлерін беруді қиындатады. Бұл ретте классикалық заңи әдістер мен концепцияларды қолдану ұзақ уақыт бойы қолдауға ие болмады, себебі жағымсыз қорытындыларға алып келуі мүмкін болатын. Қойылған мәселелер мен оларды шешу әдістерінің тұтастығына қарамастан, халықаралық құқықтан әрқашан, ең алдымен, әр мемлекет үшін жеке әділдікті білдіретін ұлттық мүдделерді қанағаттандыратын нәтижені талап ететін.

Мысалы, С.В. Черниченко жеке тұлғаның заңды тұлғасын танудың ең дәйекті қарсыластарының бірі бола отырып, «ол халықаралық жеке тұлғаның қандай да бір элементіне ие емес және мүмкін емес» деп санайды (Черниченко С.В., 1993: 99).

Басқа авторлар Д.И. Фельдман және Г.И. Курдюковтың 1974 жылы КСРО-да жарияланған

«Халықаралық-құқықтық тұлғаны дамытудағы негізгі үрдістер» бірлескен монографиясында «жалпы халықаралық құқық принциптері мен нормаларының жалпыға бірдей кемсітушілік принципіне қарамастан, халықаралық құқыққа және халықаралық нақты құқық қатынастарына қатысушы ретінде» қарастырылады деп атап айтқан. «Халықаралық құқық субъектісі болып табылмайтын жеке тұлғалар халықаралық құқықтағы құқықтар мен міндеттерге ие болмайтын тұлғалар» (Фельдман Д.И., Курдюков К.И., 1974:131) деген лаконизмнен бөлек, Д.К. Лабин өзінің қазіргі бағалауларында неғұрлым категориялық болып табылады (Лабин Д.К., 2008:37-337).

Броунлидің пікірінше «адамның халықаралық құқық субъектілеріне сілтеме жасауы пайдасыз болады, өйткені ол шын мәнінде жоқ құқықтарының бар екендігін білдіреді және жеке адам мен басқа да халықаралық құқық субъектілерінің арасындағы айырмашылықты қажет етпейді» (Броунли Я., 1977:177-551).

Осылайша, жоғарыда айтылған көзқарастар, жеке адамның немесе жеке тұлғаны халықаралық құқық субъектісі ретінде тану туралы мәселе бүгінгі күнге дейін шешілмеген мәселе болып

табылмаса, соншалықты ұзаққа созылмайды. Біз оларды бір-біріне тән және бір мезгілде өзара тәуелді деп айтуға тиіспіз. Бұл тұрғыда, егер кейбір авторлар халықаралық құқықтық тұлғаны ешқандай іргелі ескертпей мойындауға дайын болса, басқалары халықаралық құқық субъектісінің жеке қасиеттерін толығымен қабылдамайды немесе ішінара таниды немесе жеке адамдар тек халықаралық-құқықтық қатынастардың субъектісі. Соңғы жағдайда «... қолдау жеткілікті максималистік позиция болды, құқықтық қатынас субъектісі сөзсіз міндетті түрде заңның субъектісі болуға тиіс». Екінші жағынан, қарастырылып отырған мәселемен айналысқан кезде, доктриналық тәсілдерге ғана сене алмайды, атап айтқанда, осы С.В. Черниченко жеке тұлғаны халықаралық құқық субъектісі ретінде тану мен танымауы «осы немесе басқа автордың халықаралық және отандық құқықтың корреляциясы мәселесіне қатысты көзқарастарына байланысты» (Черниченко С.В., 1993: 99). Осыған байланысты Мәскеу мемлекеттік заң академиясының халықаралық құқық бойынша оқулық авторларының тобы (2009) адамның халықаралық құқық тақырыбының сипаты жағынан «тек бір немесе басқа автордың қалауы бойынша ғана емес, сонымен қатар елеуге болмайтын объективті шындыққа» байланысты болмайтынын атап көрсетеді (Бекашев К.А., 2005:204-784).

Іс жүзінде өз теориясын айтарлықтай асып түсетін халықаралық құқықты үйлестіру және қолдану тәжірибесі ғалымдарды халықаралық құқық субъектілерінің қасиеттерін растайтын немесе қабылдамайтын көзқарастарды дамытуға ынталандырудың негізгі себебі болып табылады. Жұмыстың мақсаты мен міндеттеріне негізделген логикалық тұрғыдан қарастырылған және құрылымдық жағынан орынды болып табылады. Біз басынан аяғынан дейін жеке тұлғалардың халықаралық құқықтар мен міндеттерінің болуы, сондай-ақ оларға бағытталған халықаралық-құқықтық нормалардың орындалуын қамтамасыз ету мүмкіндігін дереу қарастырамыз.

Теориялық-әдістемелік негізі

Зерттеудің методологиялық әдістерінің қатарында танудың жалпы ғылымдық әдістері қолданды. Олар: диалектикалық, салыстырмалы құқықтық, жүйелі құрылымдық әдістер. Зерттеудің эмпирикалық әдістеріне халықаралық құқықтағы құқықсубъектілігінің қырлары мен

ұлттық заңнамадағы қолданысы, ғалымдардың пікірлерін қарастыру мен салыстыру, байқау, сараптамалық байқау, өлшеу әдістерін жатқызамыз.

Дискуссия және зерттеу нәтижесі

Ең бастысы үш ғылыми ұстанымдардың мазмұнын жан-жақты талдаймыз. Бірінші позицияны қалыптастыру (бұл жеке тұлғалар үшін халықаралық құқық субъектісінің мәртебесін танудың мүмкін еместігі туралы мәселе) XVII-XVIII ғасырларда негізделген.

Мысалы, Гуго Гроций, ежелгі ойшылдар сияқты халықаралық тұлғаларды халықпен және олардың басшыларымен байланыстырды (атап айтқанда, халықтар құқығы – бұл құқық халықтар мен олардың билеушілері арасындағы қарым-қатынасты анықтайтын және табиғаттың негізі бар немесе Құдай заңымен бекітілген немесе моральдік немесе жалған келісімдермен енгізілген, сонымен бірге «мемлекеттік билік, мемлекеттің мұрасы, белгілі құқықтары мен міндеттері». Эмер де Ваттель халықаралық құқықтың басты тақырыбы болып табылатын, халықаралық ғалымдар арасында бірінші болып пайдасы мен қауіпсіздігін қамтамасыз ету үшін біріктірілген адамдар қоғамының саяси ағымын түсінген «ұлт» және «мемлекет» ұғымдарын теңестіретініне қарамастан, танылған егемен мемлекеттер (Vattel, 1960:13-720).

Он тоғызыншы және жиырмамыншы ғасырлар кезінен бастап, осы бағытта әр түрлі тұжырымдамалар түріндегі зерттеулер аса белсенді және күрделі болды, олардың арасында тек қана халықаралық құқықтың жалғыз және тікелей субъектілері болып табылатын мемлекеттер басым болды. Осылайша оған мемлекет айырықша халықаралық-құқықтық тұлға аталды. Бұл идеяны жақтаушы ретінде Н.М. Коркунов, В.П. Дановский, О.О. Эйхельман, М.А. Таубе, А.М. Горовцев, А.В. Шаланд және басқалары. Батыстың доктринасының өкілдері арасында Триппель мен Д. Анцилоттиді ерекше атап өту қажет, «логика тұрғысынан тәуелсіз және тәуелсіздік арасындағы қарым-қатынасты реттеуге арналған құқықтық жүйедегі басқа субъектілердің болуы мүмкін емес (Анцилотти, 1961:225-447).

Жоғарыда аталған барлық ғалымдардың кәсіби санасында халықаралық құқық, құқықтық нормалар институты ретінде тек мемлекет мемлекеттерінің өзара қарым-қатынастарын ғана реттейді, сондықтан «мемлекет пен

тек қана мемлекеттер халықаралық құқықта *locusstandi* стандартына ие және тек олардың халықаралық құқықтық тұлғамен байланысы бар» деп санайды (Анцилотти, 1961:225-447). «Мысалы, халықаралық құқық туралы лекциялар бойынша оның авторлық курсына Н.М. Коркунов атап өтті: «Халықаралық қорғау – бірнеше мемлекеттердің бір-бірінен тәуелсіз және мемлекеттердің жоғары беделін білмейтін бірлескен қызметімен қорғалғандықтан, оның субъектілері тек қана жағдайы жағынан атап көрсетіледі (Коркунов, 1886:53). Кез келген басқа байланыс немесе мекеме тәуелсіздік жағдайын қанағаттандырмайды. Заңды қорғауға бағытталған қызметі мемлекеттік биліктің құзырына және бақылауына жатады. В.П. Даневский мемлекеттердің эксклюзивті халықаралық тұлғаларының идеясын батыл қорғайды. Ол «халықаралық құқықтың жалғыз субъектілері және халықаралық қатынастар саласындағы тікелей тұлғалар халықаралық қатынаста заңды қызметті жүзеге асыратын заңды тұлғалар болып табылады» (Маргиев, 2005). Алайда, О.О. Эйхельман «мемлекет тек халықаралық құқық субъектісі болып табылады және ең көп халықаралық құқық, бейнелеп айтқанда, мемлекеттердің құқыққорғаушылары арасындағы құқық» деген ұстанымын өзгеріссіз санайды (Орлова, 2009: 67-69). А.М. Горовцев «мемлекеттен басқа ешкім, бірде бір ешқандай билік халықаралық құқық субъектісі ретінде таныла алмайды» деп өз тұжырымдамасын айтады (Горовцев, 1909). Халықаралық құқықтың бірдей немесе классикалық доктринасының шеңберінде Д. Анцилотти өзінің теориялық құрылысын жасаған. Толықтай халықаралық құқық жүйесімен айналысатын ауқымды ғылыми жұмысында «халықаралық құқықта сол құқықтар мен міндеттерге ие мемлекеттерге қарағанда басқалары болуы керек екенін елестету мүмкін емес» екендігі осы мысалда атап көрсетілген болатын (Аречага, 1983:225-12).

Адамдарға қатысты міндеттерді және жүктегендей болып көрінетін әдеттегі заңдар мен келісімдердің ережелері, жеке тұлғалардың белгілі бір әрекеттерін тыйым салу мен жазалауға мемлекет міндеттейді немесе басқаларға тыйым салынған жағдайда рұқсат береді. Әрине, халықаралық даулар жеке тұлғалар мен жеке тұлғалардың мүдделеріне ие болуы мүмкін, бірақ мұндай мүдделер халықаралық құқықтық тәртіп саласында мемлекеттердің міндеттемелері мен өзара талаптары түрінде ғана маңыздылыққа ие, яғни бұл заң ережелерінің мағынасы. Алайда,

соған қарамастан, ол көптеген зерттеушілер атап өткен және мемлекеттің айырықша халықаралық тұлғаны олардың тұжырымдамасын әзірлеуді қорғады, онда мұндай негізгі көзқарас абсолютті қарым-қатынас үкімет немесе адамдар, кең немесе тар адамзат өркениетінің контекстінде әлі күнге дейін бір мезгілде тану немесе мүлдем үйлестіруші рөлін қоспағандағысын атап өтуге болады.

Мәселен, А.Н. Стоянов халықаралық құқықтың тікелей субъектілерінен басқа мемлекеттердің атқарушы билігін мойындады (Труженникова, 1994:129). Ф.Ф. Мартенс сондай-ақ барлық мемлекеттердің халықаралық тұлғасын ғана емес, еуропалық өркениеттің мемлекеттерін ғана таниды (Мартенс, 2008:223-251).

Л.А. Комаровский «мемлекетте саяси түрде ұйымдастырылған адамзат халықаралық құқықтың субъектісі болып табылады, жекеленген мемлекеттер және оның өкілдері» (Комаровский, 1905). М.С. Коровицаның көзқарасы бойынша мемлекетке дейінгі саяси ұйымды қалыптастыру халықтардың халықаралық тұлғаларының міндетті шарты деп танылады, содан кейін мұндай ұйым ұлттық егемендікке негізделген, халықтың еркіне (колония халқына) ұлттық мемлекетке дейінгі ерікке негізделген (Маргиев, 2005). Жоғарыда атап өткендерді тағы көруге болады, бұл халықаралық құқық субъектілерінің мәселелерін зерттеуге мамандандырылған көптеген ғалымдар ең алдымен мемлекетпен байланыстырғанымен, олардың мәртебесі өтпелі, мемлекет мемлекет белгілейтінін ескере отырып, негізінен ұлттық немесе халықтың мемлекеттік түрінің мүмкіндігін жоққа шығармады, ұлттық немесе халықтың заңды тұлғасы өзінің билігін білдіретін мемлекеттің органдарымен байланысы бір немесе одан да көп болса, ұлттық егемендікті бейнелейді. «Бұл кездейсоқ емес, өйткені сол кезде халықаралық тұлға егеменді билікпен байланыстырылды» (Маргиев, 2005). Әлемдік соғыстың аяқталуынан кейін үш адам халықаралық жеке тұлғаның теориялық негіздерін дамытуға байланысты жағдайды түбегейлі өзгертті. Халықаралық құқық субъектілерінің көптеген тұжырымдамасын өзінің тәжірибесінде іске асырылуын тапты және «халықаралық құқық субъектілері, халықаралық үкіметаралық ұйымдармен қатар», сондай-ақ өздерінің өзін-өзі басқару құқығын іске асыратын және мемлекеттік құрылымдарға ұқсас айқын мысал ретінде танылды. Дегенмен, ұзақ уақыт бойы халықаралық құқық субъектісінің

мәртебесі, олардың артында тұрған адамдар туралы айтуға болмайтындығын атап өткен жөн. Атап айтқанда, 1957 жылы КСРО Ғылым академиясының Заң институты жариялаған халықаралық құқық бойынша оқулықта былай делінген: «Халықаралық құқық тақырыбы бойынша егеменді құқық иеленушісі, сондай-ақ халықаралық келісімдер мен әдет-ғұрыптардан туындайтын құқықтар мен міндеттер түсініледі. Алайда, қазіргі уақытта халықаралық ұйымдар халықаралық құқықтың субъектісі бола алады және де көбісі субъектісі болып танылады, мұны көпшілік мойындады және бұл жайындағы даулар тарихтың еншісінде деп қарастырылады (Маргиев, 2005). Жоғарыда айтылған толық көлемде қазіргі заманғы халықаралық құқықтың субъектілерін көптеген әйгілі заңгерлер мемлекеттер мен халықаралық ұйымдарды (Анцилотти, 1961:225-447) (мемлекетаралық, үкіметаралық) заңды тұлғаның арнайы түріне немесе субъектісіне жатқызады, алайда келесі категорияларға сілтеме жасайды: «а) құқық субъектілері мен міндеттердің субъектілері; ә) халықаралық құқықтың белсенді және пассивті субъектілері; б) халықаралық құқықтың тұрақты және уақытша субъектілері; в) халықаралық құқықтың түпнұсқа және қабылданған субъектілері; г) өзін-өзі басқару құқығы жоқ және халықаралық құқық субъектілері; ғ) әртүрлі құқықтық қабілетін және қабілеттілігі бар халықаралық құқық субъектілері; д) халықаралық құқықтың жалпы нормалары негізінде қолданыстағы халықаралық құқық субъектілері және тек шет мемлекеттермен танылған субъектілер (Коркунов, 1886:53).»

Болашақта концепция тек қана заңды тұлғаның арнайы өзгеше түрінде таратылды: кеңестік, ал қазіргі кезде ресейлік және басқа шетелдік ғалымдардың басым көпшілігі осы көзқарасты қолдайды (Тункин, 1970:403). Мысалы, осының алдында аталған С.В. Черниченконың 1968 жылғы өзінің «Халықаралық соттар мен индивидтерді халықаралық заңды тұлғаның арнайы түрінде қарастыру» деген мақаласында былай деп жазған: «Кеңестік көпшілікпен танылған құқықтық әдебиетінде жеке тұлға халықаралық құқықтың субъектісі болып табылмайды» (Черниченко, 1968:270-280). Оны Д.И. Фельдман мен Г.И. Курдюков қолдады, олардың ойынша «Индивидтер халықаралық қатынастардың субъектісі болып танылмайды» (Фельдман, 1965), осы факті негізінде «индивидтер тіпті халықаралық сотта талапкер немесе жауапкер ретінде қатысса да, халықаралық құқықтық субъектілікке ие» (Фельдман, 1965). Осындай

кесімді түрде айтылған тәсілдер кеңестік ресми халықаралық құқықтық идеологияны қолдаудың салдары болып табылатыны айдан анық. Осыған орай, 1986 жылы КСРО-да жарияланған халықаралық сөздігінде, жеке тұлғалар, мемлекет ішіндегі ұйымдар сияқтылар халықаралық құқықтың субъектісі ретінде танылмайды (Бацанов, Ефимов, Кузнецов, 1986:389-432), өйткені олар ішкі мемлекеттік заңнама бойынша реттеледі, осыған байланысты оның халықаралық аренадағы мәртебесі анықталады. Кейінірек «Тұлға және халықаралық құқық» атты монографиясында С.В. Черниченко теория жүзінде құқықтың субъектісі болып (Черниченко, 1968:270-280). «Кем дегенде бір құқығы бар тұлға, кем дегенде бір міндеті бар тұлға» саналады дейді, бірақ «тұлғаның құқықтары мен міндеттерінің (Труженникова, 1994:129) санына қарамастан, кез келген жағдайда адамның мінез-құлқын құқықтық реттеу жүзеге асырылып отырады. Соңында ол былай деп түйіндейді: Құқтың субъектісі болып заңның өте шектеулі шегінде, яғни, бірыңғай міндет шеңберінде және өте кең (әмбебап заңды тұлға деп аталатын) түрінде болуы мүмкін. «Құқық субъектілігі аясында мөлшері емес, оның бар болуы оны сипаттайды» (Труженникова, 1994:129). Бірақ, сонымен қатар, ол бірден халықаралық құқықтық субъектілік тұжырымдамасын және жеке тұлғалардың халықаралық құқықтық субъектіліктің айырмашылығы (Труженникова, 1994:129) осыған негізделіп ол халықаралық құқық субъектілікті мойындамайды. Жеке тұлғаның халықаралық құқық субъектілігінің сипатын талдауға арналған жаңа мақалада былай деп түйіндейді: «Жеке тұлғалар объективті түрде мемлекетаралық қатынастардың мүшелері, сонымен қатар халықаралық құқықтың субъектісі болып табылмайды» (Черниченко, 1993: 99). С.В. Черниченко осындай позицияны, атап айтқанда, шын мәнінде, бұл қазіргі кезде жеке тұлғалардың тікелей қол кеңейту үрдісі адам құқықтарын қорғау халықаралық ұйымдармен байланысты (Черниченко С.В., 1993: 99). Мұндай қолжетімділік оларды халықаралық құқық субъектілері етпейді, бірақ тек тиісті келісімшартқа қатысушылар осы қол жеткізуді олардың иелігінде заңды және ұйымдастырушылық құралдармен қамтамасыз ету туралы өзара міндеттемені қамтамасыз етеді (Труженникова Л.Т. 1994:129). Бұл тұжырымды Д.Б. Левин, Н.А. Ушаков, Ю.М. Колосов, Г.П. Задорожный, И.И. Лукашук, А. Фердросс, Д. Анцилотти, Р. Дедслоб, Дж. Шварценбергер қолдайды (Труженникова Л.Т., 1994:129).

Осылайша, қарастырылып жатқан көзқарас жүйесінің жақтаушыларының пікірін ескере отырып, Ю.М. Колосов «Қазіргі заманғы халықаралық құқықтың кейбір мәселелері» деген мақалада: «жаңа құбылыстарды ескі санаттарға қатысуға тырысу керек пе?» деген сұрақ қояды (Труженникова Л.Т. 1994:129). Бұл сұраққа жауап бере отырып, ол жеке тұлғаның халықаралық құқықсубъектілігі мүмкін еместігі туралы өзінің жеке көзқарасын келтірді: мұндай жағдайда субъектілер иерархиясы құрылады, соның салдарынан мемлекеттер иерархиясы орнайды, ол халықаралық құқықтың негізгі қағидаларының бірі – теңдік қағидасына қайшы келеді. Тағы бір басқа салдар – мемлекеттердің өзара қарым-қатынасында басқа да халықаралық статусын төмендетіп алуы мүмкін, мындаған және басқа да миллиондаған кәсіпорындардың өзара қарым-қатынастарында жойылған халықаралық қатынастардың негізін жоғалтуы мүмкін. Нәтижесінде халықаралық құқық белгісіз сипатта болады (Труженникова Л.Т., 1994:129). Ол осыған ұқсас тағы бір жұмысында, ағылшын тілінің заңгері Р. Винсентпен бірдей контексте, бірақ кейбір түсініктемелермен жалғастырады «әлемдік қауымдастық жеке және үкіметтік емес топтарды қосады және де халықаралық адам құқықтары егемендік пен араласпау сияқты қағидағар түрлендіреді, алайда, мемлекет билігі күшейеді және қоғамның ұйымдық формасы ретінде адам құқықтарын құқықтық шындыққа айналдырады (Колосов Ю.М., 1998:6-18).

Сонымен қатар, ол бұл идеяны проф. Кузнецов халықаралық құқық бойынша танымал оқулығында айтып кетті. Онда ғалымдардың пайымдауынша «адам құқықтарын құрметтеу қағидасынан басқа қағидаға қарсы емес, бірақ олармен үйлеседі. Сондықтан адам құқықтарын қорғау қажеттілігіне ешқандай сілтеме жасалмаған, мемлекеттік егемендікті құрметтеу, мемлекеттердің бір-бірінің ішкі істеріне араласпауы, күштің заңсыз қолданылуы немесе оны халықаралық қатынастарда қолдану сияқты қағидаларды бұзу әрекеттерін ақтауы мүмкін» (Нурумов Д.И., 2000). Ақыр соңында, 2000 жылы жарияланған халықаралық құқық бойынша басқа оқулықта проф. Е.С. Кривчикова, Ю.М. Колосов өзінің ұстанымын қорғау үшін басқа дәлелдер келтіреді. «Көптеген мемлекетаралық шарттар мемлекеттердің үкіметтері мен олардың жеке және заңды тұлғалары арасындағы құқықтық қатынастарды реттеуге, атап айтқанда, адам құқықтары мен негізгі бостандықтарын қамтамасыз етуге бағытталған» деп атап көрсетті. Және

«бұл жеке адамға халықаралық құқықта кейбір құқықтар береді», дегенмен, жалпыға танылған маман «барлық жағдайларда бұл құқықтар тиісті мемлекетаралық келісімдерге қатысушылардың келісімінің салдарынан болғандықтан, екінші қосымша сипаттама береді (Колосов Ю.М., Кривчикова Э.С., 2000).

Қорытындылай келе, автор «жеке адамның халықаралық қатынастарға қатысуға, сондай-ақ халықаралық құқық нормаларын құруға заңды мүмкіндігі жоқ» деген қорытындыға келеді. Демек, жеке тұлғалар және заңды тұлға халықаралық субъект ретінде құқықтары мен міндеттері жоқ. Басқа халықаралық ресейлік адвокаттардың арасында, халықаралық құқық субъектілерінің қатарына жеке тұлғаларды кіргізбеуді қалаған, атап өту қажет және И.И. Лукашук адам құқықтары мен негізгі бостандықтары туралы халықаралық актілер призмасы арқылы өз ұстанымын түсіндірді. Ол халықаралық құқық бойынша авторлық оқулықта, мысалы, «халықаралық актілерде адамның халықаралық құқық субъектісі ретінде мойындалмайды» деп жазды (Лукашук И.И., 2000:34-410). Жеке тұлға халықаралық құқық нормаларына қатысты, сондай-ақ құқықтар мен бостандықтарға қатысты бенефициар (пайдаланушы) болып табылады, сол себепті жеке тұлға, әрине, олардың субъектісі болып табылады (Нурумов Д.И., 2000).

«Осыған байланысты олардың ерекше құқықтық қасиеттері бар. Халықаралық келісімдер де, ішкі заңдар да адам құқықтарын шектемейді. Бұл мәртебені дәлелдеу үшін табиғи адам құқықтары тұжырымдамасы қолданылады». Сондықтан, адам құқықтарының мемлекеттердің ішкі юрисдикциясы саласында жатқанын айтқан ғалым осындай талапты қолдады. Осыған байланысты, оның пайымдауынша, «объект жеке тұлғаның құқықтарының нормаларын, сондай-ақ халықаралық құқықтың басқа да нормаларын реттеудің нысаны мемлекетаралық қатынастар болып табылады, бұл жағдайда адам құқықтарын құрметтеу ынтымақтастықты дамытады. Индивидтердің мүдделеріне қарай ол халықаралық ынтымақтастықтың нәтижелерін нығайтатын ұлттық құқық негізінде тиісті құқықтарды жүзеге асыру арқылы осындай ынтымақтастықтың нәтижесін пайдаланады. Осының негізінде мемлекет өз азаматтарының алдында ештеңеге міндетті емес, ал азамат тек қана «ынтымақтастықтың жемісін» пайдаланады (Нурумов Д.И.,

2000). Бұл көзқараста, сондай-ақ, егемендік тұжырымдамасы абсолютті деп есептелетін жағдайды түзетеді, ал жеке адам оның халықаралық-құқықтық тұлғадан бас тартады (Нурумов Д.И., 2000).

Батыс ғалымдар, мысалы, А. Фердросс және Д. Анцилотти, ресейлік әріптестердің көзқарастарын ешқандай ескертусіз ортақ пайдаланды. Осылайша, алғашқы австриялық ғалым пайымдауынша, «негізінен жеке тұлғалар халықаралық құқық субъектісі болып табылмайды, өйткені халықаралық құқық адамның мүддесін қорғайды, бірақ тікелей азаматтарға емес, тек азаматы болып табылатын мемлекеттің құқықтары мен міндеттерін жүктейді». Д. Анцилотти «Халықаралық құқықтың курсында»: «Адамдардың белгілі бір іс-әрекеттеріне тыйым салу және жазалау туралы міндеттеме жүктейтін әдеттегі заңдар мен келісімдердің нормалары, немесе басқаларға тыйым салынған жағдайда оған рұқсат береді. Әрине, халықаралық даулар жеке тұлғалардың немесе топтардың жеке мүдделеріне ие бола алады (Арчага Э.Х., 1983:225-12). Бірақ мұндай мүдделер халықаралық құқық пен тәртіп саласында маңызды рөл атқарады, тек осы заңды ережелердің мағынасы болып табылатын мемлекеттердің міндеттері мен өзара талаптары түрінде» (Нурумов Д.И., 2000) деп жазды. Жоғарыда көрсетілген барлық көзқарастардың жалпы мазмұнын қорытындылай келе, әртүрлі тарихи дәуірде, оның ерекшеліктерін ескере отырып, халықаралық заңгерлер тар шеңберде халықаралық құқық субъектілерін сыныптауға тырысты (Лукашук И.И., 2000:34-410).

Сонымен қатар, егер кейбіреулер халықаралық құқықтық жүйеде егемендіктің міндетті сипаты немесе олардың егеменді құқықтары мен міндеттері бар тек бір ғана субъектілерді бөлуге жеткілікті негіз болса, онда басқалары теорияның жалпы бөлігінің ережелеріне сәйкес, жалпыға ортақ халықаралық заң жобалауға қатысу мүмкіндігі (заң шығару және құқық қорғау қызметі – «тікелей және тек қана халықаралық қатынастарда тәуелсіздік (осы маңызды сапаның мәні тақырыбындағы) халықаралық құқық нормаларын жасау мен жүзеге асыруға қатысады. Халықаралық құқық – бұл кез келген юрисдикцияға жатпайды, оған саяси билігі жоқ, халықаралық құқықтың басқа субъектілерінен заңды түрде тәуелсіз (Григорович Ю.В., 2008). Алынған нәтижелерге сүйенсек, олар халықаралық-құқықтық тұлғаның мазмұнын пайдаланып, өздерінің шектеулі мүмкіндіктері

мен құқықтық қасиеттеріне байланысты тәуелсіз халықаралық құқықтық мәртебесін жоққа шығарады.

Басқа да бір-бірімен байланыссыз элементтердің абсолютті емес екендігі қазіргі заманғы шындықтармен айқындалады. Қазіргі уақытта мемлекеттің өмірлік маңызды қажеттіліктері мен басқа да өз мүдделерін қорғай отырып, ұдайы ескеруге мәжбүрлі қудалауға және ең алдымен, көршілес елдерге (қазіргі қауіп-қатерлер, міндеттер, тәуекелдер мен қауіптілік итермелейді) аймақтық және жаһандық қауіпсіздік қамтамасыз ету қажет.

Келтірілген мысал ретінде мұндай қасиетті өзара бағынбаушылық пен тәуелсіздікті қажет етеді, себебі олар қазірдің өзінде қайта мағыналу динамикасын ескере отырып, оның анық сапасын, қазіргі заманғы өмірде ұсынымдық сипатта болады, мысалы, жарыспалы сипаты салыстырмалы өз табиғаты бойынша шешімдер қабылдау кезінде қажет, онда сол ЕО шеңберінде жалпыға мәлім деп танылған азаматтардың пікірлерін есепке маңызы бар бірыңғай Еуропа. Осылайша, қарастырылып жатқан істерде халықаралық құқық субъектілерінің санының рұқсат етілген деңгейінің сақталуын жалғастырып жатқандығын және жалпы алғанда осы уақытқа дейін жеке тұлғалардың осы шеңберге қатыспағанын біржакты түрде дәлелдеуге болады ма?

Жеке тұлғалар тек қана халықаралық қатынастар субъектісі бола алатынына сенген екінші авторлық топтың пікірлері біздің пікіріміздей сөзсіз емес. Осылайша, В.М. Шуршалов «мемлекеттің басқаруында болған тұлғалар халықаралық аренада халықаралық құқық субъектілері ретінде пайда болмайды» деп жазды (Шуршалов В.М., 1971:77).

