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ХАБАРШЫ

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ХАЛЫҚАРАЛЫҚ ЖӘНЕ АЙМАҚТЫҚ САЯСАТ МӘСЕЛЕЛЕРІ

Раздел 1

ВОПРОСЫ РЕГИОНАЛЬНОЙ И МЕЖДУНАРОДНОЙ ПОЛИТИКИ

Section 1

REGIONAL AND INTERNATIONAL POLICY ISSUES

IRSTI 11.25.19

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BETWEEN CHINA AND INDIA: ENERGY DIMENSION OF KAZAKHSTAN

The interest of China and India in closer relations with Kazakhstan, which is rich in reserves of resources, is evident in Chinese and Indian energy activity in the CA region, is explained by the growing demand for oil from rapidly growing economies. The energy dimension of Kazakhstan's foreign policy changes the geopolitics of not only Central Asia, but also affects the geopolitics of Asia with the participation of China and India.

The authors pay attention to the review of theories of the geopolitics of energy resources with reference to the triangle Kazakhstan – China – India. The study of different points of view on the geopolitical processes in Central Asia with the participation of China and India made it possible to systematize a large amount of research on the country (national) principle and identify problematic issues that have not yet been studied. They analyze regional processes in which energy has become part of geopolitics, affecting the international configuration of Eurasia. Attention is drawn to the strategic intersection of the interests of China and India in Central Asia, examines how India and China compete for energy in Kazakhstan and how far China or India benefits or loses in this energy game in the region. China has specific strategies for its energy security in the region, for example, the mega-project «One belt, one way», involving all the states of Eurasia, including Kazakhstan and India. The authors raise the issue of the possibility of cooperation between the two powers in the energy sector of Kazakhstan in the context of their participation in regional organizations, for example the establishment of the SCO energy club or the Eurasian energy club. The energy prospects of China and India in Kazakhstan/CA are associated with a sustained interest in maintaining stability and security.

Key words: energy resources, geopolitics, multi-vector policy of Kazakhstan, China's energy activities, energy security of India

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Қытай мен Үндістан арасында: Қазақстанның энергетикалық өлшемі

Табиғи пайдалы ресурстар қорына бай Қазақстанмен тығыз қатынасқа Үндістан мен Қытайдың түсуі олардың Орталық Азиядағы энергетикалық белсенділігінде көрініп, жылдам өсіп келе жатқан экономикалардың мұнайға деген сұранысының артуымен түсіндіріледі. Қазақстанның сыртқы саясатының энергетикалық өлшемі тек Орталық Азияның геосаясатының өзгеруіне ғана емес, Қытай мен Үндістанның қатысуымен Азияның геосаясатына да әсер етеді.

Авторлар Қазақстан-Қытай-Үндістан үшбұрышына сілтеме жасай отырып, энергетикалық ресурстар геосаясатының теорияларына назар аударады. Қытай мен Үндістанның қатысуымен Орталық Азиядағы геосаяси үдерістерге қатысты әртүрлі көзқарастарды зерттеу елдік (ұлттық) қағида бойынша зерттеулердің үлкен көлемін жүйелеуге және әлі зерттелмеген проблемалық мәселелерді анықтауға мүмкіндік береді. Олар Еуразияның халықаралық конфигурациясына

әсер ететін энергия геосаясаттың бір бөлігі болып табылатын аймақтық үдерістерді сараптайды. Қытай аймақтағы экономикалық қауіпсіздігінде нақты стратегияларға ие, мысалы мегажоба «Бір белдеу, бір жол». Бұл мегажобаға Қазақстан мен Үндістанмен қоса Еуразияның барлық елдер қатыстырылған. Авторлар Қазақстанның энергетикалық секторындағы екі елдің аймақтық ұйымдарға қатысу контексінде, мысалы, ШЫҰ энергетикалық клубы немесе энергетикалық еуразиялық клуб құру туралы ынтымақтастық мүмкіндігін талқылайды. Қытай мен Үндістанның Қазақстандағы/ОА энергетикалық мақсаттары тұрақтылық пен қауіпсіздікті қамтамасыз етуге деген тұрақты қызығушылықпен байланысты.

Түйін сөздер: энергетикалық ресурстар, геосаясат, көпвекторлы Қазақстанның саясаты, Қытайдың энергетикалық қызметі, Үндістанның энергетикалық қауіпсіздігі.

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Между Китаем и Индией: энергетическое измерение Казахстана

Интерес Китая и Индии к более тесному сближению с Казахстаном, который богат запасами ресурсов, проявляется в их энергетической активности в регионе ЦА, объясняется ростом спроса на нефть стремительно растущих экономик. Энергетическое измерение внешней политики Казахстана меняет геополитику не только Центральной Азии, но влияет также на геополитику Азии с участием Китая и Индии.

Авторы уделяют внимание обзору теорий геополитики энергетических ресурсов применительно к треугольнику Казахстан – Китая – Индия. Изучение разных точек зрения на геополитические процессы в ЦА с участием Китая и Индии позволило систематизировать большой объем исследований по страновому (национальному) принципу и определить проблемные вопросы, которые еще не изучены. Они анализируют региональные процессы, в которых энергия стала частью геополитики, влияющая на международную конфигурацию Евразии. Обращается внимание на стратегическое пересечение интересов Китая и Индии в ЦА и в Казахстане и ставится вопрос о том, кто из акторов в энергетической игре оказывается в выигрыше. Китай имеет конкретные стратегии для своей энергетической безопасности в регионе, например, мегапроект «Один пояс, один путь», в который вовлечены все государства Евразии, включая Казахстан и Индию. Авторы поднимают вопрос о возможности сотрудничества двух держав в энергетическом секторе Казахстана в контексте их участия в региональных организациях, например создании энергетического клуба ШОС или энергетического евразийского клуба. Энергетические перспективы Китая и Индии в Казахстане/ЦА связаны с устойчивым интересом в поддержании стабильности и безопасности.

Ключевые слова: энергетические ресурсы, геополитика, мультивекторная политика Казахстана, энергетическая деятельность Китая, энергетическая безопасность Индии.

Introduction

Rationale of the research on geopolitics of space and natural resources

The energy debate is increasingly focused on new factors that could prove transforming for global supply and demand, and could alter longstanding assumptions about energy security and geo-economics. At the heart of Kazakhstan's energy geopolitics lies a huge amount of energy resources and an active policy of attracting investments at the expense of major powers. Over the past decade, Kazakhstan has positioned itself as a country with a competitive economy, a reliable oil exporter, a politically stable state that successfully implements multi-vector energy policy.

The geo-strategic interests of external powers compete to play in Central Asia region, especially in the economic, security and political spheres. Energy is a vital issue especially in this region because major powers of the world seek to enhance their energy sources. In addition to, this article will draw attention of energy players in the world energy market, China and India particularly, and their role in the energy resources of Kazakhstan. Further, would focus on the energy policy of Kazakhstan towards the big powers in the world. The article gives a theoretical interpretation of the understanding of Kazakhstan's energy geopolitics. Particular focus is paid to the way in which India and China make a profit from the energy resources of Kazakhstan and act as the dominant players in the region. Moreover, energy

politics will help the region not only diversifying energy partnerships but also help Kazakhstan to gain economically and strategically.

Kazakhstan is getting benefits from the major powers by receiving military, political and economic assistance. In Central Asia region, China mainly focuses on energy resources because it helps Chinese growth. However, to get large amounts of energy, China adopted certain strategies for its energy security in the region, for example, the mega-project «One belt, one way», involving all the states of Eurasia, including Kazakhstan and India. Consequently, the study of energy geopolitics in Kazakhstan will help us understand how the independent country is protecting and using its energy resources and provide the strong framework for understanding international energy politics. Among a number of issues facing the researchers of this topic, we highlight some, namely, what is the role of the energy geopolitics of Kazakhstan, China, and India; the comparative context of India's and China's activities in gaining access to Kazakhstan's energy resources, how India and China matter in the Kazakhstan energy sector, etc.

Geopolitics plays a very significant and paramount role in the contemporary world politics. Resources are defined as human communities' means of survival & development, being in such a quality the main base & object of the geopolitical struggle. Geopolitical thinking developed in the context of competition for control over geographical territory and natural resources. Geopolitics emphasizes largely the geographical factors as important determinants of government policies and one of the major determinants of the power position of states.

The notion «natural resources» is a key one in geopolitical discourse, and is the second in the mean of geopolitical notions using after the main one – «space». The resource presence is an immanent characteristic feature of space. In this regard, this article focuses on the relevance of Kazakhstan from the geopolitical perspective and examines how India and China are competing for the energy in Kazakhstan. In common parlance, it is the interplay of human geography and politics in the struggle over the control of spaces, which are rich with natural resources. Thus, geopolitics also provides an opportunity to see the world, in which much attention is paid to the formation of national and international policies.

The purpose of this article is an analytical study of the energy policy of the two influential powers – China and India in Kazakhstan through the relationship of space and resources, and enhancing their access to energy resources in the Central Asian region.

Methodology including the theoretical basis for the study of the geopolitics of energy resources

The proposed research topic is descriptive and analytical in assessing energy geopolitics in Kazakhstan in cooperation with two Asian powers, that is, India and China. In the process of research, were used comparative and systemic methods of analysis. The comparative method allowed us to determine the main reasons of interests on energy cooperation between Kazakhstan and China, and between Kazakhstan and India. An analysis of the mechanisms of the implementation of the interaction of the two countries requires a systematic review of the evolution of relations between Kazakhstan and two Asian powers in the energy sector, identifying problem areas, identifying the main directions of development. The method of comparison allows us to compare the main reasons for interest in the energy partnership of China and India with Kazakhstan.

Geopolitics is a vital part of foreign policy because the foreign policy of each and every nation has been guided by geopolitics. Energy has become an integral part of geopolitics and foreign policy and in this context that the issue of access to energy resources has always been an indispensable part of a state's geopolitical considerations (Coşkun, 2009:186). Within the context of the energy geopolitics, Central Asia region is a vibrant one particularly Kazakhstan plays very dominant role in the world energy geopolitics because it has vast energy potential and remained as the focal point of regional and global actors.

In classical geopolitics, the resources include mainly the territorial location of the state (Haushofer), raw materials and demographic resources (Ratzel), as well as climate and land/sea communications (Blache). Modern geopolitics was defined as describing geographical settings and their relationship to the political power and setting out spatial frameworks embracing political power units, such as hemispheres, oceans, land and maritime boundaries, natural resources and culture. However, early theorists had a tendency to perceive geopolitics through the lens of geographical reasoning, which reflected the states' power to take actions on the global arena (Dodds, 2005). It should be noted that a Swedish lawyer and scholar Rudolf Kjellén first introduced the term «geopolitics» in 1899 to illustrate and explain the geographical endowment of a given state as having a decisive influence on its power po-

tential power. Kjellén defined geopolitics as «the science which conceives the state as a geographical organism or as a phenomenon in space» (Dodds, 2005:28). He added to these important resources the following resources of the state as the main geopolitical actor: «economy» (economic policy) and the form of government, singling out as a resource not only the demographic, but also the cultural and ethnic characteristics of the population.

Even earlier, Ferdinand Ratzel defined the possibilities of spatial expansion (expansion) of states (Ratzel). Karl Haushofer introduced the concept of «paniday» – the ideas that arise from a certain people or civilization in the process of struggle for space. «Panidey» presents in this capacity a geopolitical resource, which modern scientists call a factor of «soft» strength (Haushofer, 2001). However, we recall again a classical theory of geopolitics of a British geographer Mackinder (1996) and an American navy officer and strategist Alfred Thayer Mahan. In the early 20th century, Sir Halford Mackinder wrote that an otherwise insignificant swathe of land–extending from Iran up through Central Asia and across Russia–held global geopolitical significance and would be the key pivot in deciding the geopolitical contests between the great empires of the globe. Whichever superpower controls this «Heartland,» he argued, would decide who could dominate Eurasia and, from there, the world. Today, the core of this Heartland is called Kazakhstan.

Geopolitics is dynamic and reflects international realities and global constellation of power arising from the interaction of geography and space, on the one hand, and technology and economic development, on the other (Chapman, 2011). Geostrategic location and natural resources are the key components of geopolitics. Bert Chapman does not deny that the latest technologies and the infusion of capital can significantly influence development of the regions and, in general, of the world politics.

However, the geostrategic importance of a certain geographical space and natural resources plays much more important and decisive role in the geopolitics of any region. Geopolitics geography today is more important than ever in the increasingly globalizing world, economic, environmental and international security events can dramatically affect national and international economic performance and personal living standards. Based on geopolitical theories, the regional architecture of Central Asia is considered by us as a multilevel structure, in which the energy sector is given a significant place. The Central Asian region has great importance because of its geostrategic location and natural resources, such as oil, gas, uranium, etc. This region plays a very active and dynamic role in the international politics, particularly Kazakhstan. Kazakhstan is a significant one among the five CA countries and is the ninth largest country in the world.

Review of the literature

On energy politics with the participation India and China in Kazakhstan&Central Asia

It is not possible to divide energy geopolitics in Kazakhstan into different parts, but to have a better understanding of this topic, a thematic study has been made by splitting into three main areas i.e. Energy geopolitics and involvement of major powers in Kazakhstan, Energy dimensions of Kazakh-China relations, and Kazakhstan and India's energy security. The review of literature as a whole discuss about energy geopolitics in Central Asia region with major powers. Some of the works have already done on India China cooperation with the Central Asian region. However, this research locates not only the bilateral ties, competition, conflict and cooperation among the global powers but especially the two Asian giants China & India, engagement within context of involvement of major powers in Kazakhstan energy sector by looking at the geopolitical perspective of the region. We will name only a few studies that do not lose their relevance in this area.

By accentuating the significance of the region, Iseri (2007) points out that Kazakhstan is one of the largest countries in Eurasia. It shares borders with two potential Eurasian great powers Russia and China. Apart from its significant geopolitical location, Kazakhstan has massive natural resources i.e, oil and gas reserves and some of the world's largest reserve of uranium. In this perspective, Ajay Patnaik (2010) argues that in Central Asia three out of five countries have huge gas and oil reserves, of which Kazakhstan and Turkmenistan are Caspian states. As a result, the Central Asia and Caucasus region has been a theatre for intense American engagement.

Researcher from Kazakhstan M. Laumulin (2006) has viewed that the geopolitics of Central Asia particularly Kazakhstan has been conceded from view point of three great powers; Russia, United States of America and China. Along with these powers, European Union is also an influential player in the region. The monograph «Perspectives of India and Kazakhstan. Regional and International Cooperation» (2007) under the editorship of K. Santhanam which is a joint research product of scientists from India and Kazakhstan, the authors focused on current trends in relations between the

two countries, including the energy sector. Nevertheless, the authors identified strategic perspectives in Kazakhstan's relations with China and India for decades to come (Gubaidullina). In this book gives an overview of the energy scenarios in Kazakhstan and India and identifies potential areas of energy cooperation. With the commissioning of two Central Asian oil pipelines in quick succession – the Baku-Tbilisi-Ceyhan (BTC) pipeline to the West and the Atasu-Alashankou pipeline to the East – Kazakhstan has finally assumed centre-stage in the energy «game» being played out in Central Asia and the Caspian basin (Sudha Mahalingam).

The Asian powers (China and India) mainly concentrated on the Kazakhstan's energy sector and tried to balance and sustain their growing economy. It is however, Michael Denison (2012:1-5) has sharply marked that the energy geopolitics has formed in the region because of two specific reasons; First, the local and western maximization of the sovereignty and agency of the Central Asian states. Second, through differing perceptions of security produced in the region that could affect external interests. A US geographer Natalie Koch examines prevailing geopolitical discourses in Kazakhstan, through a case study of attitudes toward China and its influence in contemporary affairs. The divergent findings across these methods, reflecting a profound ambivalence in popular attitudes about China (Koch, 2013).

Kazakhstan is strategically and geographically the middleman between Russia and China and its neighboring Central Asian states except Tajikistan. Russia has continued to play a dominant role in Kazakh political matters as well as energy matters. As a result, Kazakhstan wants to maintain a healthy and harmonious relation with these powers. In this prospect, Mehmet Ogutcu (2007: 2013) argues that Moscow made Kazakhstan the center of the Central Asian universe, in that it made Astana the political hub between Russia and the other four Central Asian countries. There is no doubt that the Kazakh-Russian relationship is the most important one for both sides in the post-Soviet geography. Kazakhstan wants to be a world leader in the area of uranium production and has developed major strategic links with Russia. The government is committed to increased uranium exports to Russia and is considering future options for nuclear power. Together the two countries have created an «*Energy Club*» within the Shanghai Cooperation Organization. Nonetheless, Kazakhstan's strategic cooperation with Russia was recently highlighted by discussions between the two and Turkmenistan to create a major energy transport corridor across the Eurasian landmass (Gubaidullina, Yelibayeva, 2016).

However, due to the rich natural resource of the region Petro-Kazakh draws the attention of powerful and energy consuming states, specially, India and China. It is also a vital point that Kazakhstan initiated some practical steps to improve a continental energy rapport with all the major powers including proposal of Asian Energy Strategy and Asian Energy Dialogue, elaborated with a close involvement of KazEnergy Association, under the SCO structure. In this context Central Asia is a kind of „Bridges» convergence of the EU – Central Asia – SCO (Gubaidullina, 2015: 135). China, Kazakhstan, and Russia are making progress in energy cooperation, but so far largely on the basis of bilateral agreements. The Shanghai Cooperation Organization Energy Club offers opportunities to expand that cooperation in a way that benefits all the organization's members and observer states (Movkebayeva, 2013:86). At the same time the Chinese strategy of the Silk Road Economic Belt is an attractive project involving all Central Asian countries in a profitable energy and economic network, following the Chinese huge investments aimed to boost infrastructures and to develop national economies (Indeo, 2016).

Among the priorities of the external energy policy of India's strategy, E. Rudenko (2017:214) calls: diversification of hydrocarbon imports; expansion of the geography of exports of oil products from South Asia to other regions of the world; active participation in interregional pipeline oil and gas projects; promotion of Indian energy companies in the development of oil and gas fields abroad, etc. Therefore, the energy sector was the main sector of the economy of the Central Asian region, to which India never lost interest. It is India's energy needs that bring it closer to the states of Central Asia. Thus, India has always offered its Central Asian republics assistance in expanding the scale of extraction and processing of hydrocarbon raw materials on its own. And, perhaps, the most dramatic and ambiguous aspect of Kazakh-Indian relations is cooperation in the field of hydrocarbon resources. For India, this sphere is potentially key in its relations with Kazakhstan, while the Kazakh side does intentionally not focus exclusively on it. (Rudenko, 2017:227). Despite these two powers there are also other powers trying to focus and dominate in the region. In this context, Rao and Alam (2005) argue that India and the US also share common strategic and security interest in search for energy resources, creation of markets for goods and services and the war against religious radicalism and international

terrorism. However, all the powers largely emphasize on energy security because it is a vital aspect of their foreign policy. Energy security is also a key component of Kazakhstan foreign policy which brings international stability and peace in the region. The country always focuses on the political and economic priorities by getting the assistance and wide support from the major powers.

Thus, the review of this literature as a whole discusses energy geopolitics in the Central Asian region with the main Asian powers – with India and China, in the context of their participation in the energy sector of Kazakhstan. However, some gap in this research may be filled, since there are already a number of works on India-China cooperation in the Central Asian region, and with Kazakhstan.

Results

Kazakhstan is in the midst of an oil boom that has made it one of the fastest-growing economies' in the world. And its energy policy based only on strict economic pragmatism and mutual approach. In the course of studying this topic, we expect to obtain results that would confirm the working hypothesis that not only China is the largest consumer of Kazakhstan's energy resources. Energy security is a key component of Kazakhstan foreign policy which brings international stability and peace in the region. The country always focuses on the political and economic priorities by getting the assistance and wide support from the major powers. Kazakhstan is trying to develop healthy interactions and cooperation especially in the energy sector with the external powers in spite of their potentially intersecting geopolitical objectives. Moreover, it is important that Kazakhstan always strives to consolidate balanced energy cooperation among the external powers (China, India, Russia, etc.).

Discussion

1. Geopolitics and geostrategic importance of space and natural resources: case Kazakhstan

Since Kazakhstan is located in the epicenter of oil geopolitics, the Central Asian region is very sensitive to changes in this sphere. Through looking at the size of the Kazakhstan oil sector, the republic has a unique and critical role in the regional power game. However, Kazakhstan regarded geopolitics as a suitable instrument for evolving cooperation and mutual interdependence among major powers. This is based on the fact that diversified and open oil policy can create favorable conditions for resolving complex problems related to economic development and independent foreign policy of the country. Kazakhstan never takes part in such actions which can inflict damage on the interests of other players in the global oil market.

Therefore, Kazakhstan draws the attention of the two major Asian giants, India and China, which are competing with each other to harness the energy resources of the region. Both countries try to strengthen their focus on the region for their own advantage and sustenance. Hence, the implications of their energy policies in Kazakhstan for both, India and China, are much wider and deeper than it appears at first sight. The geographical positions of China and India make their rivalry in Central Asia inevitable. China and India are fighting for the right to exploit oil and gas fields in Kazakhstan and other energy-rich countries. Liu Qian (2014) gives a pragmatic explanation of the competition between China and India: «China and India, the emerging countries with emerging economies, look like natural competitors in the struggle for global energy resources. These two countries combine similar trends in energy demand and consumption patterns. Both are densely populated states and their industries are developing rapidly, despite relatively low efficiency at the present time. Meanwhile, both of them have the weak positions in the international energy market as they have neither a strong energy base nor a voice in the international energy pricing system».

In accordance with these strategies, oil companies are looking for resources abroad expanding cooperation with the rich hydrocarbon reserves countries and helping to lay the main pipelines for energy transportation. Oil companies from the two countries fought in Angola and Ecuador for the right to exploit oil there. Nevertheless, we must not forget about the close cooperation of oil companies on the Nile (Egypt). The two countries are also promoting projects in Iran, Myanmar and Russia and these are the promising prospects for cooperation.

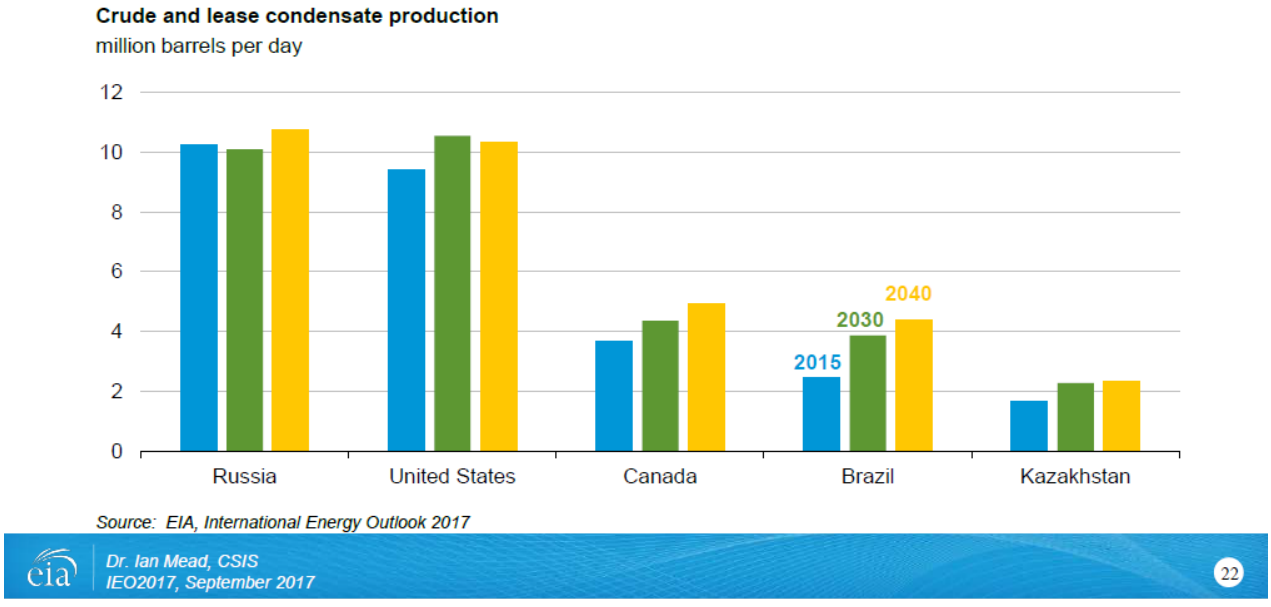
The Chinese and Indian state-owned companies were twice engaged in serious competition for Kazakhstan's oil and gas assets. For the first time, in 2005, it was about acquiring Petro Kazakhstan from its Canadian owners, who are developing the Kumkol field in the Kyzylorda region. The second time it was in 2013. In both cases, the Chinese ones won. They bought Petro Kazakhstan for $4.18 billion. China bought an 8.4 percent stake in the US group ConocoPhillips in the project of developing the Kashagan field for $5 billion.

It is clear that the energy resources of the Central Asian region are attractive for the large

powers in their aim to maintain and balance their economies. At the same time, energy security is a key factor of international stability and is one of the main political and economic priorities of the nations. Therefore, Kazakhstan is seeking to build the constructive energy interaction with the major powers like the EU, the USA, Russia and China which is clearly guided by the principle of non-discrimination. It is also important to note here that Kazakhstan also strives to consolidate a balanced regional system of energy cooperation with all the powers. The republic maintains its relations with foreign investors in line with the policy of mutually beneficial cooperation. The major priority of the national energy policy of Kazakhstan is to provide stable and diversified supplies of hydrocarbons to the international markets. The current transit potential is exploited with a view of maintaining the balance of interests of the major consumers of energy resources, especially India and China. China and Kazakhstan are close neighbors. The length of the pipelines connecting the two sides is relatively short. And the investment looks relatively small. On the contrary, if India builds pipelines with Central Asia, it will have to lay them through Pakistan and Afghanistan. This is difficult to implement, because it requires a large distance covering at a high cost. So, each of the countries strives to focus on energy policy in relation to the region.

According to the Indian scientist Ajay Patnaik (2010), India's policy in Central Asia has shown new strength, its emergence as a global economic and nuclear power allows India to play an active role near the neighboring region, in Central Asia and Afghanistan. However, there are two significant underlined changes in the Indian approach towards the region. The first was in November 2003 when the Indian Prime Minister visited Tajikistan and decided to renovate and upgrade the Ayni air base. The second was in August 2005 when the Indian state-owned company ONGC combined with Mittal Industrial Group to form the OMEL and made a serious effort to acquire energy assets in Kazakhstan. Though the OMEL eventually lost to the China's state-owned CNPC in the acquisition of the Canadian oil company Petro Kazakhstan, its bid of $3.9 billion was a huge effort of the Indian company at the time. From an insignificant $43.96 million trade turnover with the Central Asian republics in 1996, India's trade with the region increased to $366.73 million by the end of 2008. On the other hand, China's policy towards Kazakhstan has been wider enough than the Indian one. China wants to link along the development of its economy and infrastructure with the fight against religious extremism and seeks to squeeze Russian influence in the region. As we can see, China has achieved significant results in recent years in cooperation with Central Asia in energy.

Non-OPEC crude oil production increases less than 2% between 2015 and 2040, but growth in Russia, Canada, Brazil, and Kazakhstan increases by 24%



U.S. EIA (2017) Energy Information Administration, «International Energy Outlook», Statistics &Analysis, DC, September 14, 2017 [https://www.eia.gov/pressroom/presentations/mead_91417.pdf]

BP Statistical Review (2013) provides that ample data that Kazakhstan has 30 thousand billion barrels (bb) oil reserve and 1728 trillion cubic feet of gas reserve in comparison to world reserve. Moreover, Kazakhstan has untapped oil fields in Kashagan and Tengiz region with its little domestic consumption and growing export capacity has become the focal point of strategic rivalries amid major powers United States of America, Russia and China. According to U.S. Energy Information Administration (2013) and Official Energy Statistics from the *U.S.* Government – US EIA (2017:22) Kazakhstan is a major oil producer since 1991, has the second largest oil reserves as well as the second largest oil production.

Thus, Kazakhstan is a strategic linchpin in the vast Central Asian-Caspian Basin zone, a region rich in energy resources and a potential gateway for commerce and communications between Europe and Asia.

2. Energy Dimensions of Kazakh – China Relations

Energy in China is a strategic issue because it fuels its economic growth rates and stimulates the demand for diversifying energy supplies. In this regard Blank (2006) argues that China's hunger for energy has become a driving factor in contemporary world politics and a precondition for sustaining China's continuing high economic growth. Therefore, reliable access to energy is a vital to Chinese interest which cuts to the heart of the Chinese leadership's in most primal domestic and foreign policy obsessions. According to US Energy Information Administration, EIA (2013) China is the world's most populous country and has a rapidly growing economy, which has driven the country's high overall energy demand and the quest for securing energy resources. In this context, International Monetary Fund, IMF (2012) highlights that China's real gross domestic product (GDP) grew at an estimated 9.2 percent and 7.8 percent in the first half of 2012 after registering an average growth rate of 10 percent between 2000 to 2011. Thus, energy has become the prime anchor of China's economic growth and development for which Zhao (2008:209) argues that China has adopted a state-centered approach towards energy security to deepen political and commercial relationships with all energy producing nations and to aggressively invest in oil fields and pipelines around the world especially with Central Asian states According to Patnaik (2010) China since the collapse of the Soviet Union in 1991, has considered Central Asia as significant to its national security and territorial integrity.

It is also the largest trade partner of most Central Asian states. In this context, M. Bhalla (2013) also points out that China's relationship with Central Asian states reveals a matrix of geopolitics, resource hunger and its pressing need to ensure energy security. Further, H. Zhao (2007) views that energy has become a central focus of China's strategy and diplomacy in the Central Asia because of two reasons, first; the growth in China's energy demand and second; the change in international situation after the events of 11 September 2001.

However, China's energy interests in Central Asia mainly concentrated in Kazakhstan, which has become the main reserves of oil and gas and it ranks as the largest producer in the region. According to Dash (2013) Kazakhstan is the only Central Asian country China has chosen to have extensive relations in the realm of energy cooperation. It is the former Soviet state that shares the longest border with China and due to vast natural resources; it has attracted Chinese attention both in strategic and energy terms following the collapse of the Soviet Union.

Therefore, the energy cooperation between China and Kazakhstan began in 1997, when the two signed an agreement to build a 3,000 km oil pipeline across their borders, running from Atyrau in Kazakhstan to the west to Altaw Pass in China in the east. Kazakhstan due to its advantageous geopolitical location and vast deposits of oil and gas has become one of the main participants in the huge energy sector in the Central Asian region.

Though, Kazakhstan is a landlocked state and shares borders with Russia, China, Uzbekistan, Kyrgyzstan and Turkmenistan. Traditionally, it has been an ally and a partner to Russia since the two countries have the same cultural, ethnic, language and historic backgrounds. Therefore, Kazakhstan has declared a «multivectoral» policy to develop and improve strategic, diplomatic and economic relations with the major geopolitical powers in the international arena, namely, China, Russia, the US and Europe (Gubaidullina, 2007). Within this list, China ranks as one of the highest priorities for Kazakhstan to collaborate with for many reasons.

Kazakhstan is also the second largest trade partner to China and there is still a lot of potential for further growth in this sector. However, particular attention has been paid to Kazakhstan's energy resources for entering into the Kazakh energy market. This aim was achieved by purchasing a production company, a refinery in the South of Kazakhstan, and the construction of two oil

pipelines. In this regard Liao (2006) has observed that China's recent engagements with Central Eurasian and Caspian countries, namely Kazakhstan, Turkmenistan and Uzbekistan, have unsettled the Americans. The region's political turbulence, and the geopolitical energy rivalry instigated by the Americans, has propelled Russia and China to build regional strategic partnerships, through Shanghai Cooperation Organisation (SCO). In this context Kazakhstan has to evaluate and appraise China's energy development tendencies properly, to create a balanced policy towards this country and find an acceptable and convenient form of collaboration.

Further, Kazakhstan's massive oil reserve makes it very attractive to China in boosting energy cooperation. The development of Sino-Kazakhstan energy cooperation brings more opportunities to the region. Kazakhstan and China have considered three opportunities. The first is to prolong the existing pipeline between cities of Uzbekistan-Bukhara and Tashkent to Almaty, then through Taldikorgan to Alashankou. The second is the construction of a new gas pipeline connecting Ishim (western Siberia) and Alashankou and the one going through Astana and Karaganda. The third is a variant of constructing a pipeline from Shalkar (western Kazakhstan) and one coming through Kizilorda until Shimkent, with connection to the pipeline Bukhara-Tashkent-Almaty.

Nevertheless, in the realm of Sino-Kazakh energy cooperation Dash (2013) argues that China has signed four major oil and gas deals with Kazakhstan in recent years running to billions of dollars. By emphasizing the energy aspect Kazakh-China, Wong (2011) points out that Kazakhstan and Turkmenistan, as an important element in its energy equation and hopes to obtain more and more resources from the region. It is very important that China will continue for increasing its oil and gas imports from Central Asia particularly Kazakhstan and guaranteeing the expansion of the energy sector in Central Asia's hydrocarbon-rich states. Moreover, Chinese purchases of Central Asian oil and gas provide the region not just with a massive source of income, but also with a powerful alternative to Russia as a transit country, increasing the political maneuvering space of the Central Asian governments. It is also worthwhile energy cooperation mutually beneficial to both China and Kazakhstan. China considers Kazakhstan a key factor in its energy security nexus, and sees the cooperation as helping strengthen and secure its northwestern borders of the volatile Xinjiang Uyghur Autonomous Region. In this regard, Liao (2006) views that the cooperation provides new energy support to China's «Go West» program and it helps to gain greater access to the markets of Central Asia. Some experts also see the increasing Sino-Kazakh cooperation in the energy field as tied to the long-term strategic interests of the two countries, especially when faced with greater U.S. military presence in CA.

However, for Kazakhstan China can help to diversify its energy sector by balancing against Russia's influence in its energy field. With the steady growth of the Chinese economy and its energy demands, Kazakhstan together with other central Asian state has become one of the key sources for China's energy supply. Thus, the bilateral strategic partnership underpinned by energy cooperation which is believed to fit the fundamental interest of both nations. During Hu Jintao's 2005 visit to Kazakhstan, it highlighted «to expand and deepen cooperation in areas of oil and natural gas is of strategic importance to the economic development of the two countries» (Xinhua News Agency, 2005). Further, BBC Monitor (2006) identified that On 11 January 2006, during his fourth day official visit to Kazakhstan, Chinese Vice President Zeng Qinghong signed a joint communique with President Nazarbayev. The two leaders praised the completion of the Sino-Kazakh oil pipeline and vowed to promote energy cooperation between the two countries as part of their strategic partnership.

Close energy cooperation with Kazakhstan has not only strengthened its position over energy security, but has also produced a major loss for the United States «over the entire strategic Eurasian region with the latest developments. But it is less likely that China will become another «superpower» in the region for three reasons. First, China stands strongly against unilateralism in international affairs. Because of its recognition of the dominant influence of former Soviet states in central Asia, China prefers to rely on the multilateral Shanghai Cooperation Organization (SCO) mechanism to maintain regional stability, and it has done so since the SCO's establishment. Secondly, China does not face practical threats from any central Asian states, and its strategic partnership with Russia is working well to ensure it a collective role in dealing with central Asian affairs. Finally, China is still a developing country and needs a peaceful environment for its modernization program. China's global energy search, including its actions in Central Asia, serves the purpose of economic development and seeks to ensure a better living standard.

3. Kazakhstan and India's Energy Security

The concept of security plays a vital role in formulating the domestic and foreign policy of a state. The security has broader connotation than the terms, self-preservation, survival, defence-preparedness, guiding one's frontiers etc., though they are often interchangeably used. It relates not only to the ultimate desire of the survival of state but also to live without serious external threat to its interests or values that are regarded as important or vital. Today, security concerns not only the defense of the territory but also the problems of access to raw materials at reasonable prices and how to alter and satisfy the expectations of social and economic stability. However, the economic stability and viability of any country largely depends on the durable and long term availability of energy. In fact the notion of «energy security» exemplifies the availability of energy at reasonable and affordable prices to the users according to their needs of the consumers.

According to IEA (2013) energy security has many aspects; long term energy security and short term energy security. Long term energy security is mainly linked to timely investments to supply energy in line with economic developments and environmental needs. Short term energy security focuses on the ability of the energy system to react promptly to sudden changes in the supply demand balance. More than 60% of the increase in energy consumption by 2040 comes from non-OECD Asia, which includes China and India. Demand in the residential and transportation sectors grows more rapidly. The industrial sector still accounts for over 50% of delivered energy consumption in 2040. Transportation energy use rises by nearly 30% between 2015 and 2040 with almost all of the growth occurring in non-OECD regions (*EIA, 2017).*

Energy security not only ensures the stable political development but also constitutes a critical component of national security. Energy security in India has been mainly protected by the Central Asian region particularly from the Kazakhstan region. India cannot ignore the importance of the Central Asia as in future, it will have to depend on this region for meeting its energy need. By looking at energy importance of Central Asian region for India Patnaik (2013) argues in three respects; first, markets have to very attractive not just in commercial terms but also in terms of legal institutional frameworks for business; secondly, chances to repatriate our profit and thirdly, institutionalized economies. In the era of faster economic growth, energy security emerged as a key determinant in defining the policy of any country. In this regard Central Asian region play very supreme role in appeasing India's energy demand. However, Pandey (2013) has argued that India's engagement with energy exporting states of Kazakhstan, Uzbekistan and Turkmenistan is quiet significant. It is also estimated that the three Central Asian republics have about 300 trillion cubic feet of gas and 90 to to 200 billion barrels of oil. Among all the energy exporting countries, especially Kazakhstan has huge potential of energy reserve and it helps in fulfilling the India's increasing energy demand. In this regard has highlighted the importance of Kazakhstan for India by three relevant factors. First, its geostrategic location, secondly, it's economic potential, especially its energy resources, and thirdly, its multi-ethnic and secular structure.

India recognized the independence of Kazakhstan after the collapse of the Soviet Union in 1992. In this perspective India has sought to increase its commerce and strategic ties with Kazakhstan, which is the largest nation of the former Soviet republics and occupies a major expanse of territory in Central Asia with extensive oil, natural gas and mineral reserves. However, both the nations tried to develop economic and commercial ties. India's emergence as an economic and military power has enabled to play an active role in its «extended neighbourhood» in pursuit of its economic and security interests.

