

Development of Modern Local Government in Kazakhstan Republic

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Abstract: The article describes the development of local self-government in the Republic of Kazakhstan. Kazakhstan is a unitary democratic constitutional state. Therefore, Kazakhs chose the way of public authority redistribution on the basis of competence balance at all levels of authority, the transition from centralization to decentralization of powers. The development of local government system is a necessary condition for economic prosperity, social well-being and the development of civil society. The Constitution was amended and specified that the local self-regulation is exercised directly by people, as well as through Maslikhats and other local governments. It is vital for the further strengthening of statehood and the development of democracy to fulfill the task of a new type of government formation that would meet the needs of modern society.

Key words: Local government • Public administration • Decentralization of powers

INTRODUCTION

In modern world the welfare of a state is determined by the effective use of nation potential as a whole and the abilities of individual citizens. Therefore, most of the developed countries are seeking to improve the models of local government. This level of government is closest to the people and established mainly by people, it is under people's control and solves the issues of meeting the basic needs of population. When a local government is structured reasonably then there is a rational use of local resources and also an increased public confidence in the government. "Local self-government denotes the right and the real ability of local governments to regulate a significant part of public affairs and manage it, acting within the law, under its own responsibility and taking into account the interests of local population" [1].

Local government operates on the basis of budget funding from higher levels of public authority and thus it is economically beneficial to the state. There are two main models of local government - the Anglo-Saxon and Continental ones. The combination of local government models and the regulation decentralization increase are the common trends for the countries with developed

democratic institutions. It includes the autonomy of local government, its role and influence on the decision of public affairs increase [2].

There are different concepts of local government, which give reason to believe that there is no universal approach to the problems of local government. There is a widespread local governance definition from the German scientist G. Jellinek: "Local Governance is the governance not via professional public officials but through common people, the governance, which is performed through the interested persons in contrast to the public - bureaucratic one" [3].

Among foreign scientists, who stated and explained in their writings the issues of local self-government the following person should be noted: Rudolf Gneysta. According to his political theory the essence of the local government is in its implementation by the honorary members of the local population for free and that the concept of bodies and local official election can't guarantee the power of local government and its independence [4].

Lorenz Stein who believed that the specificity of local government is that the self-governing territorial collectives are the special subjects of law, which join in

legal relationships with a state [5]; Alexis Tocqueville said that "local government is a guarantee from excessive individualism: equality puts all people in a single line without the generation of any relationship between them. Each territory should be allowed to live its own political life, so that citizens have an unlimited number of incentives to work together every day and would feel their dependence on each other" [6].

Notable theorists of local government R. Redlich and P. Ashley determine the local government as the implementation of the duties and responsibilities assigned to local residents or their elected representatives by the legislature, or which are held by them according to common law" [7].

Basic theoretical propositions about the nature and essence of local government put forward and substantiated in the writings of Alexis Tocqueville, Lorenz Stein, Rudolf Gneysta and other scientists of the XIX century are the basis of modern views on the municipal authorities and their place in the democratic system of public governance.

The studies of Russian scientists about the development of local self-government demonstrate that there should be another link of local government, the most massive, the closest to the people. The citizens combined in such a community may establish various bodies to meet the challenges of local importance. The local government may be started from social, economic, political, national, cultural and other interests, but the main content of the work should be the implementation of citizens' interests in the framework of regional policy. The main problem is the issue of differentiation and redistribution of powers between the levels of state powers and local government, as well as state control and supervision over the local authority activities.

Development of Local Government in the Republic of Kazakhstan: State government theory proves that the local government is the part of state government. Thus, all the powers are obtained from the state authorities. Some believe that the heads of local authorities are appointed by the parent bodies and therefore are not independent. Others believe that the local government is performed not by governmental employees, that its bodies are not public and perform the functions of state regulation. They have something in common: first, the local government is connected with state government and acts as a continuation of the local affairs state regulation and

secondly, not only top state servants are appointed for the local affairs regulation, but also community residents and their representatives and thirdly, a local government has a different degree of autonomy" [8].