Бұл «жеке адамның негізгі құқықтары мен бостандықтарын қорғау туралы барлық халықаралық келісімдер мемлекеттер тарапынан жасалуына байланысты болып келеді, сондықтан осы келісімдердің нақты құқықтары мен міндеттері жеке тұлғаларға емес, мемлекеттерге де қатысты» (Шуршалов В.М., 1971:77). Дәлелденген осындай пікірмен ынтымақтастықты білдіре келе, автор: «Адамдар өз мемлекетімен қорғалған және адам құқықтары мен бостандықтарын қорғауға бағытталған халықаралық құқық нормалары негізінен мемлекет арқылы жүзеге асырылады», – деп жалғастырған болатын (Шуршалов В.М., 1971:77). Оның пікірінше, халықаралық құқықтың қолданыстағы нормаларына сәйкес, ол

кейде белгілі бір құқықтық қатынастардың субъектісі болып табылады, бірақ ол халықаралық құқық субъектісі болып табылмайды (Шуршалов В.М., 1971:77). Мұндай жалпылама түсінік халықаралық құқықтағы адам рөлін «халықаралық құқықтың тағдыры» ретінде анықтаған профессор Ю.М. Колосовтың ұсынылған пікіріне жауап береді (Шуршалов В.М., 1971:77). М. Ахерест жоғарыда аталған авторлардың көзқарасын біршама нақтылап, шын мәнінде халықаралық құқық бойынша жеке тұлғаның құқықтары мен міндеттері өте сирек кездеседі, бірақ халықаралық құқықтың көптеген ережелері жеке тұлға үшін «және сол уақытта» пайдалы шарттар мен міндеттер жасайды, әдетте, бұл міндеттер мен бенефициардың шарттары азаматтық болып табылады» (Гроций Г., 1950:44).

XIX ғасырдың екінші жартысында ұқсас ұстанымды А.Н. Стоянов білдірген болатын. Ол мемлекеттер мен үкіметтер тек халықаралық құқық субъектісі бола алатынын, ал жеке және заңды тұлғалар «космополистік қарым-қатынасқа қатыса алады, бірақ олар қатаң мағынада халықаралық құқық субъектілері болып табылады, бірақ олардың құқықтары мен мүдделерін қорғайды» деп атап өтті (Стоянов А.Н., 1875: 458-459). Сонымен қатар, ол халықаралық құқықтың пәрменді субъектілерінің тұжырымдамасын ғылыми айналымға енгізді, бұл оларға заңды және жеке тұлғалармен бірге белгілі бір құқықтарды көздейтін және олардың халықаралық құқықтың бенефициарлары болып табылатын жеке тұлғалармен бірге пайда болды (Стоянов А.Н., 1875: 458-459).

Келесі XX ғасырдың басында Ф.Ф. Мартенс осындай пікірді ұстанған. Ол өзінің танымал еңбегінде «өркениетті халықтардың заманауи халықаралық құқығы» деп жеке тұлғалар халықаралық құқық субъектісі болып табылмайды, бірақ олар халықаралық қатынастар саласында белгілі бір құқықтарға ие: 1) өзі қабылдайтын адамнан; 2) осы тұлғалардың мемлекеттің тапсырған лауазымдары. Алдыңғы автор сияқты, ол сондай-ақ «халықаралық қатынастар саласындағы құқық субъектілері» деген тұжырымдаманы енгізеді, оған билеушілер, қоғамдық топтар мен жеке тұлғалар жатады (Мартенс Ф.Ф., 2008:223-251).

Л.А. Комаровский «халықаралық құқық субъектілері» ұғымымен бірге «халықаралық қорғаудың тасымалдаушылары» санатын енгізеді, оған мемлекет, қоғамдық топтар және жеке тұлғалар жатады. Халықаралық құқық

субъектілерін жіктеуді жүзеге асырған басқа авторлар екі топты (белсенді немесе пассивті) ажырата бастады (Камаковского Л.А., Ульяницкого В.А., 1908:145). Соңғысына халықаралық экономикалық ұйымдармен, кейбір халықаралық үкіметтік емес ұйымдармен, көптеген үкіметаралық конференциялармен, комитеттермен, сарапшылар топтарымен («параұйымдар» деп аталатын) және басқа да тұлғалар. Оларды негізгі пассивті субъектілері деп аталатынына назар аударады. Кейінірек, Г.И. Тункин, өз кезегінде, халықаралық жүйенің пәндері (актерлері) мен халықаралық құқық субъектілерін ерекшеледі. Оның пікірінше, халықаралық құқық халықаралық жүйенің барлық субъектілері арасындағы қатынастарды тікелей немесе жанама реттейді (Тункин Г.И., 1970:403). Дегенмен, халықаралық нормалар тікелей оның дәстүрлі акторларына ғана бағытталады, халықаралық жүйенің басқа субъектілерінің қатынастары мемлекеттер арқылы халықаралық құқықпен реттеледі. Қазіргі заманғы ғалымдардың бірі Д.К. Лабиннің айтуынша, «жалпыға ортақ халықаралық құқық, қатысушы мемлекеттердің басқа қатысушы мемлекеттерге қатысты құқықтар мен міндеттерін жасайды және мойындайды, тіпті осы құқықтар объектісі болса да жеке тұлғаларға қатысты міндеттер болып табылады» (Фельдман Д.И., Курдюков К.И., 1974: 131). Соңғы ұстаным, осылайша, халықаралық құқық көзқарасы тұрғысынан алғанда, адамға оның тақырыбы ретінде емес, құқықтық қорғаудың ерекше кепілдігі мен кепілдігі ретінде қаралуы тиіс екендігін тағы бір дәлелдейді. Бұл тұрғыдан Е.А. Николаев, оның құқықтары мен бостандықтары – азаматтығы мен тұрғылықты жеріне қарамастан заңмен белгіленген шектерде бөлінбейтін және жалпыға бірдей танылған әлемдік қоғамдастық. Оксфордта жарияланған халықаралық құқық бойынша классикалық оқулық авторлары, профессорлар Р. Дженнинг және А. Уотс әлемдегі көптеген прецеденттерді және жалпы құқықтық мемлекеттің тәжірибесін ескере отырып, жеке тұлғалар халықаралық құқық объектілері деп санайды (Николаев Е.А., 2004). Бұл көзқарастың мазмұны негізінде жеке тұлғалар халықаралық құқық субъектілері ретінде бола алмайды, өйткені осы тұрғыда жеті томды «Халықаралық құқықтың курсы» (1989) авторларының ұжымына «белгілі бір құқықтар мен міндеттердің шектеулі ауқымы» бар халықаралық құқық» деп атайды. Себебі, халықаралық құқық нормалары бұл процеске тікелей қатысуы мүмкін емес. Сонымен бірге,

олар мемлекет ұсынған кейбір құқықтар мен міндеттердің болуы (немесе ерік-жігері) оларды халықаралық құқық субъектілерінің екінші санаты ретінде жіктеуге мүмкіндік береді деп санайды (Тункин Г.И., 1970:403).

Ағылшын заңгер-интернационалист Ян Браунли, бір жағынан, жеке тұлғаның халықаралық құқық субъектісі бола алмайтыны туралы жалпы ереже бар екенін, ал екінші жағынан, белгілі бір контексте жеке тұлға халықаралық құқықтың субъектісі ретінде әрекет ететініне сенді (Броунли Я., 1977:177-551).

Осы позицияларға сәйкес, мемлекеттік емес заңды тұлғалар – заңды тұлғалар жеке тұлғалармен қатар мемлекеттердің еркімен үйлестіру негізінде халықаралық құқық бойынша бірқатар құқықтар мен міндеттерге ие және сондықтан қатаң мағынада ғана халықаралық қатынастардың жекелеген түрлеріне қатысады.

Бұл, сонымен қатар, Ж.И. Седованың максималистік ұстаныммен айтуы бойынша: «құқықтық қарым-қатынас субъектісі заңның субъектісі болуға тиіс емес». Автордың бекітуіне сәйкес, идеяның бұл айқын сипаты «заңды нормаларды жасайтын ұйымдар ғана халықаралық құқық субъектілері ретінде танылады» (Седова Ж.И., 2001). Жалпы алғанда, ғалымдар, атап айтқанда, С.В. Черниченко: «сіз халықаралық құқық субъектісі бола аласыз және белгілі бір құқықтық қатынастың субъектісі бола алмайсыз, бірақ сіз халықаралық-құқықтық қатынастың субъектісі бола алмайсыз және халықаралық құқықтың субъектісі бола алмайсыз» (Черниченко С.В., 1993: 99) деп атап көрсетеді.

Әрине, ұқсас көзқарастардың заңдылығы, атап өткендей Г.Н. Нешатаева әрдайым елеулі күмән туғызды (Нешатаева Т.Н., 1988:70). Сонымен бірге, егер бұл мемлекеттер өздерінің ішкі немесе сыртқы саясатын, гуманитарлық, әлеуметтік, экономикалық, мәдени және т.б. мақсаттары мен міндеттерін жеке тұлғаларды халықаралық қатынастар субъектілерінің категориясынан, әдетте, халықаралық құқықтың қолданыстағы субъектілерінің мәртебесі субъектілерінің орта, екінші стандарттарынан беру мүмкіндігі бар. Сонымен бірге, ғылымда кейбір жеке пікірлердің бар екендігін атап өту керек, бұл егер жеке тұлғаларды объективті мән-жайларға байланысты халықаралық құқық субъектілері ретінде қарастыруға болмайтын болса, олардың жиынтығы оларды түсіну керек. Мысалы, сол сияқты, ресейлік маман Л.А. Комаровский «мемлекетте саяси түрде ұйымдастырылған адамзат халықаралық

құқықтың субъектісі» (Комаровский Л.А., 1905) деп санайды. Жеке тұлғалар туралы басқа ғалымдарды айтатын болсақ, Л. Оппенгейм 1947 жылдан бері мұны «мемлекет халықаралық құқықтың қалыпты субъектісі болса да, олар жеке тұлғаларға және басқа тұлғаларға халықаралық құқықтар мен міндеттерге тікелей қатысы бар және сол шектерде оларды халықаралық құқық субъектілеріне айналдыруға болады» (Oppenheim's, R. Jennings, A., 1998-2887) деп атап өтті. Бұдан әрі ол өзінің пікірін мысалмен түсіндіреді: «Қарақшылықпен айналысатын адамдар, ең алдымен, әр түрлі мемлекеттердің ішкі заңымен емес, халықаралық құқықпен белгіленген нормаларға бағынышты» (Oda, 1978:74).

Қорытынды

Осылайша, жоғарыда аталған ұстанымдар, халықаралық құқық субъектілерінің тізбесін қалыптастыру және мойындау мәселесі екіталай жабылмайды деп айтуға мүмкіндік береді. Халықаралық құқық дамып келе жатқандықтан, жеке тұлға «мәртебе» шеңберінде халықаралық қатынастарда белсенді құқықтық субъектілер қабылдаған және билікке ие емес нормалар негізінде қатыса алатын болса да (Tandon L.N., 1980:124-128), құқықтар мен бостандықтардың ауқымын кеңейтуді жалғастырады. Профессор В.А. Карташкин осыған байланысты болашаққа болжам жасай отырып, халықаралық аренадағы адамның халықаралық құқық субъектісі ретіндегі ролін біртіндеп нығайта отырып, бұл дегеніміз: мұндай субъектілердің шеңбері басқа жаңа мысалдармен толықтырылатын болады. Сондай-ақ қарастырылып отырған контексте «заңды тұлғаның сапасы осы субъект қатысатын көп немесе аз құқықтық қатынастарға қарамастан сатып алынатын позициядан шығу қажет» (Карташкин, 1976: 222). Н.А. Ушаков: «Бұл адам қатысатын немесе қатыса алатын бір құқықтық қарым-қатынасқа ие болу үшін, ол заңды тұлға сапасына ие болады», – деп атап кеткен (Ушаков Н.А.). С.В. Черниченко осыған байланысты «құқықтар мен міндеттердің саны заңды тұлғаның сапасына әсер етпейді, ол заң субъектісі құқықтық қарым-қатынасқа түсе алатын шекараларды анықтайды, құқықтық қарым-қатынастардың субъектісі болады» деп келіседі (Черниченко, 1993: 99).

Қазіргі уақытта қарастырылып отырған тұжырымның жақтаушылары, сондай-ақ олардың ізбасарларының, жеке тұлғаларды олардың

халықаралық құқықтық қатынастардың жалпы жүйесіне еліктіргендік дәрежесін ескере отырып, өздерінің ерекше мәртебесіне ие болған халықаралық құқық субъектілері ретінде санауға бейімділігін қайта-қайта айта аламыз (Slaughter, 2011: 108-673).

Және, ақырында, шартты түрде айтатын болсақ, алдыңғы үшінші және төртінші ұғымдармен қатар, халықаралық жеке тұлғаның жеке қасиеттерінде жеке тұлғалардың бар екендігі туралы доктриналық көзқарастардың

жеке-жеке және ұжымдық көзқарастарын айқындайтын соңғы бесінші позиция. Бірақ, аталған теориялық негіздемелер топтарынан айырмашылығы, жалпы алғанда, жалпы және халықаралық құқықтағы субъектілер тек қана жеке тұлғалар болып саналады. Демек, бұл ерекше халықаралық құқықсубъектілікті растайтын немесе тұтастай алғанда осы санаттағы тұлғалардың толық халықаралық-құқықтық мәртебесі болып табылатын көзқарастар туралы сөз қозғалып отыр.

Әдебиеттер

- Черниченко С.В. Международное право: современные теоретические проблемы. – М., 1993. – С. 99.
- Фельдман Д.И., Курдюков К.И. Основные тенденции развития международной правосубъектности. – Казань: Изд-во «Казанский Университет», 1974. – 131 с.
- Лабин Д.К. Международное право по защите и поощрению иностранных инвестиций. – М.: Волтерс Клувер, 2008. – С. 37 (с. 337).
- Броунли Я. Международное право: пер. с англ. – М., 1977. – Кн. 1. – С. 177 (551 с.).
- Седова Ж.И. Международное юридическое лицо как субъект международного частного права: Автореферат дисс. канд. юрид. наук. – М., 2001. – С. 170.
- Международное публичное право: учебник для вузов системы МВД / отв. ред. К.А. Бекашев. – М.: ТК Велби, Изд-во Проспект, 2005. – 784 с.
- Vattel E.D The right of nations. – М.: Госюриздат, 1960. – С.13(720 с.)
- Анцилотти Д. Курс международного права. – М.: Изд-во иностр. лит., 1961. – С. 225 (447 с.).
- Коркунов Н.М. Международное право: Курс лекций. – СПб., 1886. – С. 53.
- Маргиев В.И. Эволюция теории и практики международной правосубъектности // <https://cyberleninka.ru/article/n/evolyutsii-teorii-i-praktiki-mezhdunarodnoy-pravosubektnosti>, 2005.
- Орлова М.А., Взгляд О.О. Эйхельмана на проблему защиты прав лиц, участвующих в вооруженных конфликтах. – Липецк, 2009. – С. 67-69.
- Горовцев А.М. Международное право. Избранная литература. Краткая Энциклопедия. – СПб., 1909.
- Арчага Э.Х. Современное международное право: пер. с исп. – М., 1983. – С. 225.
- Труженникова Л.Т. Доктрина международного права о правовом положении физического лица // Московский журнал международного права. – 1994. – №4. – С. 129.
- Мартенс Ф.Ф. Современное международное право цивилизованных народов: В 2 т. – М., 2008. – Т. 2. – С. 223 (251 с.).
- Комаровский Л.А. Международное право. – М., 1905 // электронная версия <http://base.garant.ru/6320831/>
- Тункин Г.И. Теория международного права. – М., 1970. – С. 403.
- Черниченко С.В. Допуск индивидов в международные суды и международная правосубъектность // Советский ежегодник международного права. – М.: Наука, 1968. – С. 270 (280 с.).
- Фельдман Д.И. Современные теории международно-правового признания. – Казань: Изд-во: Казанского унив., 1965. – С. 27.
- Словарь международного права / Бацанов С.Б., Ефимов Г.К., Кузнецов В.И. и др. – М.: Международ.отношения, 1986. – С. 389 (432 с.).
- Колосов Ю.М. К вопросу о примате международного права // Международное право в современном мире: Сб. ст. / отв. ред. Ю.М. Колосов. – М.: Международ. отношения, 1998. – С. 8 (с. 6-18).
- Нурумов Д.И. Становление и развитие международной системы защиты прав человека: дисс. канд. юрид. наук. – М., 2000. – С. 29.
- Международное право: Учебник / отв. ред. Ю.М. Колосов, Э.С. Кривчикова. – М.: Межд. отношения, 2000. – С. 86 (720 с.).
- Лукашук И.И. Международное право. Особенная часть: учебник. – М.: БЕК, 2000. – С. 34 (410 с.).
- Григорович Ю.В. Уголовная ответственность физических лиц за международные преступления: дисс. канд. юрид. наук. – М., 2008. – С. 29.
- Шуршалов В.М. Международные правоотношения. – М., 1971. – С. 77.
- Гроций Г. О праве войны и мира: В 3-х книгах. – М., 1951. – С. 44.
- Стоянов А.Н. Очерки истории и догматики международного права: лекции, чит. В 1873/74 акад. г. в Харьк. ун-те. – Харьков, 1875 – С. 458-459.
- Международное право: по лекциям проф. гр. Л.А. Камаровского, В.А. Ульяницкого. – М., 1908. – С. 145.

Николаев Е.А. Правовой институт взаимодействия международного и российского права и решения Конституционного Суда Российской Федерации // *Общепризнанные принципы и нормы международного права и международные договоры в практике конституционного правосудия: Матер. Всерос. совещ.* – М.: Международные отношения, 2004. – С. 225-237.

Нешатаева Т.Н. Международные организации и право // *Новые тенденции в международно-правовом регулировании.* – М., 1988. – С. 70.

Oppenheim's International law Volume 1 Peace [eds. R. Jennings, A. Watts -9-th. edition. - N.Y.: Oxford University Press, 1988 (2887p.)

Oda Sh. The individual in International law // *Manual of Public International Law* | ed. By Max Sorensen. London, P. 471. 1978 -p. 54

Tandon L.N. International law Wrights Q. Towards a Universal Law for Mankind. - L.: Mansoor Book House. 1980 -P. 124 (p. 124-128)

Карташкин В.А. Международная защита прав человека (основные проблемы сотрудничества государств). – М.: Международные отношения, 1976. – 222 с.

Ушаков Н.А. Государство в системе международно-правового регулирования http://www.studmed.ru/ushakov-na-gosudarstvo-v-sisteme-mezhdunarodno-pravovogo-regulirovaniya_689bd9f5221.html

Slaughter A.M. International Relations, Principal Theories. – Published in: Wolfrum, R. (Ed). Max Planck Encyclopedia of Public International Law. Oxford University Press 2001 – P. 108 (673 p.)

References

- Antsilotti D. Kýrs mejdýnarodnogo prava (1961). [Course of international law]. – М.: Izd-vo Inostr. lit. , -s. 225. (447 s.)
- Arechaga E.H. (1983) Sovremennoe mejdýnarodnoe pravo. [Modern international law] per. s s isp. – М.: -s. 225
- Bekyashev. K.A. (2005). Mezhdunarodnoye publicnoye pravo. [International public law]. (otv. red.) Uchebnik dlya vuzov sistemy MVD/ S. 204 (784 s.)
- Brounli YA. (1977). Mezhdunarodnoye pravo. [International law]. per. sangl. - М.: , Kn. 1. - s. 177. (551 c.)
- Chernichenko S.V. (1968). Dopusk individov v mezhdunarodnyye sudy i mezhdunarodnaya pravosub'yektnost. [Admission of individuals to international courts and international legal personality] // *Sovetskiy yezhegodnik mezhdunarodnogo prava.* М.: Nauka. - s. 270 (s. 280)
- Chernichenko S.V. (1993). Mezhdunarodnoye pravo: sovremennyye teoreticheskiye problem. [International law: modern theoretical problems]. - М.: -s. 99
- Eihelman O.O. Vvedenie v sistemý mejdýnarodnogo prava (1890). [Introduction to the international law system] // *Ýniversitetskoe izvestie Kievskogo Ýniversiteta.* №1. -s. 63 (0)
- Feldman D.I. (1967). Ýkaz. soch. [Specified essay] -s. 27
- Fel'dman D.I., Kurdyukov K.I. (1974). Osnovnyye tendentsii razvitiya mezhdunarodnoy pravosub'yektnosti. [The main trends in the development of international legal personality] Izd-vo: Kazanskiy Universitet, 131 s.
- Gorovtsev A.M. (1909) Mezhdunarodnoye pravo, Izbrannaya literatura. Kratkaya Entsiklopediya. [International Law, Selected Literature. Brief Encyclopedia] -S.-Peterburg, s. 340
- Grigorovich YU.V. (2008) Ugolovnaya otvetstvennost' fizicheskikh lits za mezhdunarodnyye prestupleniya. [Criminal liability of individuals for international crimes]. Diss. kand. yurid. nauk. - М., - S. 29
- Grotsiy G. (1950) O prave voyny i mira. [On the right of war and peace] V 3-kh knigakh. М.: -s. 44
- Kartashkin V.A. (1976) Mezhdunarodnaya zashchita prav cheloveka (osnovnyye problemy sotrudnichestva gosudarstv) [International protection of human rights]. – М.: Mezhdunarodnyye otnosheniya, – 222 s.
- Kolosov YU.M. (1998) K voprosu o primате mezhdunarodnogo prava [On the question of the primacy of international law] // *Mezhdunarodnoye pravo v sovremennom mire: Sb. st./ otv. red. YU.M. Kolosov.* - М.: Mezhdunarod. otnosheniya, -s. 8 (s. 6-18)
- Komarovskiy L.A. Mejdýnarodnoe pravo [International law]. - М.: 1905. s.
- Korkunov N.M. (1886). Mezhdunarodnoye pravo [International law] // *Kurs lektsiy.* -SPb.-s. 53.
- Labin D.K. Mejdýnarodnoe pravo po zashite i pooshreniyu inostrannykh investitsiy (2008). [International Law on the Protection and Promotion of Foreign Investment] - М.: Volters Klýver. -s. 37 (s. 337)
- Lukashuk I.I. (2000). Mezhdunarodnoye pravo. [International law] Osobennaya chast'. Uchebnik. М.: BEK, s. 34 (410s.)
- Margiev V.I. (2006). Evolyutsiya teorii i praktiki mejdýnarodnoi pravosýbektности [The evolution of the theory and practice of international legal personality]
- Martens F.F. (2008). Sovremennoye mezhdunarodnoye pravo tsivilizovannykh narodov. [Modern international law of civilized nations] : v 2 t. - М., 2008. – Т. 2. – s. 223 (251 s.)
- Mejdýnarodnoe pravo (2000). [International law]: Ýchebnik/ otv. red. Iy'. M. Kolosov , E.S. Krivchikova. - М.: Mejd. otnosheniya, -s. 86 (720s.)
- Mejdýnarodnoe pravo [International law] (1957). // Ýchebnik. - М.: -s. 86
- Mezhdunarodnoye pravo (1908). [International law]: po lektsiyam prof. gr. L. A. Kamarovskogo i priv.-dots. V. A. Ul'yanitskogo. – М. – С. 145.
- Neshataeva T.N. Mejdýnarodnye organizatsii i pravo (1988). // *Novye tendentsii v mejdýnarodno-pravovom reglyirovani.* [International organizations and law] // *New trends in international legal regulation.* - М.: -s. 70
- Nikolaev E.A. Pravovoi institút vzaimodeistviya mejdýnarodnogo i rossiskogo prava i resheniya Konstitýtsionnogo Sída Rossijskoi Federatsii (2004). [Legal institution of interaction of international and Russian law and the decision of the Constitutional

Court of the Russian Federation] // *Obshepriznannye printsipy i normy mejdunarodnogo prava i mejdunarodnye dogovory v praktike konstitýtsionnogo pravosýdya* Mater. Vseross. sovesh.- M.: Mejdunarodnye otnosheniia, s.225-237

Nurumov D.I. (2000). *Stanovleniye i razvitiye mezhdunarodnoy sistemy zashchity prav cheloveka*. [Formation and development of the international system for the protection of human rights] Diss. Kand.yurid.nauk.- M.,- s.29

Oda Sh. The individual in International law|| *Manual of Public International Law*| ed.By Max Sorensen.London,1978.P.471.-p.

Oppenheim's International law Volume1Peace|eds. R.Jennings, A. Watts (1992)-9-th.edition.-N.Y.:OxfordUniversity Press,(2887p.)

Sedova ZH.I.(2001). *Mezhdunarodnoye yuridicheskoye litso kak sub»yekt mezhdunarodnogo chastnogo prava*. [International legal entity as a subject of international private law]. Avtoreferat dis. kand. yurid. nauk –M., – S.170.

Shurshalov V.M.(1971). *Mezhdunarodnyye pravootnosheniya*/[International Legal Relations].-M.:.-s.77

Slaughter A.-M. International Relations,Principal Theories (2011). – Pullished in: Wolfrum, R.(Ed). *Max Planck Encyclopedia of Pullic International Caw*. Oxford University Press. – P. -108 (673 p.).

Slovar' mezhdunarodnogo prava. [International Law Dictionary] (1986).// Batsanov S.B., Yefimov G.K., Kuznetsov V.I. i dr.) – M.: Mezhdunarod.otnosheniya,-s.389.(432s.)

Stoyanov A. N.(1875). *Ocherki istorii i dogmatiki mezhdunarodnogo prava : lektsii, chit.*[Essays on the history and dogma of international law: lectures]V 1873/74 akad. g. v Khar'k. un-te. – Khar'kov, – C. 458–459,138

Tandon L.N. International law (1980). || *Wrights Q. Towards a Universal Law for Mankind.*- L. : Mansoor Book House,- P.124(p.124-128)

Truzhennikova L.T. (1994). *Doktrina mezhdunarodnogo prava o pravovom polozhenii fizicheskogo litsa*[The doctrine of international law on the legal status of an individual] // *Moskovskiy zhurnal mezhdunarodnogo prava*,1994.№4.-s.129

Ushakov N.A. *Gosudarstvo v sisteme mezhdunarodno-pravovogo reguli rovaniya* [State in the system of international legal regulation] http://www.studmed.ru/ushakov-na-gosudarstvo-v-sisteme-mezhdunarodno-pravovogo-regulirovaniya_689bd9f5221.html

Vattel E.D. *Pravo narodov*. (1960). [The right of nations]-M.:.-s.13

3-бөлім
**ГЕОЭКОНОМИКАНЫҢ, ЛОГИСТИКАНЫҢ
ЖӘНЕ ӘЛЕМДІК ЭКОНОМИКАНЫҢ
ӨЗЕКТІ МӘСЕЛЕЛЕРІ**

Section 3
**ACTUAL ISSUES
OF GEOECONOMICS, LOGISTICS
AND WORLD ECONOMY**

Раздел 3
**АКТУАЛЬНЫЕ ВОПРОСЫ
ГЕОЭКОНОМИКИ, ЛОГИСТИКИ
И МИРОВОЙ ЭКОНОМИКИ**

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**TRANSPORT AND LOGISTIC OPPORTUNITIES
OF KAZAKHSTAN WITHIN «NEW ECONOMIC BELT»**

Introduction to the research topic. In the modern world, one of the largest initiatives that dramatically change the appearance of this world, forming a new paradigm of economic and geostrategic development in general, is the Strategy of the Economic Belt of the Silk Road and the Maritime Silk Road. It was called «One belt, One road».

The purpose, main directions and ideas of scientific research – the study and identification of transport and logistics opportunities for the Republic of Kazakhstan in the framework of the Chinese initiative «Economic belt of the new silk road».

A brief description of the scientific and practical significance of the work. The essence of the project economic belt of the new silk road lies in the integration of the Eurasian continent in the economic, transport and logistics sectors. Due to the fact that this initiative, for the most part, is aimed at the Central Asian region, it is impossible not to take into account the expected economic benefits for our country.

The research methodology includes comparison of the New silk road initiative with the Kazakhstan infrastructure project «Nurly Zhol» on the basis of comparative analysis. To achieve the goal and solve the tasks, a comprehensive analysis was carried out, based on a combination of a systematic approach, empirical research, as well as a comparative historical method.

The main results and analysis, conclusions of the research work: the authors of the study considered such documents as the joint Declaration of China and Kazakhstan «on further deepening of comprehensive strategic partnership», «Joint communiqué on the results of the high – level forum on international cooperation within the framework of the initiative «one belt, one road» «State program of the Republic of Kazakhstan on infrastructure development Nurly Zhol for 2015-2019». The article concludes that there are significant opportunities for Kazakhstan in the field of transport logistics, which will positively affect the development of cooperation between China and Kazakhstan in the economic sector.

The value of the study: one of the main countries participating in the initiative one belt, one way is Kazakhstan. It is through Kazakhstan that a lot of transport highways pass, which will have a positive impact on the economy of this country. As a result, it is possible to identify a huge number of new jobs and commodity exchange in our country. The study is valuable because the expected results and benefits of the Chinese initiative will directly affect the economy of Kazakhstan.

Practical value of the results: helps to identify new transport opportunities.

Key words: transport logistics, economic way of the Silk Road, Nurly Zhol, Kazakh – Chinese relations.

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Қазақстан үшін көлік-логистикалық мүмкіндіктері**

Зерттеу тақырыбы туралы кіріспе сөз. Қазіргі әлемде экономикалық және жалпы геостратегиялық дамудың жаңа парадигмасын қалыптастыратын, осы әлемнің бейнесін керемет өзгерткен ең ірі ауқымды бастамалардың бірі «Жібек жолының экономикалық белдеуі мен теңіз Жібек жолының экономикалық белдеуі» стратегиясы болып отыр. Ол «Бір белдеу, бір жол» деп аталды.

Ғылыми зерттеудің мақсаты, негізгі бағыттары мен идеялары – «Жаңа Жібек жолының экономикалық белдеуі» атты қытай бастамасының шеңберінде Қазақстан Республикасы үшін көліктік-логистикалық мүмкіндіктерді зерттеу және анықтау.

Жұмыстың ғылыми және тәжірибелік маңыздылығының қысқаша сипаттамасы. Жобаның мәні Жаңа Жібек жолының экономикалық белдеуі еуразиялық құрлықтың экономикалық және көлік-логистикалық салалардағы интеграциялануына байланысты. Бұл бастама негізінен Орталық Азия аймағына бағытталғандықтан, біздің Отанымыз үшін болжанатын экономикалық пайданы ескермеуге болмайды.