Nonetheless, to continue their economic modernization and sustained growth, India and Kazakhstan rely strongly on energy imports and exports, respectively. In the present economical and political scenario, the relations between Kazakhstan and India are assuming interests by their direct influence on the region for maintaining stability in the Eurasian continent in broader canvass. According to US EIA (2013) India was the fourth largest energy consumer in the world after the United States, China and Russia in 2011. But, India's economy grew at an annual rate of approximately 7 percent since 2000 and proved relatively resilient to the 2008 global financial crisis. The India's energy policy largely focuses on securing energy resources to meet the need of its growing economy. To sustain its economy India strongly emphasizes on Kazakhstan for its energy resources. Kazakhstan is a fast emerging key player in Eurasia region. Hydrocarbon rich Kazakhstan is located in India's extended neighbourhood, presents alluring prospects of supply diversification for energy starved India because it is the sixth largest energy consumer in the world with coal, oil, and gas. However, looking at the increasing importance of energy Mediakhabar (2011) highlighted that «Kazakhstan is the fourth

largest proven reserve of uranium and is going to play a vital role in the world energy security in the coming years. From the outset of its independence, Kazakhstan has pursued development of friendly and mutually beneficial ties with all countries of the world. And India became one of our key political and economic partners. India is a huge country with an exceptionally brilliant past and vibrant present».

India attaches immense importance to Kazakhstan in the field of energy security. After Russia, Kazakhstan is the only country which is endowed to help and to meet India's energy security. This includes nuclear fuels and hydrocarbon. Joshi (2012) argues that India was a key actor on the energy scene of Central Asia particularly in Kazakhstan's oil and gas sector. In this regard, Muzalevsky (2013) views that on 15-16 April 2011, the Indian Prime Minister Manmohan Singh and Kazakhstan President Nursultan Nazarbayev adopted a «Road Map» for strengthening strategic partnership between the two countries, signing seven agreements in various areas such as energy cyber security, space exploration education and development of technology.

Thus, India's policy makers sharply drew the attention towards the energy security of the country. Moreover, from the nuclear energy perspective the Embassy of India in Kazakhstan observed that India and Kazakhstan also actively cooperate in the energy sector under the aegis of multilateral organizations including CICA, SCO and the UN organizations in the field of energy security. CICA (Conference on Interaction and Confidence Building Measures in Asia) has been involved in the dialogue over three significant issues-military-political affairs, socio-economic development and humanitarian concerns. India has the larger objectives and goals which have been achieved through these multilateral organizations. On the other hand, strong India-SCO relationship bring major trade and investment opportunities for India with other SCO states, as Shanghai Cooperation Organization (SCO) is gradually realizing its ambitious through economic integration agenda, including formation of a free-trade zone and setting-up rules for the free movement of goods, services and technologies within SCO member states. India's interest in SCO has been primarily in engaging the relatively younger Central Asian Republics.

This is partly so, because both Russia and China have had active bilateral interactions. Due to this reason India is making a value addicting to the SCO's multilateralism. Thus, accentuating the role of SCO in India Sachdeva (2006) argues that India has a positive perception of the potential of the SCO as an instrument for promoting regional economic integration, trade and ensuring energy security. Nevertheless, both SCO and India share common interest in disrupting terrorist networks in and around Afghanistan, as both SCO and India view Afghanistan as a crucial strategic challenge. India also focused to build a «development partnership» in the region not only extracting resources but also developing human capital.

Singh (2011) observed that India attaches immense importance to Kazakhstan in the field of energy security. India faces formidable challenges in meeting its energy needs. Moreover, Prime Minister Manmohan Singh identified energy security as one of the major challenges to the national security of India. Beyond the challenges of energy security and stability, Kazakhstan and India share certain critical political and cultural values and commitments and along with the imperative for energy cooperation, should become the cornerstone of India's partnership with Kazakhstan. Kazakhstan could become a good partner for India in the area of energy security. It also seems to have achieved a sense of worth and as such, it seeks due political recognition.

Conclusion

Kazakhstan is a strategic hub in the vast Central Asian-Caspian basin zone, a region with rich energy resources and potential gates for trade and communications between Europe and Asia. Energy has emerged as the most important factor in shaping the geopolitics of Kazakhstan. The geostrategic location and its natural resources have yielded the geopolitical significance of the region.

Energy resources allow Kazakhstan to balance the engagement of major powers (example of India and China) in the country and make it a subject of geopolitics rather than an object. China's energy policy in Kazakhstan is a part of its broader geopolitical approach towards the region that includes economic and infrastructure links, fight against the so-called «three evils» (terrorism, separatism and extremism), and using multilateral organization like the SCO. While China is seeking to extend its sphere of influence as a regional power in order to enhance its economic and energy security but not seeking territorial expansion into the regions of Central Asia. Notwithstanding India's limited economic role in Central Asia in general, its recent willingness to be associated with multilateral organizations like the CICA, the SCO and enter into bilateral Custom Union

arrangement have opened prospects for expanding India-Kazakhstan energy cooperation. In addition to SCO, India's aim of obtaining energy security could be served through SCO forum which might not be possible in isolation.

The time has come to put energy firmly on the agenda in India's relationship with her extended neighbourhood. If India does not get into the act quickly, Kazakhstan may well sign off all its forthcoming production to western firms (India-Kazakhstan Perspectives, Mahalingam, 2007:62). The global energy sector will transform through 2050 and will become increasingly complex and risky. The pressure on decision makers in both the public and private sectors will increase and, in particular, the demands on those responsible for energy policy will intensify. Policies formulated today and the resulting actions and behaviours of citizens will have effects and consequences far into the future (World Energy Council 2013).

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ИНИЦИАТИВА «ПОЯС-ПУТЬ» В ФОКУСЕ ИНТЕРЕСОВ США В ЦЕНТРАЛЬНОЙ АЗИИ

Статья анализирует эволюцию в стратегии США в отношении инициативы КНР «Пояс-Путь». Основываясь на теории глобализации, сравнительного и системного методов, авторы статьи рассматривают эволюцию позиции США в оценке инициативы КНР «Пояс-Путь» как в оценке американского экспертного сообщества, так и официального Вашингтона. Объявления КНР в 2013 г. своего плана по созданию Нового Шелкового пути из Китая в Европу вызвало неоднозначную реакцию со стороны аналитиков и политиков. И те и другие выказывали обеспокоенность планами Пекина по реализации китайского проекта «Новый Шелковый путь», который характеризуется многоаспектностью задач. Геополитические и геоэкономические характеристики китайской инициативы могут привести к усилению конкуренции между США и КНР в регионе Центральной Азии. Начало успешной реализации китайской инициативы привело к пересмотру позиций официального Вашингтона и американского экспертного сообщества к ЭПШП и поиску общих точек совпадения интересов. В статье рассматриваются факторы, способствовавшие возникновению позитивных оценок инициативы и рекомендаций о необходимости поиска путей сотрудничества с Китаем по строительству транспортных коридоров в Центральной Азии.

Ключевые слова: США, КНР, инициатива «Пояс-Путь», Центральная Азия, транспортные коридоры, геополитика.

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«The one belt one road» initiative in the focus of the USA interests in Central Asia

The article analyzes the evolution in the US strategy regarding the PRC's «One Belt One Road» initiative. Based on the theory of globalization, comparative and systemic methods, the authors of the article consider the evolution of the US position in the evaluation of the PRC's «One Belt One Road» initiative, both in the assessment of the American expert community and official Washington. China's announcement in 2013 of its plan to create a New Silk Road from China to Europe has caused mixed reactions from analysts and politicians. Both of them showed concern about the plans of Beijing to implement the Chinese project «New Silk Road», which is characterized by a multifaceted nature of the tasks. The geopolitical and geo-economic characteristics of the Chinese initiative can lead to increased competition between the US and China in the Central Asia region. The beginning of the successful implementation of the Chinese initiative led to a review of the positions of official Washington and the American expert community to the EHIF and the search for common points of coincidence of interests. The article examines the factors that contributed to the positive assessment of the initiative and recommendations on the need to find ways of cooperation with China on the construction of transport corridors in Central Asia.

Key words: the USA, the PRC, «One Belt One Road» initiative, Central Asia, transport corridors, geopolitics.

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Орталық Азиядағы АҚШ мүдделерінің фокусындағы «Бір белдеу – бір жол» бастамасы

Мақала ҚХР-дың «Бір белдеу – бір жол» бастамасына қатысты АҚШ стратегиясының эволюциясын сараптайды. Мақала авторлары ҚХР «Бір белдеу – бір жол» бастамасын бағалаудағы АҚШ ұстанымын американдық сарапшылар қоғамының бағасында да, ресми Вашингтонның бағасында да жаһандану теориясы мен салыстырмалы және жүйелік тәсілдердің негізінде қарастырады. Американдық сарапшылар қоғамының да, 2013 жылы ҚХР Қытайдан Еуропаға бағытталған Жаңа Жібек Жолын салу туралы жобасын жариялады, бұл сарапшылар мен саясаткерлер тарапынан екітүрлі реакция тудырды. Екі тарап та Пекиннің міндеттердің көпқырлылығымен ерекшеленетін қытайлық «Жаңа Жібек Жолы» жобасын іске асыруына толғаныстарын білдірді. Қытайлық бастаманың геосаяси және геоэкономикалық сипаттамалары Орталық Азия аймағындағы АҚШ пен ҚХР-дың арасындағы бәсекелестіктің күшеюіне алып келуі мүмкін. Қытайлық бастаманың сәтті басталуы ресми Вашингтонның және американдық сарапшылар қоғамының Жібек Жолы Экономикалық Белдеуі мен ортақ мүдделерді іздеудегі өз позицияларын қайта қарауларына алып келді. Мақалада Орталық Азиядағы көлік дәліздерін салу бойынша Қытаймен серіктестік жолдарын іздеу қажеттілігі туралы бастамалар мен ұсыныстарды оң бағалаулардың пайда болуына әсер еткен факторлар қарастырылады.

Түйін сөздер: АҚШ, ҚХР, «Бір белдеу – бір жол» бастамасы, Орталық Азия, көлік дәліздері, геосаясат.

Введение

Реализация транзитного потенциала Центральной Азии находится в фокусе геополитических интересов ведущих региональных и глобальных держав, интересы которых могут изначально не совпадать и даже приводить к конкуренции. Конкурирующие геополитические проекты США «Новый Шелковый путь» и КНР «Пояс-Путь» (Бугаенко, 2015 (64):1) можно рассматривать с позиций геополитического плюрализма, который позволяет США искать возможности участия в реализации китайской инициативы в Центральной Азии.

Теоретико-методологический подход

При анализе заявленной проблематики автор использовал подход с позиций геополитики, позволяющий проанализировать интересы глобальных и региональных акторов в процессе формирования транспортных коридоров Центральной Азии в рамках их геополитических стратегий. Системный метод позволяет определить внешнеполитические линии США и КНР в регионе с учетом их основных направлений (экономического, политического, стратегического, культурного, информационного). Принцип «геополитического плюрализма» позволяет объяснить изменения в оценках официального Вашингтона на реализацию китайской транспортной стратегии.

При написании работы также был использован сравнительный метод, при помощи которого была проанализирована внешняя политика США и КНР в регионе с целью поиска наиболее эффективных форм их участия в развитии транзитного потенциала Центральной Азии.

Синтез исторического и сравнительного методов позволил эффективно оценить динамику отношений двух стран, задействованных в проекте возрождения транспортных коридоров в рамках Шелкового пути, выявить преемственность мотивов сотрудничества, существовавших в прежние периоды и проявляющихся на современном этапе.

Определяясь с методологией, авторы исходили из того, что политика США и КНР в регионе Центральной Азии является результатом сложного переплетения, наслоения и противодействия целого ряда факторов политического, экономического и историко-культурного характера.

Дискуссия по данной проблематике

Анонсирование китайской инициативы вызвало алармистские настроения, основанные на возможном обострении конкуренции между Ва-

шингтоном и Пекином (Лукин 2016 (24):2). Американские политологи взывали к Белому дому, предлагая обратить внимание на расширение зоны влияния Китая, что не устраивают Соединенные Штаты, так как согласно китайской версии все основные маршруты, соединяющие Европу и Центральную Азию, должны проходить через Поднебесную» (SAIS 2016:3).

Амбиции Поднебесной направлены на создание сети международных организаций без участия Запада. Китай играет и будет играть главную, если не доминирующим, роль в этих интеграциях. Такие организации, как Шанхайская Организация Сотрудничества и Совещание по взаимодействию и мерам доверия в Азии, позволяют Пекину проводить международную дипломатическую активность вне отношений с Вашингтоном (Сыроежкин 2016:4).

Старт большого проекта несет значительные риски для региона, которые заключаются не только в возрастающей зависимости республик ЦА от воли Пекина, но и в возможности серьезного противостояния КНР и США в рамках ЭПШП (Macaes 2016: 5). Тезис о противостоянии инициатив и стратегий по Шелковому пути между США и КНР красной нитью проходил практически во всех экспертных оценках. Тезис о стремлении великих держав трансформировать свою экономическую мощь в геополитический вес объясняет политику Вашингтона и Пекина в ЦА (Swaine 2015: 6). Проект «Экономический пояс Шелкового пути» нацелен не только на революционные изменения экономической карты мира, но и на создание новой геополитической парадигмы. Американские исследователи задаются вопросом о необходимости поиска путей участия США в китайской программе (O'Neill 2017: 7).

Уже в 2013 г. американское экспертное сообщество соглашается, что, упуская инициативу по созданию транспортных коридоров в Центральной Азии, США могут проиграть Китаю не только в плане экономическом, но и сфере «мягкой силы». Эволюция экспертного мнения американских авторов о том, как Соединенные Штаты должны относится к китайской инициативе «Пояс-Путь», выражена в статье «Отказ от проекта «Один пояс и один путь» невыгоден США». Авторы предлагают Вашингтону найти пути сотрудничества с КНР в сфере формирования транспортных коридоров ЦА и внести собственный вклад в реализацию китайской инициативы (Hongying Wang 2016: 8).

Геополитика Шелкового Пути

Возрождающийся «Великий Шёлковый Путь» призван сыграть главную роль в процессе трансформации стран Центральной Азии (ЦА) из периферии в геополитически и геоэкономически значимые регионы мира. Быстро растущий торговый оборот между экономическими центрами, такими как Европейский Союз и Китай, Турция, Иран, Индия, Россия и Ближний Восток, открывает перспективу использования транзитного потенциала центральноазиатского региона. Региональные государства, не имеющие выхода к мировым океанам, получают возможность использовать эту перспективу для возрождения сухопутного маршрута, который, пролегая через территорию Центральной Азии, будет способствовать диверсификации маршрутов доставки товаров, росту объемов торговли (Ngai 2016: 9).

Геополитический эффект Шелкового пути заключается в возрастающей заинтересованности в развитии центральноазиатских транспортных коридоров со стороны ведущих государств, пересекающиеся интересы которых могут иметь как конфликтный потенциал, так и возможности поиска компромиссов. Следовательно, стремление стран региона развиваться в логистическом поле несет как возможности, так и риски. Последние связаны с конкуренцией нерегиональных акторов, каждый из которых имеет собственное видение развития транспортных коридоров в ЦА (Султангалиева 2016 (18): 10).

Концепция США «Новой Шелковый Путь», «Экономический пояс Шелкового Пути» КНР, интеграционные инициативы России («Евразийский Экономический Союз», «Таможенный Союз»), предлагавшиеся Европейским Союзом программы «ТРАСЕКА» и «INOGATE», а также иранские инициативы, направленные на соединения с регионом посредством железных дорог, – все эти проекты содержат, наряду с экономической, и сильную геополитическую составляющую (Бордачов 2016 (5): 11).

Сегодня китайская инициатива по соединению Китая – второй по величине экономики мира – с Европой через Центральную Азию, реализуемый под лозунгом воссоздания исторического Шелкового пути, оценивается экспертами как наиболее перспективная. Экономический пояс Шелкового пути (ЭПШП) и дополняющий его проект морского Шелкового пути были предложены китайским правительством в 2013 г. с целью создания торговой и инфраструктурной сети между Азией, Европой и Африкой посредством древних маршрутов. Оба проекта имену-

ются как «Один пояс и один путь». По данным Всемирного банка, после того как проект будет завершен, торговый путь Китая охватит более 60 стран с населением более 4,4 млрд человек. Экономики стран вдоль Шелкового пути представляют более 40% мирового ВВП (Мамедов 2016: 12).

Эти впечатляющие факты и цифры не могут не вызывать обеспокоенности США, которые имеют свое видение развития транспортных коридоров Центральной Азии.

Так, американская концепция «Нового Шелкового Пути» (НШП) выступает в качестве альтернативного транзитного проекта, предлагаемого центральноазиатским странам другими государствами. Транзитный потенциал региона начал использоваться Соединенными Штатами с 2001 г. с началом операции в Афганистане. С 2005 г. одной из главных задач т.н. стратегии «коридора реформ» становится формирование пространства «Большой Центральной Азии (БЦА)» с фокусом на задаче стабилизации Афганистана. Одним из основных тезисов проекта БЦА является «геополитический плюрализм», который предусматривал баланс регионального сотрудничества России, США и КНР в области безопасности, энергетики и экономики и прав человека посредством реформ, в которых центральноазиатским странам отводится главная роль (Кукеева 2007 (11):13). Продолжая придерживаться основных принципов внешней политики, Вашингтон, наряду с экономическими и геополитическими интересами, рассчитывает и на то, что развитая транспортная сеть со всеми вытекающими последствиями подтолкнет страны региона к интеграции и ускорит демократические процессы, которые сблизят их с США.

Можно ли говорить о конкуренции проектов и инициатив по Новому Шелковому пути между западом/США и КНР на данный момент или китайский вариант развития транспортных коридоров Центральной Азии сегодня является основным?

В отличие от экспертного сообщества американская администрация заняла двойственную позицию. С одной стороны, Белый дом не предпринял попытки вынести вопрос об интересах США в китайском проекте, ни на заседаниях Комиссии по рассмотрению вопросов экономики и безопасности США-КНР, созданного в 2000 г. для мониторинга двусторонней торговли и вопросов безопасности. Не было это сделано и на встречах Стратегического и Экономического Диалога США-КНР в 2014 г, где стороны детально обсуждали более 100 потенциальных сфер для сотрудничества, но ни одна из них не имела отношения к ЭПШП (Дербисов 2016 (3):14).

С другой стороны, Вашингтон целенаправленно предпринимал шаги по ее подрыву. Например, администрация Обамы встала в оппозицию созданию Азиатского банка инфраструктурных инвестиций. «Подобное отношение лишает американских инвесторов возможности выиграть от основных инфраструктурных проектов «Пути». Так как Белой дом настроен на ослабление «Пути», он может лишить развивающиеся экономики Азии и застойные экономики Европы необходимого им роста», – считает Гал Люфт, со-директор Института анализа глобальной безопасности, Вашингтон, США (Luft 2016 (5): 15).

Таким образом, американское экспертное сообщество согласно, что, помимо экономической выгоды для стран-участниц инициативы «Один пояс и один путь», который свяжет Европу и Китай сетью железных дорог, автомагистралей, энергетической и цифровой инфраструктуры, есть и другие последствия. По мнению аналитиков, в геополитическом разрезе проект Нового Шелкового пути следует рассматривать как «реглобализацию по-китайски».

США, упуская инициативу по созданию транспортных коридоров в Центральной Азии, могут проиграть Китаю не только в плане экономическом, но и в сфере «мягкой силы». Так, Пекин смог заинтересовать и наладить сотрудничество не только со странами Восточной и Юго-Восточной Азии, но и с государствами Центральной Азии. Здесь позиции США были серьезно подвинуты (Ikudaisi 2017(1): 16).

По мере продвижения проекта ЭПШП Вашингтон вносит коррективы как в свои собственные планы, так в оценки китайской инициативы. Это, прежде всего, касается корректировки амбициозных целей концепции «Нового Шелкового пути», которая первоначально предполагала укрепление региональных связей через торгово-экономическую интеграцию Афганистана со странами Центральной Азии. Однако объективные факторы, формирующие евразийские реалии, заставили США признать приоритетность российских и китайских интересов, которые в ближайшие годы будут формировать повестку дня евразийской интеграции. Это объясняется не столько географической отдаленностью, сколько возвращением американской внешней политики к позициям до-афганского периода, т.е. до начала глобальной войны с терроризмом, когда

основное внимание Вашингтона уделялось стимулированию политических и экономических реформ стран региона. Сокращение американского контингента в Афганистане также способствовало спаду евразийские амбиции Америки.

Эволюция американской позиции в отношении китайской инициативы «Пояс-Путь»

Западный бизнес выразил готовность подключиться к ЭПШП, понимая, что не стоит упускать возможность, которая в случае успешной реализации будет способствовать быстрому росту мировой экономики и позволит преодолеть последствия экономического кризиса.

Гал Люфт прогнозирует, что наибольшую выгоду планируют получить такие западные компании, которые ранее сотрудничали с Китаем – GE и Honeywell, а также Siemens, ABB и Techint Group. Приблизительные подсчеты показывают, что реализация проекта позволит поднять ежегодные продажи на 10-20 миллиардов долларов суммарно в течение нескольких лет. К примеру, для компании Honeywell Китай сегодня является одним из ключевых рынков. Сегодня руководство Honeywell настроено весьма оптимистично и полагает, что реализация проекта позволит компании получать контракты на строительство нефтяных и газовых трубопроводов, а также новой инфраструктуры, такой как гостиничные комплексы и т.п. Плюсы для других компаний кажутся еще более очевидными. Так, Siemens, крупнейшая инжиниринговая компания в Европе, уже имеет около 70 совместных предприятий с Китаем. И, хотя официально у Siemens нет никаких контрактов на строительство транспорта для нового проекта, широко распространено мнение, что именно Siemens станет основным подрядчиком. Участие в проекте компании GE принесет ей, по оценкам топ-менеджеров, до 5 миллиардов долларов в год. Руководители горнодобывающих гигантов BHP Billiton и Rio Tinto сообщили инвесторам, что они связывают реализацию проекта с надеждами на повышение спроса на железную руду, экспортируемую из Китая (Luft 2016: 17).

Таким образом, критикуя стремление Китая к политической гегемонии через развитие экономического пояса Шелкового пути, который усилит рычаги воздействия на Соединенные Штаты на международной арене, экспертное сообщество допускает и даже приветствует участие американских компаний в ЭПШП. В геополитическом плане этому способствует декларируемый официальным Пекином принцип «Трех нет» во внешней политике: не вмешиваться во внутренние дела других народов, не увеличивать так называемую «сферу» влияния, не стремится к мировой гегемонии или мировому господству (Shi Ze 2016: 18).

В условиях глобализации и возрастающей взаимозависимости китайской и американской экономик обе страны могут сделать существенный прорыв рамках ЭПШП. Возможные варианты сотрудничества представлены в целом ряде исследований как американских практиков, так и теоретиков. Так, Варун Хакери из университета Висконсин предлагает сфокусироваться на трех основных направлениях: обмен рабочей силой, создание сотрудничества с частным сектором и участие в двусторонних и многосторонних соглашениях. Например, совместные предприятия могут выступать в качестве авангарда и пионеров экспериментального двустороннего сотрудничества. Работая с Китаем, правительство США может также расширить американское экономическое влияние в Центральной Азии (Hukeri 2016: 19).

Авторы статьи «Отказ от проекта «Один пояс и один путь» невыгоден США» предлагают Вашингтону внести собственный вклад в реализацию китайской инициативы. Американским компаниям следует принять участие в обеспечении киберзащиты; вооруженные силы США могли бы обеспечить безопасность некоторых нестабильных регионов, по которым будет проходить Шелковый путь; правительству США надлежит искать пути войти в состав учредителей или наблюдателей нового Азиатского банка инфраструктурных инвестиции и т.д. (Xu 2015:20).

В рамках американского курса на сдерживание КНР, предотвращая расширение его политического влияния в АТР и других регионах мира, Центральная Азия является исключением. После того, как Си Цзиньпин в сентябре 2013 г. выдвинул инициативу «Экономический пояс Шелкового пути», логично было ожидать от США – в рамках проводимой ими линии на региональное сдерживание КНР – той или иной степени противодействия китайским планам.

Однако в течение 2013-2015 гг. американская позиция в отношении роли Китая в Центральной Азии эволюционировала в позитивном направлении. В США доминирующими стали представления о том, что Китай может сыграть позитивную роль в развитии Центральной Азии за счет масштабных инвестиций в инфраструктуру (Ma 2015: 21).

Успехи в реализации инициативы «Один пояс и один путь» способствовали более позитивному восприятию Вашингтоном политики Китая в Центральной Азии. Уже в конце 2013 г. США начали всерьез обсуждать перспективы американо-китайского сотрудничества в регионе. Первое официальное заявление на эту тему сделала заместитель помощника госсекретаря США Линн Трейси. В октябре 2013 г. она сказала, что США «приветствуют китайские усилия по развитию энергетической и транспортной инфраструктуры в регионе» и что эти усилия будут «взаимодополняющими и полезными» для Евразии (Blinken 2015: 22). Западные эксперты объясняют это тем, что цели ЭПШП во многом совпадают с целями самих США в рамках НШП. Особенно это относится к развитию инфраструктурных связей между внутренней Евразией и крупными рынками. В марте 2015 г. заместитель госсекретаря Э. Блинкен, выступая в Институте Брукингса в Вашингтоне, представил основные положения, определяющие интересы США в Центральной Азии (Hoagland 2015: 23). В 2015 г. в ходе визита госсекретаря США Дж. Керри в центральноазиатские страны была обозначена новая региональная политика в рамках «С5+1», то есть представители 5 центральноазиатских государств + 1 представитель США. Общая корректировка политики США в регионе произошла с учетом геополитической реальности и показала, что несмотря на меньшую вовлеченность, США сохраняют свой интерес к Центральной Азии. Поддержка проекта ЭПШП, цели которой совпадают с американскими: безопасность и экономическое сотрудничество, была выражена и в выступлении заместителя помощника государственного секретаря США по делам Южной и Центральной Азии Р. Хоугланда. Выступая 30 марта в Джорджтаунском университете, он сообщил, что с мая 2015 года США начинают детальные консультации с Китаем о возможности координации действий в Центральной Азии и Афганистане (Stewart 2017: 24). В мае 2015 г. Ричард Хогланд посетил с визитом Пекин для проведения «интенсивных консультаций» на тему сотрудничества между США и Китаем в Центральной Азии.

Таким образом, представители американского бизнеса и официальные представители в целом позитивно настроены в отношении проекта ЭПШП. Они рассматривают этот проект как возможность заручиться китайским финансированием и участием в инфраструктурных программах, связывающих евразийский регион воедино.

Однако в последнее время больше внимания уделяется и потенциальным рискам проекта. Серьезными проблемами для реализации проекта эксперты считают целый ряд факторов, начиная от особенностей рельефа и климата и заканчивая коррупцией, локальными конфликтами. Так, Старший научный сотрудник кафедры китайских исследований при Американском совете внешней политики Джошуа Эйзенман указывает на огромное количество логистических нюансов, не считая юридических проблем и других подводных камней, делает этот проект чрезвычайно сложной задачей, и для ее решения (Катасонов 2017: 25).

В отношении Центральной Азии США высказывают опасения по вопросам: регуляторного климата, на которые негативно могут повлиять крупные китайские инвестиции; возможного вытеснения инвестиций из других источников; ухудшения ситуации с защитой окружающей среды и правами трудящихся. Особенную тревогу вызывает рост числа китайских рабочих, которые будут трудиться в рамках крупных строительных проектов, связанных с ЭПШП. Это может стать причиной недовольства местного населения и даже вызвать социальные волнения в странах региона. Успех ЭПШП будет также зависеть и от сотрудничества Пекина с региональными лидерами, которые будут пытаться извлечь политическую и финансовую выгоду из проекта.

Заключение

Эволюция американской позиции в отношении китайского проекта Шелкового пути в сторону все более позитивных оценок объясняется не только экономическими выгодами, но и политическими причинами. С одной стороны, США вынуждены смириться с расширяющимся присутствием Китая в регионе. С другой – Белый дом продемонстрировал способность сдерживать Китай на важном для Пекина азиатско-тихоокеанском направлении. Столкнувшись с определенными трудностями объективного характера в Центральной Азии, США создают правила на том уровне, где это возможно. Наиболее показательными примерами являются экономические сообщества – Трансатлантическое торговое и инвестиционное партнёрство (ТТИП) (Transatlantic Trade and Investment Partnership) и Транстихоокеанское партнерство ТТП (Trans-Pacific Partnership). Участниками ТТП являются традиционные союзники и близкие партнеры

США и те страны, которые серьёзно опасаются экономической, а вслед за ней и политической, гегемонии Китая. Пекин из переговоров по ТТП был исключен и был приглашен в это сообщество Вашингтоном лишь после подписания соглашения в Атланте в октябре 2017 г. (Stokes 2015: 26).

Синхронизация в 2015 г. процессов создания ТТП и сопряжения ЕАЭС – ЭПШП говорит о начале нового этапа глобализации и экономического управления миром. И США и КНР формируют макрорегиональные сообщества или зоны, имеющие разные правила и стандарты экономической политики. В рамках этих сообществ сохраняются как взаимозависимость, так и великодержавное соперничество.

Известно, что новый президент США Дональд Трамп намерен проводить более ярко выраженную антикитайскую политическую линию на внешнеполитической арене. Поэтому будущее отношений США-Китай – это открытый вопрос. Эксперты сосредоточились на том, усилит ли обещание избранного президента отказаться от переговоров по Транстихоокеанскому партнерству (ТТП) растущее влияние Пекина в Восточной Азии. Но Экономический пояс Шелкового пути и Морской Шелковый путь XXI века, известные как «Один пояс и один путь», остаются в центре внимания практиков и теоретиков.

Как пишут американские аналитики, «перевод амбициозной инициативы «Один пояс и один путь» в плоскость стратегии и экономической дипломатии станет своего рода проверкой не только внешнеполитических и экономических возможностей Китая, но испытанием для Запада, так как китайский «марш на Запад» может быть долгим…

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CHINESE GLOBAL PROJECT: ONE BELT AND ONE ROAD

The People's Republic of China is the most dynamic, influential and most important state for all players in the political area of international relations of the 21st century. The «fifth generation» of Chinese leaders, led by Xi Jinping, is taking bold steps in implementing global projects. The project «One belt and one road», originating from the «Great Silk Road», connecting more than 60 countries, attracts the attention of the whole world. Of course, being at the initial stage, when opportunities and results are not yet clear, this project is a challenge not only for the People's Republic of China, but for all the leading players in international relations. Several main sections of the project pass through the territory of the Republic of Kazakhstan. In addition, there are many correspondences of the state program of the Republic of Kazakhstan «Nurly Zhol» with the Chinese project. Kazakhstan has a transit opportunity to be a bridge between the west and the east. Thus, the Chinese project «One belt and one road» opens wide opportunities for increasing strategic plans and economic power, international and regional reputation of the Republic of Kazakhstan.

Key words: China, One belt and one road, global project, Republic of Kazakhstan, Xi Jinping

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Қытайдың жаһандық жобасы: Бір белбеу – бір жол

XXI ғасырдағы халықаралық қатынастар сахнасындағы ең белсенді, ықпалды және барлық ойыншылар үшін аса маңызды мемлекет Қытай Халық Республикасы екендігі даусыз. Си Цзиньпин бастаған Қытай басшыларының «бесінші буыны» бүгінгі күні батыл әрі жаһандық жобаларды іске асыруды қолға алып отыр. Тамырын «Ұлы жібек жолынан» алатын «Бір белбеу – бір жол» жобасы алпыстан астам мемлекеттердің басын қосып, барша әлемнің назарын өзіне аударып отыр. Әрине бұл жоба әлі тек ең бастапқы сатысында тұрғандықтан, Қытай Халық Республикасы үшін де, халықаралық қатынастардың басқа ірі ойыншылары үшін де әрі мүмкіндік, әрі нәтижесі нақты белгісіз «сын» (вызов) болып отыр. «Бір белбеу – бір жол» жобасының негізгі бірнеше тармағы Қазақстан Республикасы территориясын басып өтеді. Оған қоса, Қазақстан Республикасының мемлекеттік «Нұрлы жол» бағдарламасының да қытайлық жобамен сәйкес келетін тұстары көп болып отыр. Қазақстанның батыс пен шығыс арасындағы көпір іспетті транзиттік мүмкіндігі тағы бар. Ендеше қытайлық «Бір белбеу – бір жол» жобасы Қазақстан Республикасы үшін мемлекетіміздің стратегиялық жоспарларын және экономикалық қуатын, халықаралық және аймақтық беделін көтеруге берілген таптырмас мүмкіндік.

Түйін сөздер: Қытай, Бір белбеу – бір жол, жаһандық жоба, Қазақстан Республикасы, Си Цзиньпин.

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Глобальный проект Китая: Один пояс – один путь

Китайская Народная Республика является самым активным, влиятельным и самым важным государством для всех игроков на политической арене междунароных отношений XXI века. «Пятое поколение» китайских руководителей под предводительством Си Цзиньпина делает смелые шаги в осуществлении глобальных проектов. Проект «Один пояс – один путь», берущий свое начало от «Великого шелкового пути», объединяя более 60 стран, привлекает внимание всего мира. Конечно, находясь на начальном этапе, когда еще не ясны возможности и результаты, этот проект является вызовом не только для Китайской Народной Республики, но и для всех ведущих игроков международных отношений. Несколько основных участков проекта проходят по территории Республики Казахстан. Кроме того, есть много соответствий государственной программы Республики Казахстан «Нұрлы жол» с китайским проектом. У Казахстана есть транзитная возможность являться мостом между западом и востоком. Таким образом, китайский проект «Один пояс – одна путь» открывает возможности для повышения стратегических планов и экономической мощи, международной и региональной репутации Республики Казахстан.

Ключевые слова: Китай, Один пояс – один путь, глобальный проект, Республика Казахстан, Си Цзиньпин.

Introduction

More than 2,000 years ago, China's imperial envoy Zhang Qian helped to establish the Silk Road, a network of trade routes that linked China to Central Asia and the Arab world. The name came from one of China's most important exports–silk. Moreover, the road itself influenced the development of the entire region for hundreds of years.

In 2013, China's president, Xi Jinping, proposed establishing a modern equivalent, creating a network of railways, roads, pipelines, and utility grids that would link China and Central Asia, West Asia, and parts of South Asia. This initiative, One Belt and One Road (OBOR), comprises more than physical connections. It aims to create the world's largest platform for economic cooperation, including policy coordination, trade and financing collaboration, and social and cultural cooperation. Through open discussion, OBOR can create benefits for everyone.

The State Council authorized an OBOR action plan in 2015 with two main components: the Silk Road Economic Belt and the 21st Century Maritime Silk Road (exhibit). The Silk Road Economic Belt is envisioned as three routes connecting China to Europe (via Central Asia), the Persian Gulf, the Mediterranean (through West Asia), and the Indian Ocean (via South Asia). The 21st Century Maritime Silk Road is planned to create connections among regional waterways. More than 60 countries, with a combined GDP of $21 trillion, have expressed interest in participating in the OBOR action plan (Holzhacker.., 2017).

As you can see on the map, some of routes are proposed through the Kazakhstan and what it will give to Kazakhstan. Is it a great possibility or is it a beginning of Chinese expansion…?

Relevance

Since the inception of OBOR, international news agencies, consultancies and academia have published news coverage, commentaries, reports, and research on the topic. Many of them are mere descriptions of known facts or representations of opinions and commentaries published elsewhere; also today, we have had many research results, monographs of famous scholars and brainstorm of influential politicians.

By the supporting of Kazakhstan's national company Samruk-Kazyna has made important investigation about OBOR. In article titled «One Belt & One Road: Leveraging infrastructure value potential» (Samruk-Kazyna, 2017) has mentioned a juxtaposition of the «One Belt, One Road and Nurly Zhol programs.

Nargis Kassenova (Associate Professor; Director of Central Asian Studies Center KIMEP University, Kazakhstan) explores the complementary ideas and projects behind China's OBOR and Kazakhstan's Nurly Zhol economic policy. She cautions, however, that both popular fear of China and ongoing

government corruption might present obstacles to the elite's generally warm reception of OBOR (Kassenova, 2017).

Michael Clarke analyzes China's motivations and objectives. He concludes that OBOR is motivated by Beijing's desire to resolve long-term domestic, economic, and geopolitical challenges by strengthening states in China's frontier regions, exporting Chinese capital and labor, and establishing an alternative to the current international order (Clarke, 2017). Sebastien Peyrouse argues that Russia's economic crisis and the effects of Western sanctions have left it with few other powerful partners. By linking BRI to its own regional initiative – the Eurasian Economic Union–Moscow hopes to stake a claim to partial ownership of the idea and largely preserve its regional influence while avoiding conflict with Beijing and direct responsibility for the practicalities of implementing BRI in Central Asia (Peyrouse, 2017).

One of the leading experts at Qinhua University, Professor Huang Anang (Faculty of Public Policy and Management) notes that when China faced a slowdown in economic growth, with the need to optimize the structure of the economy and change drivers of economic development, the Chinese economy faced the need to adjust its policy course and entered in a phase, the so-called «new normality» (Huang Anang, 2015)

Also, we can underline interesting overviews at the articles of this following authors: Simone Bohnenberger-Rich, «China and Kazakhstan: Economic Hierarchy, Dependency and Political Power?» (Bohnenberger-Rich, 2015), Alexander Cooley and John Heathershaw, Dictators Without Borders: Power and Money in Central Asia (Cooley, Heathershaw, 2017), Aziz Burkhanov and Yu-Wen Chen, «Kazakh perspective on China, the Chinese, and Chinese migration.» (Burkhanov, Yu-Wen Chen, 2016), Irna Hofman, «Politics or profits along the «Silk Road»: what drives Chinese farms in Tajikistan and helps them thrive?» (Hofman, 2016).

Theoretical-methodological bases

Every time when we want to investigate about China we should not forget that, this very old country has more than 5 thousand years history and civilization. Even though, the new generations of china are attempting to build «Socialism with Chinese characteristics», in their global project they use ancient Chinese idea from Confucius and Lao Tzu. Therefore, as Martin Jasques (British journalist and academic) emphasized, in our article, we use a theory of civilization. M. Jacques claims that «In an important sense, China does not aspire to run the world because it already believes itself to be the center of the world, this being its natural role and position», and discusses sensitively and in depth what it means to be the «middle kingdom» (Jasques, 2012).

