



## ТЕОРІЯ ТА ІСТОРІЯ ДЕРЖАВНОГО УПРАВЛІННЯ

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### QUESTIONS OF DECENTRALIZATION AND DELIMITATION OF EMPOWERMENT BETWEEN STATE MANAGEMENT LEVELS IN KAZAKHSTAN

*Issues on the decentralization and differentiation of rights and opportunities between levels of public administration in Kazakhstan are considered. Also, the stages of formation of state regulations of the economy are described.*

*In many countries, there is a trend towards the decentralization of power through the transferring of functions, power and responsibility from the central to the local government and civil society institutions. Decentralization is more often considered as a tool for the direct involvement of local communities in the creation and funding of government programs, improving of the efficiency of the administrative system and, as a consequence — to the further development of human potential.*

*Kazakhstan, as well as the other CIS countries, inherited a centralized system of public administration, economy and society from the former Soviet Union. In the first years after the independence in 1991, the establishment of the state foundation, consolidation of the country's sovereignty and territorial integrity became the priority goals for the Republic of Kazakhstan. At this stage, the centralization of state power was justified. However, in the long term, an excessive centralization of power impedes the further development of the country and creates the risk of strategic retarding from her nearest neighbors. In this regard, an important task was the transferring of functions and power of the center, as*



*well as responsibility in addressing most of the issues of territorial development to the local level of government. It also appoints on the shortcomings and the problems that are currently valid in the public administration of the Republic of Kazakhstan, as well as presents the results of functional analysis of basic legal provisions and perspective plans to improve the system of public administration.*

**Keywords:** government power, public administration, separation of power between levels of government, functional analysis of public administration.

In many countries, there is a trend towards decentralization of power through the transfer of functions, powers and responsibilities from central to local government and civil society institutions. Decentralization is increasingly seen as a tool for the direct involvement of local communities in the creation and funding of public programs, increasing the efficiency of the administrative system and, as a result — to further human development.

Since acquiring its independence, Kazakhstan has been consistently pursuing a policy on the formation and development of the public administration system, adapted to the requirements of a market economy. In this regard, an important task is the transfer of functions and powers of the center, as well as responsibility in addressing most of the issues of territorial development to the local level of government.

Kazakhstan as well as other CIS countries, inherited from the former Soviet Union centralized system of management of state, economy and society. In the first years after gaining independence in 1991, in front of the republic were priority goals such as building the foundation of the state, strengthening the country's sovereignty, territorial integrity. At this stage, the centralization of state power was justified. But in the long term excessive centralization of power only would deter further development of the country and would create a risk of strategic gap from their nearest neighbors.

To solve this problem by the presidential decree in 2001 was created a State Commission for the delimitation of empowerment between levels of state management and improvement of inter-budget relations. In 2003 was developed a Concept of delimitation of empowerment between levels of state management and improvement of inter-budget relations [1].

According to the theory of power separation, mix, power centralization fraught with danger of establishing a despotic regime where no individual freedom is foreseen. Therefore in order to prevent the emergence of authoritarian absolute power, with no relation to the right, all branches should be delimited, separated, and isolated.

*With separation of powers constitutional state is organized and functioning in a legal way:*

- public authorities act within their competence, without replacing each other;
- establishing mutual control, balance, equilibrium in the relationship of public authorities.

Organizational management structure based on clearly defined tasks and functions of the system. A characteristic of organizational management structure largely determines the results of the economic system. Dynamism of management structure determines by predictability of controlled processes. If they are fairly



accurately predictable, the control structure can be static. But when they are probabilistic in nature, requires a flexible structure that is sensitive to the dynamics of growth and changes in the control object. Organizational management structure, composition and quantity of its constituent units form the coordination of these units depend directly on the system functions due to the goals and objectives of the economic system.

*Thus, the development of governance structures suggests:*

- designation of tasks, functions, powers and responsibilities of each level of management system;
- research and organizational appearance of all levels in management system;
- provision of such a relation of centralization and decentralization, which would be consistent with the terms of the functioning of the system.

Therefore, the problem of decentralization is an interest aspect in modern conditions. Like any other phenomenon, decentralization has its positive and negative features.

*On the positive side of this process can be attributed:*

- speed in problem solving by the heads of the departments;
- flexibility of the system in a real economic situation;
- correctness of the decision making process in view of narrow specialization and limited range of issues;
- reducing costs, because saves such more times in preparing the reports;
- moral satisfaction due to greater personal involvement in decision-making of the low level managers.