Зерттеу әдіснамасы «Жаңа Жібек жолы» бастамасын салыстырмалы талдау негізінде қазақстандық «Нұрлы жол» инфрақұрылымдық жобасымен салыстыруды қамтиды. Мақсатқа қол жеткізу және қойылған міндеттерді шешу үшін жүйелік тәсілді, эмпирикалық зерттеулерді үйлестіруге негізделген кешенді талдау, сондай-ақ салыстырмалы-тарихи әдіс жүргізілді.

Зерттеу жұмысының негізгі нәтижелері мен талдауы, қорытындылары: авторлар зерттеуде «жан-жақты стратегиялық әріптестікті одан әрі тереңдету туралы» ҚХР және ҚР бірлескен декларациясы, «Бір белдеу, бір жол» бастамасы аясында халықаралық ынтымақтастық бойынша жоғары деңгейдегі форум қорытындысы бойынша бірлескен коммюнике», «Қазақстан Республикасының 2015-2019 жылдарға арналған Нұрлы жол инфрақұрылымын дамыту мемлекеттік бағдарламасы» сияқты құжаттарды қарады. Мақалада ҚХР мен ҚР экономикалық саладағы ынтымақтастығын дамытуға оң әсер ететін көлік логистикасы саласындағы Қазақстан үшін елеулі мүмкіндіктер бар деген қорытынды жасалды.

Жүргізілген зерттеудің құндылығы: «Бір белдеу, бір жол» бастамасына қатысушы негізгі елдердің бірі Қазақстан болып табылады. Дәл осы Қазақстан арқылы көптеген транспорттық магистральдар өтеді, бұл осы елдің экономикасына оң әсерін тигізеді. Нәтижесінде орасан көп жаңа жұмыс орындарын ашуға және тауар алмасуға зор мүмкіндік туады. Жүргізілген зерттеу Қытай бастамасының күтілетін нәтижелері мен пайдасы Қазақстан экономикасына тікелей әсер ететіндіктен құнды.

Жұмыс қорытындыларының практикалық маңызы: жаңа көлік мүмкіндіктерін анықтауға ықпал етеді.

Түйін сөздер: көлік логистикасы, Жібек жолының экономикалық белдеуі, Нұрлы жол, қазақ-қытай қатынастары.

Идрышева Ж.К.¹, Жұматай Ғ.Б.², Байназар Ж.О.³¹к.и.н., доцент кафедры международных отношений и мировой экономики, Казахский национальный университет им. аль-Фараби, Казахстан, г. Алматы, e-mail: idrysheva7@gmail.com²к.и.н., доцент Университета Нархоз, Казахстан, г. Алматы, e-mail: gabit.zhumatay@narхоз.kz³магистрант 1 курса специальности «Политология», Казахский национальный университет им. аль-Фараби, Казахстан, г. Алматы, e-mail: zhadyra_211296@mail.ru**Транспортно-логистические возможности
«Нового экономического пояса» для Казахстана**

Вступительное слово о теме исследования. В современном мире одной из самых крупномасштабных инициатив, круто меняющих сам облик этого мира, формирующих новую парадигму экономического и в целом геостратегического развития, становится Стратегия «Экономического пояса Шелкового пути и Морского Шелкового пути». Она получила название «Один пояс, один путь».

Цель, основные направления и идеи научного исследования – изучение и выявление транспортно-логистических возможностей для Республики Казахстан в рамках китайской инициативы «Экономический пояс Нового Шелкового пути».

Краткое описание научной и практической значимости работы. Суть проекта «Экономический пояс Нового Шелкового пути» кроется в интеграции евразийского континента в экономической и транспортно-логистической сферах. По причине того, что данная инициатива, по большей части, направлена на центральноазиатский регион, нельзя не учесть предполагаемые экономические выгоды для нашей Родины.

Методология исследования включает в себя сопоставление и сравнение инициативы «Новый Шелковый путь» с казахстанским инфраструктурным проектом «Нұрлы Жол» на основе сравнительного анализа. Для достижения цели и решения поставленных задач был проведен комплексный анализ, основанный на сочетании системного подхода, эмпирических исследований, а также сравнительно-исторического метода.

Основные результаты и анализ, выводы исследовательской работы: авторы в исследовании рассматривали такие документы, как Совместная декларация КНР и РК «О дальнейшем углублении всестороннего стратегического партнерства», «Совместное коммюнике по итогам форума высокого уровня по международному сотрудничеству в рамках инициативы «Один пояс, один путь», «Государственная программа Республики Казахстан развития инфраструктуры Нұрлы Жол на 2015 – 2019 г.г.». В статье сделан вывод о том, что существуют значительные возможности для Казахстана с сфере транспортной логистики, которые положительно повлияют на развитие сотрудничества КНР и РК в экономической отрасли.

Ценность проведенного исследования: одной из основных стран-участниц инициативы «Один пояс, один путь» является Казахстан. Именно через Казахстан проходят множество транспортных магистралей, что положительно скажется на экономике данной страны. В результате, можно выявить огромное количество новых рабочих мест и товарного обмена на территории нашей Родины. Проведенное исследование ценно тем, что ожидаемые результаты и выгоды китайской инициативы напрямую коснутся экономики Казахстана.

Практическое значение итогов работы: способствует выявлению новых транспортных возможностей.

Ключевые слова: транспортная логистика, Экономический путь Шелкового Пути, Нұрлы Жол, казахско-китайские отношения.

Introduction

In the modern world, one of the largest initiatives that dramatically change the appearance of this world, forming a new paradigm of economic and geostrategic development in general, is the Strategy of the Economic Belt of the Silk Road and the Maritime Silk Road. It was called «One belt, one road». More than 60 countries with a population of 4.4 billion expressed their intention to take part in the implementation of this strategy. The number of its adherents is constantly growing. Already, huge financial resources – about \$ 1 trillion – are being attracted for its implementation.

The initiator of the Strategy is China, which reflects the increased role and influence of this country in the world.

The talks about the revival of the Great Silk Road were long ago. The promotion by Chinese President Xi Jinping in autumn 2013 of two strategies – the «Economic belt of the Great Silk Road» (Astana, September 7) and the «Maritime Silk Road» (Jakarta, October 10) – indicates the processes of serious renewal of the regional and global economic policy of the People's Republic of China.

First of all, the strategy Economic belt of the Silk Road has received unconditional support in the

countries of Central Asia, especially in Kazakhstan and Kyrgyzstan. It is no accident that these countries were chosen by Xi Jinping as platforms for the initiative.

The relevance of the topic of this statement is due to several factors. Firstly, the economic belt of the Silk Road is the most important project in Eurasia. The Economic belt of the Silk Road covers more than 65 countries in the world. Secondly, the implementation of the Economic belt of the Silk Road project is interesting not only among economists, analysts and journalists, but also among the political leaders of most countries. Thirdly, this project has not yet been implemented, so it is poorly understood, in the scientific environment there is a need for more detailed study of this problem. In addition, the Economic belt of the Silk Road project directly affects the Central Asian region and its interests, so the study of this topic is necessary.

Transport, which is an element of production infrastructure, will always be the subject of close study of economists and political scientists. When considering the role of transport in the development of the national economy of the Asian countries in the XX–XXI centuries in a number of studies have highlighted its importance in the rise of the individ-

ual regions of the Russian Federation, employment, creating jobs and new industries.

At the present time, in the era of globalization and global economic crises, the state of intraregional trade depends entirely on the ability of States to provide the most efficient transport links. The development of international transport corridors (ITC) is very important for any region of the world. The creation and effective operation of such corridors pursues not only economic, but also cultural, demographic and military-strategic goals. The strategic importance of Central Asia for the PRC is now most evident in the economic sphere.

Firstly, the Eurasian continental bridge, which runs through the territory of Central Asia, is an integral part of the modern alternative to the great Silk Road. In order to form an important part of the new Silk Road in the North-West of China and to revive markets and the resource industry in China, a strategy of openness of the Western regions was developed with the support of the Central Asian countries. No state of the CAR has access to the world's oceans, and the revival of the Silk Road on a new basis will ensure the region's entry into the global economy. The New Silk Road is supposed to be built in three directions: the transport system, communications and energy, usage of oil and gas potential.

The growing power of China and its desire to play a more important role in the world, as well as strengthening its positions in Eurasia today, are quite obvious and do not need additional comments. This is a completed fact. And although these circumstances cause increasing concern not only in the West and in Russia, but also in the Central Asian states, nevertheless it is hardly possible to change this trend. To date, neither the countries of Central Asia, nor Russia are able to counter China's economic and trade penetration into the region. Such counteraction does not make sense, given that economic interaction with China is mutually beneficial and China is more important to us than we are for China. More importantly, China is no longer regarded as a source of actual threats not only by the political establishment, but also by the population of Central Asia. (Lu Veidun 2015: 36)

It has moved to the category of a desirable foreign policy and foreign economic partner, and in terms of regional security is sometimes seen as a worthy alternative to Russia and the West. Due to these reasons the Economic Belt of the Silk Road project has a fundamental importance to the countries of the region and is being followed with great care. In fact, the project is a way to give

China's relations with the countries of Central Asia a special status through their «ideological design». If earlier, due to the common Soviet past, Russia felt itself confident in terms of interaction with the countries of Central Asia, now China is increasingly using the chance to fill the ideological vacuum that has arisen in the post-Soviet space, not to mention the political and socio-economic benefits that this initiative promises. (Lu Syaonin 2017: 4)

As for our country, it seems that Kazakhstan was not accidentally chosen as a sounding platform of the concept Economic belt of the Silk Road. At first, the Chinese leadership considers Astana to be its main trade, economic and political partner in the region. Kazakhstan is the largest economy in Central Asia and accumulates more than 70 percent of China's trade with the Central Asian countries. This trend has not been reversed even by the formation of the customs Union and the Eurasian Union since January 1, 2015. From XI Jinping's speech, it becomes clear that the Chinese leadership is clearly set to increase the pace of economic cooperation with Astana. Secondly, we can assume that China gives priority to the «Northern route», which passes mainly through Kazakhstan and Russia. In Beijing, these States are considered to be more stable in terms of politics and economy, in contrast to the States on which the «southern route» will pass.

The purpose of the work is to study the interests, goals and tools of China's foreign policy in Central Asia within the framework of the Economic Belt of the Silk Road, as well as to study transport and logistics opportunities for each country in the Central Asian region.

Based on the goal, the objectives of the study are:

- to consider the occurrence of Economic belt of the Silk Road initiative and show the progress of the project
- to identify the effects of Economic belt of the Silk Road and highlight the specific transport and logistics opportunities of Kazakhstan.

To achieve the goals and objectives, a wide range of data sources was used during the writing of the thesis. They can be grouped according to the level of significance as follows:

Methods

To achieve the goal and solve the tasks, it was carried out a comprehensive analysis, based on a combination of a systematic approach, empirical research. During the study the following research methods were used:

1. Study of theoretical provisions of development of projects of the Silk Road economic belt and Nuryl Zhol is carried out through comparative analysis. The theoretical bases of the study were the works of domestic and foreign scientists.

2. The comparative method of analysis helped to identify the features of the content of the transport policy of China and Kazakhstan, aimed at ensuring both national and regional stability in the economy.

3. The comparative approach allowed us to trace the peculiarities of relations between China and Kazakhstan.

4. The historical method of study allowed analyzing different directions of policy implementation in the field of transport logistics of China and Kazakhstan.

Discussion and results

At the turn of the new stage of socio-economic modernization, the priority task for the country in the development of the national transport and communication complex is to ensure its competitiveness in the world market of services and, accordingly, to stimulate the growth of trade flows through the territory of the Republic (Syroezhkin 2016: 30).

The importance of the development of transport and logistics infrastructure of Kazakhstan is evidenced by a number of strategic documents. For example, in May 2012, the President of the Republic of Kazakhstan N. Nazarbayev announced the beginning of a large-scale project «New silk Road». «Kazakhstan should revive its historical role and become the largest business and transit hub of the Central Asian region, a kind of bridge between Europe and Asia...» the Head of state noted (Nazarbayev 2012).

As the ninth largest state in the world and the largest landlocked country, Kazakhstan benefited less than other countries from the growth of transcontinental trade and the subsequent industrial revolution. The political ideology of the Soviet Union and the southern borders also presented few opportunities for trade in the 20th century. However, the rapid revival of the Silk Road and large investments in infrastructure over the next decade herald the revival of Kazakhstan as a trade center in Central Asia. With the annual growth of trade between China and Europe, and a marked upward trend in the cost of more compact and high-tech goods, the trade balance seems to be shifting towards faster, albeit more expensive railways.

In September 2013, President XI Jinping presented China's vision of involving the world in the reconstruction of the historical Silk Road during his speech at Nazarbayev University. This program is also known as «One belt – One road» (OBOR) or «Belt and road Initiative». The goal is to develop closer economic ties, deepen cooperation and expand development points in the Eurasian region. This speech and subsequent statements officially set the stage for the creation of an expanding network of Railways, roads, gas and oil pipelines, ports and cities, as well as for investments in modern infrastructure to recreate the successful ancient Silk Road routes, but in accordance with the strategy of the 21st century. Over the past time, the initiative began to turn not just into a concept, but into a major international project of great economic interest not only for China itself, but also for all countries along the great Silk Road, including the Republic of Kazakhstan (Syroezhkin 2010: 384).

Already in 2013, Kazakhstan and China began to fully promote cooperation in the transport sector, to implement projects that link and connect the highways of the region. The Chinese Side actively supports the implementation of the railway construction project «Astana-Almaty». The Chinese Side also actively supports the implementation of the projects of the international transport corridor «Western Europe-Western China» and the connection of the section of the railway «Jinhe – ining – Khorgos» in China with the section of the railway «Zhetygen-Khorgos» in Kazakhstan

Currently, 90% of trade between China and Europe is carried out by ships, and less than 5% by rail. Further investment of political and financial capital could increase rail trade to 10% by 2025. Kazakhstan intends to win significantly as a geographical center of the land part of the new Silk Road. There are countless opportunities for trade and industry, as local enterprises can benefit from lower costs of exports and imports, as well as from the provision of services to freight forwarders and rail carriers (Shaimukhanova 2016: 307).

By the beginning of 2015, a specific Beijing strategy was being defined, when the Chinese leadership outlined the OBOR plan. Land reforms have been launched in Central Asia – and Kazakhstan plays a key role (Shaimukhanova 2016: 310).

Central Asia is the main objective of the Chinese concept of the Silk Road Economic belt, which includes the modernization and construction of new railway lines, highways, pipelines and other infrastructure elements that contribute to the

development of international and regional trade (Lu Tsei 2015: 27).

As expected, the main cargo traffic on the economic belt of the Silk Road will be carried out from East to West. Western and Central provinces of China will be connected with direct rail links with EU countries via Dostyk station (Kazakhstan) due to the new international transport corridors being created. Delivery of Chinese goods to Europe by rail is on average 2-3 times faster than by sea, which is a competitive advantage for the transportation of goods, especially critical to speed (Kaukenov 2008:4).

The Chinese initiative «silk road Economic belt» and the new economic policy of Kazakhstan «Nurly Zhol», published in the Message of the President of the Republic of Kazakhstan Nursultan Nazarbayev from November 11, 2014, in their content mutually complement each other, as aimed at the development of infrastructure, especially transport and communications (Bayzakova 2016: 76).

The goal is the formation of a single economic market through the integration of macro-regions of the country on the basis of building an effective infrastructure for hub principle to ensure long-term economic growth of Kazakhstan, as well as the implementation of anti-crisis measures to support individual sectors of the economy in the face of deteriorating market conditions in foreign markets.

During the pairing of the EPSP and the «Nurly Zhol» project, cooperation between China and Kazakhstan will be expanded further. In March 2017, the local authorities of Tachen district (XUAR) and the government of Kazakhstan agreed to start the construction of the Tachen–Ayagoz railway (Kazakhstan). The 265 km long railway will cross the Sino-Kazakh border at the Baktu checkpoint and connect in Ayagoz with the railway line from Central Asia to Siberia, and will then connect to the Trans-Siberian railway. Thus, a new international railway route will be formed, which will link Asia and Europe (Malysheva 2010: 153).

In the future, more than half of the Chinese cargo sent to the EU countries will be transported through the territory of Kazakhstan. The quality of logistics services in the Silk Road countries can be improved by outsourcing specialized functions (transportation, forwarding, warehousing, etc.) currently performed by railway companies. According to the estimates of the Russian company Cominfo Logistics Solutions and KIA Center, the potential of the market of logistics services in Kazakhstan is about \$10-11 billion. The construction of modern transport and

logistics infrastructure will enable the integration of Kazakhstan into the global transport and logistics system «Western China – Western Europe», which can be achieved by using multimodal container service (Shaimukhanova 2016: 310).

Kazakhstan is the second country in the transport of goods from China to Western Europe along the Northern and Central corridors of the new Silk Road. Kazakhstan can become a logistics center, where Chinese goods transported to Europe will be distributed between the Northern and Central corridors. The State program of development and integration of the transport system infrastructure of the Republic of Kazakhstan until 2020 has been developed and implemented. The purpose of this program is to increase the volume of transit traffic in 2 times and more effectively integrate into the international transport system. By 2020 the construction of the road «Western Europe – Western China» with a length of 8445 km will also be completed, and 2787 km of roads will pass through the territory of Kazakhstan.

Kazakhstan has made significant investments in strengthening its position as a transit corridor. Including more than \$ 3.5 billion. USA in «Khorghos-Eastern gate», a dry port on the Eastern border with China. COSCO Shipping, one of the world's largest logistics service providers, and Lianyungang Port Holdings Group have recently acquired shares in the project, thus making it transnational, and providing the Kazakh side the opportunity to benefit from the vast experience of partners. Other significant investments include the Shalkar-Beineu railway, the Zhezkazgan-Saxaul railway and the Kuryk port. As a result, increased corridors and capacity will strengthen Kazakhstan's role as a transit region. Samruk-Kazyna estimates that investments in infrastructure will contribute to the economic development of Kazakhstan at the level of 0.1% -0.2% annually over the next decade (Shaimukhanova 2016: 308).

Kazakhstan can benefit significantly from the OBOR by capitalizing on transit revenues and finding new markets for exports. Revenues from the provision of transport services, new export markets and excess cargo capacity along the Europe – China route will benefit local manufacturing industries. In the coming years, KRW and private companies may capitalize on new significant revenue streams due to a 10-fold increase in transit container traffic. When bureaucratic obstacles are removed, container transit trains will be able to pass through the territory of Kazakhstan as quickly and smoothly as possible. Private logistics providers are closely monitoring the

development of OBOR and the increasing capacity of Kazakhstan as a transit corridor. Its Central position in the Asia – EU route makes it an ideal place to create a market for transport services such as rolling stock rental, logistics solutions and freight. Transit operations generate the most revenue per ton per kilometer for KRW. Therefore, it is expected that transit will be a significant source of income for Kazakhstan, and if the services of Railways will be optimized, and the rules will be simplified, there will be a dynamic and profitable industry of internal logistics, as in the last Millennium, when the ancient nomadic traders linked the East and West (Iskalyeyev 2013: 19).

Trade between the EU and China in terms of weight and value increases annually. OBOR will allow faster delivery of better products such as electronics and premium food. Trains of increasing volumes will cross Eurasia, and improved infrastructure will allow them to transport more containers. A new large trade artery will be created on the territory of Kazakhstan. The improved logistics ecosystem will allow Kazakhstani producers of food, machinery, leather goods and any other developing industry to quickly enter foreign markets. China's active trade balance in the EU means that many trains will return from the EU with empty containers. Low container loading on the way back may allow Kazakh producers to reduce their transportation costs by importing products to the EU and for export to China. A new ecosystem of industries can grow on the new Silk Road and benefit the peoples of Central Asia (Sazonov 2017: 400).

The possibilities don't end there. As the demand for freight transport worldwide increases, new players will emerge and Kazakhstan's Central position will further strengthen its position as a transit hub. In particular, it is expected that by 2050, Indian freight traffic will increase almost seven times, expanding opportunities for Kazakhstan. The role of the OBOR as part of global trade will increase, and with it Kazakhstan's ability to benefit (Gupta 2017: 10).

As a result of the project «New silk road», by 2020, transit flows through Kazakhstan from South-East Asia to the West and from Europe to Central Asia will increase by almost 2 times (Van 2014: 95).

There are several basic prerequisites for the development of Kazakhstan's transport and logistics hub. First of all, it is, as noted above, a favorable geographical location. Secondly, this is facilitated by the implementation of the program of development of the Western region of China «Go west» and the

development of China's East West routes, as well as the program «Big jump» (Gubaidullina 2016: 43).

Thirdly, Kazakhstan is a member of the Customs Union and the CCT (common customs territory, unified tariffs). It is also work to improve the service of logistics services and simplify border crossing procedures, automation of control processes in transport. Also, today, active work is being carried out to improve the level of the logistics climate in Kazakhstan. It is important to note the fact that when transporting goods by sea, the income is received by the shipping company, both Chinese and foreign (Bazhenova 2011: 17). When transported from the Western provinces of China to Europe by rail, the cargo is transported only by the national railway administration. As a result, the creation of a single consolidated route is more beneficial for the two bordering countries. Moreover, due to the rapid change of advanced computer equipment and the range of «Fast Fashion» delivery speed is more important. This is offset by sales volume and allows you to save on warehouse costs. Thus, one of the advantages of rail transport over the sea is the delivery time. The developed infrastructure capable of integrating logistics processes into the supply chain management and logistics system is the basis for the successful implementation of the new Silk Road project. In addition, the transport infrastructure of Eastern China (railway communication with sea ports, river communication on the Yangtze river) is heavily overloaded, which leads to an increase in time for the transportation of goods from the Western and Central provinces by sea (Savkovich 2011: 98).

At the present stage, one of the important components of the strategic partnership between Kazakhstan and China is trade and economic relations, where a significant role is played by the transport component, which accounts for more than 75% of trade between Kazakhstan and China.

In the economic zone of the silk road there are many transport and logistics, investment areas with the participation of Kazakhstan, such as land and sea transport corridors, block train «SilkWind (silk Wind)», SEZ «Khorghos-East gate», Kazakhstan-China international center for cross – border cooperation (ICBC), multimodal transportation on the basis of the «RailAir» scheme, Dry port «KTZ – Khorghos Gateway» and others.

The basis of the economic belt of the Silk Road in Kazakhstan was the Eurasian transcontinental corridor, which Nursultan Nazarbayev proposed to create, speaking at the Astana economic forum in May 2015 (Maslova 2017: 40).

The Kazakh side proposes to launch a project to organize a block train «Silk Wind» on the route «Dostyk / Altynkol-Zhezkazgan-Aktau port-Baku-Tbilisi-Kars». According to the scheme proposed by Kazakhstan, it is assumed that cargo containers from China by rail will be delivered to the Kazakh port of Aktau on the Caspian Sea. Then they will be reloaded on cargo sea ferries and sent to the Azerbaijani port – to Baku, and then again by rail to the ports of Georgia, from where the cargo will be delivered by container ships to the ports of Turkey or Ukraine.

In order to increase the transport and transit potential of the land corridors, Kazakhstan and China have created a railway and logistics infrastructure at the border on the basis of the SEZ «Khorgos-Eastern gate» and the Kazakhstan – China international center for cross-border cooperation (ICBC), which allows to provide transportation in the amount of more than 40 million tons. To date, signed contracts with companies Hewlett Packard, DB Schenker, Toyota, FESCO, BRAVIS on the formation of container trains in transit through the station Altynkol and processing on the SEZ «Khorgos – East gate». The international center for cross-border cooperation (ICBC) «Khorgos» is a unique Kazakh-Chinese project. The main goal of the ICBC «Khorgos» is the development of cross-border, trade and economic cooperation and international tourism on the Silk Road. Creation of ICBC «Khorgos» opens up additional opportunities for expansion of international trade and development of the tourism industry with the formation of the territory of visa-free visit of citizens of Kazakhstan and China, the conclusion of trade transactions, which is of great interest to representatives of business circles, tourists from near and far abroad. The ICBC «Khorgos» has already started implementation of 5 investment projects on the formation of export-import trade operations, as well as contract logistics. Another 10 projects are under consideration. The total investment of projects in the first stage is \$ 300 million (Suhadolskaya 2015: 25).

One of the promising logistics solutions for partners is multimodal transportation based on the «RailAir» scheme in Kazakhstan. This scheme provides transportation of container trains by rail from China to Kazakhstan with further air transportation from Kazakhstan to Europe. In 2015, put into operation a Dry port «KTZ – KhorgosGateway» in collaboration with the world's largest logistics operator DubaiPortWorld». The dry port is the first land port in Kazakhstan, as well as the largest logistics Park in Central Asia. Dry port

«KTZ-KhorgosGateway» operates for six months and has already processed more than 20 thousand TEU, actively processed packaged products. Transportation of road transport from the EU to China and from China to the markets of the Eurasian continent is organized. In order not to miss all the opportunities and benefits that will be provided by the economic belt of the silk road for our country, it is necessary to discuss with the main regional partners – China, Russia, Iran and other countries a new strategy for joint development. This strategy could include the following priorities:

- Creation of transport and logistics strategy of the Eurasian economic Union (EAEU) and the Shanghai cooperation organization (SCO) – a common position of the participating countries;

- Development of a long-term «Transport and logistics map of the silk road of the XXI century», including existing and planned projects of cooperation and investment in transport and logistics, infrastructure development in General (Frolova 2016: 57);

- Preparation of the joint strategic document «Energy belt of the silk road», which determines the long-term priorities of international cooperation in the field of energy trade, taking into account the objective transformations of this market (Denisov 2015: 76);

- Development of a strategic document on the development of the agro-cluster of the Silk Road countries «agro-industrial complex: Siberia-North Kazakhstan-Western China», which will give a powerful impetus to the development of this sector of the economy, especially the agro-cluster of Kazakhstan;

- Development of the project of international cooperation on the Irtysh river «Common Irtysh», which is shared and actively used by three countries (China, Kazakhstan and Russia), based on the principle of «common river», by analogy with the Mekong initiative, including the involvement of a package investor. This measure will remove the acute problems of Transboundary Rivers (Pogodin 2017: 139);

- Development of a list of measures for the participation of foreign enterprises in the development of the special economic zone, the cluster «Alatau» – growth belt, which is concentrated around Almaty and covers three countries (Kazakhstan, Kyrgyzstan and China);

- Creation of a joint transport and logistics company (here in after – as JTLC). An important element of the implementation of JTLC is the creation of a common market for transport services,

a single transport system and the implementation of the transit potential of the EAEU member States. It is necessary to provide a guaranteed offer of high-quality through transport and logistics services on the principle of «one window» in respect of containerized goods, the functioning and development of key transit corridors passing through the EAEU countries, to modernize and ensure the development of key transport assets of the EAEU countries (Mikhalev 2016: 94) ;

- To increase the scale of cargo and passenger transportation between Europe and Asia over the shortest distance through the territory of Kazakhstan with the least cost and time, it is necessary to form a unified national network of main routes, including Railways and roads, seaports and airports. This transport infrastructure must meet the high requirements of international standards;

- In order to maximize the transit potential of Kazakhstan, it is important to optimize the work of border crossing points operating at railway and road crossings, to develop trade and economic relations with partner countries, taking into account the protection of national interests and international transport corridors, ensuring uninterrupted transcontinental transit of goods and passengers. Moreover, Kazakhstan has a favorable position for the transit of Chinese goods to Europe. In the future, more than half of the Chinese cargo sent to the EU countries will be transported through the territory of Kazakhstan (Li Sin 2016: 100).

According to the Chairman of the Institute of economic research Maksat Mukhanov, the potential volume of China's trade with the countries on the New silk road may be up to 2.5 trillion tenge. He also stressed that a large number of new enterprises can be formed around Kazakhstan's transport and infrastructure projects, which will lead to the accompanying growth of the manufacturing industry and the economy as a whole.

History has repeatedly shown that geography is important to use profitably. Today it is becoming increasingly clear that Kazakhstan needs to make more active use of its location in the center of the continent, especially against the backdrop of the expanding global economic cooperation.

One of the most important steps to implement the policy of the Leader of Kazakhstan was the creation of a joint Kazakh-Chinese railway terminal in the port of Lianyungang in China with access to the Pacific Ocean, that is, to the promising markets of the Asia-Pacific region and South-East Asia.

It is known that the sea port of Lianyungang is among the 20 largest logistics hubs in the world and

10 largest ports of China with a total transshipment volume of about 210 million tons. Jiangsu province, to which it belongs, is an economically developed region with a population of 74 million people and a GDP of more than \$ 100 billion (Aristova 2016:170).

Our own terminal in the port of Lianyungang gives our country a unique opportunity to engage in processing and transshipment of transit cargo, which will affect not only the economic stability of the state, but also the international image of Kazakhstan, and will be positively perceived by foreign investors.

Access to the Yellow sea in the near future will allow Kazakhstan to trade directly with the major economic powers of the world: Japan, Australia, the United States, Canada and Southeast Asia (Korsun 2013: 6).

Having its own terminal in such a promising port will allow Kazakhstan not only to break out of geographical isolation, but also to fully take advantage of its historical advantages.

The Silk Road through Central Asia will once again bring the remote regions of our continent closer by land. For example, the benefits of the terminal in the port of Lianyungang also lie in the fact that in the future it can be tied to transport hubs connecting East Asia and the above-mentioned countries of South-West Asia.

Thus, Kazakhstan's goods in the future will be able to get to the promising markets of rapidly developing economies and, conversely, to accept cheap and quality products on their own. Thus, the combination of land opportunities of Kazakhstan and Central Asia and China's sea communications will provide not only the stability of regional trade flows (Nurseitov 2015: 4).

In order to maximize the benefits from the OBOR, it is advisable for Kazakhstan to use new sources of economic growth and efficiency. Currently, the level of digitalization in Kazakhstan is «conditional», while Russia and China have made significant progress over the past decade. New reforms and best practices will help to reduce the gap between Kazakhstan and its OBOR partners in terms of economic efficiency, transparency and access to public services.

