

# Local Government and Self-government in the CIS and Kazakhstan

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**Abstract:** The theoretical, methodological and practical aspects of management and self-government at the local level in the post-Soviet states are reflected. The Introduction outlined the objectivity of the transition to models of governance at the local level based on the principles of classical liberalism and democracy. In Western countries, they were formed in a specific historical form, taking into account the peculiarities of social development and national specifics. In post-Soviet countries, the replacement of social structures of the former state system was not always confirmed by the adequacy of the principles of the rule of law and the experience of full-fledged statehood. The main part notes the differences in methods, models and content of civil society institutions. In theoretical terms, there is a lack of identity of the concepts that form the system of governance at the local level, including civil society institutions, as well as differences in their powers at the levels of hierarchy. The diversity of subjects of influence poorly takes into account the differences in approaches, methods, management technologies and tools for influencing the control object. In the course of the evolution of the liberal model, the centralized functions of public administration in the previous model were only monopolized within the national framework. In the course of this modernization, it is necessary to better take into account the challenges of a global nature; common previous experience; national traditions, as well as strategic goals for the development of new national entities. Positive processes of democratization of public administration do not exclude the need to develop all institutions of civil society. Kazakhstan needs to pay attention to the processes of democratization of civil society as a whole; assistance to structures for coordinating local self-government institutions at the national and regional levels; creating public councils representing the interests of the population, and provide them with material and financial resources; various forms of interregional cooperation, taking into account foreign experience. The Conclusion reflects measures to enhance the role of civil society institutions in modern conditions, taking into account their importance for the CIS countries, including future studies of this problem.

**Keywords:** Civil Society, Public Administration, Civil Society Institutions, Local Government, Local Self-government of Territories, Municipal Government

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## 1. Introduction

In post-Soviet countries, the abolition of the political, economic and social structures of the former state system was motivated by the replacement of outdated management institutions with more modern ones. However, their adequacy to the principles of the rule of law was not always confirmed, especially when it concerned such an institution as local government and, moreover, local self-government. Talking about “restoring fundamental democratic values” is generally not serious. Especially for countries that could not use them

due to the acquisition of statehood only in the recent historical past. In Western countries, the institutions of state power were formed during the formation of civil society and in parallel with them. They are characterized by a model of classical liberalism based on the principles of democracy, which in each country was determined in a specific historical form, taking into account the characteristics and specifics of the evolution of social development.

For the CIS countries, the processes of democratization of society according to the liberal model of LSG have their own characteristics. When choosing it, one should take into

account the general trends in the evolution of social progress, the peculiarities of one's own development, the achievement of the best world practice, etc. The simplest possible option is blind copying of new liberal values, based on a complete rejection of the previous models. Their elevation to the rank of authoritarian, totalitarian or otherwise does not replace the managerial tasks of modernizing society with the political ambitions of the new state administration.

What happened today, after three dozen went to bed, with the above-mentioned institutions in the post-Soviet countries? Let us turn to examples of modernization of the system of local government and self-government in the CIS countries. Attention to the evolution of civil society institutions, national structures for the coordination of civil initiatives, NGOs, public councils, and interregional cooperation on national models, including in the Republic of Kazakhstan, is associated with the participation of the author in these processes, both in practical and scientific and pedagogical activities.

## 2. Main Part

Critics, including those nurtured in the institutions of former democratic models, now argue that "in the Soviet political system, there was an inversion of relations between the state and society, the usurpation of the functions of civil society by the state" [1]. If we take this statement as the initial message of transformation, then interest is natural, what is the result, how has the situation changed now? To what extent did the new nation-states transfer the previously really centralized functions to democratic public institutions and how do non-state structures feel? This problem should be considered, both in general theoretical and methodological terms, and in relation to individual examples of national practice.

A review of literary sources [2] shows that, conceptually, the main problem is the lack of identity of concepts - local government; where its levels can also be distinguished (regional, district, grassroots), as well as industries (executive power; representative bodies).

Each of these concepts includes its own set of directions and the actions of subjects, whose functions are not characterized by equality, but differ significantly, which is sometimes enshrined in legislation. The real role of the subjects does not reflect the state of affairs, neither within the framework of liberal foreign models, nor in the rejected Soviet model, which is characterized only as totalitarian. In fact, there is a transition from one model to another, clearly undefined and vague. Attention is drawn to their transitory nature in separate articles [3] and in other works of the author [4], with an attempt to properly substantiate each of the definitions.