In a message to the people of Kazakhstan in February 18, 2005, President N. Nazarbayev identified as one of the basic principles in strategy of the state management formation, the decentralization of the government functions from center to regions [2]. In Republic is actively pursued reform of the system of local government. At this stage, maturity of the Republic in political aspect appear, and its desire to implement democratic reforms. One of the strategic directions of the state is to improve governance through decentralization of functions, powers and liability. Decentralization — means a transfer of decision-making process to local authorities and citizens, or their elected representatives. Exercise of that right of decision-making is an act of local government. Decentralization of government functions — is a multifaceted concept, which includes such species of decentralization as: political, economic and financial.

*There are two following arguments in favor of decentralization of government functions:*

- decentralization of the empowerment in provision of governmental (budget) service increases the efficiency of budget spending, since it brings power to the people, making it more accountable to the voters, to more closely consider the preferences of the population;
- decentralization of income generation budget allows more accurate account of the specificity and structure of the tax (revenue) base and thereby provide better collection of taxes and other revenues to the budget.

Importance of choosing the model of local government which respond to Kazakhstan conditions in general, as well as for the specific particulars of the republic territory, brings no doubt. In international practice, has developed several types and forms of local government, which differ from each other by the extent of the higher



state organs to work of local governments. This is due to the fact that the local government has elements of both national and public education.

*In accordance of this, the system of local governance reflects:*

- right of the citizens as a members of local communities for the independent solution in a area development problem on a territory they live;
- principle of hierarchy of governance, when along with the horizontal separation of powers formed a vertical management system.

Among the basic principles of the local selfmanagement can be defined *тyчe* principles:

- 1) identification of specific functions and empowerments;
- 2) electivity;
- 3) presence of property;
- 4) contractual basis of relations between local authorities and the population;
- 5) satisfaction of the territorial needs from its own revenue sources, i.e. having its own budget;
- 6) specialization of local government in social spheres;
- 7) competitive system of filling the posts of municipal employees;
- 8) accountability to the population living in that territory;
- 9) independence in decision-making;
- 10) legal safety.

Local government in this regard, can be considered as a form of public authority of the population in solving problems of local issues. The essence of local self-government — in sel-organization of citizens to exercise their independent initiatives and common goals under its responsibility.

*As part of delimitation of functions and empowerments between levels of government management was planned the expansion of the list belonging to a village, town, or city (regional value) levels of government functions; in particular was assumed to supplement with the following:*

- organization of work on municipal improvement, landscaping, gardening and sanitation cleaning of settlements;
- organization of public work to support in proper condition cemeteries and other burial sites;
- organization of work in water delivery for settlements, regulation of the problems with water and land use;
- management of communal property transferred to Akimats of relevant administrative-territorial units in accordance with law.

The basis is the provision that each individual function shall be fixed with a certain central or local executive body financed from respective budget. These changes are aimed at the extension of the authorities of lower state management levels and at ensuring their independence, when they implement duties imposed. The Law provides clear segregation of function among all state management levels. It made amendments to 122 legislative acts including 6 codes. The implementation of Law led to re-allocation of budget funds among republican and local budgets. The functional analysis of the Law's main provisions on segregation of duties by areas (sectors) and management areas taking into account the following criteria and terms of functions delienation among power levels shows the following:

1. General state issues, in particular: provision of an integral functioning and development of state (defence, public order and security, foreign policy), legislation, observance of constitutional civil rights and liberties of citizens, receipt by them of



minimum social benefits guaranteed by state are included to the competence of the central state management level.

2. The issues of local significance shall be independently settled and regulated by local state management bodies. In addition, they shall be subject to control and shall be reported to the above power layers on the implementation of legislation, performance of general state functions and provision of services guaranteed by Constitution of the Republic of Kazakhstan and transferred for implementation in legislative respects to this power level.

3. From the point of view of rational arrangement of management system, authorities on the performance of general state functions and provision of services shall be fixed at those state management levels, where their performance is more efficient. In addition, state services to population in order to achieve the efficiency of their rendering, minimization of financial costs for their rendering shall be provided at the closest administrative level taking into account the availability of infrastructure for rendering such services.

4. Issues the settlement of which is not ensured within one administrative and territorial unit shall be transferred to the jurisdiction of an above layer.

