

Bolat Zh. Aitimov¹, Bolat A. Seriev², Gulnur K. Kopbasarova³
**INTERACTION OF NON-PROFIT ORGANIZATIONS
WITH GOVERNMENT BODIES IN THE FIGHT AGAINST
CORRUPTION AS A BASIS FOR CITIZENS' ECONOMIC
RIGHTS PROTECTION**

The article deals with the key problems in the fight against corruption of government bodies of the Republic of Kazakhstan. The problems of fighting against corruption concerns not only government agencies, also the society as a whole including non-profit organizations. Examples of local practices in the fight against corruption are presented. The proposals are given to improve the interaction of non-profit organizations with public authorities to prevent and combat corruption.

Keywords: non-profit organization; civil society; corruption; civil rights.

Болат Ж. Айтимов, Болат А. Серієв, Гульнур К. Копбасарова
**ВЗАЄМОДІЯ НЕКОМЕРЦІЙНИХ ОРГАНІЗАЦІЙ
З ДЕРЖАВНИМИ ОРГАНАМИ У БОРОТБІ З КОРУПЦІЄЮ
ЯК ОСНОВА ЗАХИСТУ ЕКОНОМІЧНИХ ПРАВ ГРОМАДЯН**

У статті розкрито основні проблеми боротьби з корупцією державних органів Республіки Казахстан. Ці проблеми стосуються не тільки державних органів, тобто з нею повинні боротися не тільки держава, але й саме суспільство, в т.ч. некомерційні організації. Наведено приклади місцевої практики боротьби з корупцією, надано пропозиції щодо поліпшення взаємодії некомерційних організацій з державними органами щодо профілактики та боротьби з корупцією.

Ключові слова: некомерційна організація; громадянське суспільство; корупція; права громадян.

Літ. 13.

Болат Ж. Айтимов, Болат А. Серієв, Гульнур К. Копбасарова
**ВЗАИМОДЕЙСТВИЕ НЕПРИБЫЛЬНЫХ ОРГАНИЗАЦИЙ
С ГОСУДАРСТВЕННЫМИ ОРГАНАМИ В БОРЬБЕ
С КОРРУПЦИЕЙ КАК ОСНОВА ЗАЩИТЫ
ЭКОНОМИЧЕСКИХ ПРАВ ГРАЖДАН**

В статье раскрыты основные проблемы борьбы с коррупцией государственных органов Республики Казахстан. Эти проблемы касаются не только государственных органов, т.е. с ней должно бороться не только государство, но и само общество, в т.ч. неприбыльные организации. Даны примеры местной практики борьбы с коррупцией, а также предложения по улучшению взаимодействия неприбыльных организаций с государственными органами в профилактике и борьбе с коррупцией.

Ключевые слова: неприбыльная организация; гражданское общество; коррупция; права граждан.

Problem setting. Today, corruption is a problem that prevents normal functioning of the state system of governance around the world. Being a political, legal, economic and moral crime at the same time, corruption threatens both the state and the society. The worst feature of this problem is that it exploits democratic institutions,

¹ Zhetysu State University named after I.Zhansugurov, Taldykorgan, Kazakhstan.

² Zhetysu State University named after I.Zhansugurov, Taldykorgan, Kazakhstan.

³ Zhetysu State University named after I.Zhansugurov, Taldykorgan, Kazakhstan.

wealth of the state and citizens, seriously affecting democratic society. In all international conventions on the fight against corruption, this social evil is classified as a serious political threat, and in combating it a very important factor is political will.

The UN Convention against Corruption (UNCAC) recognizes the role of civil society in the fight against impunity, urging the government to increase transparency and improve public access to information, as well as to encourage public input into decision-making. UN Office on Drugs and Crime strengthens the capacity of civil society participation, especially in developing countries by providing them with necessary tools to work constructively with governments and private sector in order to implement the UNCAC.

Corruption is a complex social, political and economic phenomenon affecting all countries. Corruption undermines democratic institutions, slows economic development and destabilizes governments. Corruption hurts the basis of democratic institutions by distorting electoral processes, perverting the concept of the rule of law and creating bureaucratic quagmire for the purpose of extorting bribes. Economic development freezes when because of corruption foreign investors lose interest in direct investment and business in a country is often unable to raise the required "initial investment".