Over the years of Kazakhstan independence the country managed to implement progressive measures to improve the system of governance. One of the achievements of the regulation system is the establishment of the local government. Kazakhstan model of local government is based on the French experience of state regulation, where the key role is played by a prefect who is the representative of governmental authority over local authorities and determines all areas of local activity. The decentralization of 1983 increased the powers of the territorial communities, granted the independence and at the same time retained the positions of central authority representatives. There are two main ways of decentralization. The first one is the legislative confirmation of local government competence volume by central authority.

The second one is the transfer (delegation) of certain state powers to local authorities on the basis of a special act [9].

The basic principles of local government are specified by the Constitution (articles 85-89): local governance is exercised by local representative and executive bodies; Maslikhats express the will of the administrative-territorial area citizens, local executive bodies develop the programs for economic and social development of territories, for local budget; Maslikhats solutions which do not correspond to the Constitution may be cancelled by courts; the exercise of public functions may be delegated to local authorities [10].

Law of the Republic of Kazakhstan "About local state government and local government in the Republic of Kazakhstan" N 148 issued on 23rd of January 2001 contains provisions relating to local state governmental bodies and local authorities [11].

Local Government Development in the Republic: The strategy "Kazakhstan -2050: new political course of developed state" set the goals for further statehood and state democracy development - the establishment of a new type of state governance [12].

The new concept clearly states the elements and the strategic direction of the local government development. All local government principles suggest public participation in all processes occurring in the country,

especially at the local level. Particular attention is paid to Maslikhat power increase for akim election by making changes and amendments to the law on local state government and local government.

In 2013, the Republic took definite measures on the responsibilities and powers differentiation between the center and the regions, the local executive bodies were enforced. The essence of decentralization idea is to provide rights and resources for decision-making from the central to regional authorities and the competent management of decentralization. However, decentralization should not be viewed solely as a process of creating new authorities at the local level, where certain powers transfer is possible. First of all, decentralization is a qualitative change in the system of state regulation, the changing of problems solution system at the local level. Decentralization should not lead to the power vertical weakening and to the reduced performance of discipline and order.

The establishment of local government takes place on the basis of objective and subjective factors. Due to this fact, states have different practices of local government and its legislative regulation. For example, local governments in the U.S. are established by state governments. Its organizational structure, limits of liability, the taxation power is determined and set by state administration. Essentially, it develops local authorities. Local authorities could not perform its powers without state governments [13].

In the German scientific literature devoted to the study of local government, the concept of community is translated as «Gemeinde», «Gemeinschaft», «Gesellschaft». Under these terms family and neighbor relations are understood, which are formed on the basis of emotional, direct and rational relationships [14].

In Finland, the common experience based on the declarative principle of participation: the municipality reports to the Ministry of Internal Affairs of the decision to join the experiment. After that it starts to perform the powers of local authorities on a free basis and on the basis of its needs in accordance with special temporary law. Inter-municipal cooperation, the process of some public services privatization, the simplification of accounting takes place for the experiment participants [15].

According to the Norwegian political scientist O. Offerdal, "the local government in the Scandinavian countries is becoming more integral part of the national organization for the service provision. Municipalities have lost their role of autonomous local unit dedicated exclusively to their own affairs» [16].

Thus, the analysis of foreign country local governments demonstrates that the U.S. state governments and local authorities specialize in the implementation of domestic socio-economic programs. In the UK, local authorities perform much lesser function, but there is a relative autonomy in budget management at local level. In Germany, the modernization of local government is reduced to personnel optimization. At the same time independent tasks are identified arising from the community governments and the local authorities of municipal governments. There are three groups of functions in Japan performed by local authorities: local functions; administrative functions, agency functions. The number of employees is significantly less than in other countries. They make up 8.1% of the total number of employees (they make 15.1% in Germany and 22, 6% in France). In Sweden, local governments are responsible not only for their local economy and public services, but also for social assistance, the school system, health care and public health [17].