The Obor offers Kazakhstan the opportunity to become a key region linking global trade once again. When Zhang Qian, a Chinese official of the Han dynasty who founded the ancient silk road, first set out on a journey to the West, he was greeted by Central Asian residents with attractive goods and silver suitable for trade. For fifteen centuries, this trade artery grew until Vasco da Gama discovered

a trade route with the East around Africa. Modern market and geopolitical trends promise to revive the ancient arteries (Shaibergenov 2016: 123).

This is the biggest opportunity for growth, which fell to Kazakhstan after independence. The largest stakeholders in the country are national companies, which need to be ready to support the huge volumes of transit through the country in the coming years. They should understand the importance of the new Silk Road and give it the attention it deserves. This means that significant changes are needed in the near future (Kuramysova 2014: 1).

Despite the fact that by the beginning of the 1990s Xinjiang already existed a developed system of checkpoints and various «economic zones», it was during this period that the XUAR became the main link of «openness in the West», later becoming part of a larger strategy of openness in the West, adopted in 1999, began the formation of free trade zones in the form of «technical and economic open areas» and «border areas of economic cooperation», which were supposed to perform functions including the provision of export-import operations. (Savkovich 2011: 104) After the checkpoint «Alashankou» (1990), in 1992 it was opened checkpoint «Bakhty» and «Simony» («Jimunai»), in 1992 – «Dulat» («Durata»), «Akhtuba» («Fatabase») and «Mocarta (muju-erci)» (on the border of kazakhstanom). Also in 1992, the governments of China and Kazakhstan signed an agreement on the opening of the checkpoint «Maikapchigai» TIV China attached great importance to the development of the project both at the bilateral level (with the Republic of Kazakhstan), still at the multilateral level. Thus, in 1992, agreements were signed with Kazakhstan on the opening of border crossing points, the construction of Railways and roads, as well as air communication between countries.

The most important documents signed during this period were the «Agreement on the opening of checkpoints across the state border», as well as the «Agreement on international road communication». «The Protocol on negotiations on cooperation in the field of railway transport» provided for the organization from June 1, 1994 to organize a free pass through the railway crossing «Dostyk (Friendship) – Alashankou» of all goods of Kazakhstan to all areas of China and back, from all areas of China, other countries to Kazakhstan, Central Asia and other States, which actually meant the opening of the move to third countries. This became possible due to the implementation of the joint «Program of development and use of international highways» (Shaltykov 2016: 17).

To accelerate the development of international rail freight, including the development of container transport in the fields of «China-Kazakhstan-Central Asia», «China-Kazakhstan-Europe», «China-Kazakhstan-the countries of the Persian Gulf», effective way to take action to reduce logistics costs, improve the efficiency of handling containers and replacement of rails on the railway, creating favorable conditions for transportation of goods from China in transit through Kazakhstan; to stimulate until 2025 the reorientation of cargo flows from sea to rail in ensuring trade flows between Asia and Europe, through the territory of Kazakhstan with the use of competitive logistics mechanisms are one of the priorities of the next five years (Mordvinova 2016: 2).

Conclusion

Integration is the only true way of socio – economic and political development, and regional integration is the real key to the entry of countries into global economic relations. China's initiative is designed for the long term. According to some estimates, its implementation will take about 30 years. In the future, it is planned to create seven «belts»: transport, energy, trade, information, scientific and technical, agricultural, tourist. The result could indeed be a large-scale free trade zone from the North-Western provinces of China, Central Asia, to Central and Eastern Europe. About three billion people live on the project's way. In this case, we are talking about the mega-market, and, of course, about the mega-potential. These plans should be necessarily supplemented by meridional transport and gas pipelines connecting Siberia with the Central and Western regions of China, Central and South Asia with the South-East part of Asia.

In conclusion, it should be noted that Kazakhstan was not accidentally chosen for the publication of the concept of the Economic belt of the Silk Road. The Chinese leadership considers Kazakhstan as the main and promising trade and economic partner in Central Asia. Moreover, Kazakhstan has the largest economy in the region and accumulates more than 70% of China's trade with Central Asian countries.

The practical implementation of the Chinese initiative and Eurasian integration can lead to the formation of a new architecture of the world economy in Eurasia, where the main link is Central Asia.

It is important for Kazakhstan, as well as other Central Asian countries, to participate in the implementation of integration projects, to effectively

use new opportunities and benefits of regional cooperation, while minimizing risks and threats.

In the long term, this can be the key to creating new clusters of the economy and, ultimately, lead to the growth of other sectors of the economy, including industry. For the entire Central Asian region as a major project potentially involves diversification of the sources of public income, creation of additional workplaces and improvement of the General economic situation. Nevertheless, with all the advantages of this project, it is necessary to ensure the transition from a unilateral focus of economic cooperation with China to the format of equal partnership.

Central Asia should become a region and an example of cooperation, not competition, where

economic considerations and innovative approaches, rather than political conditions and attitudes, should be taken into account.

Thus, PSHP is, of course, a continuation of the «historical» spirit of the ancient silk road and a grandiose initiative designed for the long term for many decades to come. There is still a lot of hard work ahead for its full implementation.

In conclusion, I remember the Kazakh proverb, which is consonant with the Chinese: «the Road will be overcome by the one who, though slowly, but goes.» Therefore, it is necessary to conduct business slowly, consistently and step by step, on the principle of «starting with easy issues and gradually moving to more difficult», step by step going to mutually beneficial economic cooperation.

References

- Лю Вэйдун. 地理學進展 (Прогресс географии). – 2015. – №5. – С. 36.
- Лю Сяоинь «Один пояс – один путь»: прошлое, настоящее и будущее // Международный круглый стол «Китайский подход к формированию концепции «общества единой судьбы». 9.11.2017.
- Сыроежкин К.Л. Сопряжение ЕАЭС и ЭПШП // Россия и новые государства Евразии. – 2016. – №2. – С. 25-36.
- Заключительное слово Президента Республики Казахстан Назарбаева Н.А. на 25 заседании Совета иностранных инвесторов. 22.05.2012//URL: http://www.akorda.kz/ru/speeches/external_political_affairs/ext_speeches_and_addresses/zaklyuchitelnoe-slovo-prezidenta-respublikkazakhstannazarbaeva-n-a-na-25-m-zasedanii-soveta-inostrannykh-in
- Сыроежкин К.Л. Казахстан-Китай: от приграничной торговли к стратегическому партнерству. – Алматы: Казахстанский институт стратегических исследований при Президенте РК, 2010. – 384 с.
- Шаймуханова С.Д., Абжаппарова Б.Ж., Даркенов К.Г., Кенжебаева З.С. Концепция создания нового Экономического Пояса Шелкового Пути // Международный журнал прикладных и фундаментальных исследований. – 2016. – № 5(2). – С. 306-310.
- Лю Цзэя. Стратегии развития нового Шелкового пути в XXI веке // Молодой ученый. – 2015. – №15. – С. 27.
- Каукенов А. С. Особенности китайской дипломатии в Центральной Азии// -31.07.2008//URL:http://20042010.iwep.kz/index.php?option=com_content&task=view&id=1498&Itemid=44
- Байзакова К.И., Беков К.Б. Возможности сотрудничества стран-членов ШОС в рамках Экономического пояса Шелкового пути.// Экономический пояс Шелкового пути и актуальные вопросы безопасности и сотрудничества в Центральной Азии. Сборник материалов международной научно-практической конференции. – Алматы, 2016. –С. 75-85.
- Малышева Д.Б. Центральноеазиатский узел мировой политики. – М.: ИМЭМО РАН, 2010. – 153 с.
- Искалиев Е.С. Экономический коридор Новый Шелковый Путь// КазККА Хабаровск. –2013. –№ 6 (85). – С.19.
- Гупта Р, Орловский Е. Казахстан и Новый шелковый путь. Аналитический обзор. Сентябрь –2017. 10 с.
- 兵銀.中俄与中亚国家贸易合作比较研究.《欧亚经济》2014年第4期95-105.共11页. (Ван Б. Сравнительное изучение торгового сотрудничества между Китаем-Россией и странами Центральной Азии. // Европейская и азиатская экономика. – 2014. № 4. – С. 95-105.
- Губайдуллина М.Ш. Казахстанско-китайские отношения на Новом Шелковом пути: две стратегии – один путь // Вестник КазНУ. –2016. – №3(75). – С. 43.
- Маслова А., Шукушева Е.В. Казахстан и Новый Шелковый путь. 2017 [Электронный ресурс].- Режим доступа: (<http://group-global.org/ru/publication/51016-kazakhstan-i-novyy-shelkovyy-put>
- Суходольская Л. Л. Национальная политика Китая в контексте Великого возрождения китайской нации // Россия и Китай : проблемы стратегического взаимодействия. – Чита. – С. 25.
- Фролова И. Ю. Китайский проект «Экономический пояс Шёлкового пути»: развитие, проблемы, перспективы // Проблемы национальной стратегии. – 2016. – № 5 (38). – С. 57.
- Погодин С.Н. Политическое измерение взаимодействий Китая и стран Центральной Азии в евразийских интеграционных структурах: дисс. канд. полит. наук 230004. – СПб., 2017. – 141 с.
- Михалев М.С. «Один пояс, Один путь» как новая внешнеполитическая стратегия КНР // Контуры глобальных трансформаций. –2016. –№6. – С.94.
- Лукин А.В., Лузянин С.Г., Ли Синь, Денисов И.Е., Сыроежкин К.Л., Пятачкова А.С. Китайский глобальный проект для Евразии: постановка задачи (аналитический доклад). – М.: Научный эксперт, 2016. –130 с.

Аристова Л. Б., Семенова Н. К.. Новые приоритеты транспортной политики в формате РФ-ЦА-КНР // Вестник НГУ. Серия: История, филология. – 2016. – № 10. – С.170.

Нурсеитов А.А. Экономический пояс шелкового пути: возможности и перспективы 10.07.2015 [Электронный ресурс].- Режим доступа: <https://yvision.kz/post/520219>

Курамысова А. Казахстан рассчитывает увеличить объем грузопотока благодаря транзитному Центральной Азии выйдет из континентальной изоляции Казахстан рассчитывает увеличить объем грузопотока благодаря транзитному Центральной Азии выйдет из континентальной изоляции // Казахстанская правда. 3 ноября 2014 года. – С. 1.

Шалтыков А.И. Казахстан – ключевое звено Великого Шелкового пути // Вестник КазНПУ, серия «Международная жизнь и политика». – 2016 – №3(46). – С. 17.

Савкович Е.В., Данков А.Г. Развитие транспорта в Китае и Центральной Азии в контексте формирования трансевразийских транспортных коридоров // Сравнительная политика. –2011. –№ 4(6). – С. 98-108.

Сазонов С.Л. Центральнoазиатское направление транспортной стратегии Китая // Китай в мировой и региональной политике. История и современность. Выпуск XXII: ежегодное издание. – М.: ИДВ РАН, 2017. – 400 с.

Мордвинова А.Э. Фонд Шёлкового пути: результаты первого года работы // Сайт РИСИ. 2 февраля, 2016. URL: <http://riss.ru/analitics/26095/> (дата обращения: 30.04.2016).

Корсун В. Китай прокладывает Новый Шелковый путь в Азии // Эксперт МГИМО. – 2013. – Октябрь.//URL: <http://www.mgimo.ru/news/experts/document242598.phtml>

Шайбергенов Т. Экономический пояс шелкового пути: большой проект, большие вопросы//Индекс безопасности. – 2016. – №3(114). – С. 121-123.

Баженова Е.С. Синьцзян и новые горизонты Великого Шелкового пути // Пространственная экономика. – 2011. – № 2. – С. 17.

References

Aristova L.B., Semenova N.K. (2016) Novye priorityety transportnoy politiki v format RF-TSA [New priorities of policy in the format of RF-CAR]. Vestnik NGU. Seriya: istoriya, filologiya. no 10. pp.170.

Bayzakova K.I., Bekov K.B. (2016) Vozmozhnosti sotrudnichestva stran-chlenov SHOS v ramkah Ekonomicheskogo poyasa Shelkovogo puti [Opportunities for cooperation of SOC member states within Economic belt of the Silk Road]. Ekonomicheskii poyas Shelkovogo puti I aktualnye voprosy bezopasnosti I sotrudnichestva v Tsentralnoy Azii. Sbornik materialov mezhdunarodnoy nauchno-prakticheskoy konferencii. Almaty. pp. 75-85

Bazhenova E.S. (2011) Tsintsyan I novye gorizonty Velikogo shelkovogo puti [Xinjiang and new horizons of the great silk road]. Prostranstvennaya ekonomika. no 2. pp. 17.

Curamysova A. (2014) Qazakhstan rasschityvaet uvelichit obiem gruzopotoca blagodarja tranzitnomu Centralnaja Azija vyydet iz kontinentalnoy izoljacji [Kazakhstan expects to increase the volume of cargo traffic, Central Asia is to emerge from continental isolation]. Kazakhstanscaya pravda. p. 1.

Frolova I.I. (2016) Kitayskii proekt «Ekonomicheskii poyas Shelovogo puti»: razvitie, problem, perspektivy [Chinese project «Economic belt of the Silk Road»: development, problem, perspectives]. Problemy natsionalnoy strategii. no 5 (38). pp. 57.

Gubaidullina M.Sh. (2016) Kazahstansko-kitayskie otnosheniya na novom Shelkovom puti: dve strategii-odin put [Kazakhstan-Chinese relations on the New Silk Road: two strategies-one road]. Vestnik Kaznu. no 3(75). pp. 43.

Gupta R., Orlovski E. (2017) Kazahstan I Novyi shelovyi put [Kazakhstan and New Silk Road]. Analiticheskii obzor. Sentyabr. p. 10.

Iskaliyev E.S. (2013) Ekonomicheskii koridor Novyi Shelkovyi Puti [Economic corridor of the New Silk Road]. KazKKA Khabarshysy. no 6 (85). pp. 19.

Kaukenov A.S. (2008) Osobennosti kitayskoi diplomatii v Tsentralnoi Azii [Features of chinese diplomacy in Central Asia]. Electronic source: http://20042010.iwep.kz/index.php?option=com_content&task=view&id=1498&Itemid=44

Korsun V. (2013) Kitay prokladyvayet Novyi Shelkovyi put v Azii [China paves the new silk road in Asia] Ekspert MGIMO. : <http://www.mgimo.ru/news/experts/document242598.phtml>

Lu Tseyu. (2015) Strategii razvitiya novogo Shelkovogo puti v XXI veke [Development strategy of the New Silk Road in XXI century]. Young scientist. no 15. p. 27.

Lu Veidun. 地理學進展 (2015) Progress geografii [Progress of geography] no 5. p. 36

Lu Syaonin. (2017) «Odin poyas-odin put»: proshloe, nastoyashee i budushee. [One belt, one road: past, present and future]. International round table «Chinese approach to the formation of the concept of the community of one destiny». Electronic source: http://kneu.edu.ua/userfiles/Faculty_of_Economics_and_Administration/_kmdu%20fetau/2017/Krugl+st%25D1%25961_Lyu_Syaoin_Odin_poyas-odin_put_09_10_17.pdf

Lukin A.V., Luzyanin S.G., Denisov I., Syroezhkin K.L., Pyatachkova A.S. (2016) Kitayskii globalnyi proekt dlya Evrazii: postanovka zadachi (analiticheski doklad) [Chinese global project for Eurasia: problem statement]. M.: Nauchnyi ekspert. p. 130.

Malysheva D.B. (2010) Tsentralnoaziatskii uzel mirovoy politiki [Central Asian knot of world politics]. M.: IMEMO RAN.. pp. 153

Maslova A. Shukusheva E.V. (2017) Kazakhstan I novyi shelkovyi put [Kazakhstan and New Silk Road] Electronic source: <http://group-global.org/ru/publication/51016-kazahstan-i-novyy-shelkovyy-put>

- Mikhalev M.S. (2016) «Odin poyas, Odin put» kak novaya vneshnepoliticheskaya strategiya KNR [One belt, One road as new foreign policy strategy of PRC]. Kontury globalnyh transformatsii. no. 6. pp. 94.
- Mordvinova A.E. (2016) Fond Shelkovogo puti: rezulyaty pervogo goda raboty [Silk Road fund: results of the first year] Electronic source: <http://riss.ru/analitics/26095/>.
- Nurseitov A.A. (2015) Ekonomicheskii poyas shelkovogo puti: vozmozhnosti i perspektivy [Economic belt of the Silk Road: opportunities and perspectives]. Electronic source : <https://yvision.kz/post/520219>
- Pogodin S.N. (2017) Politicheskoe izmerenie vzaimodeistvie Kitaya i stran Tsentralnoy Azii v ezraiiskih integratsionnyh strukturah [Political dimension of interaction between China and Central Asian countries in Eurasian integration structures]. SpB. p. 141.
- Savkovich E.V., Dankov A.G. (2011) Razvitie transporta v Kitaye i Tsentralnoy Azii v kontekste formirovaniya transevraziiskih transportnyh koridirov [Development of transport in China and Central Asia in the context of formation of central asian transit corridors]. Sravnitel'naya politika. no 4(6).-pp. 98-108
- Sazonov S.L. (2017) Tsentralnoaziatskoe napravlenie transportnoi strategii Kitaya [Central asian direction of the transport strategy of China]. Kitay v mirovoi i regionalnoy politike. Istoriya i sovremennost. Vypusk XXII : ezhegodnoe izdanie-M.: IDV RAN. p. 400.
- Shaibergenov T. (201) Ekonomicheskii poyas shelkovogo puti: bolshoy proekt, bolshie voprosy [Economic belt of the Silk Road: big project, big questions]. Indeks bezopasnosti. no 3(114). pp. 121-123.
- Shaimukhanova S.D., Abzhapparova B.Zh., Darkenov K.G., Kenzhebayeva Z.S. (2016) Koncepciya sozdaniya novogo Ekonomicheskogo Poyasa Shelkovogo Puti [The concept of creation of the Economic belt of the Silk Road]. International journal of applied and fundamental researches. no 5(2). pp. 306-310.
- Shaltycov A.I. (2016) Qazakhstan – cluechevoe zveno Velikogo shelcovogo puti [Kazakhstan is a key link of the Great Silk Road]. Vestnic KazNPU, seriya «Mezhdunarodnaja zhizn i politika». no 3(46). pp. 17.
- Suhadolskaya L.L. Natsionalnaya politika Kitaya v kontekste Velikogo vozroshdeniya kitayskoy natsii [National policy of China in the context of Renaissance of Chinese nation]. Rossiya i Kitay : problemy strategicheskogo vzaimodesitiya. Chita. p. 25.
- Syroezhkin K.L. (2010) Kazakhstan-Kitay: ot prigranichnoi trgovli k strategicheskomu [Kazakhstan-China: from cross-boarder trade to strategic]. Almaty.: Kazakhstan institute of strategic researches under the President of RK. p. 384.
- Syroezhkin K.L. (2016) Sopryazhenie EAES i EPSHPC [The interface of EEU and EBSR]. Russia and new governments of Eurasia. no 2. pp. 25-36.
- Zakluchitelnoe slovo Prezidenta Respubliki Kazahstan Nazarbayeva N.A. na zasedanii Soveta inostrannyh investorov. (2012). [Final speech of the President of the Republic of Kazakhstan N.A. Nazarbayev at the meeting of the Council of foreign investors]
- 兵銀. 中俄与中亚国家贸易合作比较研究. 《欧亚经济》2014年第4期95-105. 共11页. Van B. (2014) Sravnitelnoe izuchenie trgovogo sotrudnichestva mezhdru Kitayem-Rossiei i stranami Tsentralnoy Azii [Comparative study of the commerce cooperation between China, Russia and Central Asia]. Evropeyskaya I aziatskaya ekonomika. no 4. pp. 95-105.

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**GEOPOLITICAL AND GEOECONOMIC FACTORS
IN INDIA'S CENTRAL ASIA POLICY**

The dissolution of the Soviet Union towards the end of 1991 has led to the emergence of five Central Asian Republics (CARs) of the former Soviet Union, namely, Kazakhstan, Kyrgyzstan, Uzbekistan, Tajikistan, and Turkmenistan, as independent countries. The strategic location of this region at the crossroads between Europe and China and also between Russia and Iran coupled with their huge and largely untapped reserves of oil and gas enabled the region to impart immense geo-strategic importance in world affairs. Countries of the region and beyond have tried their best to influence the newly independent countries to actualise their respective interests. The US, Europe, Russia and China as well as Japan and Korea all have formulated their policies with a view to influence the regional geopolitics of the region. But a massive country towards the south of Central Asia was sitting idly having a low profile in the region with the tag of latecomer. Historically, deep rooted civilizational linkages, thorough friendship, cultural affinity and economic bondage largely remained disconnected throughout the years between these two Asian neighbours until recently. Neither the Central Asian countries nor India felt any compelling need to include each other in their geopolitical calculus. Against this background, this research article argues that India has vital economic and security interests in the CARs and needs to develop a comprehensive, long-term strategy to protect and promote its geo-political interest in this region.

Key words: Soviet Union, Central Asian Republics, geopolitics, economic and security interests.

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**Үндістанның Орталық Азия саясатындағы
геосаяси және геоэкономикалық факторлар**

1991 жылдың аяғына дейін Кеңес Одағы ыдырауы бұрынғы Кеңес Одағының Орталық Азия республикаларының (ОАР), атап айтқанда, Қазақстан, Қырғызстан, Өзбекстан, Тәжікстан және Түрікменстанның тәуелсіз ел ретінде пайда болуына себеп болды. Бұл аймақтың Еуропа мен Қытай арасындағы, сондай-ақ Ресей мен Иран арасындағы қиылысатын стратегиялық орналасуы, олардың үлкен және көп пайдаланылмаған мұнай және газ қорларымен қоса, аймақтағы әлемдік істерде үлкен гео-стратегиялық маңызға ие болуына мүмкіндік берді. Аймақ елдері және одан тыс елдер өздерінің мүдделерін өзекті ету үшін жаңа тәуелсіз елдерге әсер ету үшін бар күш-жігерін жұмсады. АҚШ, Еуропа, Ресей және Қытай, сондай-ақ Жапония мен Корея барлық өңірдің аймақтық геосаясатына әсер ету мақсатында өз саясатын қалыптастырды. Бірақ, Орталық Азияның оңтүстігіндегі жаппай ел аймақтағы кешігу белгісі бар аймақта бейберекетсіздікке ие болды. Тарихи тұрғыда терең тамырлы өркениетаралық байланыстар, мұқият достық, мәдени

жақындық және экономикалық құлдық осы екі азиялық көршілер арасында соңғы жылдарға дейін негізінен ажыратылды. Орталық Азия елдері де, Үндістан да геосаяси есепте бір-бірін қамтуға ешқандай қажеттілік сезе алмады. Осыған байланысты, осы зерттеу мақаласында Үндістанның КАЖ-да маңызды экономикалық және қауіпсіздік мүдделері бар және осы аймақтағы өзінің геосаяси мүдделерін қорғау мен көтермелеудің кешенді, ұзақ мерзімді стратегиясын әзірлеу қажеттілігі туралы айтылады.

Түйін сөздер: Кеңес Одағы, Орталық Азия республикалары, геосаясат, экономикалық және қауіпсіздік мүдделері.

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Геополитические и геоэкономические факторы в политике Индии в Центральной Азии

Распад Советского Союза в конце 1991 года привел к появлению пяти центральноазиатских республик бывшего Советского Союза, а именно Казахстана, Кыргызстана, Узбекистана, Таджикистана и Туркменистана, в качестве независимых стран. Стратегическое расположение этого региона на перекрестке между Европой и Китаем, а также между Россией и Ираном в сочетании с их огромными и в значительной степени неиспользованными запасами нефти и газа позволило региону получить огромное геостратегическое значение. Многие развитые страны старались влиять на новые независимые страны для реализации своих соответствующих интересов. США, Европа, Россия и Китай, а также Япония и Корея – все сформулировали свою политику с целью влияния на региональную геополитику Центральной Азии. И в то же время, огромная страна к югу от Центральной Азии не была активна, имея низкий профиль в регионе с ярлыком «оппоздавшего». Исторически сложившиеся глубоко укоренившиеся цивилизационные связи, дружба, культурная близость и экономическое единство в течение многих лет оставались несвязанными между этими двумя азиатскими соседями до недавнего времени. Ни страны Центральной Азии, ни Индия не чувствовали острой необходимости включать друг друга в свои геополитические расчеты. На этом фоне в данной статье утверждается, что Индия имеет критически важные интересы в области экономики и безопасности в ЦАР и нуждается в разработке всеобъемлющей долгосрочной стратегии для защиты и продвижения своих геополитических интересов в этом регионе.

Ключевые слова: Советский Союз, республики Центральной Азии, геополитика, интересы экономики и безопасности.

India and Central Asia: Relations in Retrospect

Revelation of history shows that much of India's political history was shaped by events in Central Asia. The region has been a staging ground for invasions into India. In fact the genesis of Central Asian dynamics in Indian strategic thought has been mentioned in Kautilya's Arthashastra. Central Asia was also a bridge for promoting Indian commerce and culture across Asia through the famous Silk Route (Stobdan, 2004). It is also amply propounded in several sources about the closely connected relations between Indus Valley Civilisation and Central Asian Khanates. Both the region shares an exceedingly superb bonding and thorough friendship in the sands of time.

However, India's ties with Central Asia were never consistent. It was waned following the consolidation of the British Indian Empire around the mid-nineteenth century. Even though relations were revived in the years following independence, they failed to acquire any depth or intensity. Indian presence in Central Asia was characterized by its closeness to the Kremlin following the Sino-Indian border conflict of 1962 (Sharma, 2009). It was further strengthened by the Sino-Soviet schism in the years to come. India anyhow managed to get a cultural anchor in the region under the Indo-Soviet Friendship Treaty of 1971 (Sharma, 2009). However, its presence in the region nevertheless remained 'muted' and constrained by its ties to the Kremlin (Stephen, 2004). Further, the lack of vision for a broader engagement with the region always pushes India in

the back seat. The end of the Cold War brought the world into stand still with collapse of the great USSR. The sudden disintegration of the largest political landmass on earth undoubtedly left the Indian political establishment in shock and surprise. However, it helped in ushering a cataclysmic shift in India's foreign policy discourse – away from Nehruvian idealism towards realism and pragmatism towards the region.

This trend of realism and pragmatism is very much continued to find its place in India's relations with Central Asia in recent years. In the context of the changing geostrategic and geo-economics dynamics in Central Asian landscape, India started recognising the CAR as an area of strategic importance. 'Look North Policy' of India in 1990s is a standing example of this. During a visit to Turkmenistan in September 1995, the then Prime Minister P.V. Narasimha Rao made it aptly clear that 'for India', Central Asia is an area 'of high priority, where we aim to stay engaged far into the future. We are independent partner with no selfish motives. We only desire honest and open friendship and to promote stability and cooperation without causing harm to any third country (Muni, 2003). Yet, such a proclamation of the 'Look North Policy' offering the proposition of 'secularism', 'democracy', and 'literacy' as national strength that India and Central Asia both share has waned for years to come. So much so that, at present hardly anybody has any idea of what Look North Policy was all about. Ironically when put into context many confuse it with Look East Policy. This probably reflects India's least strategic priority towards the region at least in the 1990s. When the world powers positively remained engaged in CAR, India – a strategic neighbour choose to stay away from the region under the guise of domestic compulsions in Kashmir and economic downturn facing the nation.

Nevertheless, time has the healing capacity. The trend of realism and pragmatism that was vanished for a while in the policy making process once again resurfaced in India's foreign policy doctrine of 1997 popularly known as 'Gujral Doctrine' (Guota, 1997). Public rhetoric to the effect also gained momentum, especially with the coming to power of the BJP (Bhartiya Janata Party) and its proclaimed ambition to make India occupy the global political centre stage. Nevertheless, this is only a step taken in the direction of consolidation of strong bonding and deep relationship.

It is until recently, India's relations with the region were viewed in the historical and cultural prisms. But the sudden changes in the international

political scenario, emerging geopolitics of Central Asia in redefining the geopolitical map of Asia, geostrategic situations in Eurasia, regional security assuming priority in global political agenda and geo-economics interests taking over military aspect in the early 2000s have opened up Central Asia to its neighbours for influence and attraction. India being the proximate player and natural ally could not stay away from the region for this time and tried to venture into the region of immediate geopolitical and geostrategic interests.

The entire edifice of India's international relations with the Central Asian newly independent republics were probably laid down during this period. India's commonness with CAR countries, close relations and cultural affinity were instrumental in exceedingly bringing the relationship between the two Asian neighbour further closer and enabled in greater security and economic engagement. Until disconnected to each other, India and Central Asia started recognising the importance and strategic necessity of each other in the emerging Asian geopolitical dynamics. India as of 2012 has a very close and firm bonding with all the five Central Asian republics. Every country of the region looks up to India for its greater democratic values and secular credential while India sees her future global role finding its place in the wider engagement with the region. Positive relations with both the region have further strengthened by forging bilateral and multilateral cooperation's in the field of security, economic, energy and strategic. The recent visit of Tajik President to India and India's Foreign Minister to Tajikistan, Uzbekistan only shows the desire for respective sides to forge strong ties. The idea of 'Connect Central Asia' as coined by the Ministry of Home Affairs, Govt. Of India is believed to usher in a new era and dynamic vision in the relationship between India and Central Asia.

India's Geopolitical Interests in Central Asia

India's attempted re-engagement in Central Asia over the last two decades has been spurred on by a need to realise Indian interests in following broad areas. These are herewith elaborated: First, and the most crucial one is to give India a substantial footprint on the hydrocarbon map of the region which would enable India to diversify and secure energy sources vital to her growth momentum. Second, in view of Pakistan's pursuit of a strident Islamist agenda, India's security interests demanded a need to check the rise of radical Islam as a political force in Central Asia. Third, it is vital to keep a tab on

drug trafficking and potential weapons proliferation in this geo-strategically important region. Fourth is to promote interests in the commercial arena. Finally, Central Asian Republics can provide support for India's emerging regional/global power status; India's permanent membership of the UN Security Council; countering Pakistan's anti-India rhetoric and importantly, it will provide India with a grand stage alongside the US, Russia and China to play a greater role in Asian regional dynamics. India as of now cannot leapfrog its way to the global high table without demonstrating effective initiative at the regional level – Central Asia being an important regional constituent. For a lucid understanding of India's expanding geopolitical interests in Central Asia, the above said broad areas of interests have been clubbed into two important categories of Geo-strategic and Geo-economic interests of India in Central Asia.