Corruption is the resistant disease of the mankind. Due to global economic integration, corruption is no longer a problem of one country or one region, but of the international community. In this regard, Kazakhstan in 2008 ratified the UN Conventions "Against Corruption" and "Against Transnational Organized Crime".

The United Nations Convention against Corruption is the legally binding universal instrument to combat corruption. The broad approach of the Convention and mandatory nature of many of its provisions make it a unique tool for the development of comprehensive measures to address this global problem. PDA covers 5 main areas: prevention, criminalization and law enforcement, international cooperation, asset recovery, technical assistance and information exchange. PDA covers various forms of corruption, such as abuse in influence, abuse of power, as well as various acts of corruption in the private sector. Another highlight was the inclusion in the Convention a special chapter on asset recovery which is a major problem for the countries that pursue the assets of former leaders and other officials accused or involved in corruption. Rapid growth of the number of states that have become parties to the Convention, is another proof of its universal nature and broad coverage.

Analysis of research publications. The article 13 of the UN Convention against Corruption states that civil society should play an active role in the fight against corruption. The efforts to combat corruption would be more effective if the public itself participates. That is why one of the mandatory provisions required by the UN Convention against Corruption (Article 13) is public participation in the activities of government agencies to combat corruption (The United Nations, USA, October 31, 2003).

The Republic of Kazakhstan since 2004 is a member of the Istanbul Action Plan to combat corruption in Eastern Europe and Central Asia, the Organization for Economic Cooperation and Development (OECD). The report of the Istanbul Action Plan for the Fight against Corruption in 2008 notes that "a key challenge for participating in the anti-corruption movement by states is rather" formal participa-

tion "of civil society to a" full-fledged dialogue "to the above issues, the inclusion of NGOs in a more regular and practically oriented work and participation on the basis of the principles of transparency and competition" (OECD, 2013: 45–46).

During the implementation of the Istanbul Action Plan to combat corruption a steady increase is observed in the number of active non-profit organizations on the fight against corruption. For example, non-profit organizations of Kazakhstan signed a memorandum of cooperation to fight corruption. Ekibastuz city union of veterans of Afghanistan, Regional Council of Trade Union of Coal Industry of the Republic of Kazakhstan, Northern Alliance, the Association of Industrialists and Entrepreneurs and other NGOs on 8 November 2014 united to fight corruption offenses in the Pavlodar region (Livintseva, 2011).

According to Istanbul Action Plan NGOs are often involved in the activities on the development of anti-corruption policies within working groups or activities of public councils under government supervision.

In Kazakhstan, community councils were established in various departments, including those created in 2009 by the State Council on the fight against corruption.

There is also a Commission for Combating Corruption under the President of the Republic of Kazakhstan. According to G. Abdykalykova (the chairman of the commission), "the need for effective use of the potential of civil society in combating corruption, and expressed confidence in becoming more closely at the level of commission due to the inclusion of a well-known representatives of non-governmental organizations" (KAZINFORM, 2014). In accordance with the Presidential Decree the commission adopted new members, including the Chairman of the Republican Public Council on combating corruption in the party "Nur Otan" Majilis deputy K. Suleimenov, the president of the Association of Legal Entities "Civil Alliance of Kazakhstan" N. Erimbetov, the chairman of the board of trustees of "Transparency International Kazakhstan" N. Malyarchuk.

According to one of the leading experts in the fight against corruption, M.I. Grishankov, the Chairman of the State Duma Commission on Combating Corruption in Russia, "tougher laws, the adoption of more stringent penalties, increased responsibility for corruption offenses fails, until you get the support of society" (Grishankov, 2010: 33).

We fully agree with this statement because obtaining public support today is of critical importance. This will be possible if the fight against corruption is linked to the institutions of civil society.

Recalling the words of the President of Kazakhstan N. Nazarbayev in connection with the analysis of corruption in our country at the international conference "The fight against corruption and good governance as a condition for sustainable economic and social development in Eastern Europe and Central Asia": "Combating corruption is possible in the presence of strict and fair laws, strong political will and public intolerance to bribery".