It is clear that the issues of local governance are resolved in accordance with historical, geographical and economic characteristics of the country. Thus, Kazakhstan will have to develop a civilized way and take a course for further democratization of society. Measures of government democratization revealed the need of management process modernization. An objective outcome of this work was the Development Concept of local government implementation, aimed at management issues solution and comprising the modernization stages. It is planned to expand the capacity of the existing system at the lower course levels during the first stage (2013-2014). In these terms the introduction of aul akims election through Maslikhats is planned. The total amount of elected akims will be 2533, including rural district, settlement and also 50 city akims, which is 91.7% of the total number of akims at all levels. This will ensure the electiveness of all akims, working directly with citizens. It is planned to delineate local state governance and local authorities and to continue further development of local government [18] during the second stage (2015-2020).

CONCLUSION

In developed countries, the local government was established during several historically long stages. All former Soviet republics, including Kazakhstan have local council management experience. The establishment of local governance in the Republic is carried out since the country sovereignty. During this time, a model of

management with clearly defined functions and powers is established. A lot of work has to be done to revise legal base, amend the regulation system and change the population mentality. The implementation of local government policy development will lead to a system of population interaction with local government and public authorities, the effective functioning of which will ensure:

- Population role increase, its participation in the matters of local importance;
- Population life standards improvement in each settlement;
- Political stability increase in the region and in the whole country.

Currently there is a number of problematic issues in the organization and implementation of local government. The current legislation provides that the order of the meeting (gathering) and decision-making is determined by regional and Republic city Maslikhats.

However, the citizen participation standards in the discussion of local issues at meetings (gatherings) provided by legislation are not implemented in practice. The formation, performance procedures and the powers of the assembly are not regulated by legislation. One of the main problematic issues that determine the lack of village level akim independence at the exercise of its functions, is the limited ownership and control of their own finances, property and other resources.

Adoption of the Law "About amendments and additions to some legislative acts of the Republic of Kazakhstan on Development of Local Government" will ensure the implementation of the constitutional right of citizens in respect of local government. The law also allows you implement akim election procedure in district towns, aul (rural) districts, villages (settlements) which are not included in the aul (rural) districts via the elections of districts (cities) by Maslikhats. The effectiveness of the above-mentioned law is demonstrated by the elections in 2013 of rural, aul districts and settlement akims of the country. For example, 72 akims were elected in the Atyrau region among 214 registered candidates, 51 of which are acting akims. 104 Maslikhat members participated in the elections. This number represents 91% of all electors. Local government bodies received additional powers, structures, finances and the personnel in the amount of 5420 members for rural akim power support [19].

Professional staff is necessary for local authorities to achieve these goals. A new management "A" body is established for these purposes. This body includes

administrative, state positions of management level. A special procedure of competitive selection, passing and termination of work is defined for them. Professional managers must become an effective mechanism to implement the policies of an effective state development.

The most important issue that needs to be implemented in Kazakhstan today is to increase the efficiency of financial resources utilization, social control, monitoring. The shifting of reform implementation center to lower levels of local government is necessary. It is necessary to build a new model of governance, where the interests of public services consumers will be the main goal.

Among Central and Eastern Europe countries, the experience of which can be applied in practice, Poland is most efficient. The success of Polish local government development is explained by the size of the administrative-territorial units, providing the required potential of local government establishment with independent budget. This experience is certainly acceptable for Kazakhstan. As for the economic basis of local government in Poland, there is a law about the income of local government that defines the structure of income sources of relevant local and regional government [20].

Foreign experience of local government system functioning has the examples of effective development of this institution and therefore it is important to make optimal use of the experience from the perspective of the challenges facing Kazakhstan. It is necessary to develop measures for local government development, taking into account the country's state system, regional specificity (a huge area, low population density in the north-western regions, a significant distance between the population groups), the experience in the field of aul regulation, local traditions and culture. The reforming and development of local government needs to be started at the lowest levels - rural district, aul (village) and city region. The effectiveness of local government depends not only on the availability of all the necessary laws ensuring legal, organizational and economic basis of self-regulation, but from the public understanding by the population of their rights and opportunities in the local government, from the actual ability to perform local regulation. Local authorities shall be operated on the principle of public accountability, taking into account the best international practices.

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