Also, it's time to think about the balance of power theory. Since the 16th century, balance of power politics have profoundly influenced international relations. Nevertheless, in recent years, with the sudden disappearance of the Soviet Union, growing power of the United States, and increasing prominence of international institutions– many scholars have argued that balance of power theory is losing its relevance. However, today, with this Chinese global project OBOR nobody can say that balance of power is losing its relevance. On the contrary, it is time to point out about new balance of power that in one side China has unhesitatingly appeared.

OBOR are connecting more than 60 countries all over the world. In that case, it is obvious that all actor of this project will be interdepended with each other. The complex interdependence theory is also key point in our article.

In addition, we can say that any kind of theories and methodological approaches cannot describe out exploration. Each theory and approaches can help us in separate issue. For that reason, we have to say; in our article, we use many theoretical views from following scholars: Horesh, Niv, and Emilian Kavalski, «Asian Thought on China's Changing International Relations» (Kavalski, 2014), Henry Kissinger, «World Order» (Kissenger, 2015), Tom Miller, «China's Asian Dream: Empire Building along the New Silk Road» (Miller, 2017), David Shambaugh, «China Goes Global» (Shambauhg, 2013),

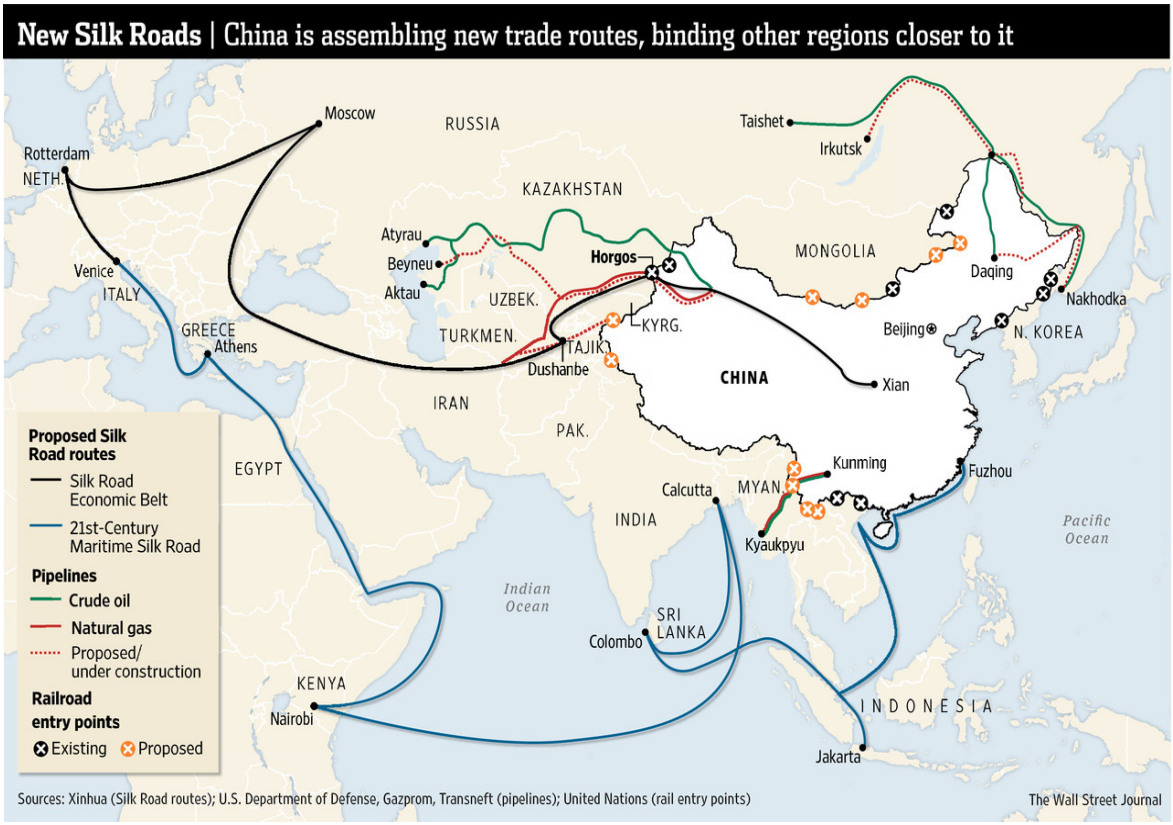
B.K. Sharma and Das Kundu, «China's One Belt One Road: Initiative, Challenges and Prospects» (Sharma, Kundu, 2016).

Discussion

Main theses of Xi Jinping's speech

May 15, 2017 in Beijing, the first international economic forum «One Belt, One Way» was completed. This event gathered representatives of more than 100 countries in the Chinese capital. The forum was dedicated to the initiative to create the «The Silk Road Economic belt» and the

«Maritime Silk Road of the XXI Century», which was subsequently announced in the fall of 2013, and was subsequently given the abbreviated name «One Belt, one Road». We bring to your attention the key points of the speech of Chinese President Xi Jinping, sounded at the opening of the forum.



Xi Jinping began his speech with an appeal to history. Two thousand years ago, the ancient Silk Road opened a new page in the history of humanity. The spirit of the Great Silk Road is the most valuable legacy of human civilization. It includes concepts such as peace and cooperation, openness and inclusiveness, mutual learning, mutual benefit and universal gain. Xi Jinping not accidentally mentions this, because the concept of «One Belt, One Road» took over the legacy of the Great Silk Road, and it is based on all of the above principles. Xi Jinping emphasizes that history is the best teacher (Xinhua., 2015).

Now, the implementation of the project is gradually moving to real actions. Xi Jinping presented the main results of the work done in four years in five main areas of cooperation, the so-called «five connecting elements»: political coordination, interconnection of infrastructures, unimpeded trade, and free movement of capital and strengthening of ties between peoples.

In the political sphere, it has already been possible to coordinate with countries such as, Kazakhstan (linking with the Kazakhstan program «Nurly zhol»), Russia (interfacing with the EAEC), as well as with ASEAN members, Turkey (interface with the Central Corridor project), Mongolia the «Way of Development» program), Vietnam (the «Two Corridors, One Circle» project), Great Britain (the Northern Powerhouse strategy), Poland (the «Amber Road» plan) and so on. There is also work to harmonize the politicians with Laos, Cambodia, Myanmar and Hungary. China signed a cooperation agreement with more than 40 countries and international organizations, with more than 30 countries; cooperation in the field of production capacity is growing

Xi Jinping noted that the time for customs clearance for agricultural products in Kazakhstan and other Central Asian countries was reduced by 90%. From 2014 to 2016, China's trade with countries «along the way» exceeded $ 3 trillion.

China's investment in the country «along the way» exceeded $ 50 billion. Chinese enterprises built 56 zones of economic cooperation in more than 20 countries, and created 180,000 new jobs in these countries (Casarini, 2016).

In his speech, Xi Jinping tried to imagine how China sees the «One Belt, One Road». First, it is the path of peace. In other words, countries «along the way» should respect sovereign rights, territorial integrity, and the path of development, social structure and the most important interests of each other. Between countries there should be a dialogue, not a confrontation; partnership, not allied relations.

Secondly, this is the path of prosperity. Development is the universal key to solving all problems. For universal development, it is necessary to deepen cooperation in the sphere of industrial development. Finance is a modern economic «blood», financial circulation must pass unchecked. The interconnected infrastructure is the basis for the development of cooperation.

Third, it is a path of openness. Openness brings progress, and closeness brings backwardness. Therefore, Xi Jinping emphasizes that China intends to create an open platform for cooperation, to protect and develop an open world economy, to jointly create an environment favorable for open development. At the same time, trade is the most important engine of economic growth. Therefore, it is important to protect multilateral trading systems, facilitate trade and investment facilitation. China intends to conduct an open, inclusive, balanced, win-win economic globalization.

Fourth, this is an innovative way. Therefore, innovations such as digital economy, artificial intelligence, nanotechnologies, quantum computers, etc. will be used in the process of creating the «One Belt, One Road». A new idea of «green» development will be realized, by 2030 it is planned to achieve the goal of universal sustainable development.

Fifth, it is a cultural way. In other words, intercultural exchange will be actively strengthened between countries along the way (Kazakhstan bets.., 2017)

What will change with the One Belt, One Road?

The economic activity that will arise with the launch of all corridors and the implementation of investment plans will provide economic advantages to the participating countries and, above all, will put an end to America's supremacy in the world economy. The world must be ready to change the economic balance of forces.

Trade flows, which are now moving from west to east, will change direction to the opposite, to «east-west». This situation can be perceived as an economic breakthrough in the East.

The fact that the Silk Road project will connect more than 60 countries in Europe and Asia with each other and from a demographic and economic point of view will provide the basis for new forms of integration and cooperation.

We are talking about an intercontinental scale relationship. When connecting roads, railways, sea and airports, power lines and fiber-optic lines – which will bring together the Asian, European, African continents and the Middle East region with each other – it will be the laying of an intercontinental transport and communications network. This way, in which trade, transport, and logistics are combined, obviously has a high economic potential.

Creation of high-speed trains, airports, power stations and pipelines within the framework of the new Silk Road project will accelerate the emergence of new economic institutions, banks and financial institutions. The map of the Silk Road will be characterized by active dynamics of many economic processes.

In this case, we want to give an interview of Theresa Fallon, a China expert at the *Center for Russia, Europe, Asia Studies*, a Brussels-based research group. She says: U.S. companies want to get in on this. It sounds great; the Chinese narrative is very powerful; it looks like all these building projects are going to take place. U.S. companies want to get a piece of the pie.

Well, it is questionable, because it has designed actually to help the Chinese domestic economy. Therefore, some companies -- for example, General Electric has gotten some contracts and is focusing to get more contracts out of this.

Europe has not been as successful, but it remains to be seen how much the tenders will be wide open, and if it is really packaged to help China instead.

The [U.S. President Donald] Trump administration is interested in infrastructure building, but it will remain to be seen how much they can actually compete with Chinese prices.

When the Chinese come in, they send in their workforce, everything. It is all one big package. Therefore, it is very difficult to compete with the Chinese on these projects (Fallon, 2017).

«Nurly zhol – One Belt, One Road»: juxtaposition of the idea

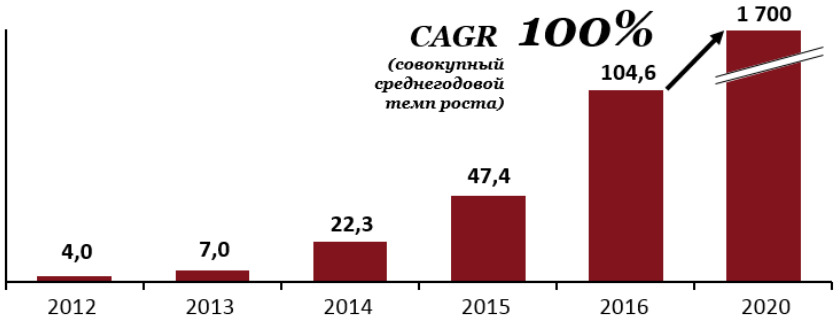
On the one hand, these two projects have a unique opportunity. On the other hand, it is a great challenge with invisible and unpredictable factors.

As the 9th largest state in the world, and the larges tlandlocked one, Kazakhstan has not

benefitted as much from the rise of transcontinental trade followed by the industrial revolution as other nations. The Soviet Union's political ideology and Southern borders also presented little opportunity for commerce in the 20th century. The rapid revival of the Silk Road, and massive infrastructure spending over the next decade, however, forebode there-emergence of Kazakhstan as a trading hub in Central Asia. With trade between China and Europe increasing yearly, and the distinct trend of smaller, high tech goods increasing in value, the balance of trade seems to be shifting towards faster, albeit costlier, railways. More than 90% of trade between China and Europe occurs by ships, and only less than 5% passes by rail. Continuing investment of political and financial capital can increase trade by rail to 10% by 2025. Kazakhstan is set to gain significantly as the geographic centerpiece of the land part of the New Silk Road. Opportunities for trade and industry are countless as local businesses can benefit from cheaper costs of exports and imports, and by providing services to freight forwarders and railway carriers.

Kazakhstan is using China's One Belt One Road as a means to light a firecracker under its own business and political class and really want to combine with national program Nurly zhol (Kazakhstan and.., 2017)

The Nurly Zhol program opens wide opportunities for the development of transport potential, both in Kazakhstan and in the Central Asian region as a whole. The implementation of the international strategy for building the economic belt of the Silk Road requires the creation of a modern transport and logistics infrastructure, throughout its entire length. Kazakhstan, as a participant of this project, thanks to the program «Nurly Zhol» increases its transport capabilities and, including through international cooperation, has every chance of becoming a major transport and logistics hub, which will positively affect the country's economy. The strategy of building the economic belt of the Silk Road is supported by all countries involved in this project, as it can create a powerful push for development and thousands of new jobs.



Asia-EU-Asia transit container traffic via Kazakhstan (Samruk-Kazyna, 2017)

The OBOR is focused on transportation, supply chain, logistics, and freight management through successful and profitable management of the railroad. The faster KTZ can implement changes to its business model, the sooner it can capitalize on the investments Chinese and international financing institutions have planned in Kazakhstan and beyond.

Conclusion

Unlike other OBOR countries, Kazakhstan is strategically positioned as a portal of China to Europe – from the common border in Khorgos to the western shores of the Caspian Sea in Aktau. Located on the western shore of the Caspian Sea, Aktau started its activity as a uranium mine in the Soviet era and today is the backbone of the Kazakh oil industry. A number of pipelines, railways and cargo will not only connect Aktau with Khorgos, but also with Russia in the north, Iran in the south, Azerbaijan, Turkey and Europe through the Caspian in the west. As Aktau is modernized, taking containerization to further reduce the cost of shipping through the port, OBOR countries will have the opportunity to completely bypass Russia. However, it is necessary to take into account the Kremlin's inclination to react to economic sanctions against those who are on the list.

Nevertheless, the whole prospect is fraught with significant problems both for Kazakhstan and for

China. The decline in global oil demand led to a sharp drop in prices, which is why Astana received less money to finance OBOR projects and other modernization projects. In addition, many OBOR projects have been criticized for their magnitude, while they have been directed to excessive capacity, far exceeding available supply and demand.

Nevertheless, despite these problems, participation in BRI is the perfect alliance of Nazarbayev's and Xi Jinping's integration ambitions. From the eastern gate of Khorgos to the western gates of Aktau, Kazakhstan is located as the center from which the spokes of OBOR go to the rest of the world. The general vision of the presidents was even reflected in a group photo of foreign delegations at the forum, where Nazarbayev stood only a few centimeters from Xi Jinping, second only to Indonesian President Joko Widodo.

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FROM HISTORY OF UKRAINIAN DIASPORA IN THE REPUBLIC OF KAZAKHSTAN

Under the conditions of intensification of migration processes, reinforcement of consolidation of immigrant groups, the expansion of democracy and multiculturalism policies, the ethnic lobbyism has become one of the most significant power leverage both in the economy and policy of many countries. The practice of using the political potential of Diasporas for the development of their Motherland and its international relations has increased.

Diaspora is the settling of a significant part of the people outside their country or ethnic territory. The main reason for the formation of a diaspora is migration beyond the homeland due to economic, political, religious or other reasons. In it are the essence, rationale and critical importance of knowledge of a diaspora in any country, including its migratory movements.

The Ukrainian diaspora has significant potential to strengthen Ukraine's position in the international arena, to lobby the declared foreign policy interests in the countries of residence and international organizations, to promote the improvement of the image.

Given the increasing role of ethnic lobbying in the world politics, it is necessary to study the history, dynamics and current position of the Ukrainian Diaspora in the Republic of Kazakhstan regarding it as a powerful factor of political, economic, informational influence.

In order to conduct the research several methods are to be used. They are: systems approach, historical method and comparative analysis. Conclusions of the research can be used for predicting of tendencies in the sphere of cultural and humanitarian cooperation between Ukraine and Kazakhstan.

Key words: Ukrainians in the Republic of Kazakhstan; resettlement; national and cultural revival.

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Қазақстан Республикасындағы украин диаспорасының тарихынан

Көші-қон үдерістерін жандандыру контексінде иммигранттар топтарын шоғырландыру, демократияны кеңейту және мультикультурализм саясатын, этникалық лоббизм көптеген елдердің экономикасында да, саясатта да әсер етудің аса маңызды тетіктерінің бірі болды. Диаспоралардың саяси әлеуетін Отанын дамытуға және оның халықаралық қатынастарына пайдалану тәжірибесі өсті.

Белгілі бір халықтың біраз бөлігінің өз мемлекетінен немесе этникалық шекарасынан тыс орналасуы диаспора болып табылады. Диаспораның құрылуының бас себептерінің бірі – ол экономикалық, саясат, дін және де басқа мәселелерге байланысты халықтың миграциясы. Осы себепте кез келген мемлекеттегі диаспораларды, сонымен қатар миграциялық ағымдарды зерттеудің мән-мағынасы мен орындылығы жатыр.

Украин диаспорасы Украинаның халықаралық аренадағы позицияларын нығайтуға, тұрғылықты елдерде және халықаралық ұйымдарда сыртқы саяси мүдделерді насихаттауға және имиджді жақсартуға ықпал ететін әлеуетке ие.

Әлемдік саясатта этникалық лоббизмнің рөлін ескере отырып, Қазақстандағы украин диаспорасының тарихын, динамикасын және қазіргі жағдайын зерттеп, оны саяси, экономикалық, ақпараттық әсердің күшті факторы ретінде қарастырған жөн.

Зерттеуде бірнеше әдістер қолданылуы керек. Олар: жүйелі тәсіл, тарихи әдіс және салыстырмалы талдау. Зерттеудің нәтижелері Украина мен Қазақстан арасындағы мәдени-гуманитарлық ынтымақтастықтың үрдістерін болжау үшін пайдаланылуы мүмкін.

Түйін сөздер: Қазақстан Республикасындағы украиндар, қоныс аудару, ұлттық және мәдени қалпына келтіру.

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Из истории украинской диаспоры в Республике Казахстан

В условиях интенсификации миграционных процессов, усиления консолидации групп иммигрантов, расширения демократии и политики мультикультурализма, этнический лоббизм стал одним из самых значительных рычагов влияния как в экономике, так и в политике многих стран. Увеличилась практика использования политического потенциала диаспор для развития международных отношений.

Диаспора представляет собой поселение значительной части одного народа за пределами своего государства или этнической территории. Одной из главных причин формирования диаспоры является миграция вследствие экономических, политических, религиозных и других причин. В ней заключаются сущность, целесообразность и значение исследования диаспор, включая и миграционные потоки, в любом государстве.

Украинская диаспора имеет значительный потенциал для укрепления позиций Украины на международной арене, лоббирования заявленных внешнеполитических интересов в странах проживания и международных организаций, содействия улучшению имиджа.

Учитывая возрастающую роль этнического лоббирования в мировой политике, необходимо изучить историю, динамику и нынешнюю позицию украинской диаспоры в Республике Казахстан, рассматривая ее как мощный фактор политического, экономического, информационного влияния.

Для проведения исследования необходимо использовать несколько методов, такие как: системный подход, исторический метод и сравнительный анализ. Выводы исследования могут быть использованы для прогнозирования тенденций в сфере культурного и гуманитарного сотрудничества между Украиной и Казахстаном.

Ключевые слова: украинцы в Республике Казахстан, переселение, национальное и культурное возрождение.

Introduction

Ukrainian expatriate community plays a significant role in Ukraine's international standing. It is an important demographic, intellectual, socio-cultural and informational resource of their country of nativity and the country of residence. In close mutual cooperation Ukrainians abroad should be an important factor in Ukraine's foreign policy, building of a positive international image, development of economic, cultural and other relations with foreign countries, economic, cultural and information presence in geopolitically important regions. In this context, of particular importance is the preservation of identity, support and development of the Ukrainian diaspora in Kazakhstan, both in terms of its population size, and as an important resource for the forging of partnerships and mutually beneficial relations with the Republic of Kazakhstan. Ukrainian diaspora in Kazakhstan is one of the largest, and is seventh largest (previously third) among the Ukrainian communities in the world.

Today, there are valid grounds for foregrounding and in-depth study of the issue of Ukrainians' migration to Kazakhstan, the interaction of ethnic Ukrainians of Western Europe, Canada, USA, Australia and other countries with the «eastern diaspora» from post-Soviet space. Relevance of in-depth research into it is prompted by such factors as: complication of internal and international situation in our countries in the years after proclaimed independence in the context of global challenges and conflicts, enhanced migration of a part of eastern Ukrainian diaspora, deterioration of their living conditions, their transformed values and focuses, increased volume and changed content of

the contacts and connections, while in some regions, especially in Kazakhstan, a unique experience of tolerance and harmony has evolved, sufficient for summarizing and identifying trends and prospects of their development.

The object of research is the Ukrainian diaspora living in the Republic of Kazakhstan.

The subject of research includes history of resettlement, population dynamics and current position of the Ukrainian diaspora in the Republic of Kazakhstan.

The purpose of research is to identify the contribution of Ukrainians to the development of Kazakhstani society and to evaluate influence of the Ukrainian diaspora as factor of maintenance of friendly relations between Ukraine and Republic of Kazakhstan.

According to the purpose of research the following tasks have been set:

(1) to specify chronological framework of the deportation of Ukrainians to Kazakhstan;

(2) to show what influence the process of deportation had on the social life of Ukrainian people;

(3) to give complex characteristics of the process of preservation of the national identity and role of the Ukrainian diaspora in Kazakhstan;

(4) to study Kazakh-Ukrainian ethnocultural associations.

This topic is insufficiently studied in science. The first attempt to substantiate the concept of «eastern diaspora» was made in the collection «Ukrainian eastern diaspora in the context of modern cultural, historical and sociopolitical processes in the post-Soviet states», based on presentations at the roundtable, held in the frames of the first international Shevchenko Readings (Tokar', 2012). Before it, there was no systematic approach to the study of the eastern diaspora phenomenon apart from only a few local efforts of studying it, without scientific publications in rated Western European editions.

Evaluating the Ukrainian scientists' contribution to the study of Ukrainians' migration to Kazakhstan, it should be stated that it was not until the 90s of the last century that first steps were made in it. Historians' researches started to come out, in which attempts are undertaken to rationalize the motives of Ukrainians' emigration to other countries and in which main migration waves and their boundaries are defined. Scientists V. Yevtuh, S. Lazebnyk, M. Andrienko, T. Fedoriv, V. Goshovsky, C. Shtepa have made most sizeable contribution to the study of this phenomenon (Yevtuh, 2011). In addition, A. Popok has given detailed description of history and current state of Ukrainians in Kazakhstan (Popok, 2000).

Moreover, Ukrainian researchers have paid attention to the activities of Ukrainian diaspora throughout the world and its interaction with Ukrainian state. Thus, L. Mazuka in her scientific works has raised the issue of potential and perspectives of cooperation between Ukraine and world Ukrainism (Mazuka, 2012). G. Lutsishin has written about new tendencies of impact of Ukrainian diaspora on the process of national consolidation (Lutsishin, 2013), whereas V. Garagonich has pointed its influence on the development of transboundary cooperation V. Garagonich (2010). In its turn, V. Troschinsky and A. Shevchenko have described national traditions and Ukrainian mentality (Troshchinsky, 1999).

One of the important works about the life of Ukrainian diaspora is a study of S. Narizhny «Ukrainian immigration: cultural working of Ukrainian migration between two wars» (Narizhny, 1944). However, for the long time this source of information was «closed». In addition, rather interesting work at the field of the researches of Ukrainian diaspora is a work of F. Zastavny, where the author presents information about the language, culture, schooling, traditions and customs, artistic activities, literature, social and political and religious life of Ukrainians in the United States. The author does not evade the topic about saving of national traditions by Ukrainian diaspora, «church plays a certain role in saving the language, customs and other cultural and historical heritage of the Ukrainians. It has contributed to the consolidation of immigrants by religious and ethnic features» (Zastavny, 1991). Importantly, most researchers point to a high national consciousness and a strong desire of Ukrainian immigrants to preserve their national identity, language, traditions and ethnic culture in the foreign countries.

There are also analytical studies made by V. Karpenko (Karpenko, 2000: 128), K. Pugovitsy, V. Litvin (Litvin, 2005) and the Ukrainian Center for Science and Culture at the Embassy of Ukraine in the Republic of Kazakhstan.

Methods

The methodological base of research includes systems approach, historical method and comparative analysis. The systems approach will help to obtain the overall view of the process of deportation of Ukrainians to Kazakhstan, whereas

historical and comparative methods will seek to show influence the process of deportation had on the social life of Ukrainian people and to give complex characteristics of the process of preservation of the national identity and role of the Ukrainian diaspora in Kazakhstan. In its turn, analysis of past and contemporary events will be directed to the understanding of interrelations, causes and effects of the resettlement of the Ukrainian people to the Republic of Kazakhstan.

Diasporas, integrating into new social and cultural conditions, are connected with it by extended and complex networks. These networks, crossing the borders of states, serve as a communication channel to meet the social, cultural, educational, economic, political needs of diasporas. Institutional and structural-functional approaches are used to identify the role, functions, and institutions of diasporas in these networks. Therefore, key functions of diaspora in a framework of the ramified system of transnational spaces are: preservation of the stability of cultural, social, ethnic identity, integration of newcomers, maintenance of links with a country of the outcome and related diasporas. Consequently, in the process of research, two levels of diaspora relations are distinguished: internal and external.

Results

Ukrainians are the fourth largest community in the Republic after Kazakhs, Russians, Uzbeks, and one of the most influential ethnic groups in the historical, cultural and educational terms: at the level of the state leadership and the rank and file Kazakhs, cultural affinity of Kazakhs and Ukrainians has been confirmed since ancient times. (Kazakhstan – Ukraine. The Ministry of Foreign Affairs of the Republic of Kazakhstan, 2017). Ukrainians' contribution to the formation and development of Kazakhstan, development of virgin lands is valued up to the present day (Supplementary Human Dimension Meeting on Freedom of Religion and Belief, 2009).

Education is ranked top priority in preservation of the national identity of Ukrainians in Kazakhstan. Education level is prioritized as a pledge of material well-being, stability and as it excludes the desire to emigrate. According to the 1999 analysis, 48 650 Ukrainians (10.4%) had higher education, and in 2009 – 42,563 (14.2%) of the total number of Ukrainians over 15 years old.

The State program 2001–2010 for development of languages in Kazakhstan proclaimed the right of ethnic groups for learning their mother tongue. In 2013-2014 academic year, 187 of 3 million pupils were learning Ukrainian language and literature.

Among ethnic Ukrainians in RK fairly high is the share of knowledge workers, approximately 27% (agronomists, geologists, doctors, teachers, engineers, military servants), scientists (5-7%), a small share of businessmen (2-3%), as well as 43% of people engaged in the industrial and agricultural enterprises. The share of Ukrainians in culture and art is insignificant, about 0.5% (mostly working on a voluntary basis).

With the proclaimed independence in Kazakhstan new opportunities have emerged for the development of ethnic groups. It gave a start to a kind of ethnic cultures renaissance. Culture is a way of the nation's self-expression. For the Republic of Kazakhstan, with its unique multiethnic composition free cultural self-expression is one of the most important factors in maintaining peace, harmony and political stability. The importance of culture for the policy is determined by the following provisions:

- political prospects of Kazakh society and its cultural development are interrelated and interdependent;
- the nature of the political system and political relationship depends not only on the balance of political forces, and other determinants of the present moment, but is also determined by historical and cultural heritage, those values, traditions, attitudes, patterns of behavior, psycho-emotional preferences, which are included in culture;
- power is an integral part of culture. In order to understand the nature of power, it's necessary to take into account its attitude to the past, present and future, material and spiritual values, including property, freedom and human rights, religious forms of spirituality, etc.;
- stability of the political system of Kazakhstan is associated with preservation of the multi-ethnic cultural diversity, which is not an isolating factor, but a source of spiritual enrichment of every human-being and an important condition of inter-ethnic harmony and civil peace in the society;
- entry of Kazakh culture into the world cultural community in conditions of globalization requires developing political guarantees for its originality and relevance (Malinin, 2002).

A model of cultural development is essential for the development of ethno-political processes in modern Kazakh society, because it is the choice of such a model that would mainly affect the degree of stability and consolidation of various social and ethnic groups in the country.

Assembly of People of Kazakhstan (APK), established in 1995 on Kazakhstan President's Decree was designed to be one of the most important public institutes of young Kazakh democracy and of tolerance. Its main objectives are:

(1) to ensure comprehensive development of ethnic cultures, languages and traditions of the people in Kazakhstan;

(2) enhancement of integration relations with international organizations;

(3) formation of Kazakhstan identity by consolidation of Kazakhstan's ethnic groups;

(4) creation and dissemination of ideas of spiritual unity, strengthening and maintaining friendship between the peoples, and interethnic concord.

The Assembly prioritizes strengthening of social stability as the basis for a just solution to the inter-ethnic relations issue. The Assembly's membership is formed by its chairman (President Nursultan Nazarbayev is the Chairman of the KPA) from representatives of state bodies, ethnic culture associations, as well as other persons, depending on their public image.

The Assembly currently has 20 ethnic culture associations (centers) of Ukrainians. Every region of Kazakhstan has a so-termed small Assembly of Kazakhstan People. These are consultative and advisory bodies under the region's governors (akims). In May 2007, the law was adopted «On amendments and additions to the Constitution of the Republic of Kazakhstan», changing the Assembly's status from a consultative institution to constitutional body, which ensures representation of various ethnic groups in the country's sociopolitical life. Providing an opportunity for the Assembly to elect nine deputies to Majilis (lower chamber of the Parliament), the State ensures the presence of different ethnicities' representatives in the supreme legislative body. The Assembly's involvement in law-making enables addressing the arising problems and contradictions in inter-ethnic relations in legal framework.

Discussion

In the past two decades the attention to the history of the settlement of Ukrainians to the East from the mainland of Ukraine gained new impulse, which can be explained by at least two reasons.

Firstly, with the proclamation of Ukrainian independence the need in objective review of the history of Ukrainian state raised, and secondly, the sovereignization of the post-soviet states and processes of democratization in them gave a stimulus to the awakening of national self-consciousness of Ukrainians who were living there, as well as to the creation of Ukrainian ethno-cultural associations and in the result – indication of interest to their own history.

Unlike the Ukrainian expatriate communities in Europe, USA, Canada and Australia, where the people went in search of a better life and asylum, Kazakhstan, was chiefly the place of exile for «politically unreliable» persons. The history of the Ukrainian diaspora in Kazakhstan dates back to the end of the XVIII century, when since 1768, participants of the national liberation movement Haidamaks (Ukrainian Cossacks) appeared there against their will. Part of the Zaporozhye Cossacks was also exiled to Kazakhstan after the fall of «Zaporizhian Sich» (Zaporozhian Cossack Army) in 1775. These first mass resettlements in the second half of the XVIII century were forced deportations in fact.

The number of immigrants from Ukraine in Kazakhstan steppes increased significantly in the second half of the XIX century, with the abolition of serfdom in the Russian Empire (1861) and especially with the opening of the Siberian Railway (1894). On the one hand it was easy to find a place to settle on the territory, which is more than three times the size of modern Ukraine and which was sparsely populated. On the other hand, given the indigenous people's nomadic way of life, it could not be unproblematic. Quite often the choice of residence lasted more than a year. As a rule, the Ukrainians settled in new lands in groups (hamlets) and established their homes between Kazakh auls, on the one hand and often Russian and rarely German villages on the other hand. There are still villages of Ukrainians compact living in Kazakhstan, who keep their folk customs, traditions and language – Kievka, Alekseevka, Petrovka, Poltavka, Semipolki, Ternovka, Gulyay Pole and other villages (Makarenko, 1998).

In the time between censuses (1897-1926), the resettlers from Ukraine (chiefly rural population) prevailed in the general flow of migrants arriving in Kazakhstan and accounted for a 35.6% share of their total number. They settled mostly in Semipalatinsk (24%), Akmola and Aktobe (40%) provinces, as well as in Kostanay district (15%). These areas in the forest-steppe and steppe zones were most similar in climatic and soil conditions to the immigrants' outgoing regions. Characteristic was the fact that in these areas the settlers found themselves in the ethnically kindred environment.

According to the 1926 census, the total number

of Ukrainians in Kazakhstan reached more than 860 000 and constituted the population majority in the Republic from Orenburg (the former capital of Kazakhstan) in the west to Semipalatinsk in the east (Yevtuh, 2011).

In the second half of the 1920s in pursuit of the power localization policy for enhancing the population's involvement in the socialist construction in Kazakhstan regions with prevailing Ukrainian population, schools were opened with Ukrainian as language of instruction, and steps were taken to run record keeping system in Ukrainian language.

Thousands of Ukrainians were next deported to Kazakhstan in the 30s, time of mass repressions. On the Ukrainian President Decree on actions, timed to the 70th anniversary of the Great Terror and mass political repressions of 1937-1938, the Security Service of Ukraine undertook to develop documents on the repressive policies of the totalitarian regime in the former USSR and outreach the Ukrainian public on it. One of the important tasks in it was to establish the fate of all the repressed compatriots, who are buried outside Ukraine. Lists were posted on the official website of the Ukrainian Security Service of 13 054 people from Ukraine repressed by the Soviet regime and enduring their punishment in Kazakhstan. The National Security Committee of the Republic of Kazakhstan provided this information to Ukraine in the framework of cooperation in restoring the historical truth about the time of mass political terror.

With the outbreak of World War II many Ukrainian plants were evacuated to Kazakhstan with thousands of professionals together with them, many of whom stayed there permanently.

In the 80es of the XX century, the Ukrainian population in Kazakhstan reached more than 1 million (according to other sources 4 million people). To systematize main stages of Ukrainians mass settlements on a harsh but hospitable land of Kazakhs, the modern Ukrainian diaspora in Kazakhstan can be classified into four most mass categories.

(1) One – dispossessed in collectivization and deported villagers who survived to the present day, and their descendants.

(2) Two – repressed in the 30-es and sentenced to different prison terms «enemies of the people» serving their sentence in Gulag camps and sent to the Kazakh steppes to settle.

(3) Three – «enemies of the people» too, but convicted later, during World War II and in the post-war time, mostly nationalists, UPA members, who were serving their sentence in KarLag (Karaganda prison camps administration) and were left in Kazakhstan or sent here from other camps to settle.

(4) Four – youth of 50–60es, who came to cultivate virgin lands and build large industrial and mining giants (Karpenko, 2000: 128).

Thus, over nearly 250 years, many generations of Ukrainians have made their second home in Kazakhstan. Therefore, nowadays a number of controversies exists between different migration waves, both objective (mostly based on the language) and subjective (on a territorial and personal basis), affecting consolidation of the Ukrainian diaspora.

Some researchers believe that from that time the migration movement of Ukrainian population (mostly rural) from Ukrainian lands to the East, including in Siberia, Kazakhstan and the Far East, can be divided into several «waves of resettlement, going one after another». In fact, the concepts about the number of these waves and the character of replacement do not always sound believable.

For example, A. Ponomaryov considers that there are three main waves of Ukrainian migration to the East including the following:

1) the first wave – the end of XIX century;

2) the second wave – beginning of XX century (from Stolypin reform till Revolution of 1917);

3) the third wave, strange enough, occurred in 50-60-s of XX century (developing of Virgin Lands) (Ponomaryov, 1994).

It seems that such periodization is too schematic and does not reflect the real situation with the replacement just because entire periods of the deportation process of 20-s – beginning of 30-s, repressive and deportation replacements of the end of 1930-s, military evacuation of 1941-1942 as well as new deportations of the post-war period till the beginning of 1950-s are falling out of this periodization.

Ukrainians were not outsiders to the major historical events since their settlements in Kazakhstan. When the Soviet Union emerged on the political map, the nature and extent of resettlement changed sharply. Development of the richest deposits on the vast and small-populated Kazakhstan areas required more workers. Combined with the extreme continental climate this fact became decisive in choosing the ideal place for the expulsion of all who were considered undesirable by the Soviet Government. Ukrainians were also among them.

The Soviet collectivization marked the beginning of the mass resettlement of Ukrainians to Kazakhstan. Around 64 thousand Ukrainian families were replaced to northern and eastern parts

of the Soviet Union, including Kazakhstan, in 1930-1931. At the same time «enemies of the State» who had Ukrainian ethnic background served sentences in the Gulag labour camps in Kazakhstan. It is believed that the political repressions affected primarily Ukrainian intellectuals – from rural librarians and teachers to poets and scientists. Academician Agatangel Krymsky was among them. He was a founder of the Ukrainian Oriental Studies and outstanding Islam researcher and famous expert on the Koran. For the support of the organization «Spilka Vyzvolenia Ukrainy» («Society of Ukraine's Liberation») Agatangel was exiled to the city of Kostanay where he died in a prison hospital in 1942.

Sergey Kukuruza, a famous Ukrainian artist, was sent to settle in Aktobe after his release from the Stalinist camps in 1947. There were no other artists in the Republic of Kazakhstan, except him, who knew the technique of coloured linocut. He was the first person who introduced ex libris art in Kazakhstan. All his works made in the territory of Kazakhstan illustrated the region. Sergey Kukuruza was the only member of the Union of Artists in Aktyubinsk region until he left for Ukraine in 1972. Today everyone can visit a museum telling about his life located in the art school where the artist lectured for a long time.

According to the Archive of the President of the Republic of Kazakhstan, all women who worked at the Kharkov Opera and Ballet Theatre served prison sentences in the Alzhir. Ukrainian priests form a separate group of displaced persons. Alexander Khira, Nikita Budka, Aleksy Zaritsky, Arseny Richinsky and many others dedicated their lives to the local community. They worked as teachers and physicians. According to witnesses, their humanitarian activity became a factor of consolidation of thousands of those who were exiled to Kazakhstan and helped them to preserve their language, traditions and unique culture.

Ukrainian exploits left a heroic page in the World War II: 11 Kazakhstani Ukrainians became Heroes and one of them- twice Hero of the Soviet Union. Many Ukrainian scientists, hundreds of thousands of ordinary citizens were taken to KarLag in the time of Stalin repression without charge or trial, where they worked, lived, created and left a tangible trace in the history of the Kazakh steppe. According to witnesses, even in the prison camps, Ukrainians fought for their rights and made a decisive contribution to the collapse of the Soviet concentration camp system. Thousands of professionals from Ukraine – builders, mechanics, engineers, agronomists, accountants – were actively involved in the virgin lands development.