Geostrategic Interests

Geo-strategy refers to India's long term, strategic management of her geopolitical interests, influences and involvement in Central Asia – an area that separates vital centres of two nuclear powers – the Russian Federation (RF) and China – and the place of intersection of major geopolitical massifs – the Eurasian, Islamic, Chinese, and Indian. Placed in the geographical centre of Asia as a mosaic between four world civilisations such as Islamic, Buddhist, Christianity and Hinduism, Central Asian geographical setting critically links to the security of almost all the countries of the world and offers immense opportunities to all the regional and extra-regional players. India being the strategic neighbour and natural ally has profound interests more than any other regional player in the heartland region. Some of the areas concerning Indian critical interests in the region have been broadly discussed in the following paragraphs.

Security

Looking at the centrality of the region's location, in a changing strategic environment and security alignments, India's security is closely tied to the instability in the region between Afghanistan and Pakistan. Unholy alliance between the Taliban and Pakistan before September 11, 2001, has contributed to terrorist attacks against India in several occasions. It is now beyond doubt that many Pakistani militants received training in Pakistan and Afghanistan training camps with a purpose of waging war

against the Indian state. To mention a few, in 1999, terrorists hijacked Indian Airlines flight IC-814, departing from Kathmandu, landing the plane in Kandahar in Afghanistan (Sachdeva, 2011). Various Pakistan supported terrorist groups active in Kashmir, such as Lashkar-e-Toiba and Jaish-e-Mohammed, received military training in Afghan camps alongside Central Asian militant groups such as the IMU, as well as Tajik and Uighur militants (Rohde, 2002). Attack on Indian Parliament, state legislative Assembly of Jammu and Kashmir, sporadic terror incidents in Indian cities and inciting recent cyber terror to instigate communal violence in Assam and destabilise peace and harmony in India has an active Pakistani hand. Therefore, instability in Afghanistan and often hostile attitude of Pakistan are intricately linked to the security, unity and integrity of India, hence, forging strong ties with the states of Central Asia to counter such future confrontations against India. Among all, counterterrorism cooperation has been the main security concern for India with regard to Central Asia. For that, cooperative security initiatives have already begun with Tajikistan, Uzbekistan, Kyrgyzstan, and Kazakhstan (Lal, Rolie. ed. 2006).

From the security point of view the emergence of radical Islam in Central Asia in the shadow of the dramatic demise of the Soviet Union and its aggressive propagation of atheism, generated a great degree of unease in Indian quarters. It is a feeling in the Indian quarters that the simmering rise of Islamic fundamentalism will eventually pose a serious threat to Indian security, especially in the state of Kashmir. Such fears have been accentuated in light of the increasingly close linkages that Islamists movements such as the Islamic Movement of Uzbekistan (IMU) have forged with the Taliban and the ISI (Stephen, 2003). Such developments certainly do not augur well for India's security interests, given the ISI's history of flirtation with radical Islamist groups with an aim of propping them up against India. This analysis is vindicated in the UNI report of 3 April 2000, which states that «Afghan and Pakistan trained mercenaries are seeking fresh pastures to exploit their brand of fundamentalism with Tajikistan, Kazakhstan and Kyrgyzstan emerging as their new hot spots (Stephen, 2003). The doubt is further strengthened by the proved link between ISI and militant groups operating in Xinjiang resulting into civil riots in 2010. Thus, the security of the entire region is closely intertwined. Given the increasingly Trans-national nature of linkages being forged by extremist groups, especially with the Taliban in Afghanistan and the ISI in Pakistan, these

developments have potentially serious security ramifications for India. Thus, this makes it imperative upon India to be more closely involved in Central Asia's regional security matrix and ensure that instability does not spill over into Central Asia.

Drug Trafficking and Weapons Proliferation

The Central Asian region is strategically located between two nuclear superpowers, Russia and China, as well as their nuclear armed neighbours Pakistan and India. Central Asia previously served as a raw materials base for the Soviet weapons program, with Kazakhstan holding large reserves of highly enriched uranium, while Kyrgyzstan has substantial amounts of nuclear waste scattered around. Uzbekistan and Tajikistan hold sizeable uranium reserves and the potential for its enrichment. This, coupled with the absence of special-detection equipment at border and customs checkpoints, rampant corruption and little political will, have the potential to render the region highly susceptible to and a lucrative route for smuggling fissile material. This has serious security implications as there is potential danger of proliferation of lethal weapons technology and material into the hands of not just states hostile to India, but also non-state actors like the Taliban, al-Qaeda and groups like the IMU linked to them. This assumes further significance in light of a resurgent Taliban that will not lose out on the opportunity to use to its advantage the porous Tajik-Afghan border. Drug trafficking potentially poses a major security threat to 'the region' (Sharma, 2009). The poor state of border management and rampant corruption, coupled with soaring opium production in neighbouring Afghanistan – all spell a dangerous trend. India needs to pay greater heed to drug trafficking, since much of the money generated is used to fund activities of extremist Islamist terror networks that possess the ability to foment trouble for India in the long run. This is an area where India has a broad overlap of interests with three other key players in the region: US, Russia and China, with whom it could engage in multilateral cooperation.

Great Power Game in CA and India

Until 1991 all the major countries of the World were seemed not to be interested in Central Asia. Central Asia then was central to none. The disintegration of Soviet Union that resulted in power vacuum in the region, created openings for several proximate players notably China, Iran, Turkey, India and Pakistan to pursue their political, economic and

cultural interests. The regional politics remains fluid and unpredictable. A central reason lays in the fact that Central Asia despite its name and geopolitical location was not central to the interests of any of its neighbouring powers. For Turkey, European Union remains the primary object and vector of its foreign policy. For Iran, the Persian Gulf is still paramount in its orientation and security concern. India and Pakistan focus primarily on their bilateral relationship. China's security challenges lies to the east, with the Taiwan issue looming large over its foreign policy and relation to the Korean peninsula and Japan following closely (Cornell, 2004). Finally, Russia despite its historical influence and interest in Central Asia was preoccupied with the Caucasus and its relations with the West. Hence, at the back door of all these opportunities US entered into the region in 1994 by keeping an eye on the oil and natural resources of the region and to maintain a balance of power by countering China. However, prior to September 11, 2001 trauma the major vector of US regional interests were energy issues and diplomatic commitment to sustain the independence and promote democratization within the region. The main objective then was to take care of the nuclear instability that could emerge if Iran or Pakistan would gain access to Central Asian Uranium mines. To save the region from the threat of Islamic fundamentalism, to strengthen the role of Turkey and block Russian influence in the region by pouring with political, economic, financial and moral support to the Central Asian countries. The priority was to check the Islamic regime of Iran and more importantly to contain and engage China in order to divert it from its global role which US considered being the greatest threat to its hegemony in international politics.

China, the immediate neighbour of five central Asian republics shares its 3500 kms long border with Kyrgyzstan, Kazakhstan and Tajikistan. In the initial years of Central Asian independence China was interested only in political stability of the region and was interested in preventing Islamic fundamentalism to take its roots in the region. Eventually, China became more cautious about its every step and policies towards the region, which now has become a part and parcel of an overall strategic perception of an as yet undefined Chinese great power role in world affairs and closely linked with a relation of enmity with the US. Hence, to loosen the hold of the US in the region China followed the policy of new diplomacy and entered the region with a comparable and competitive strategy that would counter the US. As a beginning of this policy in

1996, China initiated the formation of Shanghai Five with three Central Asian republics of Kazakhstan, Kyrgyzstan and Tajikistan, in addition to Russia to solve the border problem and to promote peace and cooperation in the region with an intention to develop greater trade relations with the Central Asian countries. Uzbekistan joined the organization in 2001 making it Shanghai Six popularly called as Shanghai Cooperation Organization [SCO]. China also transformed the Xinjiang-Uighur Autonomous Region into a free market zone in 1998 to strengthen cooperation with Kazakhstan and to open up trade routes in the region. Xinjiang has major significance for China beyond issues of territorial integration and regional harmony, as it has one of the biggest oil bearing basins in Asia, the Tarim basin that can boost cooperation and trade relations between two countries. China is also the second largest consumer of oil in the world after America. Hence, it would not want America to divert the energy resources of Central Asia which lies near the door step of China. Due to its proximity to Central Asia and Caspian region China became a serious competitor for profit and influence in the region which could have been easier if American presence would not be there. China has great interest in gaining access to the rich deposits of hydro-carbon and hydro-electric resources of the region. Beijing is actively taking part in exploring Aktyubinsk and Mangyshlak oil deposits and building an oil pipeline in Kazakhstan-Xinjiang region. But the presence of US companies backed by full state support followed with huge economic aids to the countries of the region present a great challenge for China to expand its present in the region.

Russia is a natural and impulsive player in the region. Therefore, after independence it wished to keep its presence felt in the area which was also supposed to remain for the times to come. But its own serious economic problems and political weaknesses which are exacerbated by internal power struggle have hampered Russia's efforts to restore its hegemony. Thus, while Russia is ever sensitive to the growing foreign presence and influence in the region and tries to curb both its influence continues to be challenged. However, during Putin's regime the region of Central Asia got maximum attention in the policy quarters of Moscow. The redirected policy attention towards the region is believed to be due to certain geo-strategic considerations. Russia has three primary reasons for being involved in Central Asia. One is to protect ethnic Russians in the region. Second, to maintain access to important resources of the region such as, oil, natural gas and

other precious metals and the third, is to restrict the influence of the external powers in the region in general and U.S in particular.

Although, Russia-China and United States of America are the major geostrategic players in the region the influence of Islamic countries such as Turkey, Iran, Saudi Arabia, Pakistan and Afghanistan cannot be undermined. Among all, the competitive rivalry between Turkey and Iran in Central Asia is unique. Both these countries took steps to convince the Central Asian republics to recognize their respective roles in the region. In the process Turkey and Iran have themselves become rivals in trying to create spheres of influence at the southern portions of the former Soviet territory. Turkey has been concerned that Iran may attempt to turn Muslim nationalities towards theocracy, while Iran was worried that Turkey's active role in the region is aimed at pan-Turkism. Thus, ensured the competition for winning over the hearts and minds of the Turko-Muslim peoples of the region. This rivalry has been further accentuated with the US open support to Turkey and Russo-Chinese backing to Iran.

Afghanistan which was suspended for fourteen years as a geopolitical player in the region because of its occupation by USSR in 1978, after 1992 stands at a critical geopolitical crossroads and pose major security threats to its northern neighbours. The greater involvement of Pakistan beyond the northern borders (Central Asia) has been influenced by its rivalry with south and south-eastern border country, India. Alongside its own brand of Islam, Pakistan offered political support, economic integration and ideological solidarity to Central Asian states, which was hoped to pave the way for a broader strategic unity. However, the mask of Pakistan was exposed in the years to come, yet it presents tough challenges to India till date in its regional alignments.

India is just not going to face challenges from the great powers in the CAR but also from Islamic countries like Pakistan. The growing engagement of Iran in CA is seems to leverage Indian position in the region. The real challenge to India however comes from Beijing, Islamabad and the growing role of Shanghai Cooperation Organisation (SCO).

Shanghai Cooperation Organisation (SCO) and India

China helped in the formation of Shanghai Five (S-5) in 1996 in collaboration with Russia, Kazakhstan, Kyrgyzstan and Tajikistan. However, Uzbekistan joined the Shanghai Five in 2001, increasing its

membership to six, which has consequently been transformed into Shanghai Cooperation Organization. In the early years it helped in solving the existing territorial problems peacefully among the member countries. But subsequently (SCO) emerged as a major geostrategic, security and economic initiative in the entire Eurasia. Its role in the regional strategic vision management is increasing manifold over the years. Given the intent and potential of the organisation, it wouldn't be wrong to claim that any geopolitical calculations in Central Asia cannot be done sidelining SCO. Hence, India's recent inclusion as full member of the budding organization would certainly help it manoeuvring its growing role in the region. Importantly, a membership in the organisation just not will help India in getting a pass into the region but also propel its interests vis-a-vis China in the region. It would also enable India to counter Pakistan's anti-India propaganda and ensure its economic participation with greater Central Asian region.

CASAREM

Central Asia-South Asia Electricity Market (CASAREM) is laid on the idea of a «Greater Central Asia,» vision. This in turn is based on the premise that Central and South Asia are, or can become, a single integrated unit committed to economic activity and growth. Besides deep cultural and historic ties and the war on terrorism, the countries of the region and particularly India as the leading force of South Asia have many common concerns, such as finding outlets for energy supplies, achieving prosperity through economic cooperation, and moving towards enhanced security and stability. This concept further strengthens the spirit of regional security and inter-regional cooperation in the greater Central Asian region which also includes India, Pakistan and Afghanistan. This in turn boosts India's concerns of national security.

Geo-economic Interests

India's Geo-economic interests in the Central Asian geopolitical landscape are many and varied. Some of the significant areas of Indian interests in region have been highlighted in the following paragraphs.

Energy Sector

There can be no denying the importance of reliable access of Central Asian energy resources

for sustaining India's growth trajectory. However, the growing concern is about how much India is into the energy rich region and how far it needs to go. India is late starter in the region. Indian companies are trying hard to get a strong foothold in the region. In Central Asia, ONGC has made significant inroads into Iran, Kazakhstan, Turkmenistan, and most recently in Tajikistan. It has formally bid on Tengiz and Kashaugan oil fields and the Kurmangazy and Darkhan exploration blocks in Kazakhstan. CSIS (2006) Competition in this region is fierce, as China is pursuing the same strategy. Understanding their losses in the competition both of them agreed for mutual bidding where possible. As China is pursuing an aggressive policy, it is in the onus of India to come to an agreement table. India and China in the line of Asia wide regional cooperation in energy are cooperating in other areas. But when it comes to Central Asian energy, competition is fierce. China always chooses to go alone. This was clearly illustrated in late 2005 when China outbid India to acquire PetroKazakhstan – Kazakhstan's third largest oil producer, with CNPC raising its bid to \$4.18 billion (Sachdeva, 2011).

India's foothold in Central Asian energy sector

Kazakhstan

ONGC reached an agreement to join KazMunaiGas – the Kazakh state oil company in a project to explore and develop the Satpayev block in highly prospective waters of the north western Caspian Sea (Gorst, 2011). The state oil company will pay an \$80m signature bonus for a 25 per cent stake in Satpayev where oil reserves are estimated to amount to 250MT. Signed during an official visit by Manmohan Singh, the Indian prime minister, to Kazakhstan, the deal aims to boost India's energy security and fuel its rapid economic growth (Gorst, 2011).

ONGC will cover all exploration costs at Satpayev, minimizing KazMunaiGas' risk in early stages of the project that will eventually require \$9bn of investment. It has become common practice around the world for foreign companies to pay exploration costs when farming into projects with state oil companies. India, which is heavily dependent on imported energy, has had less success than other countries in winning Kazakh oil deals. US and European majors secured rights to develop the vast Tengiz and Karachaganak fields in the 1990's that now account for the bulk of Kazakhstan's 80MT a year oil production. China, India's main

rival for global oil reserves, has accumulated a large portfolio of upstream assets in Kazakhstan and built pipelines to carry production to its north western border (Gorst, 2011).

India has been trying to catch up at Satpayev, but the deal has taken a long time to materialize. During the visit of the Kazakh President Nursultan Nazarbayev to India in January, 2009, India's ONGC Mittal Energy Limited (OMEL) and KazMunaiGaz (KMG) signed a Heads of Agreement for exploration of oil and gas in the Satpayev block in the Caspian Sea (Sachdeva, 2011). OMEL is a joint venture between ONGC Videsh Limited (OVL) and Mittal Investments. The Satpayev

block covers an area of 1,582 square kilometres and is at water depth of 5-10 meter (Sachdeva, 2011). It is situated in a highly prospective region of the North Caspian Sea. Additional benefit of this is that, it is in close proximity to major fields such as Karazhanbas, Kalamkas, Kashagan and Donga where significant quantities of oil have been discovered. It has estimated reserves of 1.85 billion barrels. The Indian company will have a 25 per cent stake. The remaining 75 per cent stays with KazMunaiGas (Times of India, 2009).

If it goes smoothly the Satpayev will mark a breakthrough for India which has so far little to show for the strategic partnership pact it signed with Kazakhstan in 2009. The two sides are negotiating a possible uranium supply agreement, as well as pharmaceutical and oil refining deals.

Kazakhstan already supplies India with nuclear fuel from its significant uranium deposits, while India plans to increase its civil nuclear program, which already counts 20 nuclear reactors (Cutler, 2011)

Uzbekistan and Turkmenistan

As far as gas imports are concerned, both Uzbekistan and Turkmenistan are important for India. Both have large amounts of proven reserves. In the last decade and half both countries have been trying to increase export volumes and diversify export routes. The Indian public sector company Gas Authority of India (GAIL) has signed a MoU with Uzbekistan's Uzbekneftegaz for oil and gas exploration and production (Sachdeva, 2011)

The GAIL also set up a few Liquefied Petroleum Gas (LPG) in western Uzbekistan, mainly for Uzbek consumption.

India took another step towards economic and strategic penetration in Central Asia with the visit of Uzbekistan's President Islam Karimov to New Delhi in May (Cutler, 2011). The honourable President has signed an agreement that could lead to India's

ONGC Videsh Ltd (OVL) prospecting for oil and gas inside its neighbour's territory in cooperation with Uzbekneftegaz.

In meetings with Indian Prime Minister Manmohan Singh, both sides agreed to raise the level of bilateral relations to a "long-term strategic partnership". The heads of state signed 34 accords across a wide range of issues that, alongside the hydrocarbon sector, included cooperation in pharmaceuticals and information technology (Cutler, 2011).

Under their provisional agreement, OVL, the overseas arm of India's state-owned Oil and Natural Gas Corporation, will form working groups with Uzbekneftegaz in a view towards joint activities in third countries, allowing OVL to continue to increase access to Central Asia's vast energy resources (Cutler, 2011).

Bilateral energy cooperation between India and Uzbekistan extends to Afghanistan as well. The two countries have cooperated to supply electricity to Kabul, with Uzbekistan furnishing the power for the transmission network built by India (The Hindu, 2009)

Karimov's unsettled authoritarian rule in Uzbekistan had made cooperation with India problematic until the two sides decided to focus first of all on security and anti-terrorism issues. Since then, economic cooperation has increased markedly. Uzbekistan is the 13th-biggest gas producer in the world, a fact often overlooked because of its large population consumes a significant proportion of the production, which it is therefore not a "strategic" export as it is for Kazakhstan and, for example, Turkmenistan.

Being the richest country in natural gas in Central Asia, Turkmenistan is important for India's energy security. Turkmenistan is endowed with rich reserves of natural gas, crude oil, potassium and rock salts. Turkmenistan has the fourth largest natural gas reserves in the world (MEA, 2011). It also has significant reserves of crude oil.

Four countries, viz., Turkmenistan, Afghanistan, Pakistan and India (TAPI countries) are working together on a gas pipeline project, which is expected to be operational by end 2016. In the last 12 years, there has been much discussion on the \$7.6 billion TAPI gas pipeline (Sachdeva, 2011). The project has been marred by uncertainties regarding gas reserves in Turkmenistan, the security situation in Afghanistan and the strained relations between India and Pakistan. Still all parties considering the proposal seriously. Again on 11 December 2010, basic documents between the four countries were

signed in Ashgabat in the presence of Presidents of Turkmenistan, Afghanistan and Pakistan and from India, the then Minister of Petroleum & Natural Gas, Shri Murli Deora (MEA, 2011).

This 1,680 km pipeline would run from the Dauletabad gas field in Turkmenistan to Afghanistan. From there it would run alongside the highway from Herat to Kandahar, and then via Quetta to Multan in Pakistan. The final destination of the pipeline is to be Fazilka in Indian Punjab (Sachdeva, 2011).

The Dauletabad gas field has confirmed reserves of over 2.3 trillion cubic meters (tcm). Additional reserves of about 1.2 tcm expected after drilling in the adjacent area. The gas production capacity of the field could be increased to about 125 million cubic meters per day (mmcm/d). From the current 80 mmcm/d, Turkmenistan has committed to provide sovereign guarantees for long term uninterrupted supplies to Pakistan and India (Dawn, 2006).

In May, 2006, the Indian government officially approved its participation in the TAPI project and authorised the Ministry of Petroleum and Natural Gas to put up a formal request for joining the project PIB (2006). Moreover, India's continuing relationship with and participation in the project for a Turkmenistan-Afghanistan-Pakistan-India (TAPI) natural gas pipeline has contributed to increasing its profile in the region. Turkmenistan's interest in TAPI has only increased since the Nabucco project for sending its gas to Europe has lately stuttered.

Kyrgyzstan and Tajikistan have intensified their electricity transmission to South Asia (Afghanistan and Pakistan) through a visionary concept of Central Asia – South Asia Regional Electricity Market (CASAREM). The existing facility in Tajikistan on the Vaksh river and in the Kyrgyz republic on the Naryn river would supply the current available summer surplus for export.

A North-South 500 kV transmission line in Tajikistan is currently under construction with Chinese financing. Additional transmission links from Kyrgyz Republic to Tajikistan to enable electricity from Kyrgyz Republic to be transmitted directly via Tajikistan to South Asia. Tajikistan to Afghanistan 220 kV transmission links is also under construction. The electricity transmission and trading system project to transfer about 1000 MW of power from the Kyrgyz Republic and Tajikistan to Pakistan via Afghanistan (referred to as CASA 1000) CASAREM (2007). Pakistan is not far from India. India can stretch its muscles and work out for how to extend CASAREM vision to the Indian soil.

Economic and Trade Relations

Economically, India has a growing presence in Central Asia in the energy and pharmaceutical sectors. Trade in consumer goods is increasing but constrained by economic barriers, particularly in Turkmenistan and Uzbekistan. In the case of Tajikistan, India's trade stood at \$10.7 million in 2004-05 and \$32.56 million in 2009- 2010 (DNA, 2012). The joint venture between the Indian company Ajanta Pharma and the Ministry of Health in Turkmenistan, named Turkmenderman Ajanta Pharma Limited (TDAPL), currently provide approximately half of the pharmaceutical needs of Turkmenistan. India has widened information exchange programs with Turkmenistan, establishing the \$0.5 million Turkmen-Indian Industrial Training Centre as a gift to train Turkmen in basic skills, in the manufacturing of tools and components, and in business practices for small and medium enterprises, and provide financial, computer, and language training through its Indian Technical and Economic Cooperation (ITEC) program (Lal, Rolie. ed. 2006).

Trade with Uzbekistan amounted to more than \$121 million in 2004, with more than 30 Uzbek-Indian joint ventures in Uzbekistan (Sachdeva, 2010). A significant source of revenue for India is in pharmaceutical sales from Ajanta Pharma and Reddy Labs (Uzbek Embassy, 2005). The two countries are considering Indian gas exploration in Uzbekistan through India's public sector Oil and Natural Gas Commission (ONGC) and Gas Authority of India Limited (GAIL) (Uzbek Embassy, 2005).

India's trade relations with Kyrgyzstan totalled US\$ 23.56 million in 2010-11. India's exports to Kyrgyzstan were US\$ 22.56 million whereas Kyrgyz exports to India amounted to only US\$ 1.2 million (MEA, 2012). Apparel and clothing leather goods, drugs & pharmaceuticals, fine chemicals, and tea are some of the important items in our export basket to Kyrgyzstan. Kyrgyz exports to India consist of raw hides, metaliferous ores & metal scrap etc.

Trade between India and Kazakhstan in 2011 was around USD291.50 million (MEA, 2012). Major commodities of export from India to Kazakhstan are Tea, Pharmaceuticals, and Medical equipment, Machinery, Tobacco, Valves and Consumer Items etc. Major items of import by India are asbestos, soft wheat, steel, aluminium, wool and raw hides. Prospects for cooperation in spheres of Oil and Gas, Civil Nuclear Energy, metals and minerals, agriculture, public health, information technology, education, culture and defence are promising (MEA, 2012).

In energy sector, ONGC has moved forward to

stake claims in four of Kazakhstan's oil fields as well. Both countries are developing bilateral trade in mechanical engineering and pharmaceuticals, and in the defense sectors; total bilateral trade in 2003 stood at \$79 million (Interfax-Kazakhstan News Agency, 2005b). An agreement between ONGC Videsh Ltd. and KazMunaiGaz on Satpayev oil block and MoU between NPCIL and Kazatomprom envisaging cooperation including supply of uranium to India among others was signed in 2009. A memorandum of understanding for cooperation in the field of Space; extradition treaty between both countries and the protocol on the accession of Kazakhstan to WTO were also signed in 2009. A fresh agreement between ONGC Videsh Limited and Kazmunaygaz on the purchase of 25% stake in the Satpayev Oil Block in the Caspian Sea was signed in Astana on 16th April 2011 during the visit of Prime Minister Manmohan Singh (MEA, 2012).

Discussions are currently underway for cooperation in fields of fertilizers production, setting up of petrochemical complex, sulphuric acid plant, gold mining, thermal power plants, Information Technology Park etc. Agreements in the fields of Agriculture, Health, Culture, S & T, and Education etc are currently under consideration by both sides (MEA, 2012).

The Central Asian countries also provide a convenient and low-cost hub for Indian travellers. Services in the form of flights from India to London, the United States, and Europe provide a lucrative export for Uzbekistan, Kazakhstan, Kyrgyzstan, Tajikistan and Turkmenistan.

Pharmaceuticals and Healthcare

Another key area of cooperation between India and Central Asia is pharmaceuticals and healthcare. Mainly due to its efficiency and cost advantage, India has a competitive advantage in the global market in this field. Some of the Indian companies exporting pharmaceutical products to Central Asia are Claris Life sciences, Ranbaxy, Dr Reddys Labs, Lupin Laboratories, Unique Laboratories and Aurobindo Pharma. Some of these companies are planning to set up manufacturing units in Central Asia itself. The pharmaceutical factory of the Kazakh-India joint venture Kazakhstanpharma is in the process of completion in Almaty (Stephen, 2003).

Investment Potential

The countries of this region provide good investment opportunities for Indian businesses. To

facilitate trade and investment with this region, Indian policy makers in the last decade have created an institutional framework. The Indian government has set up bilateral Inter-Governmental Commissions for trade, economic, scientific and technical cooperation with all the Central Asian countries, which have been meeting on a regular basis. These relations are further institutionalized through joint working groups in various fields, such as IT, Science and Technology, hydrocarbons, military-technical cooperation, etc. The Indian government also extends small lines of credit for the countries in the region to enable Indian exporters to export to these markets without repayment risk. In this scheme, around 15 to 20 percent of the contract value is paid as advance by the importers; the balance contract value is disbursed by the Indian EXIM Bank to the exporters upon the shipment of goods. The recovery of credit extended to the overseas buyer is taken care of by the EXIM Bank, without recourse to the Indian exporter. To promote and facilitate trade, Double Taxation Avoidance Agreements have also been signed (Sachdeva, 2010).

There have also been improvements in the banking sector. Canara Bank has links with Commercial Bank for Foreign Economic Affairs of Tajikistan, the State Bank of India with Turan-Alem Bank of Kazakhstan, the Commercial Bank of Kyrgyzstan, the National Bank of Tajikistan, the State Bank for Foreign Economic Affairs of Turkmenistan and the National Bank for Foreign Economic Activity of Uzbekistan. In 2003, the Indian Ministry of Commerce launched a *Focus CIS* program. The first phase focused on the five Central Asian countries plus Azerbaijan and Ukraine. Other CIS countries have also been included in the program. The program aims to promote business-to-business linkages, support trade fairs and different promotional meetings and seminars (Sachdeva, 2010). In 2012, Indian Foreign Minister Shri S M Krishna used the term '*Connect Central Asia*' based on the premise of four Cs: Commerce, Connectivity, Consular and Community (CAN, 2012). seems to have taking the bilateral relations between the two Asian neighbours to a different level.

India has also signed many agreements with these countries for technical economic cooperation under the International Technical and Economic Cooperation (ITEC). Thus far, thousands of candidates from Central Asia have come to India under the program in such disciplines as diplomacy, banking, finance, trade, management and small industry promotion. Potential sectors for collaboration between India and CAS in broad are specified below:

Food Sector and Agribusiness: Processing, Agro Products, Machinery & equipment, packaging, fertilizers, Irrigation, etc; Pharmaceuticals & Healthcare: Medicines, Formulations, medical devices, Hospitals, etc; ICT: Telecom, Technology parks, e-governance, IT training, Business Processes, etc; Textiles: Machinery, garments, etc and Energy: Power Generation & Transmission, Oil Refining & Petro-Chemicals.

India's Connect Central Asia Policy

The 'Connect Central Asia Policy' (CCAP) of India was first unveiled by the Minister of State for External Affairs, Govt. of India Sri E.Ahmed in a keynote address at the 1st meeting of the India-Central Asia Dialogue, a Track II initiative organised on 12-13 June, 2012 in Bishkek, Kyrgyzstan (Jyoti Prasad Das, 2012). The purpose of this policy is to fast track India's relations with Central Asian Republics. The policy calls for setting up universities, hospitals, information technology (IT) centers, an e-network in telemedicine connecting India to the CARs, joint commercial ventures, improving air connectivity to boost trade and tourism, joint scientific research and strategic partnerships in defense and security affairs. During SM Krishna's visit to Tajikistan on 02-03 July 2012, the former Foreign Minister expounded the unfolding policy under the rubric of 'commerce, connectivity, consular and community'. This policy initiative if properly channeled would enable India to attain a centre stage in Central Asia which further would help India to attain its basic objectives of engagement in the greater Central Asian region.

Concluding Observation

India and Central Asia constitutes strategic neighbours and natural allies. Both the region are geographically proximate, share common history and cultural affinity. With this premise a modest attempt has been made to know what policies India follow in this region to secure and strive its interests and what more needs to be done.

As part of regional geostrategy, India requires to pursue serious and active bilateral and regional agreements to promote security in the region. She requires to carry on the goodwill gesture from the close relations she had maintained during the Soviet times. India's membership in SCO is very much need of the time. It just not will enable India to share

same dais with China and Russia in CA but also will help in cutting the size of Chinese engagement in the region and importantly will bring India closer to all CA countries.