In methodology, this confusion occurs when using approaches, methods, technologies and tools for applying managerial influence on the analyzed object. Apparently a variety of subjects of influence, in all CIS countries, local government or government at the local level prevails, which

does not change the essence. The situation has changed only in the fact that the centralized functions of state administration in the federation of the Soviet republics are now monopolized within the national framework.

In reality, all formations at the local level are a rural district, district, region remain the main objects of government by the state, as a unit of its administrative-territorial division. Civil society actors, including the population, public councils, NGOs and other public structures, are allowed to participate in governance on a metered basis. In the best case, with partial delegation of functions to them from state bodies of a new type. All this is confirmed by the existing practice of local self-government and the organization of local government in the CIS countries. This is evidenced by the examples of the development of NGOs, public councils, regional and other forms of cooperation in each individual country, including Kazakhstan.

In the Russian Federation, the functions of heads of local governments were initially delegated to heads of local administrations. In 1995, the Federal Law "On the General Principles of Organization of Local Self-Government in the Russian Federation" was adopted. The new model of LSG, being more progressive, took into account international standards, in particular the requirements of the European Charter of LSG. Local self-government in this law was characterized as the activity of the population to resolve local issues.

Attempts to limit local self-government to small towns, settlements, villages, excluding large cities, districts and districts in cities, led to a conflict between society and the authorities, the resolution of which became possible only in 2003 with the adoption of a new federal law on local self-government [5]. This law recognizes LSG as a form of democracy, where the territorial organization is based on settlement principles, municipal districts and municipalities have been created, and in cities, equivalent to them, urban districts. The law allowed for two models of the formation of municipal executive power, which can be elected by popular vote or by representative authorities.

The new law came into force on January 1, 2006, but even then it was considered temporary, reflecting the balance of forces that developed in society in the early 2000s. Later in the Russian Federation these norms did not change much. However, it should be borne in mind that in the Russian Federation there are features of the organization of LSG in individual constituent entities of the Federation. For example, in Tatarstan, since 2005, the internationally accepted model of "measures-speaker-hired manager" is being introduced, which provides that the order the election of the head of the newly created municipal formation is determined by the regional legislators.

In Kyrgyzstan, the administrative and legal reform carried out at the initial stage only contributed to the understanding of the need for further reforms in this area, since the measures taken did not lead to a reduction in inequality of regional entities [6].

In Ukraine, the reforms of the first period were also

ineffective. Initially, changes in the spatial organization of local self-government rested on the problem of their financing, and the tendencies of increasing interregional differences grew. This led to a reduction even in the number of millions of cities and their population. In the future, the development strategy of this country was completely reoriented towards integration into the EU.

In Uzbekistan, LSG issues were largely taken into account within the framework of territorial reorganization. The Constitution of the country included articles that enshrined the guarantees of the rights of citizens and the principles of organizing the activities of public associations, also relating to issues of local self-government [6].

In Kazakhstan, the reform of LSG was accompanied by constant modernization of legislation. The creation of an effective professional state and regional administration has become one of the priorities of the Development Strategy until 2030. The way to form its own model of state and local government was officially proclaimed. However, even ten years later, scientific publications noted that "the centralization of power and the concentration of significant financial resources were concentrated at the republican level, which made it impossible to stimulate regional authorities to improve management efficiency" [7]. The experience of the author's participation in the work of the bodies of local representative and executive power at the regional level testifies to the same.

Creation of the necessary conditions and consolidation of guarantees for the development of local self-government; solving issues of its financing; effective distribution of functions with the structures of local government (representative and executive bodies) and today remains the main strategic task for all CIS countries. Most of all, civil society itself needs modernization. Some examples of the development of its institutions in Russia and Kazakhstan include the creation of public councils and meetings of local communities, attempts to involve civil society in achieving key indicators, as well as the implementation of decisions of state bodies in Uzbekistan. All these countries set the task of creating a state accountable to the population in the future.

Currently, the CIS countries have taken measures to simplify the receipt of public services by the population. In Kazakhstan, for this purpose, a state corporation "Government for Citizens" has been created, public service centers (PSCs) have been opened, and in Russia it is the MFC, etc. The benefits of these structures for the population are obvious, although in some cases the style and methods of their work need to be significantly changed, since they quickly become bureaucratic and forget about their true purpose. However, measures to democratize the state itself do not make the task of developing all the institutions of civil society less urgent. Increasing the civic engagement of the population, its responsibility for its future requires the search for effective mechanisms and tools and cannot be limited to the formation of public councils and meetings of local communities, but requires the creation of conditions for their work and the real transfer of some of the powers on the

development of local territories to them.