As of 1959 the Kazakh SSR population surpassed the prewar level. This is mainly due to absence of warfare on its territory. In addition, during the war and after it, the population of Kazakhstan increased through the people, evacuated along with the plants, factories and those, who were resettled by force (of various ethnic groups) from other parts of the USSR.

Conspicuous is a fairly rapid urbanization of the Ukrainian population in Kazakhstan. The proportion of urban residents in 1959–1970 in Kazakhstan at large went 6.5% up, and Ukrainians' share was 13.4% (Russians constituted 10.1%, Belarusians – 6%). According to the 1989 census, 896 240 Ukrainians lived here, i.e. 5.4% of the country's population. In the result of intense russification only 36.6% of them considered Ukrainian their native language.

Ukrainians settled on all Kazakhstan territory, but most of them on the reclaimed virgin lands and in industrial areas. In Akmola region, they number up to 60 000 people, in Pavlodar – 78 000, in Karaganda – 95 000, in Kostanay region – 110 000. It is related to the fact that the 1950-60s were under the banner of the development of virgin lands and construction of industrial and mining facilities. During that period, Ukrainian youth arrived in Kazakhstan, following the call of the Soviet Government. There is evidence to suggest that more than 300 thousand Ukrainians participated in the development of virgin lands. There were many heroes of socialist labor among them (Kuzmenko, 2015).

Ukrainian diaspora is one of the biggest in Kazakhstan and Central Asia. According to the 2009 census Ukrainians in Kazakhstan numbered 333 031 people, which is by 214 034 (39.1%) fewer than in the 1999 census. The share of Ukrainians in the total population was 2.1% in 2009, down by 1.5% compared with 1999. As a result, the number of Ukrainians since 1970 has been steadily declining. So, in 1970 Ukrainians numbered 934 952 people, while in 2009 – 333 031. According to unofficial data the number of Ukrainians is about 450 000 people (Nechayeva, 2016).

To meet cultural needs of Ukrainians in Kazakhstan, 23 Ukrainian ethnic culture centers are registered, a weekly newspaper comes out in Ukrainian language «Ukrainski noviny» (Ukrainian News), which is funded by the state (Dave, 2007). There are regional television programs in Ukrainian, Sunday schools, creative and artistic groups. Two national associations were established: in particular Ukrainians of Kazakhstan association (Chairman

Michael Paripsa) is a collective member of the Ukrainian World Coordinating Council (UWCC, Kiev) and the World Congress of Ukrainians (Toronto). It unites in its ranks the «fourth wave» Ukrainian migrants (high school graduates, virgin landers).

They have a good command of the Ukrainian language, maintain ties with Ukrainian cities and their places of origin, as well as Ukrainian international structures, having the opportunity of giving certain material support to their communities thanks to financial assistance from the Western expats. The Association includes 4 regional Ukrainian centers (in Astana, Pavlodar, Almaty and Petropavlovsk).

The biggest by date republic's association is Rada of Kazakhstan's Ukrainians (established in 2004, headed by Yuri Timoshenko, who was AKP deputy chairman in 2010-2011). From January 2012 Yu. Timoshenko is Majilis deputy (lower chamber of RK Parliament). The association comprises 11 Ukrainian regional centers. With their assistance, radio program Ukrainian Family is aired, as well as the TV program Ukrainian Hour. Representatives of the Rada of Kazakhstan's Ukrainians are of later generation, who had assimilated quite noticeably and whose lingua franca is Russian as a rule, but who have a clear pro-Ukrainian stance.

Traditionally Ukrainian regional centers have considerable opportunities for meeting their cultural needs and for personal fulfillment (Wilson, 1999). There are Ukrainian communities in all the regional centers, many cities and towns. In 1990, for one, Taras Shevchenko Ukrainian language association opened in Karaganda that has its library, children's ensemble, song and dance groups. League of Ukrainian women is active, with a Sunday school, a theater of song «Ranok» («Morning») working under it. At the central and local administrations' support, a network of Ukrainian Sunday schools and primary school classes opened. Astana has a training complex №47, which combines Ukrainian gymnasium, a kindergarten, a Sunday school and a folk group Raduga.

During the immigration, church was a center of national and cultural life. As a social institution it has contributed to the preservation of national identity and overcoming of inferiority and association of Ukrainians that were scattered around the world. Metropolitan Ilarion (Ivan Ognienko) became a notable figure from the Ukrainian Orthodox movement outside Ukraine. In 1951 he headed the Ukrainian Greek Orthodox Church of Canada; it was a carrier of Ukrainian national idea (Sorochuk, 2014).

In 2014, the 200th birthday of Taras Shevchenko was widely celebrated in Kazakhstan. The name Shevchenko became a cultural bond between the two fraternal nations, a symbol of the first «folk ambassador» of Ukraine in Kazakhstan. April 16-17, 2014, at the Third International Shevchenko readings, the Ukrainian Center for Science and Culture held a roundtable at the L.N. Gumilev ENU. In follow-up of Shevchenko readings, a collection «Shevchenko – a spiritual son of Ukrainian and Kazakh peoples» was published (Tokar', 2014).

A famous folklorist and ethnographer Oleksa Voropay who lived many years in immigration, in his book «Manners of our nation», said: «Traditions and language – these are the strongest elements that unite individuals into one people, one nation. Folklore also can be considered as a classic example of unity among all Ukrainian lands. These common language and customs were always those nodes that bounded our nation when it was artificially divided by state borders» (Voropay, 1993).

To conclude, active process of national and cultural revival of representatives of the Ukrainian ethnos takes place today on the basis of the provision of the Constitution of the Republic of Kazakhstan on the free development of the cultures of ethnic groups of the country. Ukrainian public and art centers in abroad keep the great merit in preserving of national traditions and Ukrainian mentality. Members of such centers pay special attention to the problems of teaching young generation of native language, literature and history that is certainly one of the main directions in Ukrainian families raising children and instilling of cultural traditions. Amateur talent groups have been developing in the diaspora. This is confirmed by the activities of choirs, dance groups, amateur groups.

Conclusion

Many thousands of Ukrainians live on the territory of Russia, Kazakhstan, Moldova, Poland and other countries. At the new place of residence, in foreign language environment, setting up their mode of life, Ukrainian immigrants haven created, mainly, very strong ethnic communities in Canada, US, Australia. Much lower Ukrainian diaspora is in Western Europe – Germany, French, England, etc. But everywhere due to Ukrainian immigrants' presence the twentieth century was marked by economic development. Also, in the twentieth century Ukrainian public and cultural life of the Western world were marked by growth of a strong organization and activation.

Ukrainian diaspora in Kazakhstan in numbers is one of the largest among the Ukrainian communities in the world (after the Ukrainian diaspora in the Russian Federation and the United States).

During the migration processes Ukrainians settled mainly in Northern Kazakhstan. The characteristic feature of Ukrainian settlers in Kazakhstan was that they, especially villagers, who at the beginning of the XX century prevailed in some areas, quite consistently resisted assimilation processes, even in the Russian-speaking environment. There have been numerous documented instances where representatives of other nations, peoples and nationalities, including Russians, were notable assimilating influences from the Ukrainian. Thus, the pre-war Kazakhstan were the best conditions for the preservation of ethnic identity Ukrainian than in most parts of Russia, including even those that are directly adjacent to Ukraine and were part of a continuous historical Ukrainian territory in the east.

An active process of national and cultural revival of the Ukrainian community in the Republic of Kazakhstan has begun only since gaining its independence. It relies on the provisions of the Constitution of the Republic of Kazakhstan on the free development of cultures and ethnic groups of the country.

In an effort to differentiate the Ukrainian and Russian communities in Kazakhstan, the Kazakh government has actively supported Ukrainian cultural aspirations. Ukrainian organizations operate freely in Kazakhstan, and currently there are 26 Ukrainian cultural centers that sponsor Sunday schools, choirs, and folk dancing groups. Today there are a lot of Ukrainian songs and dance performances, the journal of the national scale, the classes of Ukrainian language and literature in Kazakhstani schools.

However, another problem arises. Enhanced assimilation processes among Ukrainian immigrants of the third and fourth waves do not allow enough students to provide educational institutions. Parents prefer Russian institutions and targeting children in learning foreign languages, thereby suppressing the national mentality their descendants. If this trend continues, a whole generation will be lost.

Although the Ukrainian language continues to be significant in rural areas with compact Ukrainian settlement, and is actively supported by the Kazakh government, the use of the Russian language has come to dominate within Kazakhstan's Ukrainian community. Due to assimilation with Russian culture, the proportion of the Ukrainian population in Kazakhstan who declare the Ukrainian language to be their mother tongue has declined today.

The Ukrainian diaspora has significant potential to strengthen Ukraine's position in the international arena. However, even with full facilitating of the government of the Republic of Kazakhstan, there is a problem of a certain loss of identity by Ukrainian diaspora.

Therefore, there is strong need to undertake some measures in order to preserve the national identity and enhance the role of the Ukrainian diaspora in the Republic of Kazakhstan. Among such measures are the fulfillment of the priorities of state support to the Ukrainian diaspora and introduction of mechanisms for foreign countries' Ukrainians' connections with the Ukrainian state and society, rallying their efforts for the development of Ukraine and its partnership with Kazakhstan.

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SOME ASPECTS OF COMBATING TERRORISM IN GREAT BRITAIN

Now terrorism became the real threat not only for the certain states, but also for all world community. Great Britain belongs to those countries in which rather successfully fight against extremism and have certain practices according to prevention of extremist manifestations. In article the conclusion is drawn that the principles of the organization of fight by extremism, and first of all her preventive character and broad cooperation with the population are the reason of successful «prevention of youth extremism in Great Britain». At acquaintance with the documents concerning activities of police of the United Kingdom for prevention and suppression of extremist activity and when viewing a number of the websites belonging to offices of police of Great Britain, the fight against youth extremism having generally preventive character is often conducted not so much globally how many «pointswise» and «precisely». However when developing practical recommendations in the sphere of communication counteraction to terrorism in is necessary to consider both positive, and negative experience, therefore studying of various directions of anti-terrorist activity of the countries of the West is represented relevant and important.

Key words: Great Britain, terrorism, extremism, struggle, IRA, MI5, international, national and religious minorities, police.

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Ұлыбританиядағы лаңкестікпен күрестің кейбір астарлары

Қазіргі кезеңде лаңкестік жекелеген елдерге ғана емес, сонымен қатар бүкіл әлемдік қоғамдастық үшін нақтылы қауіп-қатерге айналды. Экстремизмге қарсы күресте әлдеқайда табысқа қол жеткізген және экстремистік көріністердің алдын алу мен жою жолында нақты нәтижеге жеткен елдердің бірі – Ұлыбритания болып табылады. Мақалада экстремизмге қарсы күресті ұйымдастыру қағидалары, ең алдымен оның алдын алу сипаты және тұрғын халықпен кең көлемдегі әрекеттестігі «Ұлыбританиядағы жастар экстремизмінің алдын алудың» табысты дәлелі болып табылатындығы түйінделеді. Экстремистік әрекеттердің алдын алу мен жолын кес-кестеу барысындағы Біріккен Корольдік полициясының қызметтеріне қатысты құжаттармен таныса келе және британдық полиция бөлімшелеріне қарасты бірқатар сайттарды қарастыра отырып, жастар экстремизміне қарсы алдын алу сипатындағы күрес жалпылама күйде емес, қайта «дәл» және «нақтылы» жүргізілетіндігіне көз жеткіздік. Дегенмен лаңкестікке қарсы тұрудың коммуникациялық саласындағы нақтылы ұсыныстарды әзірлеуде жағымды және жағымсыз да

тәжірибелерді ескеру қажет. Бұл өз кезегінде Батыс елдерінің лаңкестікке қарсы бағытталған әртүрлі қызметтерін зерделеудің өзекті де маңызды болып табылатындығының айғағы.

Түйін сөздер: Ұлыбритания, лаңкестік, экстремизм, күрес, ИРА, МИ-5, халықаралық, ұлттық және діни азшылықтар, полиция.

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Некоторые аспекты борьбы с терроризмом в Великобритании

В настоящее время терроризм стал реальной угрозой не только для отдельных государств, но и для всего мирового сообщества. Великобритания принадлежит к тем странам, в которых достаточно успешно борются с экстремизмом и имеют определенные наработки по предупреждению и предотвращению экстремистских проявлений. В статье сделан вывод о том, что принципы организации борьбы экстремизмом, и в первую очередь ее превентивный характер и широкое сотрудничество с населением, являются причиной успешной «профилактики молодежного экстремизма в Великобритании». При ознакомлении с документами, касающимися деятельности полиции Соединенного Королевства по предотвращению и пресечению экстремистской деятельности, и при просмотре ряда сайтов, принадлежащих отделениям полиции Великобритании, борьба с молодежным экстремизмом, имеющая в основном превентивный характер, часто ведется не столько глобально, сколько «точечно» и «прицельно». Однако при разработке практических рекомендаций в сфере коммуникационного противодействия терроризму необходимо учитывать как позитивный, так и негативный опыт, следовательно изучение различных направлений антитеррористической деятельности стран Запада представляется актуальным и важным.

Ключевые слова: Великобритания, терроризм, экстремизм, борьба, ИРА, МИ-5, международный, национальные и религиозные меньшинства, полиция.

Introduction

It has been some time since terrorism has taken off the national framework and has gained international recognition. Today, it is becoming an effectie tool of frightening one's opponents during the various conflicts around the world as soon as acts of terrorism are based on violence. It is well-known that currently not only single individual states but also all world communities are under threat of terrorism, including international terrorism. At the same time, the fight against terrorism is one of the priorities of each state in the world, and the scientifically detailed study of the problem by scientists could be determined by its relevance. One of the first European countries which faced terrorism threat is England. The English-Irish confrontation is the longest-running conflict in the world, which began in the 12th century by the conquest of Ireland by Henry II. «Gunpowder Plot» in 1605 could be considered as the first terrorist act in the country (Чигарев, 2007). The Society of United Irishmen which was established at the end of XVIII century continued its activities by a terrorist organization called the Irish Republican Army (IRA). In order to end the contradictions in the UK, the IRA agrees to halt all military operations on August 31, 1994, and negotiate peacefully. As a result, on April 10, 1998, the agreement, which resolved the issue of controversy over Ulster, prevent the terrorist attacks in the country. However, IRA militants, who did not agree with the British authorities' recent policy, fired at the MI-6 headquarters in London in September 2000 (MI-5 and MI-6 are the names of British intelligence and counter-intelligence service). On July 28, 2005, the IRA declared its suspension of its armed action. In general, Great Britain is one of the states under the threat of international terrorism as countries like the USA and Israel. The threat is increasing year by year. In 2001 there were about 250 suspects in the country, and in 2007 their number reached 2000 (Терроризм в современном мире, 2008).

The continuing international military action against the Taliban and al-Qaeda in Iraq and Afghanistan after the terrorist attacks in the United States on September 11 and the Middle East conflict has heightened the movement of extremist groups in the country. The largest terrorist attack in the mod-

ern history of Great Britain took place on July 7, 2005. 52 people died and 700 people injured as the result of three explosions in London Underground and a terrorist attack to the bus. Great damage has been caused to the London transport infrastructura. In this terrorist act a terrorist was the first one who committed a suicide in Western Europe. Such a terrorist act could be repeated on July 21. However, four explosive devices were not activated and the terrorist act failed.

On August 10, 2006, another large-scale terrorist attack was prevented. The special services were able to unveil plans who were intended to explore more than ten transatlantic planes flying from Great Britain to the USA and Canada. Terrorists planned to use liquid explosives to blast. Following this incident, there was arranged a strict order of safety in the UK airports. At the same time, special services increased their ability to control the source of threats and gained access to information on the exact number of persons involved in terrorist acts (Текст Закона о Терроризме, 2006). Since 2006, British special services have begun to publicly declare terrorist threats. Starting from 1, 2006, five categories of threats, were defined, namely low, moderate, substantial, severe and critical, the level of threats in the country has not declined from a severe category. In June 2007, blast of two vehicles full of explosives in London was prevented. The next day, the vehicle filled with propane gas cylinders entered the building of the international airport in Glasgow and started to burn. As a result, two terrorists were arrested and no one was injured.

It is clear that the English special services' efforts to prevent terrorist acts are exemplary. It indicated their great experience in preventing terrorist attacks because of their long-term resistance against terrorists. However, we know that in London several terrorist acts have been committed in 2017. Twelve people were killed in a terrorist attack near the British Parliament building in Westminster in March. This terrorist act was undertaken by the DAESH terrorist group (the al-Dawla al-Islamiya al-Iraq al-Sham translation: Islamic State of Iraq and the Levant). 22 people died as a result of the May terrorist act in Manchester. On the 4th of June in London, a van was driveninto pedestrians. After that, some unkown people armed with knives attacked people in the territory of «Borough Market». According to official sources, seven people were killed as a result of terrorist attacks (not including the deaths of three terrorists who had belts as terrorists'), and fifty people were wounded. On June 4, 2017, UK Prime Minister Theresa May said that the government will revise its national anti-terrorist strategy, condemning the third terrorist act committed in the last three months (Theresa, 2017). She also noted that she would be able to accept international dimensions of the fight against terrorism in cybercrime. According to the prime minister, since March, the police, intelligence and security services have prevented five terrorist attacks.

Today, Today, the UK has a long history of countering terrorism. Therfore, it is important to determine the the effectiveness of the British government's fight against terrorism. In the recent years, terrorist acts have begun in Kazakhstan. Certainly, if foreign experience is taken into account in choosing ways to fight it, the case will be effective.

Methodology

Theoretical and methodological basis of the article is the conceptual work of authors in this area, which examines the essence and development of international terrorism as well as its adaptation to the present situation. There were used main research methods as a complex systematic approach that sees terrorism as a whole phenomenon; historical method of terrorism development, including the historical aspects of its transformation (social, political, economic,ideological); dialectical method of studying the phenomenon of interaction between contradictions; a comparative approach that is used to compare various conceptual approaches to the study of international terrorism. Comparative analysis, in its turn, was supplemented by a historical review, and its necessity is based on a clear history of terrorist and religious extremism in order to better understand its current doctrine.

Results

Preventing terrorism in the UK and reducingits consequences is through counter-terrorism measures. Measures and actions on counter-terrorism are implemented through the fight against terrorism. The fight terrorism is carried out in the legislative field in two ways: first, the laws applicable only in Northern Ireland, and secondly the criminal law applicable to the rest of the United Kingdom . In 2000, the law on terrorism was adopted. Nowadays this law is used based on the amendments made to the Criminal Law and the Police Act, which includes Articles 131 and 16 (Журавель, 2010).

This law provides the government with new competences:

a) possibility of collecting the information necessary for the prevention of terrorist activities and

the exchange of ministries; b) updating of the migration procedure; c) improvement of the security system in the railway and air transport; d) improvement of control of the potential toxic substances which are purpose of terrorist activities. The English law also provided compensation to victims of terrorist acts.

The British system of combating terrorism also includes military structures. The main divisions include: Soecial Air Service; special anti-terrorist structures in 43 UK counties; especially the security services of state and public figures (depending on the actions of the Irish Republican troops). In early 2002, in a country where 2.5 million telecameras work around the clock, the government spent 120 million pounds sterling in order to increase the number of telecameras.

After the terrorist attacks in London in the summer of 2005, the fight against terrorism developed in new direction. It is based on four directions: «prevention», «prosecution», «protection» and «readiness».

Analyzing the recent terrorist attacks in the past decade, the British government said that there should be made some changes in the fight against terrorism. The four main lines were defineed in this direction:

Primarily, fighting against «radical Islam whose violent ideology is incompatible with Islam and Western liberty values, democracy and human rights».

Secondly, to prevent the spread of radical ideology on the Internet and social networks. Theresa May said: «We need to work with allied democratic government to reach international agreements that regulate cyberspace to prevent the spread of extremist and terrorism planning».

Thirdly, in the «real world» – primarily to continue to fight terrorism in Iraq and Syria, and also in the UK. According to the Independent edition, the Prime Minister also plans to establish a special legal commission to combat the extremism and to encourage citizens. «Despite the significant progress, to be honest: we were too tolerant to extremism in our country» — the prime minister admitted.

Fourth, Fourth, revising the national anti-terrorism strategy by expanding the powers of the police and the security forces (Theresa, 2017). Theresa May's statement, «It is time to say enough is enough. Everybody needs to go about their lives as they normally would. Our society should continue to function in accordance with our values. But when it comes to taking on extremism and terrorism, things need to change» shows today's main indicator of Britain's fight against terrorism.

Discussion

Since the beginning of the «terrorist war» on the planet, terrorism has become even stronger. This deviation of the situation today shows a new dimension of terrorist threats. Through engendering fear, terrorists aim to impact public opinion and subjects' decision-making which is one of their goals, which in turn destroys the situation in the state or region, and the current global society is likely to destabilize the global political system. One of the most important elements of terrorist acts is the component of the communication, which is one of the important aspects of international security.

In this regard, the question of the communication strategy of the world's leading countries in this area is a matter of time. Communicative combating terrorism can only be a result of the combination of open and closed communication. It is well-developed in intelligence and counterintelligence systems of European states (Simons, 2012). After terrorist attacks on September 11, 2011, a number of countries in the European Union started to expand the scope of anti-terrorism and security services. For example, the budget of the British MI-5 increased by 30% from May 2004 to June 2005 (Todd, 2009). Following a series of terrorist acts in Madrid in 2004 and London in 2005, the European Union developed and adopted a program for the prevention and suppression of the international terrorism, and in 2010, «The EU Internal Security Strategy» which considers the establishment of a single European model of combating terrorism and organized crime for the coordinationof efforts of all EU countries and other countries comes into force.

The government of the United Kingdom supports the prime minister's intiative to establish a joint center for terrorist threat assessment. According to the statistics of Parliamentary Committee on Intelligence and Security in 2012-2013, 68% of their resources of MI-5 are mobilized to combat international terrorism, and every year this proportion grows by 2.6% (Intelligence and Security Committee of Parliament, 2013).

According to researchers of terrorism, it is clear that today such attention is necessary. Moreover, European governments have come to a conclusion that the common European intelligence system should be improved, particularly in the field of intelligence communications (as far as possible), in the field of data exchange, and on the relevance of joint trials.

The victory in any terrorist conflict, according to the researcher of the University of East London E.Silke, eventually, depends on two critical factors.

And though the first of them the expert calls a level of professionalism of investigation, ability to code own secrets and plans, opening plans of the enemy, the second, «perhaps, even as more important» as a factor is recognized «psychological fight, what is called «fight for hearts and minds»: «While roots of terrorism are fed with society, the conflict continues. If this support stops, terrorists begin to feel as the fish cast ashore, their days are numbered» (Silke, 2011). However, The Concept of Prevention of Terrorism (Prevent, that is, the contact component) has been too slow for a long time in the UK, many projects and investments have been concentrated in another area. In general, there are a number of critical comments on the method of combating terrorism in the UK. Professor Paul Wilkinson, one of the founding scientists of Center for the Study of Terrorism at the St. Andrew University, supports the use of only legitimate methods in the fight against national and international terrorism (Wilkinson, 1986).

According to the head of the Muslim Council of Britain, Mohammed Abdul Barai, the British government's counter-terrorism actions are creating a common suspicion and anxiety.

In an extensive interview with The Daily Telegraph, he said that it would be useful to focus on more about the positive aspects of Islam, not engendering negative viewpoints towards people's nationality, and reminded Nazi germany as an example. «If our community is perceived extremely negatively by the most part of the population, Muslims begin to feel very vulnerable, – doctor Bari told, in particular. – If we are seen as people who only create problems and bear nothing society, and it cannot but disturb» (Harrison, 2006). It was said because of Jonathan Evans's announcement, the head of MI-5, who claimed that there were at least 2,000 people in Britain posed a «direct threat to national security and public safety in Britain and Muslims were preparing youth to be ready to commit suicide. «I think that similar announcements create sensation of fear in society, and it only on a hand to terrorists, – was marked by Dr. Bari. – Young Muslims are so vulnerable, as well as representatives of other cultures, and in such climate they can begin to feel like the victims». Finally, Dr. Bari insisted that he wanted to see the British and Muslim cultures unite, but that (Позиция Британии К Терроризму, 2017) it would require extensive effort from both sides. The British media is also under strict legislative control as it has to inform the police about any terrorist attack in the country. This, in turn, complicates the activities of journalists in secret organizations to investigate terrorism.

Well-known journalist Nick Fielding stated that some additions to the anti-terrorism law prohibit the publication of press reports on some the UK events and undermine the freedom of expression (Британские меры по борьбе с терроризмом и свобода слова, 2017). The reason is if organizations are found out to be involved in terrorist acts or support terrorism, under the law, they will be suspended and expelled from the country. However, as soon as such organizations continue their activities secretly, journalists are limited in their ability to inform society about the activities of such organizations.

One of the most important areas of open discussion around the world the issue of terrorism is to analyze how to counter terrorism. Many human rights organizations are involved in such discourse. They do not undermine the relevance of the problem, but do not support some measures in the fight against terrorism, as human rights violations have been introduced in the adoption of anti-terrorism legislation.

The Daily Telegraph newspaper writes that among anti-terrorist documents, 39 pages are designed for employees' activities in the children's institutions, and that the document has been criticized by some politicians. «It is difficult to understand how it will be executed. It is impracticable. Whether they shall (a staff of kindergartens) report on a kid who eulogizes the preacher who is considered as the radical? I think, is not present», – the parliamentarian David Davis told issuing (В Великобритании террористов будут искать среди детей, 2015).

British Prime Minister Theresa May said about their readiness in making changes to the human rughts law in the fight against terrorism, if it is required. She noted that they were considering the possibility of extending the detention period of suspects up to 28 days (this was reduced by 14 days in 2011).

The Labor leader, Jeremy Corbin, criticised this statement and said this would be a good step to stop the police crackdown on conservative initiatives and to allocate extra funds to police and security services to safeguard democratic values, including human rights law. Leader of the Liberal Democrats, Tim Ferron, accused the prime minister of organizing a nuclear weapon competition on terrorism law. «Everything that she does, will lead to reduction of freedoms, but not terrorism», – he said.

Before that Theresa May had called for a more stringent regulation of the Internet. «We are not able to allow this ideology to find safe places for distribution of the ideas. Today it is the Internet and the big Internet companies who allow to do it», –

May told (Theresa, 2017). During a trip to Saudi arabia in June 2017, British Prime Minister Theresa May pointed out that London has expanded its capabilities in the fight against terrorism, focusing primarily on financial aid providers (Theresa, 2017).

After the meeting of the Emergency Government Committee, UK Prime Minister Theresa May said that «never it will be allowed to violence to undermine democratic process therefore propaganda campaigns will restore their actions in the country tomorrow». The lack of interconnection between terrorist acts during this time is evidence of a new trend in the country. «Terrorism generates terrorism, performers are inspired on making of the attacks not only after years of planning and preparation, but only by copying other terrorists' actions in the easiest ways» (Theresa, 2017). There is also a view that some of the special services' actions are excessive in refernce to the Muslim population, which in turn causes the mood of the Muslim community to grow. And, as you look at history, it is well-known that terrorism was considered as a positive act and that it had enough supporters.

Until the second half of the twentieth century, the national liberation movement in Ireland used terrorism as one of the most effective forms of resistance. Accordingly, the image of the terrorist was similar to the bold appearance of the freedom fighter, and even became an example to imitate. In the 60's of the twentieth century, a new wave of violence in Northern Ireland triggered a rise in religious conflicts. Now, the Irish Republican Army reinvigorates its activities as patrons of Catholic minority rights. However, despite the political decision on the cessation of the conflicts, the failure of terrorist acts led to a change in society's attitude toward them.

Conclusion

The UK is one of those countries that have been successful in fighting and preventing extremism and terrorism. Meanwhile, the experience gained by this country in this direction will be useful for countries like Kazakhstan, who have just faced this trend. It can be concluded that the scope and duration of the terrorist organizations' activities in the United Kingdom make it possible to conclude that terrorist threats have become the daily life of British people. That's why the United Kingdom is fighting against extremism and terrorism at the national and community level. The police play a special role in the fight against youth extremism. It is defined by the following features:

a) the nature of the prevention of the fight against youth extremism by the state and the British police;

b) the involvement of local community and population in this struggle and the presence of the British police in the community's involvement in this struggle;

c) the fight against propagation and dissemination of extremism in universities and colleges of the country;

d) the fight against activities of extremist groups on the Internet network (Мир сегодня, 2008).

From the point of view of culture, it should be noted that the system of criteria and values in the UK society was not able to adequately affect the citizens involved in terrorist acts, as the vast majority of terrorist actors are not only citizens of the UK, but also those who were born in country.

Furthermore, the country's new laws have hampered the expansion of foreign neo-Nazis and other extremist groups. The UK's criminal justice status, which has been steadily growing in the legal sphere, is the main source of the fight against terrorism. The Terrorism Act 2000 is the first English law. It is a fundamental law in the entire territory of the Kingdom of England in the fight against terrorism (Vlasov, 2002). Moreover, the UK law «On the Prevention of Terrorism» (March 2005) was adopted in the United Kingdom, where the issues of extremism were also covered.

In the subsequent period, the program «Preventing Violent Extremism» was adopted to prevent the spread of extremist ideas. Additionally, the British authorities have made a decision to tighten foreign nationals' access to the country. The ready to close of the Ministry of Internal Affairs also stated that they are completely ready to close the doors of the county to all citizens who promote extremist views (Prevent Violent Extremism, 2015).

The long-term strategy against terrorism called «Contest» has been made in the UK. There are four directions in it: «prevention», «persecution», «protection», and «readiness». Britain has set a number of priorities in the field pf prevention: a) to daily life; b) performance of duties qualitatively by individuals and organizations who are responsible for protection from terrorism and elimination of consequences of terrorist acts on public and private areas; c) paying companies' and organizations' attention security measures to protect one's property, assets and employees (Правовые и организационные аспекты противодействия экстремизму и терроризму в Великобритании, 2015).

At the present stage of economic crisis, the rise in the unemployment rate in the European countries,

immigration police and other challenges intensity related to extremism activity grows. The world community has a number of important challenges to the fight against extremism and terrorism. So in order to make the fight against terrorism effective and be able to forecast the future development of the social and political processes in the experience of foreign countries it seems necessary to investigate other states' experiences in legislative and judicial processes and try to gain useful knowledge.

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2-бөлім

ХАЛЫҚАРАЛЫҚ ҚҰҚЫҚТЫҢ ӨЗЕКТІ МӘСЕЛЕЛЕРІ

Раздел 2

АКТУАЛЬНЫЕ ПРОБЛЕМЫ МЕЖДУНАРОДНОГО ПРАВА

Section 2

ACTUAL PROBLEMS INTERNATIONAL LAW

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THE HUMAN RIGHT TO A DIGNITY LIFE

The issues of defining and interpreting the right to a decent life now cause a lot of controversy and debate in the scientific environment, since there is no holistic understanding of a decent life and legal fixing in normative acts, which causes problems of application in theoretical and law enforcement activities.

The article considers political, legal, socio-economic, environmental, social factors affecting the provision of human rights for a decent life, the main problems of the current legislation of the Republic of Kazakhstan and its correlation with international legal norms are outlined.

An analysis of scientific approaches to the concept of «the right to a decent life» was conducted to achieve the goal and objectives, basic criteria for a decent life such as the quality and standard of living of a person were determined, the content of each of them was disclosed. Some recommendations are given on the transformation of the norms of international law and international practice in the field of ensuring the right to a decent life in the national legislation and policy of the Republic of Kazakhstan.

The authors conclude that the main goal in the form of ensuring a decent standard of living and improving the quality of life, especially in the conditions of the current global financial crisis, the problem of realizing the right to a decent life is a complex problem that must be solved jointly by all government bodies responsible for well-being and health person in Kazakhstan.

Key words: the right to a decent life, the state, the quality of life, the standard of living, human and citizen rights.

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Адамның лайықты өмірге құқығы

Теориялық және құқық қолданушылық қызметті қолданудың қиыншылықтарын туғызатын лайықты өмірдің біртұтас түсінігінің жоқ болуы және нормативті актілерде құқықтық түрде бекітілмеуі, қазіргі таңда лайықты өмірге құқықты анықтау мен түсіндіру мәселелерін ғылым аясында көптеген даулар мен пікірталастарды туғызуда.

Мақалада адамның лайықты өмірге құқығын қамтамасыз етуге ықпал ететін саяси-құқықтық, әлеуметтік-экономикалық, экологиялық, әлеуметтік факторлар қарастырылып, Қазақстан Республикасының әрекеттегі заңнамасы мен оның халықаралық-құқықтық нормалармен арақатынасының негізгі мәселелері көрсетілген.

Мақсат пен қойылған міндеттерге жету үшін «лайықты өмірге құқық» түсінігіне ғылыми тәсілдердің талдауы жүргізіліп, адам өмірінің сапасы пен деңгейі сияқты лайықты өмірдің негізгі белгілері анықталып, олардың әрқайсысының құрамы ашылған. Қазақстан Республикасының ұлттық заңнамасы мен саясатына, лайықты өмірге құқықты қамтамасыз ету аясында халықаралық құқық нормалары мен халықаралық тәжірибені енгізу бойынша кейбір ұсыныстар берілген.

Авторлар қазіргі әлемдік қаржылық дағдарыс жағдайларында, лайықты өмір деңгейін қамтамасыз ету мен өмір сапасын жақсарту түріндегі негізгі мақсат, лайықты өмірге құқықты

жүзеге асырудың мәселесі Қазақстандағы адам денсаулығы мен аман-саулығына жауапты, барлық басқару органдарының біріккен күшімен шешілетін кешенді мәселе деп қорытынды жасауда.

Түйін сөздер: лайықты өмірге құқық, мемлекет, өмір сапасы, өмір деңгейі, адам мен азаматтың құқығы.

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Право человека на достойную жизнь

Вопросы определения и толкования права на достойную жизнь в настоящее время вызывают много споров и дискуссий в научной среде, так как нет целостного понимания достойной жизни и правового закрепления в нормативных актах, что вызывает проблемы применения в теоретической и правоприменительной деятельности.

В статье рассмотрены политико-правовые, социально-экономические, экологические, социальные факторы, влияющие на обеспечение прав человека на достойную жизнь, обозначены основные проблемы действующего законодательства Республики Казахстан и его соотношение с международно-правовыми нормами.

Для достижения цели и поставленных задач проведен анализ научных подходов к понятию «право на достойную жизнь», определены основные критерии достойной жизни, такие, как качество и уровень жизни человека, раскрыто содержание каждого из них. Даны некоторые рекомендации по трансформации норм международного права и международной практики в области обеспечения права на достойную жизнь в национальное законодательство и политику Республики Казахстан.

Авторы делают вывод, что основная цель в виде обеспечения достойного уровня жизни и улучшения качества жизни, особенно в условиях современного мирового финансового кризиса, реализации права на достойную жизнь является комплексной проблемой, которая должна решаться совместными усилиями всех органов управления, отвечающих за благополучие и здоровье человека в Казахстане.

Ключевые слова: право на достойную жизнь, государство, качество жизни, уровень жизни, права человека и гражданина.

Introduction

Recognition of a person, his rights and freedoms is the highest value of the state, which implies the creation of appropriate social conditions that ensure the safe functioning of people, the normal functioning of public and state institutions. The social and economic rights of citizen, the level of protection of which assesses the quality of life of the population in the country are represents the particular importance. These rights are called upon to ensure a decent standard of living for the individual by meeting his vital needs.

Thus, according to the 1995 Constitution, the Republic of Kazakhstan claims itself not only a democratic, secular, legal, but also a social state. The Constitutional Council of the Republic of Kazakhstan in its Decree of 21 December 2001 explained that this wording means that our country intends to develop as a state that undertakes to alleviate social inequality by creating conditions for a decent life for its citizens and for the free development of the individual, adequate opportunities for the state. The social state in its modern sense includes not only the consolidation of the corresponding principle in the Constitution, but also involves the development and implementation of a strong social policy aimed at creating conditions that ensure a dignified life and free development of the individual (Нурмагамбетов А.М., 2010: 1).

Despite the fact that there is a whole package of international legal documents (the Universal Declaration of Human Rights of 1948, the International Covenant on Economic, Social and Cultural Rights of 1966) that describe and normatively fix general principles and conditions for the formation, functioning and development of social state, in none of such acts there is an unambiguous interpretation of exactly how, in terms of quality and quantity, there should be social benefits provided by the state, which meet the criterion of a decent standard of living. Moreover, the concept of «decent level», which is present in virtually all international and domestic legal acts, differs significantly in its content and scope in different sources (Павлова., 2015: 194–203).

At the present time, the issue of ensuring and granting human rights to a decent life is increasingly raised. However, there is still no comprehensive understanding and interpretation of the concept of «the right to a dignified life,» «a decent life,» which leads to problems and contradictions in both theory and law enforcement.

Methods

Solving the tasks in the process of writing this research authors rely on the formal legal method, the method of comparative legal analysis, statistical and system methods. The study of the theoretical positions of the essence and concept of the right to a decent life is carried out with the help of a comparative analysis and a comprehensive approach to the synthesis of scientific works of domestic and foreign scientists in the field of jurisprudence, economics, sociology. When applying system and statistical methods, the criteria of quality and standard of living set by the world community as a reference point for all countries of the world are considered. The statistical method includes a brief overview and the basis for ensuring longevity by ensuring the human right to a decent life. This analytical review presents the main demonstrative examples of ensuring in full the right of every individual to a decent life from the practice of foreign countries.

The comparative method, based on the available database of statistical observation, compares the current practice of the Republic of Kazakhstan and developed countries to ensure a decent life for the population, based on generally accepted minimum standards. Based on these methods, the strengths and weaknesses of domestic policy have been identified, possible ways of solving problems in the functioning of the bodies involved in ensuring full implementation of the adopted policy, as well as possible changes and additions to the relevant regulatory acts of the Republic of Kazakhstan.

Discussion

The human right to a decent life: the concept and its components

The highest value in any civilized society is human life. One of the main indicators of the level of democratization of the state is the reality of ensuring the right to life. However, the problem of the human right to life has a special meaning. Many authors note that it is necessary to distinguish between the concept of «the right to life» and «the right to a decent life». «The human right to a decent life» is one of the facets of the idea of a social state. In the opinion of A.K. Abdrakhmanova «the most practical way to study a social state is to consider it through the human right to a decent life.» At the same time, the concept of «the right to life» does not have a direct link with the social state (Удербаева., 2010: 32).