5. Each function in full shall be included to the competence of only one body or level of state management. In addition, the duplication or crossing of function both on vertical and horizontal lines of state management shall be minimized.

*In accordance with the abovementioned criteria and terms of work on segregation of authorities among the state management levels, the following was carried out at following directions:*

— transfer to the local state management of individual functions fixed currently at central power level;

— optimization of the functions of joint central and local state management;

— clear segregation of functions and authorities among the levels of local state management including regarding the utility property management;

— transfer to central state bodies and their territorial subdivisions of a set of functions fixed currently with local state management bodies;

— transfer of a part of administrative, permissive and controlling and supervising functions within the vertical of central state bodies to territorial level. General directions on delienation of authorities by areas (sectors) and management areas are following:

— transfer to the oblast (municipal of republican significance) management level of individual functions fixed currently at the central power level;

— transfer to the regional (municipal of oblast significance) level of local state management of individual functions fixed currently at the oblast power level;

— transfer to rural, settlement, municipal of regional significance management level of individual functions fixed currently at the regional power level;

— transfer to central state bodies and their territorial subdivisions of a set of functions fixed currently with local state management bodies;

— transfer to the state sector of management and regulation functions, which are inexpedient to perform in a competitive sector;

— transfer to a competitive sector of functions unusual for state bodies.

In continuation of these actions, in January 10, 2006, the Law of the Republic of Kazakhstan “Concerning Amendments to Some Legislative Acts of the Republic of Kazakhstan on the Issues of Authorities Delienation among the Levels of State



Management and Budget Relations”, which made amendments to 32 current legislative acts, was adopted [3].

In Kazakhstan, local government provides the performance of the functions of state power bodies at the lowest management level — in aul districts. Local population, taking part in the formation of local government body, solves local problems through them. This means the organizational and functional independence of local government that shall be performed by population directly.

By concluding, the process of public administration reforming can be divided into two stages depending on “strategy” of reforms.

— The first stage includes the period from the moment of declaration of independence of Kazakhstan at the end of 1991 until 2007. One of the requirements to improve the activity of public administration which should be mentioned here is the Message of President of the Republic of Kazakhstan to the people of Kazakhstan from March, 19th, 2004 [4] in which it states: “From now on the performance of each minister and the head of the local government will be strictly evaluated according to state of affairs with introduction of international standards”.

— The second stage includes the period from 2007 until the present. Before 2007, restructuring of state bodies took the form of their renaming or redistribution of functions between state organs. The endless structural changes did not raise the effectiveness of the system of public administration as a whole.

In 2013, the Parliament adopted two the most important laws, pursuant to which rural akims are vested with additional authorities, financial and economic independence of lower management level akims is extended. The authorities of government bodies starting from this year were supported by financial and staff resources.

The rights of forming own income sources are provided to the heads of local bodies. Besides, gatherings and meetings of citizens received authorities on monitoring over the use of budget funds allotted for the solution of local issues.

At present, local government has legislatively 67 functions that allow independent and responsible solving of almost all actual local issues.

Thus, one more important action is taken on the way to modernization of political system, decentralization and extension of practice and traditions of the active participation of Kazakhstan citizens in local government. But, the balance between state involvement in economy and private sector, between centralized methods of regulation, on the one hand, and processes of democratization and liberalization in sphere of regulation of economy, on the other hand, has not yet formed.

#### Literature

1. Концепция разграничения полномочий между уровнями государственного управления и совершенствования межбюджетных отношений : постановление Правительства Республики Казахстан от 10.02.2003 г. № 147 [Электронный ресурс] ИПС “Әділет”. — URL : [http://adilet.zan.kz/rus/docs/P030000147\\_](http://adilet.zan.kz/rus/docs/P030000147_).
2. Назарбаев, Н. А. Казахстан на пути ускоренной экономической, социальной и политической модернизации : Послание Президента Республики Казахстан народу Казахстана от 18.02.2005 г. / Н. А. Назарбаев [Электронный ресурс] Официальный сайт Президента Республики Казахстан. — URL : [http://www.akorda.kz/ru/page/page\\_poslanie-prezidenta-respubliki-kazakhstan-n-anazarbaeva-narodu-kazakhstanana-fevral-2005-g\\_1343986671](http://www.akorda.kz/ru/page/page_poslanie-prezidenta-respubliki-kazakhstan-n-anazarbaeva-narodu-kazakhstanana-fevral-2005-g_1343986671).