### 3. Civil Society

In Kazakhstan, the Concept of Civil Society Development originally covered the period from 2006 to 2011. Everyone felt the need to update it by 2018. At that time, 22.0 thousand NGOs were registered in the Republic of Kazakhstan, of which 14 thousand paid taxes, and in the database of the Ministry of Finance there were only 4 600 NGOs. The main source of their financing was still the state order, the funds of which were not enough and required the involvement of patrons. The Ministry of Social Development has focused on creating a mechanism for constructive dialogue "government-business-donors", which allows finding a common field for projects and initiatives. The donor resources directed to Kazakhstan were also not unlimited, especially since the republic moved into a higher category in terms of GDP per capita and it was necessary to look for new sources [8].

At the same time, the Ministry submitted for discussion at the National Hearings a draft of a new Concept for the Development of Civil Society in Kazakhstan until 2025. It was prepared by a working group with the participation of representatives of public organizations. At the same time, it was noted that before the GO was considered as a consumer of donor assistance, now the time has come for decision-making at a higher level, it is necessary to implement the Western methodology in the Kazakh context [9]. The stake should be placed on strong non-governmental organizations (NGOs) that can generate ideas. The formation of non-governmental organizations (NGOs) can become a significant resource capable of assisting in lawmaking, social, social and political work on the ground.

### 4. NGO and Civil Alliance of Kazakhstan

However, the development of NGOs and the definition of their role in the life of the local community is still a controversial issue. The initiative from below is little supported by the state. At one time, in order to mobilize civil society and strengthen cooperation of public organizations with the public sector, Civil Alliances were created in the regions. To coordinate their actions, the regions created a national organization - the Civil Alliance of Kazakhstan (SAC). The participation of this structure in the discussion at the National hearings of the draft of the new Concept for the development of civil society in the Republic of Kazakhstan was not even mentioned in the press. According to information from the Kazakh media, the existing social order, in accordance with which funding for NGOs is already being carried out, is gradually expanding, and the number of organizations working on it is becoming more and more [9]. However, no one measures the contribution of public organizations to the development of society. And the state social order also needs to be optimized, since it must fully meet the growing needs of society. In the context of the

beginning of the process of transferring part of state functions and services to the civil sector, the role of the SAC is obvious and indisputable, especially in consultative and methodological issues. The presence of coordinating structures of the public sector will contribute to its recognition, strengthening of positions and real growth of influence on positive processes in the public life of the republic.

## 5. Community Councils

Public councils are also considered an important form of LSG in Kazakhstan. The Law "On Public Councils" came into force on January 1, 2016, at the same time these structures were created at the regional, city, district levels [10]. Their first steps were aimed at implementing the Plan of the Nation - five main institutional reforms that the role of public institutions and citizens in decision-making by government agencies and self-government bodies at all levels. However, the dialogue between the state and public councils based on mutual respect and understanding can only be based on the principles of equality, which does not exist today.

Unlike state structures, public councils do not have any material and financial resources. In the process of creating public councils, amendments and additions were made to the Budget, Tax and Civil Codes, laws of the Republic of Kazakhstan on state property, advertising, local government and self-government on the development of local self-government [11]. They identified income sources of the LSG budget, consisting of tax and non-tax revenues. The LSG budget is now approved by the district maslikhat after it has been discussed at a meeting of the local community. The execution of the budget is assigned to the apparatus of the village akim. However, public councils should also receive the rights to dispose of funds allocated by the state for the development of their territories. So far, the authorities are developing state programs on local initiatives without their approval or initiation by public councils, but only in accordance with their own ideas.

An important task remains the formation of the institution of communal property of LSG. Amendments to the legislation, introduced earlier, gave powers to approve the budget of LSGs to maslikhats of districts. They also expanded the powers of the village akim and his staff for the implementation of the LSG budget and the management of municipal property of the LSG. However, the position that communal property consists of property of the local treasury and property assigned to communal legal entities need to be reflected more clearly. The procedure for the formation and management of communal property requires a clearer definition and delineation of powers among all subjects of local self-government, including the powers of public councils and NGOs in these matters.

## 6. Interregional Cooperation

Interregional cooperation contributes to the diversification of the country's economy and helps to solve problems

common to all regions. It is an important instrument of the state policy for the development of territories, the provision of high-quality and effective public services locally, the development of budgeting and local self-government in general.