The concept of the right to a decent life can not be designated as a short definition, since such human rights consist of a set of legal requirements that are subject to satisfaction by society and the state. The first integral part of the legal content of the human right to a decent life is the right to claim material security, security, health, etc. The second part of the right-claim in the world of work, and the third, the rights-claims of mastery of spiritual well-being, the use of cultural, scientific, educational achievements (Удербаева., 2010: 32).

So, despite the fact that «the human right to a decent life» is one of the sides of the idea of the state, it is among the social and economic rights of a citizen, and «the right to life», firstly, refers to human rights, and not a citizen, secondly, it refers to personal (civil) human rights and, thirdly, the good underlying the «right to a decent life» is «dignity», and the benefit protected by the «right to life» is human life (Удербаева., 2010: 33).

Based on these statements, we can conclude:

1. «The human right to life» refers to a person's biological life;

2. The social life of a person refers to «the right to a decent life.»

From the point of view of V.V. Chepurin the human right to a decent life is a natural, inseparable from the person and guaranteed by the norms of domestic legislation and international legal acts, the possibility of protecting the inviolability of life and the freedom to dispose of it. Its legal consolidation and actual implementation is one of the essential indicators of the degree of democracy of the state (Чепурин., 2005:148).

Decent life of a person is mainly associated with a high level and quality of life. For example, S. Lipatova believes that «with a decent life they understand, first of all, material security at the level of the standards of a modern developed society». Worthy life, according to the scientist, «is the opportunity to enjoy and enjoy the benefits of modern civilization, that is, have adequate housing conditions and medical care, modern household appliances, vehicles, rational and high-calorie food, the opportunity to use the services of service companies, use cultural values, etc.» (Липатова., 2006:70).

Liao Matthew, director of the Center for Bioethics and Associate Professor of the Department of Philosophy of New York University, considering his opinion on the fundamental conditions of a good life, reveals some similarity to the concept of the primary needs of the American political philosopher John Rawls that a person as an individual should receive those needs in which he needs first. In order to distinguish the thoughts of the two philosophers, Matthew draws the following conclusions: John Rawls singles out social rather than primary rights, social rights include rights such as freedom, power and opportunity, income and wealth, a sense of self-worth (Rawls., 1999: 71), while natural primary rights include such things as health, energy, intellect and imagination. According to L. Matthew, the basic conditions for the implementation of a good life will include some natural primary needs, such as health. Also, based on the foregoing, the difference between the two opinions is that a person with severe disabilities can have all the primary needs (income, wealth, freedom, etc.), however, as a person he still does not have all the basic conditions for achieving a good life, because he will still have limited opportunities to carry out certain types of active activities. In his opinion, these fundamental conditions for the realization of human rights for the benefit of life are based on the fact that these conditions are of fundamental importance to people, and human rights can provide powerful protection to those who have them. By their very nature, rights protect the interests of rightholders by requiring other officials to perform certain services for rightholders or not to interfere in the desire of rightholders to their essential interests (Liao., 2014: 9-10).

An analysis of scientific views of the criteria of a decent life, as well as the most common ratings and indices of quality and living standards of the population, suggests that the system of criteria for a decent life should include two groups: 1) criteria for the level of the state's fulfillment of the obligation to ensure a decent life their citizens; 2) criteria that characterize the level of fulfillment by a person of the duty to live with dignity (to lead a decent lifestyle). Since the first group of criteria for a decent life is determined by the state's obligations to a person, its indispensable attributes are such categories as a decent or sufficient standard of living and quality of life. Accordingly, this group of criteria, in turn, is divided into two subgroups. The first subgroup includes criteria for a decent (sufficient) standard of living, which refers to an indicator that characterizes the quantity and quality of goods and services consumed by a person, a measure of satisfaction of basic life needs. The second subgroup includes criteria that characterize the quality of life, which refers to the integral indicator, designed to characterize the social well-being of a person, satisfaction with civil liberties, human rights, safety of existence, the level of its protection, the realization of a person's inner potential, his intellect, the creative meaning of life, etc. (Барсукова., 2016: 5-10).

Quality of life as the main indicator of a decent life for a person: the concept and key indicators

Assessment of the quality of life is a procedure to identify the degree of compliance of the basic parameters and living conditions of a person with his life needs, as well as personal perceptions of a decent, full and satisfying standard of living. It is carried out on the basis of a comparison of the parameters and characteristics of the life of a given individual or society with the relevant criteria accepted for the standard, and a value interpretation of the results of this comparison. The category «quality of life» is defined in a narrow and broad sense: in a narrow sense – through a characteristic of the level of consumption of the population and the degree of satisfaction of needs (measurement of income, expenditure and consumption of goods and services by the population); in a broad sense – through the characterization of the level of human development (health status, life expectancy, the capacity of the population to meet the needs) and the living conditions of the population (the state of the habitat and the safety of the population) (Исаева., 2011: 186).

The international experience speaks about examples of effective application of various kinds of national projects. For example, Kazakhstan is implementing such national projects as the State Program for Health Development of the Republic of Kazakhstan «Salamatty Kazakhstan» for 2011-2015 and the State Health Development Program of the Republic of Kazakhstan «Densaulyk» for 2016-2019. The objectives of these national projects are: development of the public health system; improvement of prevention and management of diseases; improving the management and financing of the health system; ensuring the rational use of resources and optimizing the infrastructure; an increase in the life expectancy of the population of the Republic of Kazakhstan.

For the period of the implementation of the State Program for Health Development of the Republic of Kazakhstan «Salamatty Kazakhstan» for 2011-2015, the following were noted:

– increase in population in the republic;
– growth of life expectancy;
– reduction in the overall mortality of the population;

– an increase in the birth rate;
– reduction of maternal mortality;
– reduction of infant mortality;
– reducing the incidence of tuberculosis;
– retention of the prevalence of the human immunodeficiency virus / acquired immunodeficiency syndrome (Государственная программа развития здравоохранения Республики Казахстан «Саламатты Қазақстан» на 2011 – 2015 гг.).

Despite the positive dynamics of health indicators, the life expectancy of Kazakhstanis is almost 10 years less than in the OECD countries. There is a significant difference between the expected life expectancy of men and women, the mortality rate among men of working age is 24% higher than that of women.

In the structure of overall mortality, the leading cause is circulatory system diseases. The second cause is mortality from malignant neoplasms. In third place – the death rate from accidents, injuries and poisoning. Every year, more than 3,000 people die from intentional self-harm, which outruns deaths from road accidents.

At the same time, the analysis of macroeconomic indicators revealed a significant lag in the size of budget investments in health care in Kazakhstan from the level of developed countries. The share of total expenditure on health in the Gross Domestic Product in Kazakhstan is 3.6%, OECD – 9.4%. In general, public health expenditure per capita in Kazakhstan is 9 times lower than in OECD countries (Kazakhstan – $ 268, OECD – 2414). Due to inadequate financing of health care, Kazakhstan maintains a high level of private spending on receiving medical care (RK – 35.4%, OECD – 19.6%, EU – 16.3%). According to WHO, the population's spending rate of more than 20% is a sign of low financial sustainability of the health system and characterizes the increased risk for the population associated with their approach to the poverty line due to diseases that in turn can affect all areas such as the ability to receive education, economic productivity, a decrease in the demand for medical services, as well as lead to deterioration in health, quality and life expectancy and demographic indicators (Государственная программа развития здравоохранения Республики Казахстан «Денсаулық» на 2016-2020 гг.).

According to Table 1, Norway, Australia and New Zealand are the top three in terms of average wages per month, if we compare this indicator with our country, then we can state that in our country the problem of decent wages is very acute.

A decent standard of living should mean good nutrition, quality medical care, adequate rest and other benefits for the material and spiritual provision of each person.

Table 1 – Rating of countries according to the size of the average salary (Official web-site of the World Health Organization: World Health Organization Assesses the World's Health Systems)

Countries	Average monthly salary in US $
Norway	7049
Australia	5209
New Zealand	4763
USA	4580
Germany	4576
Canada	3676
Japan	3418
France	3397
Italy	3270
South Korea	2785
Spain	2776
Slovakia	1382
Estonia	1259
Greece	1121
Turkey	907
Russia	829
China	450
Kazakhstan	449

In the Republic of Kazakhstan, the population is now provided with housing at an extremely low level and the further aggravation of the situation with housing is clearly visible. Despite the measures taken by the state, namely: the state provides rental housing with a subsequent right to purchase, as well as the program «Affordable Housing – 2020», the desired result is not achieved. According to Article 75 of the Law of the Republic of Kazakhstan on 16th April in 1997, No. 94-I «On Housing Relationships,» «a dwelling from a public housing fund or a home leased by a local executive body in a private housing stock shall be granted not less than fifteen square meters and not more than eighteen square meters of useful space per person, but not less than one-room apartment or room in the hostel».

If these data are compared with Europe, then there is one citizen occupying 40-45 square meters of housing. In Western Europe, for example, the approach to rationing living quarters depends on their purpose. For example, the living area for 2-3

people should be at least 20 sq. M in Germany and Sweden, and in Denmark and Holland – not less than 18 sq m, without taking into account the area necessary for a stationary place for sleeping and taking into account the area necessary for the place of food intake. The bedroom must be at least 13 sq.m in Germany, 11 sq.m in Holland and 12 sq.m in Sweden (Official statistics from web-site of the Organization for economic co-operation and development: Average annual wages).

According to the international statistics, the provision of housing for the population is much less often characterized by the number of square meters per person. The number of people per room is often used. Thus, one of the criteria for living in slums, adopted by the United Nations Human Settlements Program (UN-HABITAT), is an inadequate area of housing – more than three people per living room. And according to the criteria of the Statistical Committee of the European Union, overcrowded housing is considered when there are more than one person per room (International Human Development Indicators – UNDP).

The standard of living of the population and its main indicators.

The standard of living of the population is an economic category. This is the level of provision of the population with necessary material goods and services. The standard of living is the level of the well-being of the population, the consumption of goods and services, the totality of conditions and indicators that characterize the measure of satisfaction of the basic vital needs of people. The standard of living is determined by a system of indicators, each of which gives an idea of any one side of human life. These indicators include: income poverty, consumer basket, life expectancy of the population, the state of the environment, and the level of education.

Poverty is one of the main problems of the world community, therefore poverty reduction is defined as the first among the goals in the field of human development formulated in the Millennium Development Goals adopted by the United Nations Organization «Millennium Development Goals». The uneven distribution of material goods and services leads to inequality of economic well-being, which, in addition to the positively stimulating party, also has negative manifestations. The negative consequences of inequality include the formation of a standard of living for a part of the population, which does not allow even basic economic needs to satisfy even the most basic needs, especially in food, clothing, housing, etc. Reflecting the objective inequality of well-being, poverty indicates its qualitatively low level. By the Decision of the UN Economic and Social Council on 19th of December, 1984: «The poor are people, families, groups of persons whose resources (material, cultural and social) are so limited that they do not allow them to lead a minimally acceptable way of life in states, in which they live» (Eurostat yearbook 2006-2007, Europe in figures).

The national poverty line is relative, not absolute in developed countries. According to the concept of relative poverty, a person is considered poor if the means at his disposal do not allow him to lead the way of life adopted in the society in which he lives. The boundary of relative poverty is defined at 40% of the average income in the USA; within the framework of the Luxembourg International Income Research – 50% in Europe; in the Scandinavian countries – 60% (Голубенко., 2007: 146).

According to the official data of the Committee on Statistics of the Ministry of National Economy of the Republic of Kazakhstan, 4% of the population has incomes below the subsistence level, which, as of January 1, 2018, was 24,228 tenge (Minimum wage, Monthly calculation index and cost of living (for 1995 – 2018).

1. The consumer basket is one of the indicators of the standard of living in each country. The consumer basket is «a minimum set of food products, as well as non-food items and services, which are necessary to preserve human health and ensure its vital activity, the cost of which is determined in relation to the cost of a minimum set of food products.» The consumer basket for calculating the consumer price index in the US consists of 300 products and services-representatives (The official statistics portal: U.S. Consumer Price Index excluding food and energy 1990-2016), in France – 250 (The trading economics portal: France Consumer Price Index (CPI) in 1990-2018), Germany – 475 (Statistisches Bundesamt portal: Personal inflation calculator) , England – 350 (Office for National statistics of the UK: Consumer price inflation basket of goods and services: 2015), Russia – 156 (Кураков., 2004:785).

2. The minimum consumer basket last approved in Kazakhstan in 2005 and now contains 46 product names, where 60% of costs are for food products and 40% for non-food products and services (Совместный приказ и.о. Министра здравоохранения и социального развития Республики Казахстан от 27 июля 2015 года № 623 и и.о. Министра национальной экономики Республики Казахстан от 31 июля 2015 года № 585 об утверждении Правил расчета величины прожиточного минимума и

установлении фиксированной доли расходов на непродовольственные товары и услуги).

While, food costs do not exceed 20% in Western Europe. The consumer basket of Europe contributes not only to the functioning of man as a biological being, but also gives the opportunity to develop spiritually, to join culture and fully maintain his physical health. For example, in the French consumer basket there were considerable expenses for visiting a hairdresser, buying varnishes, hair shampoos, shower gels and numerous cosmetics, as well as many as fourteen colors, without which it turns out that the normal life of even a low-income person is not possible (Кураков., 2004:786).

Situation in Kazakhstan, on the contrary, the consumer basket is the minimum that is necessary for a person simply to live, or rather to survive, providing himself with a minimum of food.

The standard of living of the population is one of the most complex categories, which implies many aspects. Not only the economic but also the ecological aspect of the problem of the standard of living of the population is becoming very relevant.

As noted in the Concept of the transition of the Republic of Kazakhstan to sustainable development for 2007-2024, approved by the Presidential Decree on 14th of November, 2006, it is necessary that economic, environmental, social and political development factors be integrated and viewed as a single process aimed at improving the standard of living of Kazakhstan's population (Проненко., 2015: 2581–2585).

The problem of the standard of living cannot be considered in isolation from the general environmental problems of the world and Kazakhstan, since they are closely linked not only with economic, but also socio-political solutions. The overall social and environmental situation in the world is extreme. Now 750 million people are starving in the world, 1,225 million are in poverty. In developing countries 95% of the population is born, lives and dies in poverty, staying away from the «fruits» of scientific and technological progress (Концепция перехода Республики Казахстан к устойчивому развитию на 2007-2024 гг.).

Education has a leading role as an indicator of a high standard of living, which is due to the key importance of intellectual or intellectual capital, which includes discoveries, inventions, and improvements accumulated by previous generations. It is true that in modern conditions a high level of education and qualification is needed to improve the standard of living of every person. In connection with this, the use of a number of practical proposals based on the application of foreign experience is proposed.

Thus, in the field of higher education, close attention is paid to the analysis of the functioning of its systems in the United Kingdom, the United States and Japan. Based on the study, the conclusion was made about the expediency of expanding the commercial scientific activity of the country's universities. Scientific research can be conducted for various organizations, including public ones. At the same time, the system of grants should be used much more widely, as to what should be taken into account the results of the evaluation of the productivity of research: the higher the score, the greater the amount of grants.

Effective is the development and implementation of effective mechanisms to stimulate teaching activities by reforming the pay system of teachers, as well as the introduction of new information technologies and innovative teaching methods into the educational process.

An increase in the professional and qualification level of the main part of specialists, especially highly skilled workers in all branches of the national economy, seems to be effective. Realistically, the creation and use of various kinds of training programs, where specialists with the financial support of their firms can carry out their own research. It is useful to conduct specialized scientific and practical seminars to get acquainted with specific scientific achievements and technical innovations. At the enterprise level, effective use of the practice of creating groups of interesting ideas, a system for taking into account proposals (Клюева., 2008:180).

Of course, for a full-fledged life a person needs material prosperity, without which he simply can not exist. However, one should not substitute a decent life for a person with a high standard of living. This conclusion can be reached by analyzing the Universal Declaration of Human Rights, namely, Article 25, which proclaims the right to a decent standard of living. A person has the right to a standard of living that is necessary to maintain the health and well-being of himself and his family, as well as the right to security in connection with unemployment, disability, old age or other loss of livelihood due to circumstances beyond his control. Motherhood and infancy give the right to social care and support. All children born in or out of wedlock should feel social protection (Universal Declaration of Human Rights, 1948).

The UN Declaration does not use the concept of «subsistence minimum», but it clearly states that

decent living conditions will be guaranteed only when a person can meet his own needs for clothing, food, housing and services. Consequently, the content of the term «decent living conditions» is revealed through the right of any family to satisfy the most important needs. The human right to a decent standard of living is necessary to maintain the well-being of the person, his family. Legal support of the human right to a decent standard of living is the realization of the obligations of the state, enshrined in the legislation, to its citizens. Possession and use of material and public goods of the modern world contribute to the free formation of the subject, raising the level and quality of life of citizens (Amy Fontinelle, 2017.).

Article 26 of the American Convention on Human Rights (adopted on 22nd of November in 1969) imposes an obligation to constantly improve conditions and prohibit the adoption of deliberately regressive measures. This interpretation finds support in the recent jurisprudence of the Inter-American Commission on Human Rights. In addition, the San Salvador Protocol adopted on 17th of November in 1988 examines the right to an adequate standard of living in Article 12 (1). This article provides that «everyone has the right to adequate food, which guarantees the possibility of achieving the highest level of physical, emotional and intellectual development».

At the European level, in Article 4 (1) of the European Social Charter of 1961, the contracting parties undertake to «recognize the workers' right to remuneration, such as providing them and their families with a decent standard of living». In addition, the European Social Charter (revised) includes article 31 on the right to housing.

States have also committed to the realisation of the right to an adequate standard of living in several international instruments, such as the Declaration on the Right to Development (Article 8); the Universal Declaration on the Eradication of Hunger and Malnutrition (Article 1); the Rome Declaration of the World Food Summit; Agenda 21 (e.g., Chapters 3 and 7); the Habitat Agenda (e.g., paragraphs 36 and 116); the Declaration of Alma-Ata on Primary Health Care; the Platform of Action of the Fourth World Conference on Women; the Declaration on the Protection of Women and Children in Emergency and Armed Conflict; the Standard Minimum Rules for the Treatment of Prisoners; the Declaration on the Rights of Mentally Retarded Persons; the Declaration on the Rights of Disabled Persons; and the UN Declaration on the Rights of Indigenous Peoples. (The right to an adequate standard of living // Official web-site of Icelandic Human rights centre.).

As already noted, a decent life of a person is mainly associated with a high level and quality of life. So, the above statement of S. Lipatova that «first of all under a dignified life they understand material security at the level of the standards of a modern developed society. Worthy life is an opportunity to enjoy and enjoy the benefits of modern civilization, i.e. have adequate housing conditions and medical care, modern household appliances, vehicles, rational and high-calorie food, the opportunity to use the services of service companies, use cultural values, etc. «.

The humanistic essence of social rights is manifested in their striving for a constant increase in the number of social rights and increasing the level of their provision. But on the way to achieve this goal there are two obstacles. First, this is the limitation of the real material, technical and financial resources of this social community. The second obstacle is that there is not, and in principle cannot be, a single international standard for the material, technical and financial provision of basic social human rights. These standards will always be national in nature and depend on the material and financial capabilities of each country. However, despite such a result of the research, each country should strive for a better future that will ensure a decent life for its citizens.

Thus, the results show that the established goal in the form of increasing the life expectancy of citizens, ensuring a decent standard of living and improving the quality of life, especially in the conditions of the current global financial crisis, is a complex problem that must be solved jointly by all government bodies responsible for human well-being In Kazakhstan.

Conclusion

Thus, the human right to a decent life occupies a special place in the human rights system. It is among the social and economic rights of a citizen, and the «right to life», firstly, refers to human rights, not citizens, and secondly refers to personal (civil) human rights and, thirdly, the good, the underlying principle of the «right to a decent life» is «dignity», and the benefit protected by the «right to life» is human life. The human right to a decent life is a natural, inseparable from the person and guaranteed by the norms of domestic legislation and international legal acts, the possibility of protecting

the inviolability of life and the freedom to dispose of it. Its legal consolidation and actual implementation is one of the significant indicators of the degree of democracy of the state. Also, the human right to a decent life consists of two criteria: the quality of life and the standard of living.

In order to improve the current policy on life expectancy and ensure the right to a decent life, based on successful foreign practice, it is necessary to develop an effective policy aimed at ensuring the quality of life and the standard of living of the whole society and the life expectancy of each person.

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ANALYSIS OF THE WTO AND GATT PRECEDENTS ON ANTIDUMPING AND IDENTIFICATION OF INNOVATIONS IN THE NEW WTO DISPUTE SETTLEMENT PROCEDURE

The article analyzes the practice of the WTO dispute resolution body and cases, which were considered even under the GATT for anti-dumping cases. The result of the analysis is systematization and determination of the general characteristics of the precedents of the above topics, as well as the definition of innovation in the new dispute resolution procedure. To put it more clearly, it should be emphasized that the procedure for settling trade disputes of the WTO Dispute Resolution Body is not entirely new, but has been in effect since the establishment of the organization, but because of article considers precedents that preceded the WTO disputes, there was an objective need to make a comparative analysis between the two procedures on the resolution of trade disputes. The authors distinguish two main innovations, which, in turn, consist of two elements and are mainly expressed in institutional and operational new introductions. Undoubtedly, such a reform of the procedure has a positive effect and increases the effectiveness of measures, which makes the WTO dispute resolution body a more attractive institution for parties to trade disputes. The features of the anti-dumping precedents are based on the specifics of the dispute resolution procedure, which is subject to the norms of the code, developed taking into account the complexities of disputes, the object of which is dumping. Therefore, in determining the general characteristics, the main categories were the stages of the dispute and already in stages, tendencies were derived.

Key words: anti-dumping, GATT, WTO, WTO innovations.

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Антидемпинг бойынша ГАТТ пен ДСҰ прецеденттерінің анализі және ДСҰ дауларды қарастырудың жаңа тәртібінің инновациясын анықтау

Бұл мақалада антидемпинг бойынша ДСҰ дауларды шешу бойынша органының тәжірибесі мен ГАТТ тұсындағы қаралған істерді талдау жасалады. Ондай талдаудың нәтижесінде аталған даулар бойынша тәжірибені жүйелендіру және ортақ сипаттамаларды анықтау, сондай-ақ даулар қарастыру жаңа тәртібінің инновациясын анықтау жұмыстары жүргізілді. Нақтырақ айтқанда, ДСҰ тұсындағы антидемпинг дауларын шешу тәртібі айтарлықтай жаңа еместігін, ДСҰ құрылғаннан бері әрекет ететін атап өту маңызды. Бірақ мақалада ДСҰ-ға дейін қарастырылған істер талданатынына орай, екі дау шешу рәсімдерін салыстыруға объективтік қажеттілік туындады. Авторлар аталған рәсімдерде институциялық және операциялық өзгерістерде көрінетін өздері

екі құрамды екі негізгі инновацияны атап өтеді. Дау қарастыру тәртібін ондай реформалау жағымды әсер тигізіп, шаралардың нәтижелілігін арттырады. Ол, өз кезегінде, сауда дауларының тараптарына ДСҰ дауларды шешу органын тартымды етеді. Антидемпингтік прецеденттердің ерекшелігі объектісі демпинг болып табылатын дауларға арнайы жасалған кодекс нормаларына бағынатын рәсімдердің өзгешелігінен туындайды. Сондықтан ортақ сипаттамаларды анықтау барысында негізгі категориялар болып дауды қарастыру кезеңдері алдында және сол кезеңдерге сәйкес тәжірибенің үрдістері анықталды.

Түйін сөздер: антидемпинг, ДСҰ, ГАТТ, ДСҰ инновациялары.

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Анализ антидемпинговых прецедентов ВТО и ГАТТ и определение инновации в новой процедуре разрешения споров в ВТО

В статье анализируется практика органа ВТО по разрешению споров и дела, которые рассматривались еще при ГАТТ по антидемпинговым делам. Итогом анализа служит систематизация и вывод общих характеристик прецедентов вышеназванной тематики, также определение инновации в новой процедуре по разрешению споров. Яснее выражаясь, нужно подчеркнуть, что процедура урегулирования торговых споров органа по разрешению споров ВТО не совсем новая, а действует с момента создания организации, но так как в статье рассматриваются прецеденты, которые предшествовали спорам при ВТО, была объективная необходимость провести сравнительный анализ между двумя процедурами по разрешению торговых споров. Авторы выделяют две основных инновации, которые, в свою очередь, состоят из двух элементов и в основном выражаются в институциональных и операционных нововведениях. Бесспорно подобная реформа процедуры несет позитивный эффект и повышает эффективность мер, что делает орган по разрешению споров ВТО более привлекательным институтом для сторон торговых споров. Особенности антидемпинговых прецедентов исходят из специфики процедуры по разрешению спора, которая подчиняется нормам кодекса, разработанного с учетом сложностей споров, объектом которых является демпинг. Поэтому в определении общих характеристик основными категориями служили этапы рассмотрения спора и уже по этапам выводились тенденции.

Ключевые слова: антидемпинг, ВТО, ГАТТ, инновации ВТО.

Introduction

The development of international trade reveals that the globalization of economic processes is intensifying and, with one of its consequences, there is intermediate erosion between the external and internal regulation of international economic exchange. On this basis, a modern international trading system is being formed by organizing center, which is gradually becoming the WTO. The World Trade Organization, is the successor to the General Agreement on Tariffs and Trade (GATT), which was in force since 1947. The WTO is called upon to regulate the trade and political relations of the Organization's participants.

The Agreement on the Establishment of the WTO is an «umbrella» document, to which are attached 27 legal documents regulating: (1) a wide range of issues of international trade in goods; (2) trade in services; and (3) the trade aspects of intellectual property rights. Separate agreements regulate the procedure for resolving trade disputes and the procedure for monitoring trade policies of WTO member countries.

All WTO member countries are committed to the implementation of the main agreements and legal instruments united by the term «Multilateral Trade Agreements.» Thus, from a legal point of view, the WTO system is a kind of multilateral contract (package of agreements), whose rules and regulations regulate approximately 97% of the world trade in goods and services (Mcneill, 2003: 95).

WTO activities aimed at combating dumping were and are a necessity in the context of the integration of the world economy. This explains the strict regulation of actions by member countries and the need to introduce into the local legislation rules of regulatory anti-dumping.

Dumping in the classical form is the export of goods at prices below market prices in the exporting country. As a result, the balance of power between suppliers of a similar product is violated, which are also forced to reduce prices to competitive prices, or to take other steps to protect their products. Dumping requires financial support, which it provides a specific supplier (suppliers) or the state-exporter by subsidizing from the state budget.

The main regulator of foreign trade relations is the World Trade Organization. The normative documents adopted by it also touch upon the topic of dumping, establishing the measures that countries should or should not take to protect their domestic market. The international practice of combating dumping has a longer history, and is therefore more clearly regulated. The GATT (General Agreement on Tariffs and Trade) agreements have been revised to create the WTO Anti-Dumping Agreement, which is a set of rules for trade between WTO members.

The provisions of article 16.4-16.5 of the 1994 Anti-Dumping Code require WTO members to report to the Anti-Dumping Committee on all preliminary or final anti-dumping measures taken and to notify authorities competent to initiate and conduct investigations, as well as national procedures for initiating and conducting investigations. The Committee on Anti-Dumping Practices can create auxiliary bodies if necessary. An example of such a body is the informal group on anti-deception. With the establishment of the WTO, not only a number of international treaties were concluded, but the process of administering justice was improved to resolve disputes arising from new legal regulations. According to experts, in the world of trade, the existence of a mechanism for settling disputes is a necessary condition for carrying out entrepreneurial activities at the international level (William, 2002: 145).

The dispute settlement mechanism operated under the GATT. Moreover, a lot of practice has been developed, although in the sphere of anti-dumping settlement the bulk of it is in the 90s of the twentieth century. However, it was far from perfect in different directions, but primarily because of its non-mandatory nature, which was the reason for the reform. Thomas described the previous mechanism as a trade diplomacy and a quasi-judicial process with two distinct possibilities (Thomas, 1996: 56-57). The decision to establish an arbitration group depended on the contracting parties. The findings were the responsibility of these groups, but their recommendations were not binding on the parties between which the dispute arose. The loser could always block the adoption of the report at the level of the GATT Council.

N. Komuro distinguishes two innovations of the new dispute settlement mechanism (Komuro,1995: 29). The first innovation is the operating one. In turn, it is formed by two components. The first component is the rule of negative consensus. The essence of the rule is that decisions on the establishment of arbitration groups, on the acceptance of reports by arbitration groups and the Appeal Body, on the inclusion of the implementation of a recommendation on the agenda of the Dispute Settlement Body, shall be taken, unless the Dispute Settlement Body decides on the basis of consensus otherwise (WTO agreement annex 2, 1994). The second component – the time frame, information openness, prohibits unilateral response, negotiation procedures. The second innovation is the institutional innovation. In turn, it is also formed by two components. The first component – the dispute settlement body, according to L. Wang, is the umbrella body for the management of the rules and procedures (Wang, 1995: 174). This body has the right to establish arbitration groups, to receive reports from arbitration groups and the Appeal Body, monitor the interpretation of the decision and recommendations, and also authorize the suspension of concessions or other obligations on the basis of the agreements covered. The second component is the Appeals Body. He considers appeals concerning cases submitted to arbitration groups. Unlike the decision of the GATT arbitration groups, certain sanctions may be imposed on governments that do not comply with the conclusions made within the framework of the WTO dispute settlement mechanism. Offset from optional to obligatory justice process is intended to ensure that the national government could no longer ignore the international trade regime, or solutions (Krikorian, 2012: 3). Despite the dissatisfaction of the loser parties, including in the consideration of anti-dumping cases, the dispute settlement mechanism enjoys broad support from participants and is actively used, which in itself is proof of its attractiveness.

Antidumping is recognized as one of the means of protecting trade (Michalopoulos, 2001: 5). The impact of the state on public relations arising in connection with the application of anti-dumping measures is based on a heterogeneous legal material, united by a target. Along with normative acts, international treaties and doctrine, the source of antidumping regulation is judicial precedents, including the decisions of the tribunals established on the basis of universal international treaties, the WTO arbi-

tration groups and the Appeals Body that replaced the GATT arbitration groups.

In WTO documents, there are often such categories as «GATT / WTO precedent» and «precedents of arbitration groups», but there is no unconditional recognition of the binding nature of the GATT / WTO precedents. The Report of the Appeal Body in the case of Japan-Taxes on Alcoholic Beverages notes that the adopted reports of the WTO panel should be taken into account when they are relevant to the dispute, but they are not mandatory, except for the resolution of an individual dispute between its parties (WTO Appellate Body Report, 1996). However, the parties always refer to the reports of the arbitration groups, as well as to the named legal position of the Appeal Body.

In 1947 the provisions on anti-dumping duties were included in art. VI GATT. In 1967, 1979 and 1994 agreements were concluded on the implementation of Art. VI GATT, commonly referred to as anti-dumping codes.

By the middle of 1980s. In the framework of the GATT, only two antidumping cases were considered (Swedish Anti-Dumping Duties and New Zealand – Imports of Electrical Transformers from Finland), but since the 1990s, some contracting parties began to consider the mechanism for the settlement of GATT disputes as an alternative to costly legal protection of anti-dumping cases in foreign jurisdictions. There is even an opinion that, through the dispute settlement mechanism, some states have tried to change the national procedures of opponents that failed to agree on the past rounds of negotiations (Waincymer, 2001: 8 – 9). In recent years, trade disputes over the application of anti-dumping measures constitute a significant part of the work of the arbitration groups and the WTO Appellate Body – even in publications on the WTO dispute settlement mechanism, anti-dumping issues are almost central (Trebilcoock, 2013: 336).

As successful non-tariff barriers are removed and tariffs are reduced in different countries, competing importing countries are subject to increasing pressure. Due to the fact that anti-dumping measures showed their acceptability in any case of «restless» imports, their attractiveness for those seeking protection of the industries and states prone to such protection is obvious, namely:

• Rantings about anti-dumping with accusations of foreigners in injustice or predatory pricing policies aimed at crowding out national competitors from the market form a background for the political justification for political protectionism.

• In practice, anti-dumping legislation establishes special procedures that discriminate against foreign firms and easily allow authorities to detect dumping by foreign firms, while similar or similar situations with national firms will not be considered unfair or predatory under national competition laws.

• The process of investigation leads to the curtailment of imports. Exporters bear significant legal and administrative costs, and importers are in an uncertain situation due to the need to retroactively pay antidumping duties upon completion of the investigation.

• The measure is one-sided. Under GATT / WTO rules, no compensation is provided, no response is allowed.

• In addition, it enables the industry that handles the petition to justify its own inefficiency compared to foreign competitors.

• You can select individual exporters. The GATT / WTO rules do not require multilateral application.

• Antidumping and DOE have proved their complementary effectiveness, i.e. The threat of a formal measure in the framework of anti-dumping legislation provides a lever to force the exporter to voluntarily restrict exports.

Unfortunately, despite the high costs of antidumping, in developing countries, continuing the pernicious tradition of industrialized countries, a new mode of imposing anti-dumping rules appeared in response to complaints of domestic firms about the competition for imports, which appeared in connection with the liberalization of trade. As a result of this trend, by 1996, developing countries accounted for more than half of all anti-dumping cases registered by the WTO. Sixty-one countries with developing economies and economies in transition have notified the new WTO on anti-dumping legislation, and some have asked the World Bank for technical assistance in the development of such legislation. Among them are Costa Rica, Colombia, Chile, Morocco and Indonesia.

Although the agreement on anti-dumping measures signed in the Uruguay Round does not provide for serious disciplinary measures, since the mid-1990s the use of anti-dumping by industrially developed countries has significantly decreased. For such a reduction, the developed countries are increasingly aware that their use of anti-dumping measures did not serve the country's national interests.

Australia may have been the first country to realize that its attempts to weaken the regulation of industry and liberalize trade are undermined by its own anti-dumping measures. Australia has traditionally supported its own production through quantitative restrictions on imports and subsidies. When the Hawke government in the early 1980s began to

pursue a policy of easing these measures, groups of stakeholders began to file petitions on anti-dumping protection on an increasing basis. For several years in Australia, more anti-dumping investigations were launched than any other country. The Hawke government, realizing that anti-dumping almost prevailed over its reform program, pushed through Parliament amendments to the anti-dumping legislation of Australia. The amendments provided an oversight function that allowed the government to determine anti-dumping measures based on its general principles of trade policy.

Before any the parties should try to resolve the disagreements among themselves. They can also invite the General Director of the WTO to act as a mediator or mediator and assistance in reaching a compromise and mutually acceptable solutions. The second stage: the arbitration group (up to 45 days for appointment) of the arbitration group and 6 months for the adoption of the conclusion of the arbitration group). If the negotiations did not help resolve the dispute, the plaintiff sends a request to the LFS about the appointment of the arbitration group. The Arbitration Group helps the LFS to make decisions or recommendations. But, since the report of the arbitration group can be is rejected in the LFS only if there is a unanimous decision by the LFS, then this report is quite difficult to cancel. Conclusions of the arbitration groups should be based on the quoted WTO agreements. The final report of the panel is usually sent out parties to the dispute within six months. In cases not tolerating of cases, including those relating to perishable goods, this period is reduced to three months. In the DRS describes the main stages of the work of the arbitration group. Prior to the first hearing: each party to the dispute represents the arbitration group its position in writing. The first hearing: the claimant country (or the claimant countries) defendant, and countries that have announced their interest in this dispute, represent their positions at the first hearing of the arbitration group. Refutations: all participants in the dispute submit their written refutations and oral arguments at the second meeting the arbitration group. Experts: if one party raises scientific or other technical questions, the panel can consult with experts or designate an expert group to prepare advisory opinion. The first project: the arbitration group represents the descriptive section of his report (facts and arguments on the case) to both parties dispute, gives them two weeks to comment. This the report does not include the conclusions and conclusions of the panel. Interim report: the arbitration panel transmits interim report, including conclusions and conclusions of both parties to the dispute, gives them one week to view the report. Revision: after review by the parties of the dispute between the intermediate report, the panel reviews the report, taking into account the comments of the parties. The revision period of the report should not exceed two weeks. During the review, the panel can hold additional meetings with both sides of the dispute. Final report: three weeks after submission final report to the two parties to the dispute, document is sent to all WTO member countries. If the panel comes to the conclusion that the disputed trade measure violates the agreement or commitment within the WTO, it recommends that bring the measure in question in line with WTO rules. The panel can also suggest ways to bring accordance with WTO rules. The report becomes a decision: the report becomes a solution or an OCR recommendation within 60 days, if the LFS does not accept other solution by consensus. Both parties to the dispute may appeal the report of the panel of arbitrators to the Appeals Body. Sometimes both parties appeal against the conclusions of the arbitration group at the same time. The appellate body can support, change or cancel legal opinions, made by the arbitration group. Usually Appeals last no more than 60 days, in exceptional cases – not more than 90 days. The LFS accepts or rejects the report of the Appellate Body within 30 days, while rejecting the report is possible only on basis of consensus.

Methods

Given the relevance of the topic and the rich historical context, there is no lack of information. On the contrary, a huge amount of information on precedents creates complexity in the systematization of practice. Historical and comparative legal methods play a key role in determining the main stages and specific characteristics of these stages. Also, structurally functional analysis will be widely used, since the identification of general regularities in the full analysis of texts is ineffective, this will be formed from the need to confirm by practice the already planned function or stage of the case, especially highlighting a specific characteristic.

Discussion

Definition of stages of consideration of anti-dumping disputes between WTO and GATT

The anti-dumping precedents of the GATT / WTO can be grouped according to a range of issues, namely:

– dumping;
– damage;
– anti-dumping investigation;
– anti-dumping measures;
– administrative reviews;
– legal liability.

For each of them, the GATT and WTO arbitration groups, as well as the Appellate Body, have developed a certain practice. Let's take a few legal positions as an illustration and start, of course, with dumping.

Dumping. For its detection it is necessary to compare the normal and export price of the goods. The provisions of Art. 2.4 The 1994 Anti-Dumping Code requires a fair comparison, including that if the composite export price of the goods is used, adjustments are made for costs, including duties and taxes paid between the import and resale period, and on the profits received.

Indication of the need for amendments is contained in Art. 2.4 of the 1994 Anti-Dumping Code and expressed in English by the term «should». In paragraph 6.93 of the Report of the WTO Panel of Experts on the Case of the United States, Anti-dumping Measures on Stainless Steel, Plate in Coils and Stainless Steel Sheet and Strip From Korea (WT/ DS179/ R .22.12.2000) noted that this term in the usual sense is optional; its use in art. 2.4 indicates that the WTO participant is not required to make adjustments for costs and profits when compiling the export price. This is due to the fact that the inability to make such amendments can lead only to a higher export price and, consequently, to a low dumping difference – the anti-dumping duty rate. The 1994 Anti-Dumping Code simply permits, but does not require, amendments.