Speaking at the international conference Nazarbayev noted: "Our experience suggests that successful against corruption can only be the following three conditions. Firstly, we need strict and fair laws. In this direction, we will continue to improve our legal framework, including drawing on the rich experience of other countries. We will do everything possible for there is not a loophole in the law. Secondly, we need a

strong political will ... Thirdly, it is necessary that the whole society becomes intolerant to corruption... It is necessary to educate citizens from the very early age, getting them familiar with and accustomed to legal culture. And in this noble work the state must go hand in hand with civil society – parties, NGOs, media" (Nazarbaev, 2014).

He also noted that "the fight against corruption is not only drastic measures to punish perpetrators. This is a complex routine work for the state... Success in combating corruption largely depends on how concerted action of the international community will be" (Nazarbaev, 2014).

In this regard, in order to systematize and strengthen the activities of state bodies to combat corruption, in accordance with the Presidential Decree the State Programme on Combating Corruption for 2006-2010 (On the State Program of Fighting Corruption for 2006–2010, Kazakhstan, #1686, December 23, 2005) included the goal of reducing the level of corruption in all spheres of life by improving coordination among government agencies and civil society institutions.

The task is to protect the rights, freedoms and legitimate interests of citizens and society from corruption; improving the legal framework for the prevention, detection and suppression of corruption offenses; optimization of the forms, methods and means of combating corruption; interaction with civil society; strengthen and enhance international cooperation of Kazakhstan in the fight against corruption.

But as it can be seen from the statement of the decision of the Accounts Committee #15, April 21, 2011, "On the results of evaluating the effectiveness of implementation of the state anti-corruption program for 2006-2010": "in spite of the ongoing work of public authorities to combat corruption, the degree of effectiveness of the implementation of the state anti-corruption program for 2006–2010 remained at a low level, fundamental changes, namely significant reduction in corruption did not happen" (Accounts Committee, 2011).

Currently, a sectoral program to combat corruption in Kazakhstan for 2011–2015 is in force which states that "the study of the experience of foreign countries shows the special role of media and civil society" (On approval of the sectoral programs to combat corruption in the Republic of Kazakhstan for 2011–2015, #308, 31 March 2011). Major civil society organizations are voluntary associations, political parties, public foundations and associations, designed to meet socioeconomic, political, cultural and other interests of citizens.

The aim of the study is to reveal the key problems of combating corruption government of the Republic of Kazakhstan.

Key research findings. Despite the progress made, in everyday life corruption still continues to be systematic, and that is probably due to the complexity of mentality change.

According to the Acting Akim of Zhyranovsk area N. Ignashin, "in developing rules or procedures of interaction between citizens, entrepreneurs and executive authorities, public bodies, in some cases create too complex and difficult conditions for the provision and receipt of services, that is, the procedure becomes an administrative barrier. Huge queues, complex instructions set of the need to provide supporting documents for services, unfriendly, rude staff – all this creates a situation where it is easier and faster, without spending extra time and efforts, to bribe officials rather than go through the whole procedure legally" (Ignashin, 2010).

Particular attention should be paid here to fighting everyday seemingly petty corruption, which, in fact, affects everyone and prevents the formation of a genuine democracy and a strong civil society. Unfortunately, small bribe to a school representative, at hospital or university today is perceived as a norm of behavior, is commonplace and this completely undermines all efforts to fight corruption.

In this regard, public participation and further work to establish an atmosphere of intolerance towards any manifestation of corruption through awareness and education are important components in the fight against corruption. In other words, the best safeguard against corruption spread is a developed system of preventive measures based on the involvement of the whole society. Involvement in anti-corruption activities of civil society, business community and media will strengthen the cooperation of all sectors of the society, drawing public attention to the fight.

We believe that the fight against corruption to be effective, ideally we should connect different circles – civil society, NGOs, political parties and media. But admitting the underdevelopment of Kazakh NGOs in the fight against corruption to eradicate this phenomenon we must take into account the experience of international organizations such as UNDP, OECD and local Kazakhstani non-profit organizations such as the "Nur Otan" National Economic Chamber of Kazakhstan "Atameken", Civil Alliance of Kazakhstan Public Association "Club of editors" etc.