In the CIS countries, interregional cooperation is a form of good-neighborly relations. At all levels of regional integration, including interstate integration, it depends on local administrations. In the post-Soviet period, the border forums of Russia and Kazakhstan may be an exception. They have been held for about 20 years, with the expansion of the number of participants at the expense of the non-bordering regions of these countries. For civil society structures, participation in their organization, conduct, and even more so in decision-making, is either not possible, or is an exception to the rule. This is also confirmed by our participation in the work of the preparatory commissions during these forums at the initial stage.

In the projects of the EU countries, both local administrations and structures of civil society (LSG) often act as initiators and intermediaries of such integration. Interregional cooperation can give a new impetus to the development of agricultural business, trade, tourism and other sectors of the economy. Interregional cooperation projects are often directly funded by the EU Parliament. This useful practice has been largely developed by civil society institutions at the local level.

A promising area of cooperation between regions is their interaction in the innovation sphere. In Kazakhstan, a course has been taken to build a model of an innovative economy, its scientific and legal base is being created. The law "On the commercialization of the results of scientific and scientific and technical activities", adopted in 2015, is aimed at strengthening the innovation market in the country. Local executive bodies have the right to develop their own programs for the commercialization of scientific developments. Universities and research centers are obliged to allocate at least 2% of budget grants for the commercialization of technologies.

In three regions of the republic (East Kazakhstan region, Kyzyl-Orda, and Mangystau regions), joint pilot projects of the EU and the Ministry of National Economy were launched. The main sources of funding were identified - NATD, the Ministry of Education and Science, the World Bank funds to stimulate productive innovation. About 2,665 applications were filed and 310 projects were financed in the amount of 16 billion tenge [12].

The meetings held between research centers, businessmen and authorities showed that potential participants in competitions do not have experience in the commercialization of ideas and projects, in the preparation of such applications. You need to worry about registering your intellectual property in advance. Such competitions should be held on a regular basis, as in other regions of the republic there are many ideas in the field of productive innovations. Their participants should be representatives of NGOs, public councils and other institutions of civil society, and not just

the structures of local executive power.

All this is confirmed by the author's participation in the implementation of a social project on the topic "Promotion of civic dialogue and participation as the basis of local self-government", conducted by the Public Fund "International Fund" Global Success of people "in 2019 [13]. It was found that the preconditions for the weak participation of local communities at the level of auls, districts, districts in the local management are not eliminated. Duplication of functions is noted due to the parallel development of local self-government and public administration. Development zones for members of local communities and local residents were identified for the formation of LSGs of the fourth level, the need to strengthen the dialogue between the state and the local population as an essential element in the development of a democratic state was confirmed.

## 7. Conclusions

So, the past three decades have not solved the problem of effective governance at the local level in individual post-Soviet countries and in the CIS as a whole. The abandonment of the common Soviet model of "local government" and attempts to create their own models within the framework of sovereign states are characterized only by the processes of reform, which continue to this day.

a) The newly created legislative framework is constantly being modernized, preserving, in fact, the prevailing role of the state with elements of delegating certain rights, freedoms and part of state functions for local governance to the territories. In Kazakhstan, the powers and functions of LSG from the center are partially delegated to executive or representative bodies created by the state locally.

b) Measures to implement national strategies, state plans and programs, create new national institutions by the state, as well as attempts to reflect national characteristics and traditions, have not changed the role of civil society institutions in these countries in solving economic and social problems at the local level.

c) Adaptation of foreign experience and measures for the implementation of liberal models are characterized by half-heartedness, inconsistency and short-term implementation. As a rule, they are limited to the periods of attracting and using foreign investments and grants allocated for these purposes by the EU countries, the USA and international organizations, including the UN, OECD, etc.

Priority attention is required to the problems of the formation of civil society institutions; creation of equal conditions for dialogue and cooperation between civil society structures and state authorities at all levels; implementation of real measures with the transfer of functions usurped by the state to local self-government, as well as a clear differentiation of the functions of all state structures in terms of local government, with corresponding aspects in terms of budgeting on a legislative basis.

The formation of local self-government in the CIS countries deserves a broader discussion. Often they are

presented only from the standpoint of modernization by states of their local government system, where the population and civil society institutions are assigned a secondary role.

The issues of developing the initiative of civil society institutions; creating conditions for the democratic expression of the will of citizens on the basis of generally accepted norms; as well as the diversity of its forms at different levels of the local hierarchy - from referendums at the national level to regional and local referendums, meetings of citizens, etc. problems require turning to the real differentiation of the powers and functions of the population, civil society and all structures of government, taking into account all levels of its hierarchy, in relation to a specific territory and their corresponding legislative consolidation, including the Constitutions of these countries.

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