An example of deviation from the requirements of a fair comparison is the zeroing methodology, the issue of which was raised in the framework of the GATT in the case of EC-Anti-dumping Duties on Audio Tapes in Cassettes Originating in Japan, but the report was not adopted (Panel Report ADP/136, 1995). The WTO Appellate Body negatively assessed its use in both the EU and the US (paragraphs 54-55 of the European Communities Report on Anti-dumping Duties on Imports of Cotton-type Bed Linen from India and paragraph 183 Report on the case of US – Final Dumping Determination on Softwood Lumber from Canada)(Appellate Body Report, 2006). A landmark was the case United States – Laws Regulations, and Methodology for Calculating Dumping Margins («Zeroing»).

The US Department of Commerce determined the total dumping difference of the commodity by summing up each individual dumping difference calculated in a group of identical goods. However, he ignored any negative dumping difference (excess of the export price over the normal value) in the group, simply nullifying it. Accordingly, the total dumping difference, which was the total amount of individual dumping differences, was, as a rule, overestimated.

As follows from the findings of the Report of the WTO Appellate Body on this case, he, on the one hand, supported the WTO arbitration panel that the use of the zeroing methodology in the anti-dumping investigation does not meet the requirement of a fair comparison under Art. 2.4.2 of the 1994 Anti-Dumping Code, but, on the other hand, did not agree with it that the use of this methodology in administrative review is in accordance with Art. 9.3 of the same Code.

Thus, the methodology in question cannot be used either during an anti-dumping investigation or during an administrative review. However, according to some reports, the US Department of Commerce continues to use the zeroing methodology in administrative review (Spak, 2012: 1134).

Damage. As noted by J.N. Jackson, dumping in itself does not contradict the GATT obligations (Jackson, 1969: 402). The proof of dumping is a necessary, but insufficient, condition for imposing dumping duties. The second necessary condition is the damage to the national industry.

In Art. 3.1 Anti-Dumping Code of 1994 provides that the establishment of the presence of damage for the purposes of Art. VI GATT is based on positive evidence and involves an objective study of the volume of dumped imports, its impact on the prices of similar goods in the domestic market and the corresponding consequences for domestic producers of such goods.

In determining the damage, the period for which data are used by the authorities is important. In the case of Mexico – Definitive Anti-dumping Measures on Beef and Rice, the WTO panel considered that the calculation of the damage done by the Mexican investigation authorities on the basis of data covering only 6 months of each of the three audited years does not comply with Art. 3.1 Anti-Dumping Code of 1994, as it is not based on positive evidence and does not allow, as necessary, to objectively study the entire current situation, reflecting, without proper justification, only a part of it. Moreover, the specific choice of a limited investigation period is not unbiased, as the investigation authorities knew about the fact that the analyzed period reflects the highest penetration of imports, thus ignoring the data for those

months in which it can be expected that the national industry has succeeded (GATT Panel Report, 2005).

The study of the impact of dumped imports on the national industry requires an assessment of all relevant economic factors and indicators related to the state of industry. Their list is contained in Art. 3.4 Anti-Dumping Code 1994

In paragraph 7.236 of the Report of the WTO Arbitration Panel in the case of Thailand – Anti-dumping Duties on Angles, Shapes and Sections of Iron or Non-Alloy Steel and H-Beams from Poland (Ibid WT/DS122/R, 2000) it was noted that in determining that Art. 3.4 contains a list of 15 factors that must be studied, the panel did not intend to establish only a «checklist approach» mechanically used simply to be mentioned in some way by the authorities investigating each of these factors. In the circumstances of a particular case, it is also possible that some of them will not be suitable, since their importance or weight may vary, or that some other factors not listed will be considered appropriate. Most likely, Art. 3.4 requires the authorities to properly establish whether there is a fact-based basis for conducting a reasoned analysis of the state of industry and the detection of damage. This analysis is not derived from a simple description of the degree of appropriateness of each individual factor, but probably should proceed from a thorough assessment of the state of industry and taking into account the last sentence of Art. 3.4 contain convincing explanations of how the assessments of the relevant factors led to the definition of damage. Apparently, this legal position is applicable to Art. 3.7 Anti-Dumping Code 1994, which contains a list of threats to property damage.

Anti-dumping investigation. Such an investigation is a time-limited, independent stage of the anti-dumping process, during which the authorities identify the existence of grounds and decide on the application of anti-dumping measures. This procedure is carried out by the authorities using certain techniques.

There are two grounds for initiating an anti-dumping investigation: by application and by post (self-initiation). In Art. 5.4 The 1994 Anti-Dumping Code sets standards for the level of support for an anti-dumping statement by a national industry. In previous codes they were not: art. 5 (a) of the Anti-Dumping Code of 1967 established that investigations are usually initiated on demand on behalf of the affected industry, supported by evidence of dumping and the damage it causes to such an industry. In paragraph 1 of Art. 5 of the 1979 Antidumping Code stipulated that an investigation to determine the existence, extent and effect of the alleged dumping is usually initiated upon written request of the affected industry or on its behalf.

Previously, the administrative practice of the United States proceeded from the assumption that if the applicant indicates that it is referring to the name of industry, then it should be recognized that producers making up more than half of the national production supported the statement (Palmeter, 1996: 55). This practice was the subject of consideration by the GATT arbitration panel in the case of the United States – Imposition of Anti-dumping Duties on Imports of Seamless Stainless Steel Hollow Products from Sweden (GATT Panel Report, 1990). The Arbitration Group came to the conclusion that paragraph 1 of Art. 5 should be interpreted as requiring the authorities to make sure before the opening of the investigation that a written claim is submitted on behalf of the national industry determined in accordance with Art. 4 (paragraph 5.10 of the Report). Although this report was not adopted, nevertheless, according to some reports, the US agreed to adopt the standard (Hudec, 1993: 253-254). One of the techniques of anti-dumping investigation are checks (cameral and exit). Field inspections on the territory of other WTO participants are called on-site investigations (Article 6.7 of the 1994 Anti-Dumping Code).

When considering cases, the arbitration groups and the Appeal Body are guided by such principles as the principle of good faith, efficiency, consistency in interpretation, non-retroactivity of an international treaty, avoidance of conflicts and legal economy.

The main stages of the dispute settlement mechanism of the WTO are considered:

– consultations and mediation;
– process of arbitration groups;
– An appeal;
– implementation of recommendations;
– compensation and response as temporary measures;

In the regulatory legal acts of WTO participants:

1. It can be pointed out that the WTO dispute settlement mechanism can be used (Article 23 of the Central American Amendments on unfair business practices (approved by the Council of Ministers in 1995, No. 12) proclaims that the participant has a resource of regional dispute resolution procedures or corresponding ones WTO procedures);

2. The procedure for applying (Decree of the Council (EC) 1994 No. 3286 «On the establishment of Community procedures in the field of common trade policy in order to ensure the implementation of Community rights based on international trade rules, in particular those envisaged under the auspices of the WTO»);

3. Regulate the implementation of recommendations and decisions of the Dispute Settlement Body (Article 76.1 of the Canada Act of 1984 «On Special Import Measures», Article 129 (a) of the United States Act 1994 «On Uruguay Round Agreements»).

In the event of disputes related to anti-dumping regulation, the provisions of Art. 17.4-17.7 of the 1994 Anti-Dumping Code. Moreover, in case of difference, special rules and procedures stipulated in the Code (paragraph 2 of Article 1 of the Agreement on rules and procedures governing the settlement of disputes) are subject to application. As the researchers note, although the Arrangement on rules and procedures governing the settlement of disputes gives the right to an arbitration group, more formal requirements for the applicability of the arbitration procedure apply in dumping cases.

An on-site investigation is not an obligatory element of an anti-dumping investigation. In the case of Egypt – Definitive Anti-dumping Measures on Steel Rebar from Turkey (Thomas, 1996: 53–81) the WTO arbitration panel deemed the use of the Art. 6.7 of the 1994 Anti-Dumping Code, the words «may» and noted that the choice of this particular word makes it clear that on-site inspections on the territory of other WTO participants are allowed, but not required.

Anti-dumping measures. The concept of these measures is generalizing and includes preliminary and final measures. Both can take different forms.

Preliminary measures are applied to protect national producers from dumping imports in the period prior to the adoption of the final definition (Wolfrum, 2008: 124) and for the purpose of temporary protection of the national industry

In paragraph 4.88 of the report of the WTO panel of the Guatemala-Definitive Anti-Dumping Measures on Gray Portland Cement from Mexico, it was noted that the Anti-Dumping Code of 1994 does not require the application of provisional measures as a precondition for final measures. Preliminary measures are not an obligatory element of the anti-dumping investigation. This is indicated by the norm of Art. 8.1 of the 1994 Anti-Dumping Code, which provides that proceedings in a case may be suspended or terminated without the application of provisional measures in the performance of obligations (Wu, 1995: 49).

This legal position can be considered a continuation of the conclusion of the GATT arbitration panel in the previously mentioned case Swedish Anti-Dumping Duties. In paragraph 8 of the Report on this case it was noted that Art. VI does not oblige the importing State to levy an anti-dumping duty whenever there is a dumping case, or similarly treat all suppliers that apply to this practice. The importing state is authorized to levy an anti-dumping duty only when there is material damage to the national industry or, at least, the threat of such damage.

Final measures are established in the course of and following the results of the investigation and administrative reviews. These include price obligations and anti-dumping duties.

By its legal nature, the anti-dumping duty is a free-of-charge general remuneration. The distribution of revenues from these duties among national producers is not justified.

According to Art. 1003 US 2001 Act «On Agriculture, Rural Development, Food and Drug Administration, and Appropriations of Related Agencies,» tit. VII Act of the USA 1930 «On Tariff» was supplemented by art. 354 (Article 1674c, tit 19 of the Code of Laws of the USA). In item «a» of this article it is stipulated that the duties determined by the order on the antidumping duty are annually subject to distribution (by the Customs Fee Commissioner) between the affected national producers for certain expenses. The initiator of the change was Senator R. Baird, and the amendment received his name. Based on this rule, two payments were made (King, 2002:12). As it follows from paragraph 8.1 of the Report in the case of the United States – Continuation of the Law on Displacement and Subsidies of 2000 (Palmeter, 1996: 43–69), the WTO panel considered that the act of the same name does not comply with Art. Art. 5.4, 18.1 and 18.4 of the 1994 Anti-Dumping Code. The conclusion of the panel was confirmed by the Appeal Body (Appellation Body Report, 2003).

Administrative reviews. The decision on the application of anti-dumping measures may be revoked, amended or left unchanged by the authorities following administrative and judicial review.

The WTO dispute settlement mechanism does not establish a rule for the exhaustion of national remedies.

Disputes based on GATT relate to rights and obligations between WTO members, but not to individuals, and it is believed that the doctrine of exhaustion does not apply to disputes between nations. Neither the GATT nor the WTO have ever adopted a practice requiring the exhaustion of local remedies until the issue is referred to an arbitration group. At the same time, researchers emphasize that arbitration groups can consider anti-dumping cases

before national processes. This is justified by the fact that the panel can raise issues of legal force that many national tribunals simply cannot consider. For this rule, according to P.J. Kuijper, the practice of the lawsuits of the contracting parties in the field of anti-dumping and subsidies is important. Japan, the EU and the US started arbitration group procedures both in parallel with administrative and judicial procedures and without recourse to these procedures in general

Administrative reviews are divided into several types. Some of them are new. Thus, the provisions on the final revision were first included in the anti-dumping legislation of Australia, the EU and Canada in the 1980s. In the Anti-Dumping Code of 1994, Art. 11.3.

In contrast to the anti-dumping investigation, the final revision is by nature promising in that it focuses on the likelihood of continuation or resumption of dumping and damage in the event of the termination of final measures (Czako, Human, 2003: 89).

The basis of the analysis carried out within the framework of the final revision is certain principles. Given the likelihood of continued or resumed dumping and damage caused by the termination of the anti-dumping duty, the findings of the Witness Appeals Board's report in the United States-Sunset Reviews of Anti- dumping Measures on Oil Country Tubular Goods from Argentina (Appellation Bode Reprt, 2004). It confirmed that a positive definition of probability can be made only if there is evidence demonstrating that dumping can occur when the duty is stopped, but not giving grounds to assume that such a result is probable.

The ratio of administrative and judicial reviews has been the subject of the above-mentioned case Mexico – Definitive Anti-dumping Measures on Beef and Rice. In paragraph 7.291 of the Report, it is noted that the authorities are not allowed to reject requests for review, refund or application of duties in an altered amount due to the fact that judicial review of such measures is still ongoing. The WTO arbitration panel considered that Art. Art. 68 and 97 of the 1993 Mexican Law on Foreign Trade, which require the authorities to reject requests for administrative review before the completion of judicial review procedures, do not comply with Art. Art. 9.3.2 and 11.2 of the 1994 Anti-Dumping Code.

Legal liability. In 1955, representatives of New Zealand offered to consolidate at the international level the responsibility of states for dumping their exporters, but the proposal was not adopted. In foreign publications, one can find an indication that anti-dumping legislation is a weapon used by national producers to punish foreign competitors (Jackson, 1969: 412), and an anti-dumping duty, in turn, is equivalent to a fine. Sometimes it is noted that dumping is a violation only when establishing a causal relationship between the dumping of the exporting state and the damage to the national industry in the importing state. There are also emotional estimates of domestic publications in which anti-dumping measures are sometimes equated with sanctions, fines, etc. (Долгов, 1990: 115).

States are not responsible for the dumping practices of their residents, and anti-dumping measures are not a measure of legal responsibility. In this case, the conclusions of the WTO Arbitration Group in the United States-Anti-Dumping Act of 1916 should serve as a guide. In paragraph 6.228 (e) of the Report on this case, it was determined that by providing instead of imposing anti-dumping duties compensation for damages, imposition of fines or imprisonment, the US Act of 1916 «On Income» violates cl. VI GATT. The conclusion of the arbitration group is confirmed by the Appeal Body (Vermulst, 1995: 131–161).

One of the main categories of non-compliance with the requirements of the law is «deception of anti-dumping measures», which can occur when, following the imposition of anti-dumping duties, the importer seeks to avoid the scope of the decision of the authorities of the investigation.

The most detailed application of anti-deceptive measures is regulated in the US and EEC. The EEC practice on the use of anti-deceptive measures was the subject of a study of the GATT arbitration group: for example, in the case of the EEC Regulation on Imports of Parts and Components 39, the panel concluded that the fees imposed on cl. 13 of Council Regulation (EC) of 23.07.1984 N 2176 «On protection against imports, which is the subject of dumping, from countries that did not belong to the European Economic Union or subsidized by these countries» and Council Regulation (EEC) of 11.07.1988 N 2423 « On protection against dumping or subsidized imports from non-member states of the European Economic Community «for goods collected or produced in the EEC by enterprises associated with Japanese producers of goods subject to duties do not comply with the first sentence of paragraph 2 of Art. III and do not justify Art. XX (d) GATT (paragraph 6.1 of the Report). After the adoption of this Report, paragraph 10 of Art. 13 in the EEC was no longer used (Holmes,1995: 164).

Some of the above GATT / WTO anti-dumping precedents, of course, require additional comments. Nevertheless, we can state, in particular, the follow-

ing. Amendments for costs and profits when compiling the export price, on-site inspections and provisional measures are not mandatory.

Violations of the requirements of the Anti-Dumping Code of 1994 include: the use of the methodology of zeroing; damage analysis based on data covering only a few months of each of the three years tested; the imposition of fines or imprisonment instead of anti-dumping duties, as well as the distribution of revenues from their collection between national producers.

The list of legal positions on anti-dumping cases of the GATT and WTO arbitration groups, as well as the Appeals Body, is not limited to the above-mentioned precedents. When considering anti-dumping cases, other legal positions are taken into account. Thus, when examining the United States – Definition of Industry Concerning Wine and Grape Products (GATT Panel Report N SCM/71, 1992), the GATT arbitration panel considered that Art. The GATT VI and the corresponding provisions of the Code should be interpreted narrowly, since they permit actions different from the regime most favored by the nation, in other cases prohibited by Art. I. Proceeding from this, the list of types of damage contained in footnote 9 to art. 3 of the 1994 Anti-Dumping Code, should be interpreted as exhaustive. Such examples can be continued.

In accordance with WTO rules, a member country is not obliged have a special legal or economic interest in subject matter of the dispute. For example, in the EU-Banana case (which is the long dispute over the entire history of the WTO), the United States complaint to the WTO on the issue of the European the alliance of preferential access to European markets banana producers from African, Caribbean and Pacific countries, thereby violating the WTO rules on non-discrimination. At the same time, the US was not an exporter bananas to European markets. However, in most cases, disputed under the WTO, actions or measures member countries directly affect the party initiating investigation.

To date, the following legal positions have been formed by the arbitration groups and the Appellate Body of the WTO:

– The 1994 Anti-Dumping Code does not require the imposition of provisional measures as a precondition for final measures (paragraph 4.88 of the Guatemala-Definitive Anti-Dumping Measurement Gray Portland Cement from Mexico) (Trebilcoock, 2013: 912);

– Art. 3.4 The 1994 Anti-Dumping Code requires the authorities to properly establish whether there is a factual basis for supporting a reasoned and important analysis of the state of industry and the detection of damage (paragraph 7.236 of the Thailand-Anti-dumping Dutieson Angles, Shapes and Sections of Ironer Non-Alloy Steel and H-Beams from Poland «) (Speyer, 2001: 332);

– compensation for damages, imposition of fines or imprisonment instead of imposing anti-dumping duties is a violation of cl. 2 art. VIWAT (paragraph 6.228 (e) of the report on the case «United States – Anti-Dumping Act of 1916») (WT/DS136/AB/R, WT/DS162/AB/R. 28.08.2000);

– imposing a lower duty or accepting a price obligation forms a category of «constructive means of protection» for the purpose. 15 of the Anti-Dumping Code of 1994 (paragraph 6.229 of the European Communities-Anti-dumping Duties on Imports of Cotton-type Bed Linenfrom India);

– The English term «should» in the usual sense is optional, i.e. its use in art. 2.4 of the 1994 Anti-Dumping Code indicates that the WTO participant is not required to make adjustments for costs and profits in compiling the export price (paragraph 6.93 of the United States-Anti-Dumping Measures on Stainless Steel Platein Coils and Stainless Steel «);

– distribution of income from anti-dumping duties to affected national producers does not comply with Art. 5.4, 18.1 and 18.4 of the 1994 Anti-Dumping Code (paragraph 8.1 of the United States-Continued Dumping and Subsidy Offset Act of 2000) ;

– The analysis of damage by the authorities, based on data covering only 6 months of each of the three years tested does not comply with Art. 3.1 of the Anti-Dumping Code of 1994, as this analysis is not based on positive evidence and does not allow for an objective examination of how it is necessary and without a proper justification shows only part of the picture of the situation (paragraph 7.86 of the report on the case of Mexico- Definitive Anti-Dumping Measures nBeefand Rice «) (Yoshida, 2007: 389).

In Global Economic Prospects (1995), it was explained that anti-dumping measures are a common protection measure with a good public relations program. In fact, anti-dumping measures are often more costly for importing countries than for conventional tariff protection measures. The reason that anti-dumping measures are such an expensive form of protectionism is that the threat of an anti-dumping action provides the importing country with a lever to force exporters to enter into regulated agreements that increase export prices. Exporters often face the need to choose between the tariffs that will be applied to their export sales and the agreement to raise

prices («the obligation to raise the price») or restrict sales («voluntary export restriction» or DOE). Due to the fact that exporters, as a rule, can increase their profits by accepting the obligation to raise the price or voluntarily restrict exports, they often prefer a settled agreement to imposing an anti-dumping duty. Sometimes the threat of an anti-dumping measure in itself leads to the resolution of the problem, since the uncertainty of the anti-dumping process itself means the loss of buyers. However, such regulated agreements entail large costs for buyers and importing industries, since they do not provide the government with any tariff revenues. The effect for the importing country is similar to that of the OPEC cartel: exporting countries receive higher prices from importing countries through agreed sales restrictions or minimum prices. Indeed, according to estimates, the costs of the US economy due to their own anti-dumping measures introduced in the 1980s correspond to about half the cost of the US economy caused by an increase in OPEC prices in 1974 (Finger, 1991). The difference between OPEC and anti-dumping measures is that when applying the latter, import prices for consumers and producers are increased as a result of the policy pursued by the importing country

Conclusion

Imitation of industrialized countries largely explains the use of anti-dumping by developing countries. Once they liberalized, they pledged not to raise tariffs for the GATT / WTO and, since the Uruguay Round agreements imposed restrictions on subsidies and other more direct forms of industrial policy, developing countries turned to an instrument that was popular in industrialized countries. To date, policy responses to national costs associated with these actions are not being offered.

If the state needs to provide political support for reforms, it must have the means to analyze the problems that its citizens consider to be special, and decide on the severity of the problem in order, at least temporarily, to abandon the liberalization program, that is, there must be a mechanism that in the national interest provides temporary protection in exceptional circumstances. The main reason why antidumping can not be used for this purpose is that in this case, when determining the need for protective measures, an incorrect question is posed. The correct question is: «Is this an exception to the regime and the introduction of measures to protect national interests»? When antidumping is asked the question: «Is the policy of pricing of foreign firms fair»? The practice of pricing foreign firms is fair or not fair – this aspect does not determine the national interest when introducing measures of protectionism.

In fact, anti-dumping does not control predatory actions. David Palmeeter, a leading Washington specialist who is often recruited as an advisor to the exporters of developing countries besieged by anti-dumping investigations, concludes: «In a certain degree of probability, it can be said that none of the 767 positive definitions for anti-dumping cases in Australia, Canada , The EU and the US in the period between 1980 and 1986, although a predatory pricing policy took place at a distance. « A more conservative conclusion is made on the basis of OECD research that competition from foreign producers does not pose a threat to competition in more than 90 percent of anti-dumping duties imposed in the US and the EU in the 1980s.

There is no unconditional recognition of the precedent in WTO law. However, the abovementioned and other precedents of the arbitration groups, as well as the legal positions of the Appeals Body, should be taken into account when referring to the dispute settlement mechanism. Members of the WTO actively use this source of law to support their arguments, which must be taken into account by the representatives of Kazakhstan.

It should also be noted that when acquainted with the regulatory framework, the institutional system and the WTO dispute settlement mechanism, a deceptive impression can be created about «immense» opportunities. This was noticeable, including on the statements of commentators before Russia's accession to the WTO. As practice shows, the «aggressiveness» of new participants, reinforced by the hope of using the WTO legal instruments, leads to retaliatory actions that usually do not end in favor of newcomers. An example of this is a Memorandum between the PRC and the United States on understanding of the Chinese value-added tax on integrated circuits (Шепенко, 2014: 76-77).

In conclusion, it remains, in particular, to state that the WTO is a formal institutional framework, which is formed by several levels. Trade relations between WTO members are subject to certain international treaties. The GATT of 1947 continued to exist. In the event of disputes related to anti-dumping regulation, not only the Agreement on rules and procedures governing the settlement of disputes, but also the provisions of the 1994 Anti-Dumping Code, is to be applied. The WTO dispute settlement mechanism does not provide for the exhaustion of national remedies. In some issues (for example, about means of protection) there is still uncertainty.

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STATE AND LEGAL MECHANISM OF ENSURING INVESTMENT ACTIVITY IN THE FIELD OF ENVIRONMENTAL PROTECTION

The interaction between the two thriving fields of modern legal science, namely the investment law and environmental law, multi-faceted and requires careful study. The historical development of these two branches of law is characterized by a transition from poorly defined standards and principles, often controversial and limited legal rules to create complex legal mechanisms for their regulation. These transformations have also changed the relations between investment activities and environmental regulation. This study focuses on the integrated study of state-legal mechanism of ensuring the investment activities in the sphere of environmental protection and use of natural resources. This article discusses the activities of the state, public authorities governing the provision of investment activities in the sphere of environmental protection and the role of the state and its authorities as subjects of investment activity. The study revealed the importance of public investment management in the field of environmental protection and use of natural resources and given their characteristics, the more determined methods of state regulation and the new. The study of theoretical and practical recommendations for improvement of the current legislation of the Republic of Kazakhstan and practice of its application.

Key words: investment activity, state administration, state authorities, environmental protection, use of natural resources.

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Қоршаған ортаны қорғау саласындағы инвестициялық қызметті қамтамасыз етудің мемлекеттік-құқықтық механизмі

Қарқынды дамып келе жатқан заманауи заң ғылымдарының екі саласының, атап айтқанда, инвестициялық құқық пен экологиялық құқықтық арақатынасы көпқырлы және терең зерттеуді қажет етеді. Осы екі құқық саласының тарихы дамуы жиі қарама-қайшы болып табылатын әлсіз анықталған стандарттар мен қағидалар және шектелген заңи нормалардан күрделі құқықтық механизмдерді құру мен оларды реттеуге дейінгі ауысумен сипатталады. Бұл өзгертулер, сондай-ақ инвестициялық қызмет пен экологиялық реттеудің арасындағы қатынастарды өзгертті. Бұл зерттеу қоршаған ортаны қорғау және табиғи ресурстарды пайдалану саласындағы инвестициялық қызметті қамтамасыз етудің мемлекеттік-құқықтық механизмін кешенді зерделеуге арналған. Мақалада қоршаған ортаны қорғау саласындағы инвестициялық қызметті қамтамасыз етуді

реттейтін мемлекеттік органдар, мемлекеттің қызметі, сонымен қатар инвестициялық қызметтің субъектілері ретіндегі мемлекет пен оның органдарының ролі қарастырылған. Зерттеуде қоршаған ортаны қорғау және табиғи ресурстарды пайдалану саласындағы инвестициялық қызметті мемлекеттік басқарудың мәні ашылған және оның сипаттамасы берілген, осыған қоса мемлекеттік реттеудің әдістері анықталған және жаңалары ұсынылған. Зерттеудің нәтижесінде Қазақстан Республикасының қолданыстағы заңнамасын жетілдіру бойынша және оның қолданылу тәжірибесіне теоретикалық және тәжірибелік ұсыныстар тұжырымдалған.

Түйін сөздер: инвестициялық қызмет, мемлекеттік басқару, мемлекеттік органдар, қоршаған ортаны қорғау, табиғи ресурстарды пайдалану.

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Государственно-правовой механизм обеспечения инвестиционной деятельности в сфере охраны окружающей среды

Взаимодействие между двумя процветающими областями современной юридической науки, а именно инвестиционного права и экологического права, многогранно и требует тщательного исследования. Историческое развитие этих двух отраслей права характеризуется переходом от слабо определенных стандартов и принципов, часто противоречивых и ограниченных юридических норм до создания сложных правовых механизмов их регулирования. Эти преобразования также изменили отношения между инвестиционной деятельностью и экологическим регулированием. Данное исследование посвящено комплексному изучению государственно-правового механизма обеспечения инвестиционной деятельности в сфере охраны окружающей среды и использования природных ресурсов. В данной статье рассматриваются государственная деятельность, государственные органы, регулирующие обеспечение инвестиционной деятельности в сфере охраны окружающей среды, а также роль государства и его органов как субъектов инвестиционной деятельности. В исследовании раскрыты значение государственного управления инвестиционной деятельностью в сфере охраны окружающей среды и использования природных ресурсов и дана его характеристика, более того определены методы государственного регулирования и предложены новые. В результате исследования сформулированы теоретические и практические рекомендации по совершенствованию действующего законодательства Республики Казахстан и практики его применения.

Ключевые слова: инвестиционная деятельность, государственное управление, государственные органы, охрана окружающей среды, использование природных ресурсов.

Introduction

In the Republic of Kazakhstan, according to the Constitution, one of the fundamental principles of the state's activity is economic development for the benefit of the whole people (Constitution of the Republic of Kazakhstan, 1995). Foreign investments are the leading tool for the development of the world and national economic systems, as well as a means of integrating Kazakh entrepreneurs into the system of the international economic space. Investment activity is increasingly carried out with the participation of private foreign capital, which makes the problem of legal regulation of foreign investments more important not only at the national but also international level, and for legal science – the development and comprehension of this problem.

According to the Constitution of the Republic of Kazakhstan, the state aims at protecting the environment, which is favorable for human life and health people (Constitution of the Republic of Kazakhstan, 1995). Throughout the history of human economic and production, activities were the main source of impact on natural processes. Consuming natural resources, changing the natural environment, people exert a significant influence on the quality of the surrounding natural environment, which in turn affects the welfare and development of the nation. Unfortunately, not all is well in this sphere of public relations. Over the past few years, the state of the environment in the Republic of Kazakhstan has not only not normalized, but continues to deteriorate, despite falling production volumes in environmentally unfavorable sectors of the country's economy.

The Republic of Kazakhstan as an entity of international law, having joined the majority of environmental conventions, has adopted a number of obligations in the sphere of environmental protection and rational use of natural resources. Nevertheless, the state is also a party to international treaties in the field of the promotion and protection of foreign investment. In addition to the main trend in the regulation of economic and investment cooperation between states, there is a tendency to conduct scientific research by representatives of environmental and legal science in matters of investment in the field of environmental protection and the use of natural resources. Nowadays, there are many problems that need to be resolved. This is the lack of legal regulation of investment activities, and the lack of effective state regulation mechanisms for the rational use of natural resources in modern Kazakhstan.

Theoretical-methodological bases of the article

The theoretical basis of the research was scientific research on the issues of legal protection of the environment and the use of natural resources, general theoretical works of legal scholars on the theory of law, as well as on constitutional, civil and international law. The research was based on the works of S.B. Baisalov, D.L. Baideldinov, L.K. Yerkinbayeva, Zh.S. Elyubaev, J. Vinuales, T. Treves, A. Tanzi

In the development of the topic, the works of researchers in the field of philosophy, also economics and ecology, natural and technical sciences were used.

The methodological basis of the research is the methods and methods of scientific knowledge that established in science. In particular, such general scientific methods as logical, systemic, functional, method of analysis and synthesis, as well as the dialectical method as the fundamental general scientific method of cognition of processes and phenomena of the objective world and the private-scientific methods based on it are used: historical-legal, comparative legal , formally legal.

Discussion

Effective transformation of economy is impossible without active state intervention in regulating financial flows, capital investments in production facilities and in the field of social security. The role of state involvement in regulating investment relations in the sphere of environmental protection and use of natural resources remains significant, especially the fact that natural resources are owned by state.

Before moving on to the concept of state management in the sphere of investment activity, it should be noted that there is management not only in legal branch, but in science in general.

In fact, management is one of the most difficult and responsible areas of intellectual and practical activities of people. It is sphere welfare of society and fates of people depend on. Management exists in interaction of people within subjective factor.

M. Weber wrote: «state is a dominating relationship of people over people, based on legitimate (i.e. considered legitimate) violence as a means». This is classical interpretation of state as a structure, capable of defining behavior of people authoritatively and achieving it by coercive means (Weber, 1994:300).

State management is regulating activity of state as a whole (activity of state representative bodies, executive bodies, prosecutor's office, courts, etc.). In a broad sense, state management characterizes all the activities of state in organizing effects of special law subjects on social relations by representative bodies, executive bodies, prosecutor's office, courts, etc.).

As noted, L.K. Yerkinbayeva: «term 'state management' has been widespread in domestic and foreign scientific literature and in the legislation of Soviet republics. Over seventy years it was widely used in our country, with constitutional and legislative basis for this form of state activity (Еркинбаева, 2011: 157).

At all times issues on state, its concept, nature and role in society were discussion matters in constitutional law and jurisprudence. Born by society, its contradictions, state inevitably carries elements of contradiction within self, its activities and social role are contradictory (Елюбаев, 2010: 61).

The prerogative of state is to maintain order and national security of country, which will be the basis for developing investment activities.

In our opinion, state regulation of investment activity is activity of state represented by its authorities and aimed at implementation of state policy in the sphere of investment activities.

State regulation of investment activities is necessary in order to ensure implementation of public interests of society and state and to create better conditions for economic development of country.

State regulation of investment activity is a system of legislative, executive and supervisory nature, carried out by competent state institutions to stimulate investment activity and economic growth based on it. Legislative regulation of investment activity is intended not to cancel principles and mechanisms

of market economy and not to replace them by decision-making, but rather to promote favorable conditions for stimulating investment activity of entities, based on the market mechanism (Kovacks, 2013).

As a whole, state uses administrative and economic methods of influence on investment activity and economy by publications and adjustment of relevant legislative acts, by carrying out certain economic, including investment policy, in order to perform their functions in the field of investment activities.

The state is to connect interests of society, aimed primarily at preserving its well-being, in regulating investment activity in the sphere of environmental protection and use of natural resources.

One of the most important tasks for state is a clear systematic management of public finances. Effectiveness of state in the face of crisis depends on the level of organization of public finances, degree of selection mechanisms for legal regulation used by the state in the process of formation and use of state cash fund (Gordon, 2013).

State intervention must benefit all segments of society in order to achieve the most efficient social production. Public production can be efficient only when there is harmonious development for all the structures of society, i.e. when along with manufacturing sector, investments provide necessary development of social, economic and cultural spheres.

Implementation of investment policy through appropriate legislation, essentially aimed at improving socio-economic situation in society as a whole. Solving economic problems is closely related to legal issues, so, according to some experts, investment policy can be considered the most important direction of state socio-economic policy to achieve goals by public administration and legal security of funds.

There is no special law regulating state activity in the field of investment. In 2003, the Law «On state support of direct investments» was abolished. However, abolition of this law was understandable, since 2003 the Law «On Investments» has been adopted which contains necessary rules on state support (Закон РК «Об инвестициях», 2003).

Basic principles of state investment policy were legally registered in the Law «On state support of industrial and innovative activity», adopted in 2012 (Закон РК «О государственной поддержке индустриально-инновационной деятельности», 2012). This document defined preconditions for promoting investment processes. According to this law, the purpose of state support of industrial innovation activities is to increase competitiveness of national economy by stimulating development of priority economic sectors defined by the President of the Republic of Kazakhstan. One of the main objectives is to increase investment attractiveness and export potential of industrial innovation subjects.

The law defines industrial-innovative activity as activity of individuals or legal entities, related to implementation of industrial and innovative projects with a view to ensuring environmental safety in order to increase productivity and provide incentives for developing priority sectors of economy or with promotion of domestic processed goods, works and services in domestic and (or) foreign markets, with participation of capital in it, directly or indirectly owned by the state.

It should be noted that the state created a few National institutions as subjects of industrial and innovative system, performing state support for industrial and innovative activity. National Development Institute was created to involve the state to support investment activities in the field of attracting investments, which include the following functions:

1) conducting analytical studies to improve investment attractiveness of the Republic of Kazakhstan;

2) providing information on activities of foreign investors, including organization of meetings between investors and state bodies, subjects of industrial – innovative activities, as well as with associations of private enterprise entities, carrying out business-forums, conferences and seminars on investment issues, creates and maintains a database of foreign investors;

3) promoting favorable investment image of the Republic of Kazakhstan, including provision of information on investment opportunities;

4) monitoring implementation of official agreements reached following the results of negotiations with foreign investors;

5) monitoring of industrial-innovative projects implemented with participation of foreign investors.

The state also takes measures to attract foreign investments including:

1) search and negotiations with potential foreign investors to attract them to participate in industrial and innovative projects;

2) attracting subjects of industrial and innovative activities to participate in business forums, conferences and seminars on investment topics;

3) dissemination of information on industrial and innovative projects in foreign media through foreign establishments of the Republic of Kazakhstan, as well as through foreign diplomatic missions

and equivalent representative offices and consular institutions on the territory of the Republic of Kazakhstan (Закон РК «О государственной поддержке индустриально-инновационной деятельности», 2012).

According to the Law of RK «On investments», investment ombudsman was created, whose main functions are the following:

– consideration of investors appeals' on issues arising during implementation of investment activities in the Republic of Kazakhstan and recommendations for their solving, including interacting with government agencies;

– assistance of investors in addressing emerging issues in the court and pre-trial procedures;

– elaboration and submission of recommendations on improving legislation of the Republic of Kazakhstan to the Government of the Republic of Kazakhstan (Постановление Правительства РК «Об утверждении Положения о деятельности инвестиционного омбудсмена», 2014).

In the framework of State Program of Industrial-Innovative Development of Kazakhstan for 2015-2019, large investment projects will be implemented in accordance with proposals of business structures with total investment of more than 400 billion KZT, aimed at increasing of production volumes and value added products and reducing negative impact on environment (Указ Президента РК «Об утверждении Государственной программы индустриально-инновационного развития Республики Казахстан на 2015-2019 годы, 2014).

4 out of 10 challenges, identified by the Strategy 'Kazakhstan-2050', directly relate to environment issues and use of natural resources: global energy security (All developed countries increase investments in alternative and 'green' energy technologies) (Стратегия Казахстан – 2050). By 2050 their usage will help generate up to 50% of all energy consumed. Obviously, the era of hydrocarbon economy has ended. Kazakhstan is one of the key elements of global energy security. Our country, possessing large oil and gas reserves of the world level, will not recede from its policy of reliable strategic partnership and mutually beneficial international cooperation in the energy sector.):

– exhaustion of natural resources (in conditions of scarcity and depletion of Earth's natural resources, consumption growth unprecedented in human history will fuel multidirectional both negative and positive processes). Kazakhstan has a number of advantages. Other countries and nations will need our resources. It is essential that we rethink our attitude to our natural wealth. We need to learn how to properly manage it, saving our export revenues from their sales in the treasury, and most importantly – effectively transform natural resources of our country to sustainable economic growth (Стратегия Казахстан – 2050).

The Law «On investments» and other normative-legal acts regulate foundations of investment activity in the Republic of Kazakhstan, including activity performed by foreign individuals and legal entities.

This Law hardly has any regulations for environmental protection. Article 11 only proclaims the purpose of state support of investments, which is to create favorable investment climate for developing economy and stimulating investments into creating the new, expansion and updating of operating productions applying modern technologies, professional training staff in Kazakhstan as well as environmental protection (Закон РК «Об инвестициях», 2003).

The important place in system of state regulation measures for investment activity is examining investment projects. All investment projects are the subject to assessment regardless of funding sources and ownership forms of objects to their approval in accordance with the law of RK (Vinuales, 2010: 22)

Examination of investment projects is carried out in order to prevent from creating objects, the use of which violates the rights of individuals and legal entities and state interests or does not meet requirements of duly approved standards (norms and rules), and to assess investment effectiveness.