The UNDP in Kazakhstan works with many partners to improve governance and anti-corruption activities in all their forms. UNDP, one of the first, has developed a number of programs to combat corruption within its mandate aimed at reducing poverty and achieving the Millennium Development Goals and sustainable economic development. UNDP is currently one of the leading organizations that provide technical assistance in the fight against corruption. Being aware of special importance of the issue of combating corruption, UNDP Kazakhstan pays special attention to cooperation in this field. Every year, on the eve of the International Anti-Corruption Day – 9 December UNDP Kazakhstan held events aimed at raising public awareness of the evils of corruption, creating a culture of intolerance to it. So, last year, they held an essay contest among students and pupils of Astana on the topic "The fight against corruption – our common duty", which was attended by more than 50 contestants. In 2010, there was a competition of journalistic articles on the same topic among all printed and electronic media in Kazakhstan (Steliana, 2010: 17). Such actions of UNDP Kazakhstan educate citizens, encouraging anti-corruption behavior.

On the recommendations of the OECD such innovations have been introduced into national legislation as the duty of civil servants to report known to him/her facts of corruption; confiscation of property obtained by crime and convicted transferred to the ownership of other persons; the concept of "conflict of interest" and a lifetime ban on holding any positions in government for persons who have been dismissed for corruption offenses; criminal liability for bribery extended to officials of foreign governments and international organizations (Kozhamzharov, 2010: 19).

Parties are also creating active national and regional public councils to combat corruption, with the task of giving the revealed facts of corruption, development of recommendations on improving anti-corruption legislation etc. These councils are able to affect large groups of our society through seminars, conferences, round tables, raising anti-corruption awareness among population.

The focus of today's activity of "Nur Otan" (ruling party) is on all important government programs such as the program of accelerated industrial and innovative development, "Business Road Map", "employment Roadmap". The party monitors effective public spending and investments. In the first 6 months of 2010 they revealed over 3,000 violations at the facilities of social programs. All they were analyzed and sent to the relevant government and law enforcement agencies to take measures to prevent and control corruption by public officials.

From 2009 to 2012 the program strategy was implemented to counter corruption by "Nur Otan". For 2011–2020 the party adopted a document which identified the main goals, objectives, mechanisms and specific activities of "Nur Otan" together with government agencies, civil society and the public to combat corruption in all its manifestations.

The association of legal entities National Economic Chamber of Kazakhstan "Union" Atameken" is Kazakhstani non-governmental organization representing the interests of business community and uniting Kazakh business community in the form of a non-profit organization. It was established on 24 March 2005 during the Congress of entrepreneurs. National Economic Chamber of Kazakhstan "Atameken" interacts with government authorities to address the key issues of domestic business and improving the legal framework of Kazakhstan, regulating the development of private enterprise. One of the main directions of "Atameken" work is to protect the legitimate rights of employers and fight against corruption. In this regard, one can cite many examples.

"Atameken" promotes direct participation in legal proceedings. A recent example: in February–May 2009, after the address of the Union "Atameken" to the Prosecutor General of Kazakhstan, were stopped the illegal actions of the Department of Technical Regulation of Akmola region, the authority was disciplined. On October 1, 2009 "Atameken" got involved into the conflict between entrepreneurs and the Taldykorgan Sanitary Control (over illegal fines and other violations of the rights of entrepreneurs), the director of the city department of sanitary-epidemiological station was dismissed.

This year, after the intrusion of "Atameken", Prosecutor General's Office refused to institute criminal proceedings on the leadership of "Velkamit" due to unreasonable additional taxation within the free economic zone Astana (www.taxfin.kz, 2014).

The Public Association "Editors Club" was established in 2007 and is often involved in the fight against corruption. Because it was clear that only the involvement of media, wide publicity of the facts of corruption crimes, exposing officials of any rank from village leaders to Akims of the Republican level, headline investigations will help to create the atmosphere of intolerance to corrupt practices and belief in the inevitability of punishment.

In this anti-corruption fight NGO "Editors Club" cooperates with "Nur Otan", consolidating huge political potential within media resources. Anti-corruption topics are the subject of many articles and columns in printed media, as well as stories and special programs on TV.