In the economic front, India's engagement with the region will require vigorous involvement of the private sector in the Central Asian market, which has so far not been viewed by Indian big business houses as a very attractive market. Therefore, a two-fold strategy will be required to address this issue. Firstly, the Indian government must facilitate greater interaction between the Indian private sector and Central Asian market forces. Secondly, Central Asian states will have to work towards creating a more attractive investment environment for the Indian private sector.

As far as energy sector is concerned, India needs to become a significant player in the equitable exploitation, administration and distribution of the Central Asian energy resources. India must look forward to restart working on TAPI and IPI pipeline projects as they constitute India's energy lifeline. This just wouldn't help India in ensuring her much needed energy security but also enable her in strengthening regional security, peace and cooperation in the region. India must also seek to explore alternative oil and gas transit route along with the existing pipelines. To improve connectivity, India will have to play a pro-active role both bilaterally and through regional cooperative mechanisms. In this regard, India will have to factor both China and Pakistan in addition to its cooperation with Russia, Iran, Turkey and the U.S.

From the above analysis what makes quite clear in the Indian think tank to actively pursue in her policy framework towards the region are: India needs to develop long term economic strategies with Central Asian Republics and there should be a greater participation of the private sector in this region; India should aim to develop a strategic partnership with countries of this region and not limit itself to trade, energy and connectivity issues and importantly India needs to establish policy research institutes, staffed with efficient Russian speaking Indian researchers essential for formulation and implementation of long term business and security strategies. Given the nature and scenario of world politics, India as of now cannot leapfrog its way to the global high table without demonstrating effective initiative at the regional level – Central Asia being an important regional constituent.

References

- CAN (2012). 'Indian FM's Tajik visit shows desire for stronger Central Asian ties', Central Asian Newswire, July, 06, New Delhi.
- CASAREM (2007). 'Electricity Transmission and Trade Projects – CASA -1000', Central Asia-South Asia Regional Electricity Market, July, http://centralasia.usaid.gov/datafiles/_upload/CASA-1000_Briefing_Mem_Final.pdf.
- Cornell, E Svante (2004). 'The United States and Central Asia: In the Steppes to Stay?' Cambridge Review of International Affairs, Vol. 17, no. 2, July.
- CSIS (2006). 'India's Energy Dilemma', Centre for Strategic and International Studies Washington, D.C. NO. 98.
- Cutler M. Robert (2011). 'India Raises Energy Profile in Central Asia', Asia Times, May 27, www.asiatimes.com.
- Dawn (2006). 'Delhi Invited to Join TAPI Project', Dawn, March 16, www.dawn.com/2006/03/16/top10.htm.
- DNA. (2012). 'SM Krishna Arrives in Tajikistan on Two Day Visit', Daily News and Analysis, July 2, available at, www.dnaindia.com.
- Gorst, Isabel (2011). 'India Gains a Foothold in Kazakhstan', European Dialogue, April 25.
- Interfax-Kazakhstan News Agency (2005b). 'Federation of Indian Chambers of Commerce and Industry', New Delhi.
- Jyoti Prasad Das. (2012). 'India's Connect Central Asia Policy', Foreign Policy Journal, October 29.
- Lal, Rollie. ed. (2006). 'Central Asia and its Asian neighbours: security and commerce at the crossroads, Santa Monica, CA: Rand Corporation, p. 30.
- MEA (2011). 'India-Turkmenistan Relations', Ministry of External Affairs', Government of India, New Delhi, July, <http://mea.gov.in/mystart.php?id=50044534>.
- Muni S.D. (2003). 'India and Central Asia: Towards a Cooperative Future', in Nirmala Joshi. ed. Central Asia – The Great Game Replayed: An Indian Perspective, New Delhi: New Century Publications, p. 110.
- PIB (2006). 'Union Cabinet Decision Press Release', Press Information Bureau, Government of India, May 18, <http://pib.nic.in/realtime/rel120lease.asp?relid=17859&kwid=>.
- Rohde (2002). 'Delhi Tracks Al-Qaeda, Jaish Link', in Rollie, Lal. ed. Central Asia and its Asian neighbours: security and commerce at the crossroads, Santa Monica, CA: Rand Corporation, p. 30.
- Sachdeva, Gulshan (2011). 'Regional Economic Linkages', in Nirmala Joshi (eds), Reconnecting India and Central Asia, New Delhi: New Elegant Printers, p. 122.
- Sachdeva, Gulshan. (2010). 'Regional Economic Linkages', in Nirmala Joshi. ed. Reconnecting India and Central Asia, New Delhi: New Elegant Printers, p. 138.
- Sen Guota, Bhabani. (1997). 'Gujural Doctrine-Security Dimensions of Gujural Doctrine', Institute of Peace and Conflict Studies, No. 2, August 2.
- Sharma, Raghav. (2009). 'India in Central Asia-the Road Ahead', Institute of Peace and Conflict Studies, Special Report, No. 63, January p. 8.
- Stephen, Blank. (2003). India's Rising Profile in Central Asia, Comparative Strategy, Vol.22, No. 2, April, p. 141.
- Stephen, Blank. (2004). 'India's Continuing Drive into Central Asia', Central Asia Caucasus Analyst, 14 January, p. 7.
- Stobdan, P. (2004). 'Central Asia and India's Security', Strategic Analysis, Vol. 28, No.1, Jan-Mar, p. 55.
- The Hindu (2009). 'India's Energy Quest', August 22, 2009, p. 14.
- Times of India (2009). 'ONGC Mittal Signs Deal to Take 25 Stake in Kazakh Oilfields', January, 24, http://timesofindia.india-times.com/Business/India_Business/ONGC-Mittal_signs_deal_to_take_25_stake_in_Kazkh_oilfield/article/articleshow/4027031.cms
- Times of India (2009). 'ONGC Mittal Signs Deal to Take 25 Stake in Kazakh Oilfields', January, 24, http://timesofindia.india-times.com/Business/India_Business/ONGC-Mittal_signs_deal_to_take_25_stake_in_Kazkh_oilfield/article/articleshow/4027031.cms
- Uzbek Embassy. (2005). 'Uzbekistan President Starts State Visit to India', Uzbek Embassy in New Delhi.

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ЭНЕРГЕТИКАЛЫҚ ИНТЕГРАЦИЯНЫ ДАМУДЫҢ БОЛЖАМДЫҚ СЦЕНАРИЙЛЕРІ: МАЗМҰНЫ МЕН КЕЗЕҢДЕРІ

Өміршеңдік пен орнықты даму үшін елдердің аймақтық бірлестіктерге интеграциялауға әкелді, олардың бірі – Еуразиялық экономикалық одақ пен Жібек жолы елдері. Сыртқы факторлардың ұлттық экономикалардың дамуына әсерінің артуы олардың кері әсерін төмендетудің бірлескен жолдарын іздеуге әкелді. Бұл процестер еуразиялық кеңістіктің даму үлгісі ретінде қаралатын интеграциялық үрдістерді күшейтеді. Бірыңғай кеңістік аясында Одақ елдерінің энергетикалық қауіпсіздігін нығайту қажеттілігі артып келеді. ЕАЭО кеңістіктегі интеграциялық үдерістерді күшейту нәтижесінде қаржы, энергетика және тасымалдау нарығын біртіндеп біріктіру және қалыптастыру еліміздің энергетикалық қауіпсіздігін нығайтуды қажет етеді, өйткені энергетикалық интеграция процесінің әлсіздігі экономикалық, техникалық және әлеуметтік артта қалушылыққа себеп болуы ықтимал. Осыған байланысты бұл мақалада мемлекеттік құрылымдардың статистикалық деректеріне, энергетиканы дамытудың нысаналы индикаторларына негізделген зерттеуді жүргізу арқылы ЕАЭО пен Жібек жолы елдері шеңберінде энергетикалық интеграцияны дамытудың болжамдық сценарийлерін айқындауды мақсат етілді. Жұмыс біріншіден, Қазақстан Республикасы үшін энергетикалық интеграцияның маңыздылығын талдау, екіншіден, Қазақстан Республикасының энергетикалық қауіпсіздігінің деңгейін бағалау, математикалық модельдеу және, үшінші, ЕАЭО кеңістіктегі болжамдық сценарий мен макроэкономикалық көрсеткіштерді зерттеу арқылы үш индикатор негізінде жасалды. Осы мақсатқа жету үшін салыстырмалы, сұрыптамалы, ғылыми және теориялық талдау әдістері пайдаланылды.

Түйін сөздер: Қазақстан, Евразиялық Одақ, энергетикалық интеграция, болжамды сценарийлер, нысаналы көрсеткіштер.

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Predictive scenarios for the development of energy integration: the nature and stages

The desire of countries for survival and sustainable development has led to integration into regional associations, one of which is the EAEU and the Silk Road countries. The increased influence of external factors on the functioning of national economies led to the search for joint ways to reduce their negative impact. These processes reinforce the integration trends, which are considered as the pattern of development of the Eurasian space. Within the framework of a single space, the need to strengthen the energy security of the countries of the Union is growing. The gradual unification and formation of the largest single financial, energy and transport markets in the Eurasian space as a result of strengthening

integration processes necessitates strengthening the country's energy security, since weak regulation of the energy integration process can create conditions for economic, technical and social backwardness. In this regard, this article sets the goal – based on statistical data of state structures, target indicators of energy development, the authors' studies show the prognostic scenarios for the development of energy integration in the framework of the EAEU and the Silk Road countries. The study was developed on the basis of three indicators, the first, analyzing the importance of energy integration for the Republic of Kazakhstan, the second, assessing the level of energy security of the Republic of Kazakhstan, by means of mathematical modeling and the third, studying the forecast scenario and macroeconomic indicators within the EAEU space. To achieve this goal, we used methods of comparative, comparative, scientific and theoretical analysis of sources.

Key words: Kazakhstan, Eurasian Union, energy integration, forecast scenarios, target indicators.

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Прогнозные сценарии развития энергетической интеграции: сущность и этапы

Стремление стран к выживанию и устойчивому развитию обусловило интеграцию в региональные объединения, одним из которых выступает ЕАЭС и страны Шелкового пути. Усиление влияния внешних факторов на функционирование национальных экономик обусловило поиск совместных путей снижения их негативного влияния. Эти процессы усиливают интеграционные тенденции, которые рассматриваются как закономерность развития евразийского пространства. В рамках единого пространства усиливается необходимость укрепления энергетической безопасности стран Союза. Постепенное объединение и формирование крупнейших единых финансовых, энергетических и транспортных рынков в евразийском пространстве в результате усиления интеграционных процессов обуславливает необходимость укрепления энергетической безопасности страны, так как слабое регулирование процесса энергетической интеграции может создать условия экономической, технической и социальной отсталости. В связи с этим в данной статье поставлена цель – на основе статистических данных государственных структур, целевых показателей энергетического развития, исследований авторов показать прогнозные сценарии развития энергетической интеграции в рамках ЕАЭС и стран Шелкового пути. Исследование разработано на основе трех показателей: первое – анализ важности энергетической интеграции для РК, второе – оценки уровня энергетической безопасности Республики Казахстан путем математического моделирования, и третье – исследование прогнозных сценариев и макроэкономических показателей в рамках ЕАЭС пространства. Для достижения поставленной цели были использованы методы компаративного, сопоставительного, научно-теоретического анализа источников.

Ключевые слова: Казахстан, Евразийский союз, энергетическая интеграция, прогнозные сценарии, целевые показатели.

Кіріспе

Түрлі себептерге байланысты жиі болып тұратын жаһандық экономикалық дағдарыстар бұрын-соңды қабылданған барлық шараларды, соның ішінде энергетикалық қауіпсіздік пен тұтас экономикалық даму, қоршаған орта және әлеуметтік саланың теңгерімін қамтамасыз ете алмайтындығын көрсетті. Сол себепті, қазіргі таңда ретті түрде мемлекеттік және аймақтық энергетикалық интеграцияны дамытып, халықаралық нарыққа тиімді бағамен сұранысқа тап энергетикалық өнімді ұсынған абзал. Қазіргі таңда еліміз үшін аса маңызды

ЕАЭО пен Жібек жолы торабындағы мемлекеттермен тығыз энергетикалық байланыстарды әрі қарай дамытқан жөн. Бұл байланыстарды әрбір ел үшін биологиялық, су, жер, минералды және энергетикалық ресурстарды қамтитын тұрақты дамудың ресурстық базасын қалыптастырудан аңғаруға болады.

Қазақстан Республикасы Үкіметінің 2014 жылғы 28 маусымдағы «2030 жылға дейін Еліміздің энергетикалық кешенін дамыту тұжырымдамасында» энергетика секторының өнімдерін халықаралық нарықта сатудан түскен кірістер Қазақстанның инфрақұрылымын белсенді түрде дамытуға, озық технологиялар

трансферіне, экономиканың инновациялық дамуына ықпал етуге, халықты жұмыспен қамтамасыз етуге және әлеуметтік саланың дамуына үлес қосуға мүмкіндік беретіні нақты жазылған (Постановление Правительства..., 2014). Осы тұрғыдан алғанда тақырыптың маңыздылығы Қазақстан Республикасы Президентінің «Жаңа онжылдық – жаңа экономикалық өрлеу – Қазақстанның жаңа мүмкіндіктері» атты 2010 жылғы 29 қаңтардағы Қазақстан халқына Жолдауының және 2010-2014 жылдарға арналған Қазақстан Республикасының үдемелі индустриялық-инновациялық дамуының мемлекеттік бағдарламасының мазмұнымен айқындалатынын атаған жөн.

Сонымен қатар, энергетика адам қызметінің барлық салалары үшін ресурстық базаның негізгі компоненті болып табылады, ал екінші жағынан алғанда, тұрақты дамудың экономикалық, әлеуметтік және экологиялық компоненттерін біріктіру үшін негіз жасайтын экономиканың қуатты секторы болып есептеледі. Дегенмен, өткен ғасырдың парадигмасында энергетикалық кешеннің дамуы Қазақстан Республикасының стратегиялық мақсаттарына қауіп төндіріп, елдің энергетикалық қауіпсіздігін төмендетуге, қоршаған ортаның жай-күйін нашарлатуға және экономикалық өсудің қосымша қауіп-қатерлерін туындатуға жол ашқанын есепке алу қажет. Сондықтан мақаланың негізгі мақсаты – ЕАЭО пен Жібек жолы торабындағы елдер арасындағы Қазақстан Республикасының энергетикалық саладағы интеграциясын 2013 жылдан бастап, қазірге дейінгі уақытты айқындай отырып, дамудың болжамдық сценарийлерінің кезеңдерін және мазмұнын ашу болып табылады. Осы тұрғыдан, ЕАЭО мен Жібек жолы шеңберіндегі энергетиканың өзекті тармағына жататынын мұнай саласындағы Қазақстанның жалпы жағдайы мен маңыздылығын айқындау; макроэкономикалық және тұрақты энергетиканы дамытудың болжамды сценарийлерін нақты мәліметтермен ашу; тұрақты энергетиканы қалыптастырудың негізгі факторларының бірі ретінде экономиканың энерго тиімділігі мен әлеуметтік саланың даму тенденцияларын нақтылау міндеттерін жүзеге асырылу көзделді.

Теориялық-әдіснамалық зерттелуі

Зерттеудің әдіснамалық негізі – макроэкономикалық көрсеткіштерді айқындау және осы көрсеткіштерді шекті мәндермен салыстыру әдістерінің жүйесі құрастырды. Зерттеу жүргізу

барысында қауіп-қатер деңгейі, математикалық аппараттың әдістері, соның ішінде көп өзгермелі статистикалық талдау, тәуекел деңгейін және оның пайда болу ықтималдығын анықтауға мүмкіндік беретін тәуекелдерді бағалау әдістерін сараптау әдістері пайдаланылды. Зерттеу барысында қосалқы ақпарат көздері, сараптамалық және аналитикалық басылымдар және басқа да ашық ақпарат көздері айналымға тартылды. Автордың арнайы сұратулары бойынша Қазақстан Республикасында зерттелетін өнім нарығындағы негізгі деректер, оның экспорты мен импортын, сондай-ақ саланың даму тенденцияларын талдау және бағалау үшін қосымша ақпарат алды. Сонымен қатар зерттеу барысында шетелдік, әсіресе батыстық зерттеушілердің еңбектеріне басым назар аударылды. Зерттеуде энергетикалық саланың маңыздылығын қарастырған Дрангеваның (Dragneva and Wolczuk, 2017), Ф. Карнейроның (Carneiro, 2013), Г. Иоффенің (Ioffe, 2014) жұмыстарын ерекше атауға болады.

Мәселенің болжамдық талқылануы

Еуразиялық экономикалық интеграцияны дамыту үшін ЕАЭС-ға қазақстандық өнімдерін кеңейту мәселесі 2025 ж. дейін болашақтағы басты міндеттердің қатарында. Осы мәселе бойынша қазақстандық бизнестің әлемдік беделіне байланысты проблемалар туындауда.

Қазақстандағы еуразиялық интеграцияның критиктері Қазақстандағы басқа елдермен сауда-саттықты өткізуге мүмкіндік береді, бұл қазіргі заманғы әлемдегі сауда-саттыққа салынған және бұл Еуропаның басқа да өнімдерін және басқа елдердің технологиясын импорттауды көздейді, бұл ұзақ мерзімді перспективада мүмкін болатын өндірісті жетілдіруге мүмкіндік береді. Еуропалық Одақ бұл бастамада Қазақстанның басты әріптесіне айналды және 2018 ж. Еуропалық Одақпен сауда айналымы төмендеді (-20,4%) қазірдің өзінде 2015 ж. (-39%) салыстырғанда аса қауіпті емес (Государственная программа инфраструктурного развития...).

Қысқа мерзімді перспективада, Қазақстан болашақта Еуропалық Одаққа сыртқы сауда айналымын кеңейтетін сыңайлы, бұл ЕАЭО өзіндік әсерін тигізеді (Повышение инвестиционной привлекательности...).

Қазақстандағы еуразиялық экономикалық интеграцияның дамуы Қазақстан Республикасының көлік және инфрақұрылымдық жоба-

ларын іске асыруды қамтамасыз етуі тиіс (Новая инвестиционная политика...).

Экономикалық турбуленттіліктің негативті төмендетуіне және ЕАЭО-дағы макроэкономикалық жағдайдың тұрақтылығын сақтауға арналған уәкілетті мемлекеттердің координациясы ЕАЭО-ға кіретін Қазақстанды қалыптастыратын фактор болып табылады (Vinokurov, 2017: 54-70).

ЕАЭС аясында орта мерзімді перспективада интеграциялануы үшін Қазақстаннан тысқары жерлерде интеграцияланатын болады, оның сыртқы келбеті сыртқы іс-қимылдарға және нақты климатты қалыптастыруға арналған.

Қазақстандағы орталықтандырылған қаржы нарығын ЕАЭС қалыптастыратын перспективалар жоғары бағалануда. 2014 ж. Н.Ә. Назарбаев Еуропалық экономикалық кеңестің жоғары деңгейдегі кеңесі алдындағы съезінде былай деген: «Алматы қаласы бойынша 2025 ж. қаржы нарықтарының реттелетін органы туралы шешім қабылдайды. Мен, Еуразия экономикалық орталығының қаржы орталығы ретінде Алматы позицияларын орналастыруды ұсынамын және финрегулятордың бірігуін ұсынамын». Сонымен қатар, ЕАЭО қаржы одағымен біртұтас валютаның құрылуы туралы, Қазақстан басшылығы өз позицияларын ұстайды (Назарбаев, 2014).

ЕАЭО мүше елдерінің өзара ынтымақтастығының дамуын, оның сандық және сапалық көрсеткіштерін шетелдік зерттеушілер де назарға алып отыр. Олардың арасында 2014 жылдан бастап, тұрақты есеп түрінде берілетін мақсатты макроэкономикалық көрсеткіштерді жатқызуға болады (Eurasian Economic Integration...).

Қазіргі таңда ЕАЭО пен Еуропалық одақ арасындағы тығыз экономикалық байланыстардың зерттелуі аса маңызды болып табылады. Шетелдік және ресейлік зерттеушілер осы тақырыпқа қатысты көлемді коллективті зерттеуді жүргізген. Бұл зерттеудің ішкі мазмұны мақсатты интеграцияға Ресей жасағысы келетіндігі жан-жақты қарастырылған (Vinokurov... 2016). Осы тақырыпқа етене жақын ЕАЭО мен ЕО арасындағы интеграциялық үдерістерді ERASMUS бағдарламасы шеңберінде Юн С. өзіндік жеке дара зерттеулерін жүргізген. Оның пайымына қарағанда екі ұйым арасындағы интеграциялық процестер тек мұнай саласында көлемді түрде жүреді және Ресей энергетикалық салада өз үлесін алуда нақты саяси қадамдарды жасайтынын тілге тиек еткен (Yun, 2017: 17-19).

ЕАЭО-ның экономикалық саладағы интеграциялық үдерістердің теориялық негіздемесін, оның қазіргі кездегі маңыздылығы жайлы бірқатар шетелдік зерттеушілер арнайы нысан ретінде қаламға алған (Amr, 2013: 122-138). Олар энергетикалық саланы жеке дара қарастырмаған, себебі одақ арасындағы басты фактор ретінде тұтас экономикалық саланы қамтыған (Casey, 2017). Экономикалық дамуында мұнай саласының маңыздылығын атай келе, қазіргі кездегі геосаяси жағдайдың да күрт өзгергендігін қарастырған (Dieter, 2014).

Зерттеу тұжырымдары

Ресей мен Қазақстанның мемлекеттік дүние жүзіндегі конъюнктурасының әлемдік рынокта мұнай мен газды кеңейту, жаһандық және аймақтық тәуекелдерді көтеру негативті отын энергетикасы кешендерін (ОЭК) модернизациялауға арналған. 2014 жылғы қыркүйегінен бастап Ресей мен Қазақстанның негізгі экспорттық тауары болып табылатын мұнай бағамының тұрақсыз өзгеріп тұруы салдарынан осы елдердің ЖІӨ индикаторларына теріс әсерін тигізуі мүмкін (Глазьев, 2014).

Сонымен бірге, ЕАЭО елдерінің арасындағы сауда-экономикалық қатынастарда Ресей мен Беларусь саудасына қатысты теңгерімсіздік байқалады, бұл Одақтың екі ірі экономикасы болып табылатын Ресей мен Қазақстан арасындағы энергетикалық саладағы тауар айналымын баяулатуы мүмкін.

Еуразиялық экономикалық одақ туралы шарт үш елдің мұнай, мұнай өнімдері мен табиғи газы үшін бірыңғай энергетикалық нарық құруды көздейді. Сондықтан Ресей мұнай өңдеу зауыттарында өңделгеннен кейін Ресей Федерациясының бюджетіне жіберетін мұнайға экспорттық баждарды алып тастауға мәжбүр болады. ЕЭК төрағасы В. Христенконың айтуынша, мұнай мен мұнай өнімдерінің бірыңғай нарығы 2025 жылдан кешіктірілмей жұмыс істей бастайды, ал мұнай өнімдеріне қатысты міндеттер Ресей мен Беларусь билігі екі жақты негізде реттеледі (Лис, 2014).

Болашақта электр энергиясын өндіруді, тасымалдауды және сатуды және ЕАЭО электр энергия нарығын құру жоспарланып отыр. Осы нарықты құрудағы кедергілердің бірі, ол ЖІӨ-нің және Белоруссия, Қазақстан мен Ресейдегі белгілі бір өнім түрлерінің энергияны қарқындылығы АҚШ, Қытай және ЕО елдеріне қарағанда 2.5-6.5 есе жоғары екендігі. Бұдан

басқа, ЕАЭО-да олардың жалпы көлеміндегі энергия шығындарының әлдеқайда техникалық (сөзсіз) жоғалуы байқалады, яғни электр энергиясын өндіру ауқымы маңызды, бірақ ол тиімсіз пайдаланылады (Евразийская интеграция Таможенный союз – плюсы и минусы, 2013).

Біздің ойымызша, ЕАЭО бірыңғай энергетикалық нарығын қалыптастыруды жеделдету және экономикалық даму мақсаттарын шешуге еуразиялық интеграцияның бағдарлануы қажет. Ол үшін ЕАЭО-ның сауда-экономикалық саясатының бірыңғай стратегиясын, бірыңғай өнеркәсіптік және аграрлық саясат тұжырымдамасын, сондай-ақ оларды жүзеге асыру жоспарларын әзірлеу және қабылдау қажет. Бұл ұлттық және одақтастықты дамытудың өнеркәсіптік, ауылшаруашылық, ғылыми, техникалық, энергетикалық, көлік және т.б. саясатын үйлестіруді білдіреді (Трубицын..., 2017: 102). Осыған байланысты, ТМД басқа елдерінің қатысуымен ЕАЭО елдерінің энергетикалық альянсын құру қажет сияқты. Өзара сауда статистикасын, оның ішінде энергетиканы тетігін жетілдіру және құқықтық қамтамасыз ету мәселесі өзекті болып табылады. 2011 жылдың қаңтарында мақұлданған осы статистиканың әдістемесі бірнеше кемшіліктерге ие. Олардың ішінде: алғашқы ақпараттың шынайылығы мен толық еместігі, оны өңдеу әдістерінің жетілмегендігі, ұлттық статистикалық қызметтердің деректерінің сәйкессіздігі.

ЕАЭО пен Жібек жолы шеңберіндегі энергетикалық интеграцияның Қазақстан үшін маңыздылығы

Посткеңестік ауқымдағы интеграциялық үдерістерді нығайту және Қазақстанның ЕАЭО пен Жібек жолы торабындағы елдерімен экономикалық ынтымақтастығын күшейту аясында еліміздің энергетикалық қауіпсіздігін қамтамасыз ету мәселелері оның орнықты дамуының қажетті шарты ретінде барған сайын маңызды болып келеді. Энергетикалық қауіпсіздікті қамтамасыз ету ұзақ мерзімді стратегиялық міндет болып табылады және елеулі әлеуметтік-экономикалық, сонымен қатар сыртқы саяси шешімдерді қабылдаған кезде мемлекет басшылығы Қазақстанның энергетикалық қауіпсіздігінің қазіргі жағдайын және оның өзгерістеріне қатысты қабылданған шешімдердің әсерін бағалауы тиіс. 2016 жылы Қазақстандағы экономикалық өсімнің 1,2 % төмендеуі мұнай мен басқа да шикізат

өнімдерінің әлемдік бағасының төмендеуіне байланысты болды. Қазақстан Республикасы экономикасының өсу қарқыны 2016 жылы 2017 жылмен салыстырғанда теңдей түсті. Алайда, 2017-2018 жж. Қазақстан экономикасы 4 % біркелкі өсім көрсеткіштерін көрсетті (Статистика внешней...).

Қазақстан экономикасының ЕАЭО пен Жібек жолындағы мемлекеттерге интеграциялануы энергетикалық қауіпсіздігінің екі көрсеткішіне, яғни мұнай бағасының төмендеуі мен шикізат өнімнің сұранысына кері әсерін тигізді, әрине бұл Ресейдегі айырбастау бағамының өзгеруімен байланыста етене жүрді. Сонымен қатар, энергетикалық қауіпсіздікке Ұлттық қордың ЖІӨ-нің 38 % құрайтын трансферсіз мемлекеттік бюджеттің тапшылығы негіз болды (Сырлыбаева, 2011). Екінші жағынан алғанда, энергетикалық интеграция кеңейтіліп, өнімге деген сұраныс ауқымы артты және Одаққа мүше елдерге инвестициялар ағыны жандана бастады.

Зерттеу барысында энергетикалық қауіпсіздіктің ағымдағы жағдайы мен оның өзгерістерін бағалау үшін келесі болжамдық сценарийлер көрсеткіштерін зерделеу таңдалды: энергетика секторындағы негізгі құралдарды жаңғырту коэффициентінің саралануы; отын-энергетикалық ресурстарды тұтыну импортын сұрыптау; халықтың жан басына шаққандағы электр энергиясын тұтыну мәселесін қарастыру; жалпы электр энергиясын өндірудегі жаңартылатын энергия көздерінің үлесін айқындау; жан басына электр энергиясын өндіру. Осыған байланысты ҚР Ұлттық экономикалық министрлігінің статистикалық комитеті мен Энергетика министрлігінің берген мәліметтері негізінде 2011-2018 жж. аралығындағы салыстырмалы зерттеу жүргізіліп, төмендегі 2-кесте жасалды.

Көрсетілген мәліметтерге қарағанда (1-кесте), Қазақстандағы энергетикалық қауіпсіздік екі көрсеткіш негізінде қамтамасыз етілетіндігін аңғарамыз: отын-энергетикалық ресурстардың импортын тұтыну және электр энергиясының жалпы өндірісіндегі жаңартылатын энергия көздерінің үлесі. 2015 жылдан бастап жалпы өндірістегі жаңартылатын ресурстардың үлесі шекті (қауіпсіз) деңгейге жеткен.

Энергетикалық қауіпсіздіктің деңгейін адам басына шаққандағы электр энергиясын өндіру көлемінің ұлғаюы – 2011 жылдан 2018 жылға дейін 18 % және тұтыну көлемінің 3 % төмендеуіне себеп болды деуге негіз бар. Қазақстанның энергетикалық сальдосы 2013

жылдан бастап халықтың электр энергиясын тұтыну Ресейден артық электр энергиясын экспорттауға мүмкіндік беретін өндіріс көлемінен аз екенін көрсетеді (Создание общих рынков...).

Осыған орай, Қазақстанда энергетикалық өнімнің өсу динамикасының баяу жүру себеп-

терін жаһандық экономика мен халықаралық сауданың бірте-бірте қалпына келуі және өңірлердегі геосаяси шиеленістердің артуы, сондай-ақ Ресейге қарсы санкциялар мен табиғи ресурстарға әлемдік бағалардың төмендеуімен айқындауға болады.