The state provides guarantees of investment activity to entities and protects their capital investments. Thus, all potential investors have equal rights when practicing investment activity. Investments can be nationalized only under condition of preliminary and equivalent compensation of losses caused to subjects of investment activities; they may be requisitioned by the decision of state bodies within cases, procedures and terms defined by RK legislation.

Taxation system is very important for environmental management, based on payable principle of this activity. There is an indisputable fact that the state fully remains the owner of natural resources (except for the right of land ownership) and has the right to determine specific conditions of their use within interests of whole society.

State ownership of natural resources is dominant in the structure of legally defined ownership forms. The state established its ownership rights for land, water, mineral resources, forests, wildlife and other objects. However, having based on this, the question arises on delimitating state ownership of natural resources between subjects of country (Kekic, 2009).

Article 85 of the Constitution of the Republic of Kazakhstan defines that «local state management is exercised by local representative and executive bodies which are responsible for the state of affairs in the territory». This means that municipal ownership includes municipal land and other natural resources in the territory of local representative bodies. Accordingly, local authorities manage this property. In accordance with laws, they have the right to transfer municipal property for temporary or permanent use to natural and legal persons, rent, dispose in the established manner as well as make other trades with property, being in municipal ownership, determine terms in contracts and agreements to use objects privatized or transferred to use. Local authorities may also establish conditions in public interest to use lands, located within boundaries of municipality, in accordance with law.

However, if there are all the necessary legal acts, why is it not as harmonious as it seems? The state of natural resources and protection of environment leaves much to be desired. As it was mentioned above, Kazakhstan adopted the Concept on transition to green economy. This concept requires a clear legislative framework to attract foreign and domestic investment in industry.

Having based on international practice of organization of attracting investments into national economy, besides creating a clear and stable legislative framework, the state forms proper system for state regulation of investment activity in the face of specially authorized bodies, primarily in the executive branch (Белякова, 2006: 56).

Professor S.B. Baisalov and L.V. Ilyashenko classified state agencies into three groups: 1) bodies of general competence; 2) bodies of departmental competence; 3) bodies of special competence (Байсалов, 1976: 180).

M.M. Brinchuk divides all bodies of state administration in the field of environmental protection and natural resource management into three categories: bodies of general competence, bodies of special competence, functional organs (Бринчук, 2002:226).

N.B. Mukhitdinov classifies management bodies in the field of environmental protection and natural resource management into three types: a) bodies of general competence; b) bodies of special control; C) and other bodies (Мухитдинов, 1992: 97).

L.K. Yerkinbaeva believes that existing state bodies in the Republic of Kazakhstan falls into four kinds by their competences: bodies of special competence, bodies of interbranch competence and functional bodies (Еркинбаева, 2011:177).

In our opinion, state bodies regulating investment activity in the sphere of environmental protection and use of natural resources can be divided into the following: bodies of general competence (President, legislative bodies, government); bodies of special competence (ministries, committees, agencies).

The most important management subject is the President of the Republic of Kazakhstan within relations in the sphere of investment activity in the sphere of environmental protection and use of natural resources with general competence. The importance of President's participation in state management of investment activities in the field of environmental protection and use of natural resources is determined by his implementing general management of executive authorities within articles 40 and 44 of the Constitution – he ensures coordinated functioning of all the governmental branches, determines main directions of domestic policy (Сабденов, 2008: 67).

The highest state authorities make decisions, reducing proposals on various directions of state investment policy into a law. They take into account both government's proposals and recommendations of international organizations (Boyd, 2015).

Ministry of Investment and Development of Kazakhstan was created in 2014 in order to perform regulatory functions. It is a public authority of the Republic of Kazakhstan carrying out management in the spheres of industry and industrial-innovative development, scientific and technological development of the country, including state investment policy and policy of investment support, creating favorable investment climate; state geological studying, reproduction of mineral resource basis, rational and integrated subsoil use, state management of subsoil use in groundwater and therapeutic mud, solid minerals, except for uranium and coal; energy saving and increasing energy efficiency and implementing state policy to support investments, etc.

Functions of state legalization and registration of investment and subjects of investment activities are entrusted to the Ministry of Finance, National Bank, Investment Committee of the Ministry of Investments and Development of Kazakhstan . Functions of general economic and foreign trade state regulation in the investment field are carried out by the reorganized Ministry of National Economy. Functions of financial-credit and currency regulation and control in the sphere are fulfilled by Ministry of Finance, National Bank, Ministry of National Economy.

Functions of fiscal-tax state regulation and control in relation to subjects of investment activities are within jurisdiction of created State Revenue

Committee of the Ministry of Finance of the Republic of Kazakhstan .

According to the Law «On investments» in Kazakhstan there is an authorized body for investments. It is a state body established by the Government of the Republic of Kazakhstan for concluding investment contracts and control over their execution. At the moment this is the function of Investment Committee, established under the Ministry for Investment and Development of Kazakhstan, main functions of which are: to implement state support for investments; interact with investors implementing priority investment projects due to the principle 'one window' for an investor; assist investors in providing the guaranteed order from interested legal entities in accordance with investment contracts concluded between authorized body and investor; adopt the established decision on granting state in-kind grants; adopt the decision on granting investment preferences; accept, register and consider applications for investment preferences; control over observing terms of investment contracts; conclude, register and terminate investment contracts.

Official reports of state authorities of the Republic of Kazakhstan and normative legal acts affecting investors' interests are published in the order established by legislation of the Republic of Kazakhstan.

Investors, including minority investors, are guaranteed free access to information on registration of legal entities, their charters, registration of real estate transactions, issued licenses and other specified issues in legislation of the Republic of Kazakhstan, associated with investment activities and not containing commercial and other secrets protected by law (Байдельдинов, 2007: 117).

The role of public administration in this field is determined by the value of state bodies in mechanism of environment protection (Ibid, 2007: 202). In the triad of stakeholders – a citizen, a user of nature- investor and a state – public authorities, take a special place. They have special legal and administrative means to ensure implementation of environmental legal requirements, having opportunities to use state coercion if it is necessary. First of all, they have a responsibility for ensuring environmental protection in the framework of state ecological functions. Secondly, they are entitled to observe compliance of their environmental rights and legitimate interests with legislation on environment.

Currently, system of state bodies, exercising functions in the sphere of nature management and environmental protection, is highly complex and variable. However, as it was mentioned above, we can distinguish two main groups of bodies for state ecological control – bodies of general and special competence.

In order to improve structure of governing bodies of environmental protection and ensuring rational use of natural resources of the Republic of Kazakhstan, the President decided to establish the same vertical system of state management and control bodies over preserving and improving environment, reproduction and rational use of natural resources of the state at the national, district and regional levels. Government activities are associated with identification and solution of the most important general measures and establishment of main directions in this area, development and implementation of state environmental programs, definition of environmental standards and limits of using natural resources. The content of these powers is the essence of state environmental measures. In regulating environmental relations, normative acts are of great importance, issued by the Government of the Republic of Kazakhstan. Environmental Code of the RK, Law «On subsoil and subsoil use», changes and additions to Forest, Land and Water Codes have been adopted and put into action recently. State bodies of special competence are specifically assigned to carry out relevant environmental features in accordance with the provisions approved by the Government or private accepted government act. State authorities are divided into three types by scope and nature of competences: cross-sectoral, sectoral and functional.

The 2002 OECD report «Foreign Direct Investment and Environmental Protection: Experience of mining sector» points out: «Convergence of political objectives of mining sector in Kazakhstan and interests of foreign investors, increased investments in mining industry gave impetus to transfer advanced technologies and management in the last decade. Latest inflows of foreign direct investments in the sector of non-ferrous metals have not made a significant contribution to any positive environmental impact at the national level. At the local level environmental consequences are rather scattered and not common. They focus on implementation of innovative technologies and measures to promote more efficient use of natural resources. Mining remains inherently problematic from an environmental point of view. The issues of environmental protection in mining industry of Kazakhstan are the result of poor implementation and enforcement of environmental legislation for many years. Other priorities also play their parts» (OECD, 2002). It has been more than ten years since the publication date of this report, the Republic of Kazakhstan adopted many legal acts, but in general, essence remains the same: poor

implementation and enforcement of environmental legislation. This suggests that activity of state bodies should be strengthened, not vice versa.

This is evidenced by the fact that the Ministry of Environment and Water resources of the Republic of Kazakhstan was abolished in 2014. At this stage, part of the Ministry's mandate transferred to the Ministry of Agriculture, the other part – to the Ministry of Energy. However, none of the ministries contains a specifically authorized Committee for environment protection, but transfers this function in addition to other committees (e.g. Committee of Forestry and Wildlife, Committee of Water Resources). In our view, this, in turn, complicates implementation of measures for environment protection, because of absence of a special body.

The mission of the Ministry of Agriculture of the Republic of Kazakhstan is to create conditions for increasing competitiveness of agriculture, sustainable development, water, fisheries, forestry and hunting through effective creating, coordinating and implementing state policy.

The Ministry of Energy of the Republic of Kazakhstan is the central executive body of the Republic of Kazakhstan, carrying out formation and implementation of state policy, coordination of process management in the areas of oil and gas, petrochemical industry, transportation of raw hydrocarbons, governmental regulation of oil and gas production and gas supply, pipeline, power generation, coal industry, nuclear energy, environmental protection, nature management, protection, control and supervision over rational use of natural resources, solid waste, development of renewable energy sources, control over state policy in developing 'green economy' (Положение о Министерстве энергетики РК, 2014).

The function of establishing rules and regulations for rational use of natural resources and environmental protection, standardization in the field of ecology. The bodies of state environmental control within their competences adopt normative acts containing rules, requirements and norms on rational use, reproduction and protection of lands, forests, waters, mineral resources, fauna and other natural resources. These acts are an important part of environmental law (Miga, 2011: 20).

There is currently a problem of rational use of natural resources and environmental protection in the world. We can take state management of natural resources in the United States as an example.

Two independent departments of the Ministry of Internal Affairs manage use of natural resources located on federal lands in the US: Bureau of Land Management and Minerals Management Service (U.S. department of the interior bureau of land management).

Bureau of Land Management is subordinated to the assistant of minister. Main powers and competencies of this body are currently concentrated in the 1976 Federal law on land policy and management. Powers of the Bureau include use of surface land and subsoil of administered territory and managing subsoil use of land in the area of 370 million acres within the responsibility of other federal agencies. The agency regulates land use in the territory it controls, based on the principle of integrated, multipurpose and rational use of natural resources, combination and comparison of economic activity with the task of environmental protection on the basis of regional land-use plans.

One of the main tasks of the Bureau is to provide federal lands for development of energy and mineral resources. It concludes bilateral and multilateral contracts with other institutions to manage grazing lands for their sustainable and productive use (Philippe Sands). A constant duty of the Bureau is still conducting inventory of grazing land. It is also responsible for preservation and reproduction of forests in the process of timber harvesting. Its range of authorities includes specific environmental protection functions (Bureau of Land Management). Lands with unique natural qualities are the subject to special protection, allowing including them in protected wildlife. Minerals Management Services a federal agency of the Ministry of Internal Affairs of the United States established in 1982 from the departments Geological Survey and Land Management Bureau. It is responsible for managing natural and economic resources of America, ensuring effective governance in the field of alternative renewable energy sources such as wind and ocean waves, as well as and conventional energy and mineral resources on the continental shelf, including environmentally safe exploration, development and production of oil and natural gas. In addition, the Service ensures collection and distribution of revenues from mineral extraction. Managing revenues from natural resources is one of the main tasks of Service, as it collects and distributes over 54 billion dollars for bonuses, rents and royalties from companies that extract natural resources in federal lands, including the coast and Amerindian lands. Thus, the Service is the main source of income for the United States in these issues (Summaries of Major Statutes Administered by the Environmental Protection Agency: report).

Results

Thus, it is impossible to identify peculiarities of state management of investment activities in the field of environmental protection and use of natural resources without studying specific character of ecological-legal measures to ensure it. The measures include environmental regulations, state environmental expertise and other types of examinations and state supervision over rational use and protection of mineral resources and safety of work related to subsoil use.

The lack of officially proclaimed and sustained public investment policy and holistic investment legislation has a huge impact on state participation in regulating investment activities in the field of environmental protection and use of natural resources.

Moreover, state regulation of investment activity in the sphere of environment protection and natural resources management is a purposeful activity of state, represented by its bodies responsible for implementation of state policy in the sphere of investment activities and activities in the field of environmental protection and rational use of natural resources. The role of state bodies in ensuring investment process in the field of environmental protection and use of natural resources takes a special place. In turn, state is necessary to ensure investment attractiveness of natural resources to improve country's economy. At the same time, use of natural resources should not harm environment. These questions are very important within protecting national economy and environmental protection. It is necessary to create an authorized committee for protecting environment, which will not be included in any ministry and will be established as an independent organization. In addition, activities of state bodies in the field of regulating investment activities in the sphere of environmental protection and use of natural resources is based on state control in the sphere of investment activities and protection of natural resources. If a system of state bodies in the sphere of investments is harmonious and does not require major changes, regulation of environmental protection requires major changes. It is necessary to reestablish the Ministry of Environmental Protection. The Republic of Kazakhstan needs the body, regulating this sphere of activity. Since preservation and rational use of natural resources are necessary for future generations.

Conclusion

The main reason for unsatisfactory state of investment involving in economy of Kazakhstan is low quality level of legislative framework. Favorable investment climate must begin with improving legal regulation of investment activities. The lack of officially proclaimed and sustained public investment policy and holistic investment legislation has a huge impact on state's involvement in regulation of investment activity in the field of environmental protection and use of natural resources. As many countries, the Republic of Kazakhstan may face the problem related to regulating environment protection in investment activities. The state, in turn, needs to address issues of environmental security clearly in investment activities. In this regard, clear, fair and rational system of environmental legislation is an important step towards state environmental policy based on the Constitution. Effective state regulation should provide direction of funds for activities to restore and improve ecological situation in the country.

Thus, role of activities of state bodies in ensuring investment process in the field of environmental protection and use of natural resources takes a special place. The state, in turn, should ensure investment attractiveness of natural resources to improve country's economy. At the same time, use of natural resources should not harm environment. These questions are very important with a view to national economy and environmental protection. We need a supra-departmental public body, which activities would be aimed only at environmental protection and rational use of natural resources and independent economic activities. It is necessary to pass a special law to restore environment, as a result of nature users' activities, including investment activities.

One of possible solutions to problem of insufficient investment in nature preservation can be introduction of new environmental policy at the state level, which will include both environmental insurance system and norms of state promoting clean production.

It is recommended to include following main directions as key points:

– to improve investment policy in the field of environmental protection and use of natural resources;

– to determine sector protection of natural resources as a priority for investment;

– to improve normative and legal support;

– to create conditions for attracting international companies with production of high-tech product.

– foreign investments should not lead to environmental disasters in regions. It is important to examine legal framework, regulating environmental consequences of activities of foreign companies.

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HISTORICAL ASPECTS OF LEGAL REGULATION OF PROTECTION OF THE RIGHTS OF CHILDREN-ORPHANS AND CHILDREN LEFT WITHOUT PARENTAL CARE IN KAZAKHSTAN

Kazakh society has always cared for orphans, which is reflected in its legislation and customary law. The main purpose of this research is to examine the historical development of family law of Kazakhstan, in which special attention is paid to legal regulation of issues relating to children-orphans. At the result there was revealed its advantages and disadvantages, as well as the experience of the legal norms in respect of orphaned children, including their upbringing and adoption. This research traces the evolution of Kazakhstani laws on the protection of children-orphans and their interests, including adoption, guardianship and patronage since the moment of formation of the Kazakh Khanate and to the present day. There was examined the various historical events that have influenced the causes and consequences of the formation of customary law, the Kazakh Soviet family law and law of modern Kazakhstan. Article was reviewed such legal documents as the codes «On marriage and the family», and also used the method of historical comparison of these legal acts. In addition, there were considered the works of Kazakh, Russian and foreign scientists with the aim of obtaining more detailed information on the legal protection of the interests of orphans at each stage of the historical development of the Kazakh family law. Because, today, there are not many works concerning historical and legal overview of the regulation of the protection of orphans in Kazakhstan, this study will allow to briefly learning the history of Kazakhstan legislation about orphans in general.

Key words: orphan, adoption, guardianship, custom law, family law, Soviet Kazakhstan, Kazakhstan.

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Қазақстандағы жетім балалар мен ата-анасының қамқорлығынсыз қалған балалардың құқықтарын қорғау бойынша құқықтық реттеудің тарихи аспектілері

Қазақ қоғамы әрқашан да жетім балаларға қамқор болған және бұл елдің заңнамасы мен әдет-ғұрыптық заңында көрініс алған. Берілген зерттеу жұмысының негізгі мақсаты Қазақстанның отбасы құқығының тарихи дамуын зерттеу болып табылады, оның ішінде көңілі жетім балаларға байланысты мәселелердің құқықтық реттеуіне аударылады, мұның нәтижесінде жетім балаларды тәрбиелеу мен асырап алуға байланысты заң нормаларына ықпал еткен оның артықшылықтары, кемшіліктері мен тәжірибелері анықталады. Бұл жұмыста Қазақ хандығының құрылуынан бастап қазіргі күнге дейінгі жетім балалар құқығы мен мүдделерін қорғауға байланысты, оның ішінде асырап алу, қамқорлық пен патронатқа байланысты қазақстандық заңдардың эволюциясы айқындалады. Әдет-ғұрып құқығы, кеңестік Қазақстанның отбасы құқығы мен заманауи заңнаманың пайда болуына әсер еткен тарихи оқиғалардың себеп-салдары

қарастырылады. Зерттеу жұмысында сонымен қатар, «Неке және отбасы» кодекстері секілді заң құжаттары зерттеледі және берілген заңнамалық актілерді қарастыруда тарихи салыстыру әдісі қолданылады. Сонымен қатар, Қазақстанның отбасы құқығы тарихындағы әр кезеңде жетім балалар мүдделерін қорғау бойынша көбірек нақты ақпарат алу мақсатында қазақстандық, ресейлік және шетелдік ғалымдардың жұмыстары қарастырылады. Қазақстандық жетім балаларды қорғау бойынша тарихи-заңнамалық шолу жұмыстарының саны аз болғандықтан, бұл жұмыс жалпы қысқаша осы мәселемен танысуға көмектеседі.

Түйін сөздер: жетім бала, бала асырап алу, қамқоршылық, әдет-ғұрыптық құқық, отбасы заңы, Кеңестік Қазақстан, Қазақстан.

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Исторические аспекты правового регулирования защиты прав детей-сирот и детей, оставшихся без попечения родителей в Казахстане

Казахское общество всегда заботилось о детях-сиротах, что отражено в его законодательстве и обычном праве. Основной целью данного исследования является изучение исторического развития семейного права Казахстана, в котором особое внимание обращено на правовое регулирование вопросов, касающихся детей-сирот. В результате были выявлены его преимущества и недостатки, а также рассмотрен опыт, действующих правовых норм в отношении детей-сирот, включая их воспитание и усыновление. В данной работе прослеживается эволюция казахстанских законов о защите детей-сирот и их интересов, включая усыновление, опеку и патронат, с момента образования Казахского ханства и до наших дней. Изучены различные исторические события, оказавшие влияние на причины и последствия образования обычного права, Советского казахстанского семейного права и современного права Казахстана. В исследовании были рассмотрены такие правовые документы, как кодексы «О браке и семье», а также использован метод исторического сравнения данных правовых актов. Кроме того, были рассмотрены работы казахстанских, российских и зарубежных ученых с целью получения более подробной информации по вопросам правовой защиты интересов детей-сирот на каждом этапе исторического развития казахского семейного права. Поскольку на сегодняшний день существует не так много работ касательно историко-правового обзора регулирования защиты детей-сирот в Казахстане, данное исследование позволит вкратце ознакомиться с историей казахстанского законодательства по поводу детей-сирот в целом.

Ключевые слова: сирота, усыновление, опека, обычное право, Семейное право, Советский Казахстан, Казахстан.

Introduction

In every country and every society has always been, are and will be orphans and children who for various reasons left without parental care. In this case, the state and society takes care about the education of these children. (Children, Orphanages, and Families: a summary of research to help guide faith-based action, 2014) The need to have a family, father and mother is one of the strongest needs of the child.

Guardianship of orphans since ancient times was the main obligation in Kazakh society, because widows and orphans were the most vulnerable parts of society, and every man was obliged to help and protect them from the difficulties of life. Also such matrimonial norms of relations were settled in the most important sources of customary law of the Kazakh khanate as «Kasym khannyn Kaska Zholy», «Esim hannyn Eski Zholy», «Zheti Zhargy» of Tauke Khan. The fostering and adoption of orphans were decided by «judges» of the Kazakh society, referred to as «bii». (The first laws in steppe, 2014)

Methodology

The methodological basis of the scientific article is historical analysis method and system of comparative analysis method. Diachronic type of comparative research helped to understand development of legal system on protection of rights of orphans in Kazakhstan. For a complete reflection of reality materials were used, official documents, legal acts, published in various information resources.

Literature review

There have been considered several works on finding out historical development of Kazakh legislation on the protection of orphan-children's rights. In this article there were used researches of Kazakh, soviet and Russian and foreign scholars.

Among Kazakh scholars academic Zimanov S.Z. had searched Kazakh history since ancient times and including family law of Kazakh society from its formation to nowadays. In 2003 with launching of program «Madeni Mura» Zimanov with other historians prepared research on customs with title «Kazaqtyn' otbasylyk adet-guryp kukygy [Kazakh family custom law] and it was reviewed in this article. In his book «Historical development of Soviet Kazakhstan» author gives detailed information about soviet Kazakhstan in 1938-1958 including legal development. Another legal scientist reviewed about adoption and children's rights is Dzhandarbek B. A. There were used three articles of this researcher. They occupy issues coincide with their titles like «Adoption in the Republic of Kazakhstan», «Historical aspects of family legislation of the Soviet period» and «On the form of foster parenting» (patronat).

On considering soviet legal system on family issues there were met many works of mostly soviet scholars like Vorozheikin and Alexandrov. Vorozheikin A. M. in his work «Family legal-relations in the USSR» has studied different legal acts on family issues that were existed in Soviet Union at that time. Alexandrov with other soviet legal scientists have reviewed family law in civil procedural law until 1948 in the book «Soviet law in the period of the great Patriotic war. Part I. Civil law».

There are several foreign scholars who have studied Kazakh and soviet family law in general. There are Bernice Madison and Dixon J. in accompany with other scholars have studied about children care in which Bernice compared about different state's policy on childe care including Kazakhstan and Dixon and Hazard J.N. («The Child under Soviet Law») have searched about child care in soviet society. Goldman W.Z. in his work «Women, the State and Revolution: Soviet Family Policy and Social Life, 1917–1936» mostly noticed women rights in post revolutionary Soviet until 1936. Karayanidi M. («Child care in Kazakhstan: Case for Accession to the Hague Maintenance Convention») was co-author of the book «The recovery of maintenance in the EU and worldwide» who directly has searched about Kazakhstan's policy on children support. Martin Virginia («Law and Custom in the Steppe: The Kazakhs of the Middle Horde and Russian Colonialism in the Nineteenth Century Routledge») has studied Kazakh customary law as its title called. Mishina E. is actually Russian scholar worked in American scientific center and she wrote about «Soviet family law: women and child care (from 1917 to the 1940s». Raymond E. Zickel is scientist worked on Soviet Union and his research «Evolution of the Soviet Family» considered legal development of family law until collapse of Soviet Union. Yassari Nadjma in work «Changing God's Law: The dynamics of Middle Eastern family law» has searched about Islamic states' family law where she tend to review about Islam's impact to those states' legislation in family issues.

Results and discussion

According to the records of Russian scientists on family relations in Kazakh society, in custody after death of parents of young children entrusted until the age of fifteen relatives; if there will not be such people a society would give them to the education of a trustworthy and wealthy man who is joining them at the perfect age, boys releases, if they want, and the girl has to be given in marriage; in reward for the education of boys takes nothing, but the girl gets in the issuance of her marriage portion dowry, however, with the consent of her own. (Зиманов, 2003: 51) Upon reaching the age of eight, the minor, if he is able to consciously relate to the property status, have the right to ask the relatives about the replacement appointed their guardian by another person from among the next of kin. However, the difference between guardianship and adoption was not as if every Kazakh adopted orphan, he was obliged to take him as your own child.

Adoption as a phenomenon that precedes modern relations of adoption in the Kazakh society existed in various forms. One of them is inseparably linked with the Institute of amengerlik – custody of children left without a father or both parents. (Abdimomynov, 2015) For example, to keep the children of the deceased men for the kind of applied amengerlik by which a widow upon the expiration of the annual memorial service for the husband was obliged to marry a second time for one of the brothers of her husband or one of the next of kin. Thus, children remain full members of the tribal community. The loss of the children one or both parents for various reasons, do not bring them to the plight of the disenfranchised and deprived of property in the community. The family was obliged to keep them alive, to grow and to give property. A widow with

children could refuse remarriage and often received the rights of the head of household until age sons, and if you stay among the relatives of the husband. (Абдакимова, 2015:172)

According to the writings of Makovetsky in 1882, childless and with children, was adopted by the majority of the children of close relatives from the male side. In the old days also there were cases of adoption of children of slaves by sultan-tulenguts. Adopted referred to the family of the adopter and enjoyed the same rights as children of the adoptive parent. (Зиманов, 2003: 122)

Adoption occurred in the presence of relatives or two witnesses. The transition of an adopted in adopter's yurt considered the moment of the legal termination of parental authority and the emergence of power adopter (of provides). Thus, the adoption as the birth of children generated family relationships, without regulation of personal rights. This is a feature of relations of children and parents not only in Kazakhstan but also in many other countries. (Джандарбек, 2007а: 15)

Under customary law, a person under the adoption of children was obliged to pay in favor of an adopted part of his cattle, which grazed in a common herd. The offspring belonged to the adopted. Also adopting other people's children, had a full paternal authority over them; his duties were to clothe, feed and care for orphans as their own children, and that is commonly performed, as the guardian does not separate orphans from his children as all parents cares about their education, marry them and give girls in marriage, the guardian receives the bride price, give a dowry, etc. (Зиманов, 2003: 24) But children have no rights the inheritance of such in cases of death of the adoptive parent, orphans could only get just that which they managed to acquire during the life of their benefactors, also those cattle that had been given to them for the installation. Similarly if adopted will drive or wish to separate the orphan all of his family, obliged to leave with the orphans all their acquired property. (Dixon, 2015:256)

According to the records of the Russian scientist N.I. Izraztsov about family relations of the Kazakh people, «Cattle at the time of the apportionment of married orphans, divided into equal parts in the number of orphans, with the youngest sometimes still leave a little more than others, well, the father's Yurt with the property. Daughters are not entitled to the property of the father, and if it happened, after the division of property, then they move to younger or other separated brothers; it can stay at the guardian, although it happens very rarely. In the latter case, the guardian does still not keep livestock to feed the orphans; he leaves only a frock which would send with a dowry. The dowry in this case goes to the guardian, similarly as it arrives to brother, who took the sisters guardian. In short, the dowry goes to the one who raised and gave the girl. However, it is necessary to say here, rich and even the poor honest Kazakhs (at that time they're called Kyrgyz) convert dowry for orphan girl to her a dowry. Guardian for the care of orphans has no reward.» (Зиманов, 2003: 147)

In pre-revolutionary Kazakhstan joining to the Russian Empire, action of adat law was allowed by a number of acts of tsarism. For example, in Chapter 5 of the Charter on the management of foreigners of 22 July 1822 said, «$ 35. Nomadic the steppe are controlled by the laws and customs, peculiar to each tribe». However, considering the fact that customs were seen as too controversial, it was the responsibility of the local authority, to bring them into the system. In accordance with this requirement, periodically biys of several counties usually have held congresses. The guardianship was considered at the congress Shar Kushik (Decision N 19 from 16 August 1896), at the extraordinary congress of the people's judges of Ust-Kamenogorsk and Semipalatinsk districts, and others. (Hazard, 1938: 428)

Thus, the relationship between parents and children of the period of application of the rules adat law, except of some legal regulation, based on natural factors. Adat law had developed a set of norms governing property and non-property (it's about the duty of obedience of children to parents, the prohibition of abuse of a parent), the relationship of parents and children, but it did not draw attention on the legal aspects of their appearance. (Yassari, 2016:257)

September 16, 1918, there was adopted the «Code of laws on acts of civil status, marriage, family and guardianship law» of the RSFSR. It consisted of 4 chapters. It was adjusted children and children born in marriage. Therefore, we can conclude that the actual marriage also had some legal force, could serve as the basis of the family. With the changes in the sphere of family relations adopted the «Code of laws on marriage and guardianship» of the RSFSR, 1926. (Джандарбек, 2007: 75)

In the Soviet Kazakhstan the principal legislation governing marital relations was the Code «on marriage and family» of the RSFSR of November 12, 1926. The code had separate chapters on guardianship and guardianship and adoption. That meant the same thing in Kazakh society now had a very different function. Custody became increasingly public law character. The appointment of a guardian was regarded as an honourable duty, and guardian-

ship – a position for which a guardian is appointed body of guardianship (Кодекс о браке и семье РСФСР от 12.11.1926).

Guardianship is established over minors and the mentally ill. A minor is under 18 years of age for males and under 16 years of age female if they were not in the care of their parents. They could be considered adults only by special decision of the Department of social welfare minors, with their consent. (Mishina, 2017) The functions of custody and guardianship were exercised by the guardianship and trusteeship either by themselves or through guardians. Bodies of guardianship and guardianship were the social services departments. Their duties, besides the «general measures» the custody of minors and the handicapped, includes the establishment, implementation and lifting of the guardianship, appointment, dismissal of guardians and Trustees and the overall supervision of their activities.

Guardians were guarding all personal and property interests of the wards, as their legal representatives, and Trustees were appointed for making separate deals or were authorized to manage the property at all. On the need to establish guardianship over children under the care of parents, officials, and agencies to which this was become known, and also close the child was to inform the Department of social welfare at the place of residence of the minor. On the appointment of guardianship was given to the publication in local authority periodicals.

The guardian was appointed within a week from the time when the Department of social welfare became aware of the need of guardianship. A guardian could be appointed for one person, and over the group of people. Guardian was appointed adult who was able to perform the job.

There could not be guardians of the person:

Themselves under guardianship;

Deprived by the court of civil rights (good name, public trust, family and property rights);

Interests, which was contrary to the interests of the ward, and especially those who are with him in a hostile relationship (Кодекс о браке и семье РСФСР от 12.11.1926).

When appointing a guardian preference was given to the person who was selected those who were subject to custody (if he is not mentally ill and have reached the age of 14), his mother or father, and in the absence of such person, a close relative. When appointing a guardian, the Department of social welfare had to take into account the personal relations of the person appointed by the guardian and the person subject to guardianship, and the proximity of their place of residence. Every citizen, appointed by a welfare guardian is obliged to take care of. The consent of the future guardian to his appointment was not required.

From taking custody could refuse the following individuals:

– who is 60 years old;

– as a result of bodily drawback could hardly execute the office of a guardian;

– has exercised parental rights with respect to more than 4 children;

– have already implemented at least one individual or collective custody.

Individuals, who did not rise of its refusal within one week to assume guardianship responsibilities, they were considered as accepted. If the refusal was on grounds defined by the law, the Department of social welfare was assigned to those who refused custody, to custody temporarily.

Custodial duties were terminated with the removal of guardianship, and the occurrence of conditions that impede the appointment of a guardian. In addition, a guardian could be dismissed from office if guilty of «negligence» or abuse of office, and also when he unsatisfactorily performed their functions, in results of which the interests of the ward were in danger (Кодекс о браке и семье РСФСР от 12.11.1926).

The duties of a guardian (Trustee) has classified the protection of personal and property interests of the ward, his education and preparation for useful activity. He performed these duties free of charge. However, the guardian (Trustee) was entitled to receive from the estate beneficiaries the reimbursement of all incurred costs of their upbringing, education and treatment, if these costs did not exceed the income of the ward. (Антокольская, 2002)

Adoption is allowed only in the interests of the children themselves and usually aims to fight homelessness. Such children in their personal, property rights and responsibilities was equated to the children of the adoptive parent (provides) at the origin. (Bernice 1972: 833) The family code of 1918, there was no institution of adoption and the main reasons for this were, first, the desire to prevent any possibility of exploitation of the labor of minors under the guise of adoption, and secondly, the abolition of inheritance. (Декрет РСФСР от 1917) All the children were declared state children and they were under the protection of the state. This provision was contained in article 183 of the Code: «Since the entry into force of this law, adoption is not allowed neither of their relatives nor other people's children. Any such adoption made after the deadline indicated in this article of moment, it does not

give rise to any obligations and rights for adoptive parents and adopted». (Кодекс законов об актах гражданского состояния, брачном, семейном и опекунском праве от 16.09.1918)

But it soon became clear that to prevent the adoption of traditional, time-tested method of placing a child in a family is meaningless. Especially in the 20-ies the number of children left without parents, grew steadily. Therefore, on March 1, 1926, appeared the Decree of all-Union Central Executive Committee, the Council of people's Commissars of RSFSR «On the change of the code of laws on acts of civil status, marriage, family and guardianship law» that the Code of 1918, was supplemented by Chapter, providing for adoptions (Raymond 1989). The code of 1926, on the one hand, recorded common provisions (adoption of minors solely in their best interests, the identity of the relationship arising from adoption, the relationship of relatives by descent, etc.), and with another — has focused on the list of persons who could not be adoptive parents (Кодекс о браке и семье РСФСР от 12 ноября 1926 года). In case of the conditions of adoption (consent of parents of the adopted minor under the age of 10, the spouse of the adoptive parent), there no exception on this matter did not exist. Adoption was made by a decision of bodies of guardianship and guardianship, and its abolition in any bodies of guardianship and tutorship or court (Bernstein, 1996: 9).

After World War II the growth of children-orphans had increased dramatically and this affected the settlement of guardianship over children-orphans Kazakh society. Because of this, the government has failed to arrange for all such a large number of homeless children in orphanages. The war years have left its mark on the rules governing marriage and family relations (Goldman, 1993: 117). Decree the Council of people's Commissars of USSR from January, 23rd, 1942 on the placement of children left without parents, provided the direction of street children in state institutions, i.e. orphanages (Джандарбек, 2007:76).

It was also pointed out the need for extensive development patterning of children in families of workers, employees and farmers. Patronage was carried out only on a voluntary basis. Individuals, who foster children in terms of patronage, received a monthly state allowance. Benefit patron is issued in the amount of 50 rubles per month for each child (Александров, 1948: 251). Soviet citizens helped the state in the education of children affected by the war, took them in the family and was surrounded by genuine parental care and attention (Ворожейкин, 1972: 95).

At that time according to this code in the judicial practice there was the solution by which a person had taken children on continuous education with the dependent, in case of refusal of their obligations had to pay child support (alimony) for minors and children in need in the event of:

– died if the parents of these children;
– if parents do not have sufficient funds for the maintenance of children.

However, such decisions were very rare and after the adoption of the Decree of 8 July 1944, this article (42-3) has been used for the recovery of maintenance for children born in unregistered marriage, with actual fathers, as the Decree prohibited the collecting of the alimony on grounds of consanguinity (Hazard 1938: 431).

And the adoption was made that adopted children could assign the name and surname of his adopter. This decision was attached to the Decree of the Presidium of the Supreme Soviet of the USSR from September 8, 1943, «On adoption», in order to further bring together adopted children with adoptive parents. Adopted (adopted) children were equal to native (Зиманов, 1965:203).

The theoretical feature of the family law of the Soviet Union republics that all its rules are imperative, coercive. D. M. Genkin noted that family law under socialism have the value of public duties that are imposed on parents by the state (Ворожейкин, 1972: 159). So the accumulation of experience in dealing with family relations, changing social realities led to the adoption of the basic legislation of the USSR and the Union republics on marriage and the family of 27 June 1968, which was introduced with effect from 1 October 1969.

In the preamble of the Fundamentals was emphasized that the concern for the Soviet family, which harmoniously combines public and private interests, is one of the objectives of the Soviet state. Thus, like other Soviet Republic, the Kazakh SSR is also adopted its law on family relations on the basis of the Code on marriage and family of RSFSR (Об утверждении Основ законодательства Союза ССР и союзных республик о браке и семье от 1968).

The code on marriage and family of the Kazakh SSR was adopted on 6 August 1969 and entered into force on 1 January 1970. It was 6 sections, which included a total of 25 chapters. All the code was 191 articles. In section 4 of the Code on marriage and family of the Kazakh SSR its norms regulating guardianship (Кодекс о браке и семье Казахской ССР, 1969). Code from 1969 carefully regulated civil-law obligations of guardians. They

must not have maintained wards as before. And finally, the Code contained one very important to wards the rule: «in the absence of sufficient funds for the maintenance of the ward the guardianship assign the benefit of its maintenance» (part 4 of article 132). So there were legal grounds for allocating special funds from the local budget, and the content of special category of children left without families of their own, without care from the parents. An independent place in the Code took, and rules that define the conditions of his release and dismissal of guardians (Trustees) of the performance of their duties.

The family code of 1969 introduced new rules to facilitate the protection of the rights of children through adoption. Now some individuals deprived of the right to be foster parents. They are minors, Persons recognized in the manner prescribed by law incompetent or of limited capacity; deprived of parental rights. The regulations governing the conditions of adoption had become more flexible and possible exceptions. So, on a number of issues had to reckon with the adopted who has reached 10 years of age (Об утверждении Основ законодательства Союза ССР и союзных республик о браке и семье от 1968). Law on adoption of the post-war period observed an interesting feature. A huge step in improving the legislation in this area had been the introduction of the confidentiality of adoption (Dixon, 2013: 256).

After November 1, 1969 cancellation of the adoption and the recognition of it invalid were allowed only in a judicial order. After that attention was drawn to the legal consequences of cancellation of adoption. All of this was a major step forward, allowing the line to more consistent protection of children's rights (Джандарбек, 2007a: 23).

Further, signing of the Declaration on social and legal principles relating to the protection and welfare of children, especially in foster care and adoption (adoption) at the national and international levels, adopted by resolution of the General Assembly 41/85 of 3 December 1986, the Convention on the rights of the child, adopted and opened for ratification and accession by resolution 44/25 of the UN General Assembly on 20 November 1989, and the Hague Convention of 1993 «On protection of children and international cooperation in respect of intercountry adoption (adoption)» had a great influence on the area law for the protection of children's rights in modern Kazakhstan.