Conclusions. Quantitative estimations of shadow economy provide additional incentive for citizens on the missed opportunities. A pragmatic approach, with specific knowledge of the benefits they can get, in contrast to social stigma and negatives

will help to resolve this issue. For example, if to demonstrate the actual figures to citizens, civil servants and other categories of population, comprehensible and measurable budget losses from corruption and directly link them with potential increase in wages, pensions, improved quality of services, infrastructure, and other social facilities, it is possible to expect an increase in their activity against corruption. Joint interest of government and society in achieving these goals will give additional impetus to consolidate the efforts of all participants.

In general, all this will be possible only after the involvement of the public in the fight against corruption through the institutions of civil society, i.e. non-profit organizations as public associations, political parties, social movements, associations etc.

We propose the implementation of a program to combat corruption in the Republic of Kazakhstan for 2011–2015 in the development of amendments to legislation of the Republic of Kazakhstan in the field of combating corruption, aimed at establishing new legal mechanisms and information opportunities for wider public involvement in the prevention of corruption. In other words, there is a public need in the introduction of the institution of public censure, involving collective examination of corruption cases in government reporting the results in media, involving experts on the fight against corruption from non-profit Kazakhstani and international organizations.

For the prevention of lobbying in law-making, which is also a type of corruption experts from non-profit organizations should be involved in the analysis of drafts.

As shown by the OECD study “in some cases, NGOs themselves regard their participation in such activities as an attempt by the government to demonstrate the work for show. For example, in Ukraine the NGO representative in August 2012 resigned from the National Anti-Corruption Committee as the recommendations of NGOs were systematically ignored the Committee” (OECD, 2013: 45–46). And we would like to see the same phenomenon does not happen in Kazakhstan.

References:

Конвенция Организации Объединенных Наций против коррупции от 31.10.2003 // www.online.zakon.kz.

О Государственной программе борьбы с коррупцией на 2006–2010 годы: Указ Президента Республики Казахстан от 23.12.2005 №1686 // mvd.gov.kz.

Об утверждении отраслевой Программы по противодействию коррупции в Республике Казахстан на 2011–2015 годы: Постановление Правительства Республики Казахстан от 31.03.2011 №308 с изм. и допол. на 22.09.2014 // online.zakon.kz.

Об итогах оценки эффективности реализации Государственной программы борьбы с коррупцией на 2006–2010 годы: Выписки из Постановления Счетного комитета от 21.04.2011 №15 // www.nomad.su.

Антикоррупционные реформы в Восточной Европе и Центральной Азии: достижения и проблемы, 2009–2013. – Берлин, 2013. – 269 с.

В состав Комиссии при Президенте РК по вопросам борьбы с коррупцией вошли представители НПО // Казинформ, 19.11.2014 // www.inform.kz.

Гришанков М.И. Приветственное слово // Материалы Международной науч.-прак. конф. «Успешное противодействие коррупции – важнейшее условие дальнейшего устойчивого развития и экономического процветания Казахстана» (Астана, 4.11.2010). – Астана, 2010. – С. 33.

Игнашин Н. Взаимодействие государственных органов в борьбе с коррупцией, 2010 // akimzyrian.gov.kz.

Кожамжаров К.П. Приветственное слово // Материалы Международной науч.-прак. конф. «Успешное противодействие коррупции – важнейшее условие дальнейшего устойчивого развития и экономического процветания Казахстана» (Астана, 4.11.2010). – Астана, 2010. – С. 19.

Лжепредпринимательство: по разные стороны весов // www.taxfin.kz.

Ливинцева В. Экибастузские нуротановцы и НПО объявили о совместной борьбе с коррупцией // Казинформ, 8.11.2011 // www.inform.kz.

Назарбаев Н.А. Приветственное слово Президента Казахстана на Международной конференции по борьбе с коррупцией, 2014 // www.kazakhstanoday.kz.

Стелиана Н. Приветственное слово // Материалы Международной науч.-прак. конф. «Успешное противодействие коррупции – важнейшее условие дальнейшего устойчивого развития и экономического процветания Казахстана» (Астана, 4.11.2010). – Астана, 2010. – С. 17.

Стаття надійшла до редакції 6.02.2015.