1-кесте – Қазақстан Республикасының энергетикалық қауіпсіздігінің деңгейін бағалау

Көрсеткіш	2011 ж.	2012 ж.	2013 ж.	2014 ж.	2015 ж.	2016 ж.	2017 ж.	2018 ж.	Шекті көрсеткіш
Энергетикалық сектордың негізгі құралдарының жаңару жылдамдығы	10,00	10,00	10,00	11,00	6,00	6,00	6,00	6,00	6,00
Отын-энергетикалық ресурстарды тұтыну импорты, %	11,86	10,52	13,10	11,66	6,76	7,42	8,33	11,3	6,76
Жан басына шаққандағы электр энергиясын тұтыну, мың кВт	5,17	5,36	5,48	5,30	5,34	5,22	5,22	5,06	1,20
Электр энергиясын өндірудің жалпы көлеміндегі жаңартылатын энергия көздерінің үлесі, %	-	9,10	8,40	8,10	8,70	10,30	12,70	-	10,00
Жан басына шаққандағы электр энергиясын өндіру, мың кВт	5,10	5,27	5,43	5,48	5,52	5,26	5,36	6,02	1,20

Сондықтан зерттеудің бірінші бөліміндегі жалпы ғылыми тұжырымдарын мына факторлармен байланыстыруға болады:

1. Энергетикалық саладағы өнімнің әлсіздігі ЕАЭО пен Жібек жолындағы мемлекеттер арасындағы интеграциялық үдерістерді дамытуда еліміз үшін кері әсерін тигізуі әбден мүмкін. Оның басты себептері инвестициялардың жеткіліксіз деңгейі, кірістің төмендігі, өнімді өндіру технологиясын жаңарту бойынша жүйелі жұмыссыздықты, пассивті маркетингтік іс-әрекеттердің басымдылығы және мемлекеттік қолдаудың төменділігі осы энергетикалық өнімнің халықаралық нарықта бәсекелестікке тап түспеуімен байланысты.

2. Талдау, Қазақстанның ЕАЭО-ға интеграциялануы қаржы және азық-түлік қауіпсіздігінің екі түріне кері әсерін тигізді. Ал энергетика мен көлік қауіпсіздігіне оң әсер етуде, бұл негізгі макроэкономикалық көрсеткіштердің жақсаруымен расталады. Себебі күні бүгінге дейін транспорттық мәселе шешіле келе, еліміз энергетиканың шикізат түрін (мұнай, уран) арзан бағамен Ресей және ҚХР сатуда.

3. Энергетикалық өнімді қамтамасыз ету мәселесі, анықталған көрсеткіштер бойынша, Қазақстан экономикасына, сондай-ақ тұтастай алғанда Одақ көлеміндегі интеграцияға кері әсерін тигізеді. Қазақстан бәсекелестікке қабілетті өнімді шығаруы қажет, қатысушы елдер арасында ортақ нарықты құрып, халықаралық нарыққа өз өнімін делдалсыз ұсынғаны жөн, себебі болашақта еліміздің табиғи байлығы таусылған сәтте экономиканы дамыту қиын болады.

Макроэкономикалық және тұрақты энергетиканы дамытудың болжамды сценарийлері

Әлемдік экономиканың қазіргі кезеңі энергетикалық мүдделерді тек ұлттық емес, сонымен қатар өңірлік және халықаралық деңгейлерде қарау қажеттілігін тудырады. Қазақстан Республикасы халықаралық ұйымдар мен аймақтық интеграцияны белсенді кезеңін бастады. Мұның бәрі елдің экономикалық қауіпсіздігін қоса алғанда, белсенді шаралар қабылдауды та-

лап етуде. Әсіресе, елдің макроэкономикалық көрсеткіштері мен энергетикалық саланың әлем нарығына шығу тетіктері болып табылды.

Қазақстан Республикасының тәуелсіздік алған күнінен бастап 28 жыл өткеннен кейін «энергетикалық қауіпсіздік» және «энергетикалық қауіпсіздікті қамтамасыз ету» анықтамалары Қазақстан Республикасының Конституциясы, «Қазақстан Республикасының Ұлттық қауіпсіздігі туралы» 2012 жылғы 6 қаңтардағы № 527- IV, «Қазақстан Республикасының 2001-2005 жылдарға арналған экономикалық қауіпсіздігінің мемлекеттік стратегиясы туралы» 2002 жылғы 7 ақпандағы Қазақстан Республикасы Президентінің Жарлығы және т.б. нормативтік құқықтық актілерінде көрініс тапқан (Жанабергенова, 2017: 221-225).

Қазақстан Республикасының энергетикалық қауіпсіздігін қамтамасыз етудің құқықтық негіздерін талдау, еліміздің ұлттық мүдделерін қорғау жөніндегі іс-шараларды әзірлеу мақсатында тұрақты түрде энергетикалық қауіпсіздігінің деңгейін қадағалау қажет және бұл мәселелер жыл сайын есеп түрінде халық алдында берілуі тиіс. Бұл жұмыс жүйелі негізде жүзеге асырылып, мемлекеттік органдардың, бизнестің және жалпы қоғамның күштерін біріктірудің негізгі алаңа айналған абзал. Осыған байланысты мемлекеттің энергетикалық интеграциясын дамыту үшін 2030 жылға дейінгі Энергетикалық қауіпсіздік стратегиясын әзірлеп, қауіп-қатерлерді анықтауды, дағдарыстардың алдын алуды көздеу қажет.

ЕАЭО кеңістіктегі энергетикалық қауіпсіздіктің негізгі қатерлерін анықтау үшін мына көрсеткіштерді үнемі қадағалаған жөн:

- әлемдік мұнай бағасының төмендеуі;
- энергетикалық ресурстарға қол жеткізу үшін қатаң бәсекелестік;
- мемлекеттік реттеуді және бақылауды күшейту энергетикалық нарықтар және энергия тасымалдау бағыттары;
- энергетика саласындағы Одаққа мүше мемлекеттердің табиғи монополиялар қызметтеріне тең қол жеткізу;
- Одаққа мүше мемлекеттер аумағында орналасқан газ құбырлар жүйелеріне тең қол жеткізу.

Энергетикалық сектордың интеграциялық үдерістерін дамытудың кешенді сценарийлерін анықтаудың маңызды факторларына – энергия тиімділігін арттыру жөніндегі шараларды қабылдау есебінен электр энергиясын тұтынуды азайту; электр энергетикасына арналған газдың бағасы (неғұрлым төмен баға газдың көбірек

қолжетімділігіне сәйкес келеді); генерацияның жаңа түрлерін дамытудың екі нұсқасы бар: біріншісі – 2050 жылға қарай баламалы және жаңартылатын энергия көздерінің үлесі 30 % (мақсаттарға ішінара қол жеткізу) жоғарыны құрайды, екіншісі – 50 % жетеді (Государственная программа..., 2017).

Осылайша үш сценарийдің негізгі интеграциялық бағыттарын анықтауға болады:

Базалық сценарий: базалық сценарийдегі электр энергиясына деген сұраныс, еліміздегі алшақ аймақтарды газдандыру, газдың ағымдағы төмен бағасын сақтап қалу, 2050 жылы электр энергиясын өндірудегі баламалы көздер үлесінің 30 % қамтамасыз ету;

«Жасыл» сценарий – қымбат газ: «жасыл экономиканың» мақсаттарын орындау кезінде электр энергиясына деген сұраныс, алшақ аймақтарды газдандыру, газдың жоғары бағасы, 2050 жылы электр энергиясын өндірудегі баламалы көздер үлесінің 50 %.

«Жасыл» сценарий – арзан газ: «жасыл экономиканың» мақсаттарын орындау кезінде электр энергиясына деген сұраныс, Түркістан облысы, Ақмола, Қарағанды, Павлодар және шығыс облыстарды газдандыру, газдың төмен бағасы, 2050 жылы электр энергиясын өндірудегі баламалы көздер үлесінің 50 % (Қазақстан Республикасының..., 2013).

ЕАЭО кеңістікте энергетикалық интеграцияны дамытудың және қауіпсіздіктің деңгейін болжау үшін «негізгі», «белсенді интеграция» және «баяу интеграция» үш сценарийі пайдаланылды. Энергетикалық сектордағы негізгі міндеттердің бірі параллельді энергетикалық жүйелерге негізделген Біртұтас энергетикалық нарық (БЭН) Кеңесін біртіндеп қалыптастыру болып табылады. Одаққа мүше мемлекеттердің энергетикалық нарығын интеграциялау үдерісіне және БЭН құруына бірқатар факторлар әсер етеді. Факторлар арасында Одаққа мүше елдердің энергетикалық бағаларды айқындамауында жатыр.

Негізгі сценарий. Бастапқы сценарийдің алғышарттары – Қазақстан экономикасын дәстүрлі түрде дамыту, қолданыстағы базаға интеграциялау. Бұл сценарий ЕАЭО елдеріне қатысты сыртқы саясаттағы айтарлықтай өзгерістерді, жаңа интеграциялық шешімдерді қабылдауды білдірмейді. Қол жеткізілген келісімдер толығымен орындалады және кедергілер, жеңілдіктер мен шектеулер әдеттегі тәртіппен анықталып, жойылады. Бірыңғай нарықты құру туралы келісімдер жоспарларға сәйкес жүзеге асырыла-

ды, олардың кейбіреуі осы зерттеудің болжанған көкжиектерінен тыс жүргізіледі. Осы сценарийге сәйкес, Қазақстанда ЖІӨ-нің нақты өсуі жылына 2-4% болады, сыртқы сауданың біршама өсуі байқалады, алайда Қазақстанның ЕАЭО елдерінің жалпы тауар айналымындағы үлесіне әсер етпейді (Решение Евразийского межправительственного..., 2015).

«*Активті интеграция*» сценарийі. Бұл сценарий Қазақстанның ЕАЭО елдерімен сауда айналымының, жолаушылар мен жүк тасымалдаудың (транзит ретінде де, ЕАЭО шеңберінде де) өсуін білдіреді. Интеграция негізінен көлік пен инфрақұрылымды дамытуға, энергетика мен агроөнеркәсіп секторындағы саясатты үйлестіруге негізделген. Бұл сценарийде көлік қызметтерін дамытуға физикалық кедергілердің жоқтығын, Евразиялық Одаққа мүше мемлекеттер аумағында электр энергиясын жеткізудің техникалық мүмкіндіктерін анықтауға, бірыңғай тәсілдерді белгілеуді көздейтін өнімдермен, соның ішінде электр энергиясымен өзара әрекеттесуді нығайтады. Осыған сәйкес сценарий бойынша, Қазақстанда ЖІӨ-нің нақты өсуі жылына 5-9% құрастыратын болады және сыртқы сауданың айтарлықтай өсуі байқалады (В рамках ЕАЭС...).

Баяу интеграциялық ықпалдастық сценарийі. Бұл сценарий интеграциялық үдерістердің бәсеңдеуін білдіреді және ЕАЭО елдеріне қатысты сыртқы саясатта елеулі өзгерістерді, жаңа интеграциялық шешімдерді қабылдауды білдірмейді. Қол жеткізілген уағдаластықтар толық көлемде жүзеге асырылмайды.

Осы сценарийге сәйкес, Қазақстанда ЖІӨ-нің нақты өсімі жылына 1-2% болады, ЕАЭО елдерімен сыртқы саудадағы сауда үлесі орташа алғанда жылына 6,7% төмендейді (По энергетике и инфраструктуре...).

Қорытынды

Зерттеудің нәтижесі ретінде төмендегі ғылыми тұжырымдарды нақтылауға толық негіз бар:

1. Энергетикалық қауіпсіздік теориясы мен еуразиялық кеңістіктегі интеграциялық процестердің заңдылықтарын зерделеу барысында еліміздің ұлттық экономикасының орнықтылығының симбиозына негізделген елдің экономикалық қауіпсіздігін ұғыну және оны сыртқы қауіптерден, сондай-ақ көрші мемлекеттердің интеграциялық бірлестіктердің жағымсыз әсерінен қорғауға бағытталады. Энергетикалық қауіпсіздік категориялық аппараттың қағидаттары, критерийлері, көрсеткіштері,

факторлары, бағалау әдістері және қолдау механизмі ретінде айқындалған.

2. Қазіргі кезде мұнай саласы аса маңызды болып табылатын кез келген мемлекеттің экономикалық тетігі болып саналады. Еліміз осы шикізат қорының арқасында әлем экономикаларын қызықтыруда. Алайда, мұнай энергетика көзінің басым бөлігі шикізатты халықаралық нарыққа ұсынумен шектелуде. Осы орайда алпауыт елдердің, әсіресе Қытайдың экономикалық құрсауына түспеу мақсатында еліміздің өзіндік ұлттық интеграциялық даму сценарийі болғаны жөн. Сондықтан зерттеу жұмысында еліміздің энергетикалық саладағы жалпы даму тенденцияларына шолу жасалды.

3. Кез келген дамушы елдің алдында аса қажетті даму факторларының арасында макроэкономикалық көрсеткіштер басты орынға иеленеді. Энергетикалық қорға бай еліміздің аймақтық интеграциялық даму болжамдары болуы шарт. Осы тұрғыда зерттеу нысаны болып табылатын болжамды сценарийлер негізінде ЕАЭО шеңберінде интеграциялық үдерістердің салдарлары мен болжамды даму көрсеткіштері анықталды.

Кеңестер мен ұсыныстар

1. ЕАЭО-ның сауда-экономикалық саясатының, бірыңғай индустриялық-аграрлық саясат тұжырымдамасының және оларды жүзеге асырудың жоспарларын әзірлейді және қабылдайды, өйткені Ресей экономикасының әлемдік мұнай нарығына шамадан тыс тәуелділігі ЕАЭО-ға мүше елдердің экономикаларының репродуктивті құрылымын қалпына келтіру мүмкіндігін айтарлықтай азайтады.

2. ЕАЭО елдерінің энергетикалық одағын құруды көздейтін, ЕАЭО-ның энергетикалық стратегиясын әзірлеу және қабылдау, ТМД-ның басқа елдерін тарту.

3. ЕАЭО-ға мүше елдерде импортты алмастыру саясатын үйлестіру және осы негізде тек осы мемлекеттердің ғана емес, Еуразиялық Одаққа қосылуға ниетті басқа ТМД елдерінің отын-энергетикалық кешенін жаңғыртуды жеделдету. Бұл тиісті өңдеуші өнеркәсіпке инвестициялардың ұлғаюын білдіреді (Официальный сайт ЕЭК).

4. ЕЭО-ға мүше мемлекеттердің энергетика секторына қатысты ұлттық заңнамаларын үйлестіруді қамтамасыз ету, тиісті техникалық регламенттерді қабылдау арқылы мұнай, мұнай өнімдері мен газдың нормалары мен стандарттарын біріздендіру бойынша жұмысты жеделдету.

References

- Amr S.H. Theories of Economic Integration: A Survey of the Economic and Political Literature. // International Journal of Economy, Management and Social Sciences. – 2013. – 2(5).
- В рамках ЕАЭС будет создан общий рынок нефти, газа и нефтепродуктов // <http://www.dem.kg>.
- Casey M. Where Did the Eurasian Economic Union Go Awry? Electronic Resource: <http://thediplomat.com/2017/05/where-did-the-eurasian-economic-union-go-awry>. – 2017.
- Carneiro F. What Promises Does the Eurasian Customs Union Hold for the Future?». // World Bank-Economic Premise. – 2013. – Issue 108. – P. 1-5. // <http://EconPapers.repec.org/RePEc:wbk:prmeep:ep108>.
- Dieter H. Globalization, economic interdependence and new agreements: trade policy in the era of mega-regionals. German Institute for International and Security Affairs and Konrad-Adenauer-Stiftung. Berlin. – 2014.
- Dragneva and Wolczuk. The Eurasian Economic Union Deals, Rules and the Exercise of Power». Chatham House Research Paper. May. – 2017.
- Евразийская интеграция Таможенный союз – плюсы и минусы // Вестник Кыргызско-Российского славянского университета. – Т. 13. – 2017. – № 10. – С. 23.
- Глазьев С.Ю. Перспективы Единого экономического пространства и Евразийского союза // URL: <http://www.dynacon.ru> / Glazyev S.Yu. – 2014.
- Государственная программа Цифровой Казахстан: утв. Постановлением Правительства 12 декабря 2017 года, No 827 // <https://primeminister.kz>
- Государственная программа инфраструктурного развития «Нұрлы жол» на 2015-2019 годы // Комитет по финансовому мониторингу Министерства финансов Республики Казахстан. URL: <http://www.kfm.gov.kz/ru/activity/strategy-and-program/state-program-on-infrastructure-development-nurly.html>
- Жанабергенова М.А. Legal aspects of ensuring economic security of the Republic of Kazakhstan // Вестник университета «Туран». – 2017. – № 4(76).
- Қазақстан Республикасының «жасыл экономикаға» көшуі жөніндегі тұжырымдама, Қазақстан Республикасы Президентінің 2013 жылғы 30 мамырдағы № 577 Жарлығымен бекітілген.
- Ioffe G. New Trade War Erupts Between Russia and Belarus» // Eurasia Daily Monitor. – 2014. – 11(215). – The Jamestown Foundation.
- Лис И. Перспективы энергетического партнерства в рамках ЕЭП. // URL: <http://ekonomist.by>. – 2014.
- Назарбаев Н.А. Предложил позиционировать Алматы как финансовый центр ЕАЭС // Kazinform.kz, 26 мая. URL: http://www.inform.kz/ru/n-nazarbaev-predlozil-pozicionirovat-almaty-kak-finansovyycentr-eaes_a2662928. – 2014.
- Новая инвестиционная политика // Капитал. Центр деловой информации. URL: <https://www.kapital.kz/finance/53413/povaya-investicionnaya-politika.html>
- Официальный сайт ЕЭК. URL: <http://www.eurasiancommission.org/ru>.
- Повышение инвестиционной привлекательности Казахстана – одна из целей создания ЕЭП // Ритм Евразии. – 13 мая 2014 г. // URL: <http://www.ritmurasia.org/news--2014-05-13--povyshenie-investicionnoiprivlekatelnosti-kazahstana-odna-iz-celej-sozdaniya-eep-12699>
- Постановление Правительства Республики Казахстан от 28 июня 2014 года № 724 «Об утверждении Концепции развития топливно-энергетического комплекса Республики Казахстан до 2030 года». – 2014.
- По энергетике и инфраструктуре Евразийской экономической комиссии: интервью члена Коллегии Министра Д. Ибраева журналу «Региональная энергетика и энергосбережения» // <http://www.eurasiancommission.org/ru/nae/news/Pages/2016-06-30.aspx>
- Решение Евразийского межправительственного Совета. Об основных направлениях промышленного сотрудничества в рамках Союза: утв. 9 сентября 2015 года. – № 9.
- Статистика внешней и взаимной торговли за 2012-2017 гг. / Комитет по статистике Министерства национальной экономики // <http://stat.gov.kz>
- Сырлыбаева Б.Р. Устойчивое развитие: проблемы определения и реализации // Казахстан-Спектр. – 2011. – № 4 (50).
- Создание общих рынков энергоресурсов Евразийского экономического союза. Общий электроэнергетический рынок Союза // <http://www.eurasiancommission.org>
- Трубицын К.В., Атаманюк О.В. Обеспечение энергетической безопасности Российской Федерации в условиях вступления во Всемирную торговую организацию // Интернет-журнал науковедение. – 2017. – № 6 (19). – С. 102.
- Yun S. Some European-Eurasian Perspectives On Regional Integration // PhD Support Programme The EU, Central Asia and the Caucasus in the International System. – 2017.
- В рамках ЕАЭС будет создан общий рынок нефти, газа и нефтепродуктов // <http://www.dem.kg>.
- Vinokurov E. Eurasian Economic Union: Current state and preliminary results // Russian Journal of Economics, URL: http://www.eabr.org/general/upload/articles/RUJE_2017_no1_Vinokurov_EAEU_Current_state.pdf /. – 2017.
- Vinokurov E., Peter Balas, Michael Emerson, Peter Havlik, Pereboyev V., Rovenskaya E., Stepanova A., Jurij Kofner, Pavel Kaba // Challenges and Opportunities of Economic Integration within a Wider European and Eurasian Space. International Institute for Applied Systems Analysis www.iiasa.ac.at. – 2016.

References

- Amr, S.H. (2013). Theories of Economic Integration: A Survey of the Economic and Political Literature. *International Journal of Economy, Management and Social Sciences*. 2(5).
- Carneiro, F. (2013). What Promises Does the Eurasian Customs Union Hold for the Future?», World Bank – Economic Premise, issue 108, p. 1-5, <http://EconPapers.repec.org/RePEc:wbk:prmeep:ep108>.
- Casey, M. (2017). Where Did the Eurasian Economic Union Go Awry? Electronic Resource:<http://thediplomat.com/2017/05/where-did-the-eurasian-economic-union-go-awry>
- Dieter, H. (2014). Globalization, economic interdependence and new agreements: trade policy in the era of mega-regionals. German Institute for International and Security Affairs and Konrad-Adenauer-Stiftung. Berlin
- Dragneva and Wolczuk (2017). The Eurasian Economic Union Deals, Rules and the Exercise of Power». Chatham House Research Paper. May.
- Evraziyskaya Integratsiya Tamozhenny Soyuz – Plyusy I Minusy [Eurasian Integration Customs Union – Pros and Cons] (2017). // *Vestnik Kyrgyzsko-Rossiyskogo Slavyanskogo Universiteta*. T. 13. № 10. S. 23.
- Glazev S.Yu. (2014). Perspektivy Edinogo Ekonomicheskogo Prostranstva I Evraziyskogo Soyuz [Prospects for the Common Economic Space and the Eurasian Union]. URL: <http://www.dynacon.ru/> Glazyev S.Yu. (2014), URL: <http://www.dynacon.ru>
- Gosudarstvennaya Programma Infrastrukturnogo Razvitiya «Nurly Zhol» na 2015-2019 gody [State Program of infrastructure development «Nurly Zhol» for 2015-2019] // Komitet po Finansovomu Monitoringu Ministerstva Finansov Respubliki Kazakhstan. URL: <http://www.kfm.gov.kz/ru/activity/strategy-and-program/state-program-on-infrastructure-development-nurly.html>
- Gosudarstvennaya Programma Tsifrovoy Kazakhstan [State Program Digital Kazakhstan]: Utv. Postanovleniyem Pravitelstva 12 Dekabrya 2017 goda, No 827 // <https://primeminister.kz>
- Ioffe, G. (2014). New Trade War Erupts Between Russia and Belarus» // *Eurasia Daily Monitor* 11(215), The Jamestown Foundation.
- Lis I. (2014). Perspektivy Energeticheskogo Prostranstva v Ramkah YeEP [Prospects for energy partnerships in the framework of the SES]. URL: <http://ekonomist.by>
- Nazarbayev N.A. (2014). Predlozhit Pozitsionirovat Almaty Kak Finansoviy Tsentr EAES [He offered to position Almaty as the financial center of the EAEU] // *Kazinform.kz*, URL: http://www.inform.kz/ru/n-nazarbaev-predlozhit-pozicionirovat-almaty-kak-finansovyycentr-eaes_a2662928
- Novaya Investitsionnaya Politika [New investment policy]. // *Kapital. Tsentr Delevoy Informatsii*. URL: <https://www.kapital.kz/finance/53413/novaya-investicionnaya-politika.html>
- Ofitsialniy Sayt EAEK [ECE official website]. URL: <http://www.eurasiancommission.org/ru>.
- Po Energetike i Infrastrukture Evraziyskoy Ekonomicheskoy Komissii [On energy and infrastructure of the Eurasian Economic Commission]: Intervyu Chlena Kollegii Ministra D.Ibrayeva Zhurnalu «Regionalnaya Energetika i Energosberzheniya» // <http://www.eurasiancommission.org/ru/nae/news/Pages/2016-06-30.aspx>
- Postanovleniye Pravitelstva Respubliki Kazakhstan ot 28 Iyunya 2014 goda № 724 «Ob Utverzhdenii Kontsepsii Razvitiya Toplivno-Energeticheskogo Kompleksa Respubliki Kazakhstan do 2030 goda» [Decree of the Government of the Republic of Kazakhstan dated June 28, 2014 No. 724 «On approval of the Concept for the development of the fuel and energy complex of the Republic of Kazakhstan until 2030»].
- Povysheniye Investitsionnoy Privlekatelnosti Kazakhstana – Odnoy iz Tseley Sozdaniya YeEP [Improving the investment attractiveness of Kazakhstan – one of the goals of the CES] // *Ritm Evrazii*. URL: <http://www.ritm-urasia.org/news--2014-05-13--povysheniye-investitsionnoyprivlekatelnosti-kazakhstana-odna-iz-celej-sozdaniya-eeep-12699>
- Qazaqstan Respublikasynyn «Zhasyl Ekonomikaga» Koshu Zhonindegi Tuzhyrymdama [Concept of transition of the Republic of Kazakhstan to «Green economy»], Qazaqstan Respublikasy Prezidentinin 2013 Zhylygy 30 Mamyrdayy № 577 Zharlygymen Bekitilgen
- Resheniye Evraziyskogo Mezhpavitelstvennogo Soveta. Ob Osnovnyh Napravleniyah Promyshlennogo Sotrudnichestva v Ramkah Soyuz [Decision of the Eurasian Intergovernmental Council. On the main areas of industrial cooperation within the Union]: Utv. 9 Sentyabrya 2015 Goda, No9.
- Sozdaniye Obshih Rynkov Energoresursov Evraziyskogo Ekonomicheskogo Soyuz [Creating common energy markets of the Eurasian Economic Union]. *ObshiyEnergeticheskiyRynokSoyuz* // <http://www.eurasiancommission.org>
- Statistika Vneshney b Vzaimnoy Torgovli za 2012-2017 gg. [Statistics of foreign and mutual trade for 2012-2017] / Komitet po Statistike Ministerstva Natsionalnoy Ekonomiki // <http://stat.gov.kz>
- Syrlybayeva B.P. (2011). Ustoichivoye Razvitiye: Problemy Opredeleniya i Realizatsii [Sustainable development: problems of definition and implementation] // *Kazakhstan-Spektr*, № 4 (50).
- Trubitsin K.V., Atamanyuk O.V. (2017). Obespecheniye Energeticheskoy Bezopastnosti Rossiyskoy Federatsii v Usloviyah Vstupleniya vo Vsemirnuyu Torgovuyu Organizatsiyu [Ensuring the energy security of the Russian Federation in the context of entry into the World Trade Organization] // *Internet-Zhurnal Naukovedeniye*. № 6 (19). C. 102.
- V Ramkah EAES Budet Sozdan Obshiy Rynok Nefti, Gaza i Nefteproduktov [A common market for oil, gas and petroleum products will be created within the EAEU] // <http://www.dem.kg>.
- Vinokurov E. (2017). Eurasian Economic Union: Current state and preliminary results // *Russian Journal of Economics*, URL: http://www.eabr.org/general/upload/articles/RUJE_2017_no1_Vinokurov_EAEU_Current_state.pdf/
- Vinokurov E., Peter Balas, Michael Emerson, Peter Havlik, Pereboyev V., Rovenskaya E., Stepanova A., Jurij Kofner, Pavel Kaba (2016). Challenges and Opportunities of Economic Integration within a Wider European and Eurasian Space. *International Institute for Applied Systems Analysis* www.iiasa.ac.at
- Yun S., (2017). Some European-Eurasian Perspectives On Regional Integration // PhD Support Programme The EU, Central Asia and the Caucasus in the International System.
- Zhanabergenova M.A., (2017). Legal aspects of ensuring economic security of the Republic of Kazakhstan // *Vestnik Universiteta «Turan»*, No 4(76).

4-бөлім
**ХАЛЫҚАРАЛЫҚ ҚАТЫНАСТАҒЫ
МӘДЕНИЕТ ЖӘНЕ БІЛІМ МӘСЕЛЕЛЕРІ**

Section 4
**CULTURAL AND EDUCATIONAL ISSUES
IN INTERNATIONAL RELATIONS**

Раздел 4
**ВОПРОСЫ КУЛЬТУРЫ И ОБРАЗОВАНИЯ
В МЕЖДУНАРОДНЫХ ОТНОШЕНИЯХ**

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**ISLAMIC TERMINOLOGY IN CHINESE SOCIETY
(on the issue of the interaction of cultures)**

This article addresses the issue of introducing Islamic terminology into the Chinese tradition and its development. The features of Chinese writing used in the process of cultural diffusion are also described. The reasons for the religious pluralism of the population of China, a country that for centuries has been influenced by both the West and the South, the spread of other religions and their impact on the culture, custom and life of ordinary Chinese, are revealed. The article also describes how new concepts brought by Islam and other religions were transferred to hieroglyphic graphics, and their transformation through time with the basics for regulating the complexity of socio-economic, national and political relations in Chinese society. It discusses the dissemination and periods of Islam in China, analyzes the methods of translation of used words, formed in theological literature. Special attention is paid to the Xinjiang Uygur Autonomous Region, serving as the Chinese gateway to the Middle and Near East where Islam prevails. At the same time, it is necessary to take into account the fact that the project «One-Belt, One-Way» will create on the territory of the autonomous region a network of highways and communications that will further connect China with the world in general, and with the Islamic world in particular.

Key words: cultural revolution, community, religious tradition, syncretism, holocaust, literature, policy.

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**Қытай қоғамындағы ислам терминологиясы
(мәдениетаралық қатынас мәселесі)**

Берілген мақалада ислам терминологиясының қытай дәстүріне енуі және оның дамуы турасындағы мәселе қарастырылады. Мәдени диффузия үрдісінде қолданылатын қытай жазуының ерекшеліктері де сипатталады. Қытайлық халықтың ғасырлар бойы Батыста да,

оңтүстікте де әсер еткен діни плюрализмнің себептері басқа діндердің таралуы мен олардың қарапайым қытайлықтардың мәдениетіне, әдет-ғұрыптарына және өміріне әсер етуі анықталады. Мақалада ислам мен өзге де діндердің жаңа ұғымдары иероглифтік графикаға аударылғаны және оларды қытай қоғамындағы әлеуметтік-экономикалық, ұлттық және саяси қатынастардың күрделілігін реттеуге негізделген уақыттармен байланысты өзгергені сипатталады. Діннің қоғам дамуында алатын орны, атқаратын міндеттері мен қызметтері әлеуметтік-мәдени институт ретінде түсіндіріледі. Қытайдағы ислам дінінің таралуы мен кезеңдері талқыланып, діни әдебиетте қалыптасқан аудару әдістері талданылады. Саяси биліктің механизмдерінің іс-әрекетін көрсететін және саяси қатынастар саласындағы тұлғалардың мінез-құлқын бағыттауын руханилықтың көп түрлілігі талданылады. Шыңжаң-Ұйғыр автономиялық аймағына, Исламның үстемдік ететін Орталық мен Таяу Шығыстағы қытайлық қақпасына ерекше назар аударылады. Сонымен бірге, «Бір жол, бір белдеу» жобасы автономиялық аймақ аумағында коммуникация жолдарын құратындығы, сонымен қатар жалпы Қытайды әлеммен, әсіресе, ислам әлемімен байланыстыру жолдары қарастырылады.