3. О внесении изменений и дополнений в некоторые законодательные акты Республики Казахстан по вопросам разграничения полномочий между уровнями государственного управления и бюджетных отношений : Закон Республики Казахстан от 10.01.2006 г. [Текст] // Казахстанская правда. — 2006. — 14 января.
4. Стратегия “Казахстан–2050”: новый политический курс состоявшегося государства : послание Президента Н. Назарбаева народу Казахстана от 14 декабря 2012 года [Электронный ресурс] Официальный сайт Президента Республики Казахстан. — URL : [http://www.akorda.kz/ru/page/page\\_poslanie-prezidenta-respubliki-kazakhstan-lidera-natsii-nursultana-nazarbaeva-narodu-kazakhstan-a](http://www.akorda.kz/ru/page/page_poslanie-prezidenta-respubliki-kazakhstan-lidera-natsii-nursultana-nazarbaeva-narodu-kazakhstan-a).

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**Кемел М. Питання децентралізації та розмежування прав і можливостей між рівнями державного управління в Казахстані**

*Питання децентралізації та розмежування прав і можливостей між рівнями державного управління в Казахстані. Також, описується етапи формування державного регулювання економіки.*

*У багатьох країнах існує тенденція до децентралізації влади за допомогою передачі функцій, повноважень і відповідальності від центрального до місцевого уряду та інститутів громадянського суспільства. Децентралізація все частіше розглядається як інструмент для прямого залучення місцевих громад у створенні та фінансуванні державних програм, підвищення ефективності адміністративної системи і, як наслідок — до подальшого розвитку людського потенціалу.*

*Казахстан, як і інші країни СНД, у спадок від колишнього Радянського Союзу отримала централізовану систему управління держави, економіки та суспільства. У перші роки після здобуття незалежності в 1991 році, перед республікою пріоритетними стали такі цілі, як створення основи держави, зміцнення суверенітету країни, територіальної цілісності. На даному етапі, централізація державної влади була виправдана. Але в довгостроковій перспективі надмірна централізація влади перешкоджає подальшому розвитку країни і створює ризик стратегічного відставання від своїх найближчих сусідів. У зв'язку з цим, важливим завданням стала передача функцій і повноважень центру, а також відповідальність у вирішенні більшості питань територіального розвитку до місцевого рівня влади. При цьому вказується на недоліки, а також на проблеми, які є в даний час в системі державного управління Республіки Казахстан, а також пропонуються результати функціонального аналізу основних положень законів та перспективні плани вдосконалення системи державного управління.*

**Ключові слова:** державна влада, державне управління, розмежування повноважень між рівнями державного управління, функціональний аналіз державного управління.



**Кемел М. Вопросы децентрализации и разграничения прав и возможностей между уровнями государственного управления в Казахстане**

*Вопросы децентрализации и разграничения прав и возможностей между уровнями государственного управления в Казахстане. Также, описывается этапы формирования государственного регулирования экономики.*

*Во многих странах существует тенденция к децентрализации власти посредством передачи функций, полномочий и ответственности от центрального до местного правительства и институтов гражданского общества. Децентрализация все чаще рассматривается в качестве инструмента для прямого вовлечения местных сообществ в создании и финансировании государственных программ, повышения эффективности административной системы и, как следствие — к дальнейшему развитию человеческого потенциала.*

*Казахстан, как и другие страны СНГ, в наследство от бывшего Советского Союза получила централизованную систему управления государством, экономики и общества. В первые годы после обретения независимости в 1991 году, перед республикой приоритетными стали такие цели, как создание основы государства, укрепление суверенитета страны, территориальной целостности. На данном этапе, централизация государственной власти была оправдана. Но в долгосрочной перспективе чрезмерная централизация власти препятствует дальнейшему развитию страны и создает риск стратегического отставания от своих ближайших соседей. В связи с этим, важной задачей стала передача функций и полномочий центра, а также ответственность в решении большинства вопросов территориального развития до местного уровня власти.*

*При этом указывается на недостатки, а также на проблемы, которые имеются в настоящее время в системе государственного управления Республики Казахстан, а также предлагаются результаты функционального анализа основных положений законов и перспективные планы совершенствования системы государственного управления.*

**Ключевые слова:** государственная власть, государственное управление, разграничение полномочий между уровнями государственного управления, функциональный анализ государственного управления.