Түйін сөздер: мәдени революция, қоғам, кірме сөздер, синкретизм, қажылық, әдебиет, саясат.

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Исламская терминология в китайском обществе (к вопросу о взаимовлиянии культур)

В данной статье рассмотрен вопрос о внедрении исламской терминологии в китайскую традицию и его развитие. Также описаны особенности китайской письменности, используемые в процессе культурной диффузии. Выявлены причины религиозного плюрализма населения Китая, страны, испокон веков испытывавшей влияние как с запада, так и с юга, процессы распространения иных религий и их воздействие на культуру, обычаи и жизнь китайской нации. В статье описываются способы переноса на иероглифическую графику новых понятий с оттенком исламской, а также других религий, и их трансформацию сквозь время для регулирования сложности социально-экономических, национальных и политических отношений в китайском обществе. Рассматриваются распространение и периоды ислама в Китае, анализируются методы перевода, используемых слов, сформированные в теологической литературе. Особое внимание уделяется Синьцзянь-Уйгурскому Автономному району, выступающему в качестве китайских ворот на Среднем и Ближнем Востоке, в странах, в которых преобладает Ислам. В процессе рассмотрения способов описания особенностей китайской письменности был принят во внимание тот факт, что проект «Один пояс, Один путь» создаст на территории автономного района сеть коммуникаций, которые ещё сильнее свяжут Китай с исламским миром в частности, с миром в целом.

Ключевые слова: культурная революция, общество, синкретизм, паломничество, литература, политика.

Introduction

Today, in the world from the stability of religion, especially different problems about Islam are very important. As well as today's technology and a lot of information in the age of globalization, the role of religion in society is becoming more important every day. On this side, the religion of Islam in

our neighbors of the Chinese national Republic is also a legitimate phenomenon. To date, it is clear that in China, active social groups are Muslim. The country has a significant number of economic trade and development enterprises, financial organizations which were founded by Chinese Muslims. Thus, it can be said that people with faith in Islam influence ethno-religious, political, economic and

cultural relations in Chinese society. Therefore, as one indicator of the development of Chinese society to explore the history of Islam religion in it and explore the modern state of the nation where little Muslim gives us a lot.

Muslims in New China have the freedom to practice religion as followers of other religions. At the beginning of 1952, Muslim leaders established the Chinese Muslim organization – the Chinese Islamic Association. It was approved at the 1st Islamic Conference in Beijing in May 1953. Local offices of the organization were opened in the country. Problems such as respect for Muslim traditions in the country have been settled. The Chinese Islamic Association is the supreme body of Muslims in the country. Every four years, the All-China Islamic Conference is held. It supports the central government in pursuing a policy of freedom of worship, protects the legal rights and interests of Islamic groups and Muslims. The Association also plays a major role in the promotion of Muslim representatives abroad, with the aim of promoting Islamic history and theology, Islamic heritage and Islamic institutions, and preparing young imams and Muslim ministers. As we know, Xinjiang Uighur Autonomous Region has not been involved in the preparation of religious clerics for a quarter of a century. Therefore, in the conditions of revival of religion, there was a shortage of specialists. Hence, the state and religious authorities of the XUAR have been actively promoting the system of religious education.

Many studies and translations of Islamic texts have been published in China. Organizes printing of Quran and Muslim classics. Reprinted the Chinese translation of the Quran (Arabic and Chinese texts in a row) In 1957 the magazine «Muslim in China» was published. The delegation of the national Islamic organization actively participates in the activities of international Islamic congresses. Each year, the organization organizes pilgrimage to Mecca. All this will promote friendship and understanding between the peoples of China and in most Muslim countries. The Chinese Islamic Association supports Muslims in different countries in their defense of their national independence and state sovereignty, contributing to the preservation of peace throughout the world. In 1955 was created the Institute of Islamic theology. In 1983, he graduated from the 34-year-old Muslim Clergy Six-Year Preparatory School in Ningxia, the Autonomous Region of China. There are about 2,000 imams in their elder age, so it is necessary to train young professionals. In September 1985 the Institute of Islamic Theology was set up in Ningxia.

The second widespread distribution of Islam to China was during the Yuan dynasty, and during the reign of this dynasty, the Persian «Muslim» was one of the official languages along with the Mongolian and Chinese languages. After the fall of the Mongolian rule, and after the Ming Dynasty (1368-1644), the linguistic relationships were completely simplified. They were the basis of the peoples of «Huiehui» (descendants of Arabs and Iranians mixed with Chinese). In some cases, the term «huaiczao» sometimes occurs. At the new era, the term «musilin» and «isilanzyao», which is the transcription of Arabic words, is used. The translation of the «zincanghin» can be «purity and sincerity».

As an example of the cultural syncretism of Chinese Muslims, it can be said that the change of their names. Many Muslims who are married to Chinese women usually have the surnames of their wives. For instance, some of them own names, such as Mohammad, Mustafa and Masood, but they will bring as well as Chinese names such as Mo, May, and Mu. Those who can't find Chinese surnames that fit their names have chosen aliases that are similar to the first generation of their names, for example, Ha, for Hassan, Hue for Hussein or Say for Said, etc.

Chinese Muslims who have lost their language (Persian, Arabic, etc.) have lost a classical Islamic dining room, clothing, etc. Currently, China has 20 million followers of Islam, and this has grown by 6 million compared to 1987, due to its well-known policy towards national minorities.

Theoretical and methodological basis

The conceptual apparatus of the most influential schools of Islam research is used: China is a country with a long history of Islam. The history of Islam in China is only a few decades apart from that in the Arabian peninsula. The absolute population of Chinese muslims is relatively large, with just 10 ethnic minorities who believe in Islam for the whole people reaching more than 20 million, almost equivalent to the total population of Yemen or Saudi Arabia. Therefore, no matter from domestic or international observation, Islam has an important status and role in China, a multi-ethnic country. It is related not only to China's national unity and social harmony, but also to China's relations with many Islamic countries and Muslim nations in the Asian-African region (Islam in China, 2014:58).

China's Islam has undergone many changes. In-depth study of Chinese Islam, understand Islam of China's major changes under the background of globalization and its development trend, for the govern-

ment to formulate appropriate ethnic and religious policies, carry out mutually beneficial international exchanges and cooperation, maintain domestic ethnic unity and the stability of the region, improve the international influence of the Chinese government, set up good international image, consolidate and enhance China's international standing has important meaning.

Prayers or salat in Islam are known as «liabay» or «rich» in Chinese. When we look at the etymology of the «rich» hieroglyph, this term refers to ceremonial prayer (worship of the ancestors, devotion to heaven after sacrifice) in ancient China. For example, the first ruler of the Zhou dynasty, Wang (XI century BC), was deceased after being sacrificed in two rituals after the ceremony in honor of the victory over Shan-yin. In addition, according to the ancient Chinese Peking dictionary, the term «liabay» refers to the religious tradition, which was celebrated by the Chinese historian Bangui (1st century BC). Also, one of the five obligatory parts of Islam is zakat. Religious tax implies «tyankai», meaning «sky tax.» Here you have to pay attention to the semantics of the Chinese word «sky». From ancient times, the sky (from the mid-11th century to 221 BC) was the highest god of China, in the period of Zhou dynasty, the concept of «heavenly mandate», «heavenly son», associated with the ancient sky. The great heavenly creatures were punished for rewarding good-natured people. Thus, for the Chinese, who had no knowledge about Islam, this word had a different meaning.

The main holy book of Muslims is the Chinese translation of the Koran itself. In the «Guanzzin» or, in some cases, the word «clanzin», we have the advantage of the vocabulary of the vocabulary, the Arabic «reading». However, the translation has some Chinese specification, with the word «Jin» many ancient Chinese canons such as «Daodecin», «I-tzin», «Shi-tzin», etc. such as popular canons. In this case, we see some cultural symbiosis based on such translations. The word «mosque» also had a Chinese specification where the Chinese did not take into account the phonetic and meaningful meaning of the word. The word «Qingjian» can be translated «Islamic Temple», in most cases the word «sy» means a specific Buddhist temple. Another culinary structure of the Muslims – the minaret covers Chinese characters in scarcity. In the Chinese version, it is written as «suantitas» and it is necessary to pay attention to the last hieroglyph, because «ta» refers to the Buddhist temple (fota). It is doubtless that elements of Chinese culture are included in the Islamic terminology. Such a cultural diffusion was largely

due to the peculiarities of Chinese writing, not to the phonetics of foreign words, but to the notions used in their culture.

Religious literature was published in Xinjiang in a wide circle to satisfy the needs of religious people in the study of religious books and literature. Different explanations of Quran, Hadith, Bukhar's teachings, Biography of Muhammad, and other Islamic works have been re-released in Arabic, Chinese, Uighur. The Koran was printed in 100 thousand copies in Chinese and Arabic languages, in 1983 by 140 thousand copies in Uighur in Xinjiang Social Science Academy. «Bukhar's thoughts» came out in circulation more than 140 thousand copies. The magazine «Chinese Muslims» has been published in Chinese in 1981 and in Uighur in 1983. Hence, it is a great joy for Muslims. Beautifully-decorated albums, calendars, posters, booklets with fragments of «Quran» are widely spread. Multiple circular magazines have been published, depicting the religious life of Chinese Muslims. A Chinese Islamic Theological Institute was established to train Ahuns and Moslems. Since 1984, the Islamic Association has organized its own trade outlets (Wu Lei, 1996: 222).

In addition to religious literature, prayer rugs, bathroom vats and plates were offered for religious service. As a result, freedom of religion was broadly implemented. It was supported by believers. The quaternary contributed to the modernization of the structure.

Such a policy was strongly supported by the local population and recognized the authority as respect for national feelings and dignity. However, representatives of intelligentsia differed. Most educated people consider it a convenient way of avoiding inter-ethnic contradictions without solving key social and economic issues in the autonomous region. On the one hand, it can be agreed, but at the present time, the use of religion for inclusion of believers in society has been justified while the development of productive forces in the XUAR.

Results and discussion

In the world Islam, China's Islam and the Muslim occupy the position is very special. From the perspective of Islamic homeland, Chinese Islam is the most Oriental Islam. Islam from the mainland spreads to the center of the Chinese civilization circle with a completely different high culture, and eventually forms the Islam and its Muslims different from the minority groups of Han people. Second, Chinese Islam is Sunni. It is also said that the Hanafi school and part of it belong to the Saffi school of ju-

jurisprudence, which is based on the jurisprudence, the classics (taifsil) and the doctrinal classics used by the Chinese Islamic jurisprudence. In addition, it is generally known that the Sunni mysticism and the existence of the Sunni sect, and the existence of the Zhynaya and other Sufi sects in Chinese Islam are obvious. Moreover, China's Islam can be said to be independent from the system of the modern world's Islamic patriarchal state Ottoman – Turkey's Sultan-khalifa. Chinese Muslims have no political power, so the Sudanese rule of law is out of the question. There are works by Bai Shouyi, Chen Dasheng, Ma Shouqian, Ma Tong, Yang Juan, Zhang Chengzhi and many other famous Chinese scholars on the formation and development of Islam in China. After studying a lot of studies on Islam in China after the founding of new China, especially after the 1960s, I found that they were quite consistent with my own knowledge and opinions obtained from the Hui people's survey in 1944. In fact, the information obtained through the consultation is a supplement to the insufficiency of the actual situation investigation and literature. I deeply feel that the experience and knowledge of the past is very helpful for me to understand modern Chinese Islamic studies.

The calculation of the Chinese leadership as the basis for regulating national relations with the religious factor and the achievement of national unity has been justified. Indeed, the largest ethnic groups in the autonomous region – Uyghur, Kazakh, Uzbek, Tatars, Dungans – are the Sunni direction of Islam, and the Kyrgyz and Tadjiks – Shiite. Unanimous on the basis of the Islamic Union, they can undoubtedly address specific issues of inter-ethnic relations, especially between the two major ethnic groups in XUAR – Uighurs and Kazakhs. However, only one aspect of this problem is, and on the other hand – on the basis of such a merger, national spirit of culture, language and tradition, the spirit of national identity is intensified. It goes beyond the limits of a purely trusty, political structure and stability in the country. It is complicated by the unresolved socio-economic and political issues that create a sound basis for the enlargement of religious activity of large masses. It is important to focus on another situation.

It ties in with the struggle of various trends and sects within Islam to combat domestic and spheres of influence. It was repeatedly mentioned in the official documents of the Islamic Association. It is difficult to imagine that in such cases, the unification of Muslims in the Sunni direction will not lead to intensification of interethnic conflicts on a religious basis, but on the contrary, will provide «unity and solidarity». As regards the second international as-

pect, it is necessary to note the following situation. As a result of China's domestic policy and China's foreign policy strategy during the «Cultural Revolution», some countries in the world (especially developing countries) were eager to look at China and, as far as possible, not to seek long-term commitments. This is the result of China's isolation from developing countries and their unequivocal integration with China's foreign policy doctrine. Today's requirements related to the implementation of China's foreign policy course and the policy of open door have forced China to seek a basis for expanding contacts with foreign partners. As the problem is about countries with different social structures and different dominant ideologies, it is necessary to look for points of contact in other areas.

Intensive development of trade, economic, cultural and religious relations between these countries and XUARs; Eastern governments are eager to come closer to the economic convergence of XUAR, non-interest loans, and direct subsidies to support religious activities in the autonomous region. This is consistent with the attempts of both clergy and intellectuals, who have maintained Islamic fundamentalism. But for them, the principle of unification is only an external attribute, and the focus is on political integration. It is based on the idea of a global Islamic revolution inviting all believers to form a great Muslim state uniting in Islam. And here may be some negative trends for China. In this case, separatist moods may arise in the autonomous region and there may be conflict between the Chinese provinces and the ethnic groups and Hanes (Chinese) living in this region. That is why the Chinese authors «at the beginning of socialism religion can't be a matter of pure faith or personality.

It is hard to disagree with the conclusion that the main reason for our fears is to believe in religion or atheism, whether or not there are many believers, and in whose hands the religion can contribute to stability and cohesion in the community or to disrupt it or to contribute to socialism.

The Chinese publicity of religious activity is not always directed to the right direction, and it is witnessed by the expansion of Islam as a Sufism in the XUAR that united with secret organizations that have their own structure and program. Thus, the revival of a religious factor in XUAR is now for many reasons, but in our opinion, the unresolved socio-economic and political problems in the Chinese society make it an objective basis for the expansion of religious influence and, on the other, complicates the social role of religion. Because it can be both progressive and reactionary. However, the PRC's

experience shows that it can't be deprived of religious beliefs.

Because of the particular socio-political nature of Islam, it was politically significant during the period of dissolution compared with other religions, and social and social life methods became religious. The Islamic religion, which has been embraced by the society, has been found not only in the spiritual life of believers, but also in their everyday life. Islam did not only become a religion of any nation, but also demanded that all people be included in that religion.

As a result of long-lived Islamism and the establishment of the People's Republic of China, Xinjiang has a broad impact on economic, cultural and social life, and even on the traditions of different nationalities. This influx can be seen not only in the performance of religious duties and observance of Islamic rules, but also in the observance of traditions from Islam. For example, when a child is born, he is called to the mullah to name him Koran; puts boys in circumcision at adolescence; eating pork is prohibited; many people greet both hands. Chinese Muslims are mostly engaged in trade and restaurants. Traditionally, Muslims wear green flags with half a moon, and the inscription «kinerzhen» is written, because Islam is called «cinchenzzyao» (pure belief).

Islam is now the religion of many peoples in Xinjiang. The constitution and the legislature of China are in line with religious policies, and are fully guaranteed by the interests of Islamic organizations and Muslims, as well as a normal religious service.

According to new statistical data, there are 79 Muslim communities in Xinjiang who are engaged in religious and legal activities. In 1987, in Xinjiang, Xinjiang Islamic Spiritual Academy was established, with a total of 167 students. At present, the Academy has a 3-year course and 187 people study there. In addition, the academy organizes short courses for the training of religious people.

Since 1990, special chapters have been opened in many districts, districts and cities, and their main task is to train qualified imams for mosques. In the Muslim world, the great influence of the Qur'an, which is the living partner, has created an infinite sense of humor. K. Marx said: «The Koran and it's based on Muslim law allocate geography and ethnography of different peoples to a simple and convenient system, two states and two nations: believers and followers,» (Zhangchenzhi1993:17). Currently, there are only 33 divisions, 1762 specialists have been trained, but about 30,000 imams have been retrained, and about 100,000 people have retrained. Additionally,

short-term (3-6-month) courses were offered to increase religious, legal and political skills of priests in a number of cities (Urumqi, Kashgar, Khotan). Several young people from XUAR have been sent to the Central Islamic Association of Peking, the largest Muslim educational institution in Cairo, al-Azhar in Cairo, Libya and Pakistan's training centers, renovated in 1982 in accordance with the decision of the Fourth All-China Meeting of Muslim Representatives (Jinri Xinjiang, 1987:3). Retraining of specialists has improved the level and condition of the religious life of Muslims.

In Russia and in the West, Islam has little spread in China. In fact, Islam is not associated with the undercover. Official Chinese statistics show that China is home to more than 20 million Muslims in the north-west of the country. In fact, Islam is widespread in China. It is difficult to say the number of Muslims currently in China (Aiyiming, 1995: 19).

After the reform began, mosques of Islam were replaced, and their number grew rapidly. Today, more than 30,000 mosques are opened and more than 50,000 imams and khuns are guided by the principles of their religion. Compared to other religions, Muslims live in small towns and rural areas, and mosques are their centers of concentration. At the time of the reign of the Yuan and Ming dynasties, the Ainagar Mosques in Dunsie and Kashgar in Beijing (XUAR) appeared. The Yadykar Mosque in Xinjiang is a large, famous mosque. It is located in the center of Kashgar, having more than 500 year history. It is said that it was built in the 7th year Minhe (1442). Throughout the years it has been rebuilding, reproducing, and upgrading it to date. Including Akbar Mosque. Mosque of Yadykar is a mosque with its own cultural features characteristic of the Uighur people. In Kashgar district in 1985, there were 4,000 mosques and more than 2,000 sacred sites. Today, Xinjiang has 20010 mosques and 3927 religious sites, and today Xinjiang has become a mosque rich. All of them are located in different regions, in district centers and villages, and in each village their number reaches one to two (Zhou Deqinq, 1999:15).

These mosques are not only evidence of the spread of Islam in China, but also can be an excellent material for studying the history of Chinese architecture. The mosques have been renovated several times and are protected by the state as cultural values. The achievements of the Muslim world in astronomy, year-round, architecture, medicine have become part of the Chinese culture. Moreover, Muslim culture is an enclave and has many features in many aspects, reflecting the fundamental forms

of national and «biblical» Chinese tradition. For example, a part of the Muslim population in China has acquired the Chinese origin, which is the purpose of such socialization, which involves the supremacy of power and that includes various mediational techniques – «military art». Islamic teachers have tried to adapt the idea of civilizations to Chinese as a personal, living, transcendental idea of God, the creation of the world, sinfulness, personal responsibility for sin against God, and its preservation of the world. Muslim scholars of China, religion, philosophy, law, acigraphy, Muslim law (linguistics), etc. Even though they work in the fields, Islamic apologetics are much more popular in their field. His «golden age» in China was the period of Qin.

By the time of XVII century, Muslim literature in China was only available in Arabic, Persian and Turkic languages. One of the writers in China, Van Dauyou (XVI century – XVII century). It is noteworthy that he is familiar with Confucian, Biblical and Buddhist literature. In addition to translating Islamic books into Chinese, it includes the creation of the universe, the religious principles explaining the relationship between God and Prophet Mohammad, and the falsehood of the Shundaysh Buddhist doctrine. In the beginning of XVII and XVIII century, the Muslim religious teacher Ma Zhu (Ma Wenbin) tried to achieve his apologetic work by the emperor Kansi, but was unsuccessful. He made a miniature compilation of religious doctrine that is consistent with China's requirements and, first of all, against Confucianism, the Buddhist doctrine of «lost its truthfulness.» Liu Zhi (Liu Zhelien, XVII-XVIII centuries) about the philosophical synthesis of monotheism and neo-confucian ideas, «nature» (syn) and «principle» (ly).

The relationship between the latter two categories in the doctrine of the doctrine of neo-absorption (Lee's syllable) was decorated with the doctrine of the creation of God, the purpose of which was the power of man, the ability to give his profession. There are Sufism and Buddhism in the Liu Zhi philosophy. One of his works is included in the literary collection «Sukhuuan noise» compiled by the Emperor. XVIII-XIX centuries Among the largest Muslim teachers in China, Ma Fuchin (Maheis XVIII centuries, XIX century) and Ma Liangyang (XIX century) are distinguished. Ma Fuchi writes about Islamic religious doctrine about the state of peace in the world of religious traditions and their significance in their salvation, the world before and after the era, before the time of «true steadfast» life. Ma Lanianguan has been taught as an

educator and preacher in both Arabic and Chinese. In the 70's of the XIX century, the Qur'an was first published in Arabic. However, its translation into Chinese only appeared in the first half of the 20th century (Jinri Xinjiang, 1987:14).

In 1911, the national anti-monarchy revolution in Xinjiang gave impetus to Muslims in China. The initiators of cultural and educational activities were Muslims Van HanojanAhun and Ma Fusian. The latter made a great contribution to the suppression of Chinese musical thinkers. Representatives of the Muslim intelligentsia have set up «The Society of Mutual Development of Muslims of China». Its program included strengthening Muslim education, strengthening the Chinese state, and promoting peace and accord among the Muslims and the Chinese (Han) Han. In the early years of the country, traditional Muslim schools and modern educational institutions are characterized by a Muslim education campaign.

Pilgrimage is a major religious duty of Muslims, the main religious activity of Islam. As a rule, every Muslim is obliged to make a pilgrimage to Mecca even once. After the start of reforms in the country in 1978, the standard of living of the population increased and many Muslims expressed their desire to make pilgrimages and perform their duties. But pilgrimage is related to the fact that it is not possible by individuals or individual religious organizations, so the government allocates some funds and orders the Islamic association to help pilgrimage.

For the first time in China, with the support of the Chinese Islamic Association, the pilgrimage service was launched to help Chinese Muslims to pilgrimage to Mecca. In 1979, a group of 16 Chinese Muslims will go to Mecca, and every year about 20 people will go to Mecca (islam. az modules / news, 787). Since 1985 only 100,000 Muslims have gone on pilgrimage. According to the Deputy Chairman of the Islamic Association Yang Jibo, in 2007, more than 8,000 Chinese citizens went on pilgrimage. The number of pilgrims is increasing every year. In the following years, about 20,000 Muslims have fulfilled their dream of pilgrimage. At present, pilgrimages can be made to four cities: Beijing, Lanchzhou, Urumqi and Kunming (Yang Huaizhong and Yu Zhengui, 1995: 622).

Pilgrims will be pilgrimage pilgrims with the pilgrimage mission. The regional branch of the Islamic Association offers to those who go to pilgrimage for the first time to attend a training program. In the future pilgrims will be able to learn emergency medical care, travel abroad, and English. Charter flights directly deliver pilgrims to

Mecca. The construction of mosques, pilgrimage, and studying the major theoretical works are an important method of spreading and spreading Islam in China. After spreading in China, Islam adopted the traditional Chinese culture and thus became a Chinese religion.

Conclusion

Today, China is not only a vast country of economic growth, but also a country with many nations and religious beliefs. The Chinese government is moving slowly through the reform path, taking into account the economic potential of national minorities reflected in the arts, craft, trade and tourism development. But it is a threat to the territorial integrity of China. This policy has led to several conflicts and struggles for independence. In a comprehensive analysis of religious, political, social and cultural issues in Xinjiang, complex tastes are needed. The activities of the main Muslim, cultural and scientific organizations of the Chinese Muslims in all the social and cultural spheres of the country greatly enhance the influence of Islam, and today Islam has become an integral part of the cultural and social life of the People's Republic of China, and

Muslims have their own political Xinjiang believe that it has a significant effect.

They identify themselves through their religion,» says user about Chinese Muslims: «They only identify themselves with Islam. But we identify them as Chinese.» Is this the key to the problem of China's relations with its Muslims? Does the majority of China really see their Muslim minorities as 'Chinese'? Do the Muslim minorities see themselves only as 'Muslim'? The truth probably lies in the middle, and relates to problematic questions on what it means to be 'Chinese' or what identifies a 'Muslim' in China.

The wider problem remains; China's relations to its Muslim minorities in the northwest has no sign of progress. Meanwhile, Islam-related terrorist attacks continue. Not enough integration? Too much suppression? China's government, propagating monoculturalism, does not hold the key to the Islam problem. Nor do European leaders, who have advocated multiculturalism. Obama emphasises the importance of Muslim integration, but it needs two things in order to be successful: a free society that protects faith, and a faith that protects free society. Unfortunately, there is still a long road ahead.

References

- American Water Works Association (1947). *Journal of the American Water Works Association*, Volume 39, Part 1, The Association
- Barnett, A. Doak (1963). *China on the Eve of Communist Takeover*, Praeger publications in Russian history and world communism, 130, New York: Praeger, OCLC 412125
- Broomhall, Marshall (1910). *Islam in China: a neglected problem*, China Inland Mission, OCLC 347514. A 1966 reprint by Paragon Book Reprint is available; written with a strong Christian missionary point of view, but contains valuable first-hand evidence and photographs.
- Dillon, M. (1999). *China's Muslim Hui Community: Migration, Settlements and Sects* (London Curzon), 208 p.
- Ferm, Vergilius, ed. (1976). *An Encyclopedia of Religion* (reprinted ed.), Westport, CT: Greenwood Press, ISBN 978-0-8371-8638-2; first published as Ferm, ed. (1945), New York: Philosophical Library, OCLC 263969 Missing or empty |title= (help). 1976 reprint is unrevised.
- Gladney, D. (1991). *Muslim Chinese: Ethnic Nationalism in the People's Republic* (Harvard, Harvard University Press), 473 p.
- In China opens the first Hajj mission. – <http://www.islam.az/modules/news/article.php?storyid=787>
- Islam in China: the interaction of cultures on the example of the translation of Islamic terms into modern Chinese. – http://moiperevod.com/info/articles/article_detail.php?id=58<http://>
- Islam in the countries of the Near and Middle East. – Moscow: Nauka, 1982. – P. 133.
- Keim, Jean (1954), «Les Musulmans Chinois», *France-Asie*, 10, OCLC 457005588
- Lipman, J. (1997). *Familiar Strangers. A History of Muslims in Northwest China* (Washington, Washington University Press), 266 p.
- Reischauer, Edwin O.; Fairbank, John K. (1960). *East Asia: The Great Tradition*, Houghton Mifflin, OCLC 994133
- Ting, Dawood C. M. (1958). «Chapter 9: Islamic Culture in China», in Morgan, Kenneth W., *Islam—The Straight Path: Islam Interpreted by Muslims*, New York: The Ronald Press Company, pp. 344–374, OCLC 378570
- 中国穆斯林 [China Muslim] (1987). *Zhongguo musulim* // 今日新疆 [Today Xinjiang] // Jinri Xinjiang. – Wulumuqi. – No. 3-4. – 14 ye.

- 中国穆斯林 [China Muslim] (1987). Zhongguo musuling // 今日新疆 [Today Xinjiang] // Jinri Xinjiang. – Wulumuqi, – № 3-4. – 14 ye.
- 余振贵 [Yu Zhengui] (1993). 中国伊斯兰文献著译 [China Islamic document translation] Zhongguo yisilan wenxian zhuyi 宁夏人民出版社 [Ningxia people Press] Ningxia renmin chubanshe. 年6月, P1-16
- 吴磊 [Wu Lei] (1996). 新疆民族关系研究 [Xinjiang national relation research] Xinjiang minzu guanxi yanjiu. // 北京新疆人民出版社. [Beijing Xinjiang people's publishing house], – Beijing: Xinjiang renmin chubanshe, 222 ye.
- 周德清 [Zhou Deqing] (1999). 民族知识问答 [National knowledge question and answer] Minzu zheshi wenda. // 北京中央民族大学出版社 [Beijing central university for nationalities Press], – Beijing: Zhongyang minzu daxue chubanshe, 15 ye.
- 张承志 [Zhang chenzhi] (1993). 殉教的中国伊斯兰—神秘主义教团哲赫忍耶的历史 [Buried with dead teach the Chinese Islam—Mysticism teach group Zhe he Ninja Yeah of history] Xunjiade zhongguo yisilan—shenmizhuyijiaotuanzheherenyede lishhi // 东京, 17 ye.
- 杨怀中 [Yang huaizhong] (1996). 内陆亚洲史研究 [Inland Asian history Research] neilu yazhoushi yanjiu. 3, P1-16
- 杨怀中和于珍贵 [Yang Huaizhong and Yu Zhengui] (1995). 伊斯兰与中国文化 [Islam and Chinese Culture] Yisilan yu Zhongguo wenhua. // 银川宁夏人民出版社 [Yinchuan, Ningxia renmin chubanshe, Yinchuan], 633 ye.
- 江泽民 [Jiang Zemin] (2008). 中国民族问题 研究 [Study of the problems of China's naishional], Zhongguo Nenyuan wenti yanjiyu // 上海 交通 大学 出版社 [Shuanghai Transport University Publishing House], Shanghai, 86 p.
- 艾伊明 [Aiyiming] (1995). 关于改进加强中国穆斯林朝觐工作的意见 [Propositions for improving work on the pilgrimage by China's Muslims], – Guanyu gaijin, jiaqiang Zhongguo musulinchaojin gongzuo de yijian. // 中国穆斯林 [Chinese Muslim] Zhongguo Musilin (special issue), 19 ye.

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