The Constitution of the Republic of Kazakhstan of 1995, focusing on basic international legal documents, proclaimed the Supreme value of man, his life, rights and freedoms. In the field of family relations constitutional provisions proclaim the state's protection of marriage and family, motherhood, fatherhood and childhood. For example, Article 27 of the Constitution also proclaims the care of children and their upbringing is a natural right and duty of parents (Джандарбек 2007a: 45).

Kazakhstan has started to pay more attention to contemporary problems concerning children. As an example, we can point out that children up to 18 years old are eligible to receive child support orphans too; also, those up to 21 years old and engaged in full-time study may be entitled to child support as well. All of it includes financial and other maintenance (Karayidi 2014). The main document of the family law is the Code of the Republic of Kazakhstan «On marriage (matrimony) and family», which was adopted on 26 December 2011 and replaced an earlier Law On «marriage and family» of 17 December 1998.

The code on marriage and family regulates important to society family relations, ensure the protection of the rights and interests of family members. For this reason and in virtue of Express provisions contained in subparagraph 4) of article 3-1 of the Law «On normative legal acts» of 24 March 1998, the corresponding critical group of public relations at the modern stage resolved codified normative legal act, which has provided a systematization of acts of family law.

The law of the Republic of Kazakhstan «On marriage and family» in 1998 envisaged the possibility of adoption in the court. However, the policy aimed at improving legal regulation of relations of adoption taking into account the interests of children aged not fully, in the law and in some other normative acts are omissions that adversely affect this goal. The main difference between contemporary adoption of that provided by the old legislation of the Soviet time this decision was made by the Executive Committee of district, city (regional) Council of people's deputies (article 100 of the Code on marriage and family of KazSSR), which became intolerable under modern conditions, subject to the provisions of the Constitution of the Republic of Kazakhstan (Абдакимова, 2015: 172).

Previous legislative act of 1998 was updated in 2011 and acquired a new change. In the Code of 283 articles, of which 110 are new. The structure of the code consists of two parts – General and special, which gives the opportunity to achieve the needed codification of law. The Code introduced such concepts as «marriage», and provides new definitions of «patronage» (the foster family), «foundling,» (aban-

doned child), «abandoned child», «children (child) orphans» and «surrogacy». It puts specific concepts on institutions such as «guardianship», «custody». There were established requirements for the selection of foster parents (article 135) and the procedure for the conclusion, the termination of the contract on the transfer of the child to education (Кодекс Республики Казахстан «О браке (супружестве) и семье», 2011).

The Code also specifies a number of articles aimed at protecting the interests of the family and child. For example, the new code contains a special Chapter 13, on adoption of a child, which will be divided into domestic and international. While international adoption of children of Kazakhstan is only possible in countries having equivalent with Kazakhstan's international obligations in the sphere of protection of rights and interests of children (paragraph 5 of article 84) (Кодекс Республики Казахстан «О браке (супружестве) и семье», 2011). And also, it should be noted that there is a mechanism to return the child to the country of origin if the adoption is not beneficial. (Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption) Agencies engaged in the search for adopters and registration of adoption procedures for official recognition of state authority will need to pass the accreditation in the authorized body in the field of protection of rights and interests of children (Кодекс Республики Казахстан «О браке (супружестве) и семье» от 2011).

In addition, the Code in terms of adoption provides for a separate article stating the duties of the persons applying for adoption (article 85), the rights and obligations of the adopter (article 86), the date of the rights and obligations of the adoptive parents (article 88).

And the Code expands the list of persons who cannot be adoptive parents. Persons with no permanent residence of males in a registered marriage (matrimony), with the exception of the actual education of the child for at least three years in case of the death of his mother, or of deprivation of her parental rights (sub-paragraphs 7, 11 paragraph 2, article 91).

Article 92 stipulates the difference in age between the adopter and the adopted child. She must be at least sixteen and not more than 45 years. For reasons recognized by the court as valid, the age difference can be reduced. When a child is adopted by stepfather (stepmother), availability of the age difference, established by paragraph 1 of this article, is not required (Yassari, 2016: 256).

If to talk about foster care, B. Dzhandarbek believes that this Institute is not so well developed. However, B. A. Dzhandarbek says that Kazakhstan still has not developed the legal and social mechanisms; due to better protect the legitimate rights and interests of the child at separation from parents (Джандарбек, 2007в: 34). In addition, adoption issues are mainly engaged in commercial agencies servicing the foreign adoptive parents; no social services to deal with any conflict families to support them, strengthen the family and prevent child abandonment.

Conclusion

Dynamics of development of the legislation regulating the protection of the rights of children-orphans has passed a long historical way of its development. Various historical facts have shown that in the Kazakh society, special attention has always been paid to the issue of adoption of orphans. Improvement of the legislation of the state of any type is always closely dependent on the degree of development of the latter.

Exploring the historical aspects of children's homelessness and neglect, we can say that the phenomenon is closely linked to the allocation of the family institution as the Foundation of society. In tribal communities the supervision of children was a common task.

The beginning of the legislative policy of caring for orphans due to the adoption of the rule of Kasym the Khan, Esim Khan, Tauke Khan and. Before the advent of the Soviet Union, the people of Kazakhstan have long held customs in matters of guardianship and adoption of children (Martin, 2012: 24).

After a sharp rise in homeless children during the second world war, the Soviet government introduced changes and amendments, which established the employers, returned to the lawful adoption of children as methods brayboy of homelessness.

Since independence, Kazakhstan has joined the international community and the first step to this was to join the UN Convention on the rights of the child. So the legislation of Kazakhstan on the protection of children, orphans and children left without parental care (Convention on the Rights of the Child of 1989). The state passed a new law, that is, the Code «On marriage and family», which was modified further, and was also adopted legislation on adoption, which provides details on the procedure of adoption as citizens of Kazakhstan and foreigners.

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CONCEPTUAL PROBLEMS OF DEFINING MAIN TYPES OF OFFENSES IN THE SPHERE OF INFORMATIZATION

The article is devoted to the conceptual problems of determining the main types of offenses in the field of informatization in terms of the norms of international law and the national legislation of the Republic of Kazakhstan. The authors attempted to disclose the legal nature of each of the known criminal laws of unlawful acts committed through IT technologies in the field of information. The results and conclusions have a high practical importance, since they can be taken as a basis for qualifying acts as offenses in the field of informatization.

This study was conducted through active application of both general scientific and private scientific methods of cognition. The method of comparative analysis was actively used, by means of which the authors compared existing approaches to the topic under study that take place in the science of international law and criminal law of the Republic of Kazakhstan. Of particular importance in this study is the use of the statistical method, which made it possible to establish with scientific certainty which kinds of offenses are taking place in global communication networks, to pay due attention to solving organizational problems of detecting and identifying offenders in the field of global communication networks on an international scale through operational search events.

Accordingly, this study is aimed at filling the existing gaps in the field of understanding the legal nature of the main types of offenses in the field of information.

Key words: offenses, types, informatization, IT-technologies, cybercrime.

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Ақпараттандыру саласындағы құқық бұзушылықтардың негізгі түрлеріне анықтама берудің концептуалды проблемалары

Мақала халықаралық құқық нормалары мен Қазақстан Республикасының ұлттық заңнамасы бойынша ақпарат саласындағы құқық бұзушылықтардың негізгі түрлерін анықтаудың тұжырымдамалық мәселелеріне арналған. Авторлар ақпарат саласындағы IT-технологиялар арқылы жасалынған заңсыз әрекеттердің әрқайсысы белгілі қылмыстық құқықтың заңды сипатын ашуға тырысты. Қол жеткізілген нәтижелер мен қорытындылар жоғары практикалық маңызға ие, өйткені олар біліктілік актілеріне ақпараттандыру саласындағы құқық бұзушылық ретінде негіз болуы мүмкін.

Бұл зерттеу танымның жалпы ғылыми және жеке ғылыми әдістерін белсенді қолдану арқылы жүзеге асырылады. Салыстырмалы талдау әдісі белсенді қолданыла отырып, оның көмегімен авторлар халықаралық құқық пен Қазақстан Республикасының қылмыстық құқығы ғылымында

қарастырылған тақырыпқа қолданыстағы тәсілдерді салыстырды. Зерттеу барысында жаһандық коммуникациялық желілерде құқық бұзушылықтардың түрлері болып табылатын ғылыми сенімділікті қалыптастыруға мүмкіндік беретін статистикалық әдісті қолданып, жаһандық коммуникациялық желілерде құқық бұзушыларды анықтау және анықтауды ұйымдық мәселелерді халықаралық деңгейде тез арада шешу арқылы ұйымдастырылады.

Тиісінше, бұл зерттеу ақпарат саласындағы құқық бұзушылықтардың негізгі түрлерінің заңды сипатын түсіну саласындағы қолданыстағы кемшіліктерді толтыруға бағытталған.

Түйін сөздер: құқық бұзушылықтар, түрлері, ақпараттандыру, IT-технологиялар, киберқылмыс.

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Концептуальные проблемы определения основных видов правонарушений в сфере информатизации

Представленная статья посвящена концептуальным проблемам определения основных видов правонарушений в сфере информатизации с точки зрения норм международного права и национального законодательства Республики Казахстан. Авторы предприняли попытку раскрыть правовую природу каждого из известных науке уголовного права противоправных деяний, совершаемых посредством IT-технологий в сфере информатизации. Результаты и сделанные выводы имеют высокую практическую значимость, поскольку могут быть взяты за основу при квалификации деяний, как правонарушения в сфере информатизации.

Данное исследование проведено посредством активного применения как общенаучных, так и частно-научных методов познания. Активно применялся метод сравнительного анализа, с помощью которого авторы сравнили существующие подходы к исследуемой теме, имеющие место в науке международного права и уголовного права Республики Казахстан. Особое значение при данном исследовании имеет применение статистического метода, что дало возможность с научной достоверностью установить, какие именно виды правонарушений имеют место в глобальных коммуникационных сетях, обратить должное внимание на решении организационных проблем обнаружения и идентификации правонарушителей в сфере глобальных коммуникационных сетей в международном масштабе посредством оперативно-розыскных мероприятий.

Соответственно, данное исследование направлено на восполнение имеющихся пробелов в сфере понимания правовой природы основных видов правонарушений в сфере информатизации.

Ключевые слова: правонарушения, виды, информатизация, IT-технологии, киберпреступления.

Introduction

The continuous development of information technologies has led to the fact that all spheres of human life are connected in one way or another with computer technologies and global communication networks. It should be noted that it was the active development of IT technologies that led to the emergence of new types of crimes in the modern world – computer crimes.

A notable feature of computer crimes is also their transnational nature. The boundaries between countries, the distance, the difference in the languages of communication are no longer of great importance. Determining factors are the level of computerization of society, the ability to access computers, relevant specialized knowledge common to programmers from different countries. Thus, it means the need for the unification of legal norms on computer crimes and the need for a constant reference to the foreign experience of combating computer crimes when creating national legal norms.

1. Problems of definition of the term «infringements in the field of informatization» in the narrow sense.

The criminal code of the Republic of Kazakhstan passed transformation, which required the adoption of a new wording which came into force on 1 January 2015. In this edition, have been implemented new developments in the evolution of the science of criminal law and criminology, some acts have been revised, taking into account international problems.

Reforms did not ignore such a sphere as computer technologies and informatization. Earlier, the responsibility for crimes in this sphere was provided for by Article 227 of the Criminal Code of the Republic of Kazakhstan (Criminal Code of RK, 1997). However, in connection with the constantly evolving computer technologies, the problem of reviewing the dispositions and, accordingly, sanctions for illegal acts committed through IT technologies, has acquired special relevance.

Like all crimes, they are subdivided into species depending on the object, on the subject of encroachment, depending on the methods of commission, etc. (Tropina, 2005: 44).

When considering the issue of the main types of IT crimes, it should be noted that these crimes are divided into computer crimes and crimes committed through global communication networks that allow access to cyberspace (Brazhnik, 2003:27).

This classification is also used by the UN, dividing this type of criminal activity into cybercrime in a «broad» and «narrow» sense. This classification also corresponds to the division of computer crimes into single-object and multi-object (Mitskevich, 2004: 19).

In this regard one can not but agree with the opinion of T.D. Tropina, who notes that: «Computer crimes in the narrow sense are crimes, the main object of encroachment of which is confidentiality, integrity, accessibility and safe functioning of computer data and systems.

Computer crimes in a broad sense are crimes that, in addition to computer systems, infringe upon other objects (as the main ones): the security of society and human (cyberterrorism), property and property rights (thefts, fraud committed by computer systems or cyberspace), copyrights (plagiarism and piracy) « (Tropina, 2005: 44).

Computer crimes in a broad sense are crimes that, in addition to computer systems, infringe on other objects (as the main ones): security of society and human (cyberterrorism), property and property rights (theft, fraud committed by computer systems or in cyberspace), copyright rights (plagiarism and piracy) « (Tropina, 2005: 44).

So, according to the current criminal legislation of the Republic of Kazakhstan, criminal offenses in the sphere of informatization are:

– Illegal access to information, to the information system or telecommunications network (art. 205 of the Criminal Code of the Republic of Kazakhstan);

– Illegal destruction or modification of information (art. 206 of the Criminal Code of the Republic of Kazakhstan);

– Violation of the operation of the information system or telecommunications networks (art. 207 of the Criminal Code of the Republic of Kazakhstan);

– Illegal acquisition of information (art. 208 of the Criminal Code of the Republic of Kazakhstan);

– Coercion to transfer information (art. 209 of the Criminal Code of the Republic of Kazakhstan);

– Creation, use or distribution of malicious computer programs and software products (art. 210 of the Criminal Code of the Republic of Kazakhstan);

– Illegal distribution of electronic information resources of limited access (art. 211 of the Criminal Code of the Republic of Kazakhstan);

– Provision of services for the placement of Internet resources pursuing unlawful purposes (art. 212 of the Criminal Code of the Republic of Kazakhstan).

The full list of cybercrimes is provided in the Council of Europe Convention on Cybercrime. As noted, the articles of the Convention currently cover virtually all existing illegal activities in cyberspace (Ugolovnyiy kodeks Respubliki Kazahstan, 2015).

Thus, this convention defines five types of computer crimes in a «narrow» sense:

1. illegal access (Article 2);

2. illegal interception (Article 3);

3. interference in data (violation of integrity) (Article 4);

4. intervention in the system (Article 5).

5. Illegal use of devices -

(a) production, sale, purchase for use, import, wholesale or other forms of use:

(i) devices, including computer programs, developed or adapted, primarily for the purpose of committing the offenses referred to art. 2 – 5;

(ii) computer passwords, access codes or other similar data by means of which access to the computer system as a whole or any part thereof may be obtained, with the intention of using them for the purpose of committing crimes as specified in art. 2 – 5;

(b) possession of one of the items mentioned above, with the intention of using it for the purpose of committing the crimes specified in art. 2 – 5 (article b) (Foltz C Bryan, 2004: 154).

In this regard, it is important that civilized society is seriously concerned with the problem of combating these types of crimes. This is devoted by the report of the Council of Europe, dedicated to the challenges of cybercrime, i.e. in the classification of cybercrime created on the basis of the above-mentioned Convention, this type of crime is designated as «CIA-offences», i.e. Confidentiality, integrity (Integrity) and the availability of computer data and systems (Marko Gerke, 2009).

Among the specific crimes included in this category are computer hacking, interception of messages, deception of Internet users (for example, through spoofing, phishing), computer espionage (including the use of Trojan horses and other technologies), computer sabotage and extortion (for example, the use of viruses and worms, DOS attacks, spamming and mailbombing) (Dhillon,2004: 557).

2. Problems of definition of the term «offenses in the field of informatization» in a broad sense.

As already noted earlier in this article, in addition to crimes in the «narrow» sense, there are crimes in the «broad» sense:

1. Computer-related offenses:

– computer forgery (Article 7), including online grooming;

– computer fraud (Article 8).

2. Crimes related to content (content of data) to which child pornography is attributed (Article 9).

According to the report of the Council of Europe, this crime also includes: «help» with advice, incitement, providing instructions and suggestions for the commission of a crime, including murder, rape, torture, sabotage and terrorism. This category also includes cyberbullying, libel, spreading false information through the Internet and gambling through the Internet. (Skoromnikov, 2010: .218).

3. Offenses related to violation of copyright and related rights. Types of such crimes are not singled out in the Convention; their establishment is referred by the document to the competence of national legislations of the states;

4. At the beginning of 2002, a protocol was adopted to the Convention, adding to the list of crimes the dissemination of information of a racist and other nature inciting to violence, hatred or discrimination of an individual or a group of individuals based on race, nationality, religion or ethnicity. The report of the Council of Europe assigns this group of crimes to crimes related to the content of data (Coleman C., 2003:95, Richardson R.,1998: 108).

However, it is worth acknowledging that in the convention we are considering, not all crimes are envisaged, it concerns crimes against private life. This gap was filled by the Report of the Council of Europe, which singled out crimes such as encroachment on private life, including illegal access to systems containing personal data, collecting, distributing and combining personal data or collecting data via cookies, web bugs and other software.

When considering all these types of computer crimes, in a narrow and broad sense, it is not difficult to see that they are all information crimes, because all of them, somehow, as some authors have noted, impose on information security, relations, are their additional object, and also have information in the quality of the crime subject or information influence as a way of committing a crime (Beardwood John P., Alleyne Andrew C., 2006: 62, Shinder, Debra L., 2003:136).

Computer crimes in a broad sense are the traditional types of crimes committed using a computer. These types of crimes, as shown above, are specifically identified in the Convention and are considered along with computer crimes in the narrow sense.

Analyzing the legislations of foreign countries, we found that it was changed in such a way that along with traditional types of crimes, many chapters of their criminal laws contain separate norms on committing crimes using computer means (Shils A., 1956: 163). This approach seems more justified than the approach applied within the framework of the current national legislation of the Republic of Kazakhstan, when an act committed using computer means is qualified for a combination of crimes, traditional and computer, and is punished more severely than the same act committed traditional ways.

3. The legal nature of offenses in the field of informatization in accordance with the national legislation of the Republic of Kazakhstan and some foreign states.

Nowadays, computer technologies have penetrated practically in all spheres of our life and have become quite commonplace, therefore the approach, when a more severe punishment is applied for committing a traditional crime using electronic means, is not adequate to modern reality (Ealy, A.,16).

In this regard, it is worth to agree with the opinion of A.F. Mickiewicz and S.S. Medvedev, who argue that criticism can also be subjected to proposals for the introduction of traditional crimes that qualify the use of computer tools (Mitskevich A.F., 2004: 19; Medvedev S.S., 2008: 67). This is due to the fact that the implementation of such reforms will contribute to an unreasonable increase in criminal responsibility, and also not be able to reflect the specifics of this type of crime.

Thus, computer crimes in the broad sense are an independent category of crimes possessing more features of computer crimes than traditional types of crimes.

However, it should not be mistaken that only the criminal legislation of Kazakhstan improperly

improves the norms of the Criminal Code aimed at combating crimes in global communication networks. The Russian criminalists also pay attention to such shortcomings of the legislative regulation of computer crimes in a broad sense. In particular, B.D. Zavidov conducted a criminal legal analysis of fraud in cellular networks, which can be considered as a special case of computer fraud.

In his conclusions, the scientist noted the need to improve the current legislation on liability for this type of fraud.

Finally, B.V. Zavidov noted the need to use foreign experience in the fight against electronic fraud, where these acts have long been provided for by criminal legislation and there are established methods of investigating such crimesIn particular, it was about Art. 326 of the Criminal Code of Holland, «Theft through deception of services,» which establishes responsibility for using the service offered to the public through telecommunications, using technological means or by using false signals to evade full exploitation. In addition, the author points out that the development of the infrastructure of market relations has a certain effect on fraud, which is becoming more and more new, as it were, «varieties» and «subspecies». Legislation does not manage to track their rapid development, let alone regulate, because some forms of fraud (for example, theft of funds using a computer) do not fit into its standard framework (Zavidov B.D., 1998: 16; Brenner Susan W., 2004: 19).

Thus, it becomes obvious the need for the latest developments in the field of information technology and timely changes at the legislative level to effectively combat computer crimes in a broad sense.

In the legislation of Kazakhstan, infringements in the field of informatization are narrowly defined by the norms contained in Chapter 7 of the Criminal Code of the Republic of Kazakhstan. This chapter is a revised version of the legislation, which absorbed the existing experience of criminal law regulation of relations in the field of information, but it should be recognized that information technologies are developing quite actively, which requires constant and timely improvement of the criminal legislation of the Republic of Kazakhstan.

In these norms, the offenses are closed on such actions as: illegal access to computer information, creation, use and distribution of malicious programs for computers, improper modification of the identification code of a cellular subscriber unit, subscriber identification devices, as well as the creation, use, distribution of programs for changing the subscriber unit identification code (Nurpeisova A.K., 2010: 64).

The family object of the crimes in question are public relations for ensuring public safety and public order; Species object – public relations that provide a normal mode of storage, processing and transmission of data in computers (computer systems); an additional object – public relations to ensure information security (Biebaeva A.A., 2007:137). Data is subject of the compositions in question. The result of illegal actions in the commission of computer crimes are loss of confidentiality, violation of integrity and loss of access to facilities (equipment) and data (N. Polevogo, 1998:127; Furnell S.M., Kamini Dashora).

Thus, the investigated compositions of the offenses contained in Chapter 7 of the Penal Code of the RK are the compositions of infringements of an informational nature, namely: the composition of computer crimes in a narrow sense, which is exactly what is called in the norms of international and European law.

It should be emphasized that considering the legal nature of offenses in the field of information, one can not but emphasize that these offenses, under the legislation of many foreign countries and the norms of international and European law, are classified as «computer crimes» and / or «cybercrime».

In this regard, we can state that such adjustments to existing criminal legislation are necessary, such as the legislative identification of the terms «computer» and «computer», as well as the parallel use of the word «data» («computer data») and the term «computer information».

Among the comments pertaining to article 22 of the Criminal Code of the Republic of Kazakhstan, it is also possible to refer to such wording as «... use or distribution of malicious computer programs and software products» which is usually understood as the cessation of the normal functioning of computer programs and software products. However, the disposition indicates only the informative feature of the broken computer programs and does not indicate similar actions aimed at disrupting the computer operation, or the appearance of any disturbances or disruptions in the «work», a decrease in the operability of individual computer links; arbitrary failure, refusal to issue information or the issuance of distorted information while maintaining the integrity of the computer, the computer system, to activities that interfere with the normal operation of computer equipment (malfunction, reduced efficiency of computers, computer systems or their networks, computer «hang» and others).

Moreover, as some authors point out, the lack of an indication of the degree of disruption of the work of computer programs and software will lead to the fact that for almost any disruption of the work of computer programs and software products (a slight decrease in efficiency (performance or speed), any «hang» of computer programs and software product, any abnormal situation) there is an opportunity to bring to criminal responsibility (VorobYov V.V., 2000: 26; Rogers Marcus K., Seigfried K., 2004:14).

The problem is exacerbated by the fact that, as stressed by scientists, at present there is no complete unification of terminology and deeds recognized as offenses in the field of information and IT technologies (Brenner Susan W., Koops Bert-Jaap, 2004: 18; Banisar D., 2011: 21; Richard A., 2003: 228; Colin B., 1997: 16).

Moreover, the problems are aggravated by the fact that, at the present time, an overwhelming amount of computer equipment, most programs have reached such a high level of complexity, in which the most unpredictable cause can lead to malfunctions in the computer («hang-up, slowdown or performance») (unsuccessful computer configuration, «outdated» drivers, CPU temperature, disconnect between hardware and / or software (from different vendors), programs among themselves (even e and license, from different manufacturers). Therefore, the process becomes uncontrollable, which makes it possible to hold criminally responsible in a similar situation, and this in our view is not entirely permissible.

Conclusion

In our opinion, it is necessary to expand the composition of computer crimes in the Criminal Code of the Republic of Kazakhstan. However, realizing the complexity of the process of introducing new norms into an existing and existing normative legal act, it is possible to propose the adoption of a new law «On the Prevention and Combating Crimes in Global Communication Networks».

Moreover, we can draw the following conclusions:

– offenses in the field of informatization can be considered in a narrow and broad sense, and in the latter case they are understood as any crimes committed using a computer;

– a common moment, uniting all crimes of information character, is the use in the construction of trains of such crimes and terms denoting various information phenomena. Such terms should be used, firstly, correctly from the point of view of information theory, and secondly, uniformly in the entire text of the criminal law. Violation of these requirements will mean non-compliance with such principles of criminalization as the lawlessness of law and the inescapability of the ban, as well as the certainty and unity of terminology.

– the national criminal legislation of the Republic of Kazakhstan lags somewhat behind the leading foreign countries in the prevention and combating of computer crimes in a broad sense, since no such computer crime has been reflected in the text of the criminal law of Kazakhstan;

– computer crimes in the narrow sense, presented in Chapter 7 of the Criminal Code of the Republic of Kazakhstan, are crimes of information character due to the specific nature of their object and the subject of the crime;

– in the current criminal legislation of the Republic of Kazakhstan, there are significant discrepancies with the Convention on Cybercrime with regard to the content of articles on computer crimes, despite the fact that Kazakhstan is a full participant in international relations.

This means that the types of crimes committed through global communication networks have a wide range, which creates certain difficulties in developing measures aimed at preventing and combating this type of crime, the more that the state of the current national criminal law of the Republic of Kazakhstan can not be considered satisfactory and corresponding to the existing reality, since the discrepancy of the Criminal Code of the RK to the norms of the criminal law of the civilized world community, firstly, ignores the s rich experience in fighting computer crime, which is available in Europe and other foreign countries, and, secondly, will not allow to properly cooperate with foreign counterparts in investigating computer crimes, which are often of a transnational nature.

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3-бөлім

ӘЛЕМДІК ЭКОНОМИКАНЫҢ ҚАЗІРГІ МӘСЕЛЕЛЕРІ

Раздел 3

СОВРЕМЕННЫЕ ПРОБЛЕМЫ МИРОВОЙ ЭКОНОМИКИ

Section 3

CONTEMPORARY PROBLEMS OF THE WORLD ECONOMY

IRSTI 11.25.19

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CLIMATE CHANGE POLICY: AN ASSESSMENT OF US FOREIGN POLICY

In this article the problem of global climate changes as the one of the main current environmental problems was analyzed. The United States is the most important actor in on-going climate change negotiations. It is the greatest emitter of greenhouse gases (GHGs) and has the financial resources that can be used to address climate change on a global scale. In this article, there is attempt to answer the question of the extent the United States has taken on its fair share of the burdens associated with climate change. With this in mind, the article endeavors to answer this question through the making analysis of current (D.Trump), and previous (G.W.Bush and B.Obama) administrations' policies in this field. The impact of domestic forces were analyzed. It describes the opposing stances on climate change taken by Republican and Democratic leaders. Their policies continuity and essential features were revealed. The authors argue that the strong relationship between natural resource dependence (coal and oil) and opposition to climate policies is a constant feature of the U.S. climate policy debate.

Key words: environmental problems, the problem of climate change, foreign policy, greenhouse gases, international cooperation, the Paris Agreement.

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Климаттың өзгеруі саласындағы саясат: АҚШ сыртқы саясатына талдау жасау

Мақалада қазіргі таңда экологиялық мәселелердің кешеніне кіретін климаттың ғаламдық өзгеруі проблемасы қарастырылған. Соңғы онжылдықта әлемдегі экологиялық жағдайдың ушығуы жылыжай газдарының атмосфераға шығуымен тікелей байланысты. Америка Құрама Штаттары әлемдегі жылыжай газдардың шығарылымдары бойынша алдыңғы қатардағы ең ірі мемлекет және өзінің қомақты қаржы ресурстарын жаһандық ауқымда климаттың өзгеруімен күресуге жұмсай алады. Мақалада климаттың өзгеруі салдарларын жеңілдету мен бейімделу бойынша шығындар ауыртпалығын мемлекеттер арасында әділетті түрде үлестіру қажеттілігі туралы АҚШ-тың ұстанымы айқындалған. Осы зерттеуде АҚШ-тың экология саласындағы саясаты қарастырылған, АҚШ-тың сыртқы саясатындағы климаттың өзгеруі мәселесіне қатысты ұстанымына ықпал ететін ішкі факторларға талдау жасалған. АҚШ климаттың өзгеруі мәселесі бойынша келіссөздерде маңызды рөл атқарады. Мақалада Дж. Буш-кіші, Обама және Трамп әкімшілігі тұсындағы климаттың өзгеруіне байланысты саясатқа сараптама жасалған. Республикалық және демократиялық әкімшіліктердің доктриналық көзқарастарындағы сабақтастық пен айрықша белгілер айқындалған. Климаттың өзгеруі проблемасына қатысты ұстанымға ішкі акторлар тобының ықпалы негізделеді. Республикалық және демократиялық партиялар көшбасшыларының климаттың өзгеруіне байланысты қарама-қайшы көзқарастары белгіленген. Көрнекті және айрықша ерекшеліктерді басқа мемлекеттерде және демократтарда байқалады. Климаттың өзгеруіне байланысты тұрақты түрде жүргізілетін талқылаулар табиғи

ресурстарға (көмір мен мұнай) бағыныштылық пен климаттың өзгеру салдарларын елемеу саясаты арқылы айқындалады.

Түйін сөздер: экологиялық проблемалар, климаттың өзгеруі проблемасы, сыртқы саясат, парниктік газдар, халықаралық ынтымақтастық, Париж келісімі.

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Политика в области изменения климата: анализ внешней политики США

В статье рассматривается одна из составляющих комплекса экологических проблем современного мира – глобальное изменение климата. Ухудшение экологической ситуации в мире в последние десятилетия связано с выбросами в атмосферу парниковых газов. США являются крупнейшим в мире источником выбросов парниковых газов и располагают финансовыми ресурсами, которые могут быть использованы для борьбы с изменением климата в глобальном масштабе. В этой связи в исследовании уделяется внимание политике США в области экологии, анализируется влияние внутренних факторов на формирование внешней политики США в области изменения климата. Соединенные Штаты являются самым важным актором в переговорах по проблеме изменения климата. В статье делается попытка осветить позицию США по вопросу справедливого распределения между странами бремени затрат, связанных со смягчением климатических изменений. В статье представлен сравнительный анализ политических мер в области изменения климата при администрациях Джорджа Буша-младшего, Барака Обамы и Д. Трампа. Анализируется влияние внутренних групп акторов на решение проблем в области изменения климата. Рассмотрены противоположные позиции, высказанные лидерами республиканцев и демократов в вопросах изменения климата. Выделены преемственные и отличительные особенности отличие во взглядах республиканцев и демократов в США. Наблюдаются постоянные дискуссии вокруг проблем изменения климата и в основном они сконцентрированы на таких вопросах, как зависимость от природных ресурсов (уголь и нефть) и противостояние климатической политике.

Ключевые слова: экологические проблемы, проблема изменения климата, внешняя политика, парниковые газы, международное сотрудничество, Парижское соглашение.

Introduction

Climate change is one of the main considerable and central issues facing the world community. During recent decades it has gained increasing attention due to the emerging consensus around scientific evidence.

According to the United Nations Intergovernmental Panel on Climate Change (IPCC) Fifth Assessment Report, Earth is warming and it is caused by emissions resulting from human activities are substantially increasing the atmospheric concentrations of the greenhouse gases carbon dioxide, methane, chlorofluorocarbons and nitrous oxide (Fifth Assessment Report, 2009). Moreover, consequences would be disastrous by affecting poor populations and future generations. The vast bulk of greenhouse gas concentrations originated in the world's economically developed regions like North America, Europe, Japan and Australia. In order to prevent extreme catastrophe, there might be industrial nations' unanimous decision in substantial reducing the use of fossil fuels, the largest source of human contribution to contemporary GHG releases. Therefore large industrialized nations are key actors to addressing the problem.

Climate change issues have been addressed at various international forums and multilateral negotiations. Attempts to reduce greenhouse gases concentration have led to the signing multilateral frameworks like the UN Framework Convention on Climate Change, Kyoto Protocol, Copenhagen and Cancun Agreements and Paris Agreement. Although the Paris Agreement calls for all countries to make ambitious emission reduction pledges and a transparency framework to monitor such pledges, it failed to arrive at a legally binding instrument.

The United States is one of the largest emitter of these gases. The United States has been burning coal, oil and natural gas far longer, and today the country, with just over 4 percent of the world's population, is responsible for almost a third of the excess carbon dioxide that is heating the planet. During the 2008 elections campaign candidates advocated actions

against climate change, both Obama and John McCain took positive positions regarding enacting federal regulations on carbon dioxide emissions. Shortly after winning, Obama reaffirmed his promise by calling for a federal 'cap-and-trade' policy that would place mandatory limits on carbon dioxide emissions, auction permits for such emissions, and allow for the buying and selling of these permits. But partisan polarisation have impeded sustainable environmental decision-making, including at the international level (Brewer, Paul R., 2012: 7). In 2015, the White House issued large-scale EPA regulations, known collectively as the Clean Power Plan, which set carbon-emissions limits for the first time on existing power plants. The president Obama also blocked completion of the Keystone XL oil pipeline, a massive energy infrastructure project supported by most Republicans and opposed by environmental groups, and committed the United States, along with nearly two hundred other countries, to reducing global carbon pollution by joining to Paris agreement. However, new US President Donald Trump had declared his decision to withdraw from the Paris climate agreement and thereby reducing the international efforts to address dangerous global warming.

These opposing stances mean that climate change policy, and its relationship with US foreign policy, needs to be evaluated for the previous and current administrations.

Divergent approaches between administrations can in principle be rationalized on the basis of theoretical arguments within the foreign policy analysis (FPA). FPA provides the necessary tools to explain and predict human political choice, much of it happening through the behavior of collectivities (Hudson, V. M., & Vore, C. S., 1995: 209-238). FPA affords to assess foreign policy decisions and the role of human beings as the source of change in international politics. Thus, FPA could evaluate recent developments in US about climate change policy, and its relevant relationships with foreign policy.

The main purpose of the article is to examine the role that climate change policy within the US foreign policy during the Bush, Obama and the present Trump administrations. Assessment was based on the analysis of US national government policy pertaining climate-energy issues. For US politicians, economy is much more important than climate change at the national and international levels because environmental regulation is too expensive, reduces economic growth, hurts international competitiveness, and causes widespread layoffs and plant closures.

This article leads to discussion on whether environmental issues remain integral part of the foreign policy despite recent changes under the current administration.

Literature review

There is a vast literature on the US climate change policy that examines the impact of the United States has on climate change. The literature also discusses the US resistance in taking part in international agreements and influences of domestic policies on these decisions.

There are a lot of empirical based group literature that has focused on how vested interest and influential interest groups in blocking GHG emission reduction legislation. Gragg, M.I. and others have discussed that US Congress members would most probably vote against measures to restrain greenhouse gas emissions if they represent districts with high levels of emissions per capita (Cragg, M.I., Zhou, Y., Gurney, K. & Kahn, M.E., 2013: 1640-1650). Naomi Klein has highlighted that 70–75% of Democrats and liberals are much more confiding in scientists' arguments regarding climate issue. In sharp contrast, conservative Republicans much less tend to recognize negative consequences from climate change or to consider proposed solutions in order to mitigateany effects (Klein, N., 2011). Jonas Meckling has studied major role of business in the emergence of global environmental governance and more particularly, in the rise of carbon markets. (Meckling, J., 2011: 26-50). Robert MacNeil has argued that the institutional setup in the US policymaking regime is designed to favor status quo and inaction. (MacNeil, R., 2013: 259-276).

A large group of authors focuses on relating climate change policies to other problems or benefits, such as security, economic growth. Guri Bang has considered difficulties of modifying the existing energy policy status quo in the United States due to the design and structure of the US political institutions. He has discussed that Republican majority in both houses of Congress enabled to enact the Energy Policy Act of 2005, which promoted continuing domestic oil and gas production, and neglected renewable energy development. The domination of the Democrats after the elections in 2006 offered the opportunity to include energy security and climate change issues for a joint decision making agenda. The voting procedures and other rules in the House and the Senate create many veto players thus making it difficult to pass laws that change the current institutional setup (Bang, G., 2010: 1645-1653.).

Paul Harris has analyzed the US policy evolution in environmental sector. He has discussed the US climate change-related policies and diplomacy, recounting significant events during the presidential administrations of George HW Bush, Bill Clinton and George W Bush (Harris, P.G., 2009: 966-971). Matthew Nisbet has argued that the tremendous difference between the factual reality of climate change and citizens' perception is partly connected to the interest groups' activity in framing this issue (Nisbet, M.C., 2009: 12-23). Sevasti-Eleni Vezirgiannidou also has analyzed the discourse and frames in climate and energy policies. They both argue that the current discourse where climate change is framed as pollution creates a divide between Democrats and Republicans. Instead they argue that climate change policy needs to be linked to energy independence, i.e. securitized, or linked to the economic growth that would stem from green investments (Vezirgiannidou, S., 2013: 593-609).

Amy Lynn Fletcher has emphasized that climate skeptics or climate deniers are prevalent in the US and several high ranking politicians have been skeptical about anthropogenic climate change. This debate has led to the no ground for cooperation (Fletcher, A.L., 2009: 800-816.).

Kari De Pryck and François Gemenne (Pryck K. D., Gemenne F., 2017: 119–126) have provided a brief analysis of President Trump discourses on climate change and have discussed them in light of reflections about post truth politics. Paul R. Brewer (Brewer, Paul R., 2012: 7–17) has explored the polarised nature of climate change politics in the US by describing the opposing stances on climate change taken by Republican and Democratic leaders. His study relies on survey data to show that Republican and Democratic citizens hold widely differing views on climate change.

Elizabeth Bomberg and Betsy Super (Bomberg E., Super B., 2009: 424–430) have examined the role environmental issues played in the election campaign of 2008. The other researches like Maurie J. Cohen & Anne Egelston find that the most significant obstacle to US participation in an international agreement to limit greenhouse gas emissions is the increasingly oppositional relationship between the USA and China (Cohen M.J., Egelston A., 2003: 315–331).

Methodology

This article seeks to arrive at a theoretical framework appropriate to the study of normative underpinnings guiding US foreign policy decision-makers. FPA is conceptualized as a subfield of IR, and as a distinct perspective to the study of world politics. Foreign policy analysis offers an actor-specific focus underpinned by reflection that international affairs should be examined through the lens of human decision makers acting singly or in groups. Thus, decision-making processes that encompass perception, goal prioritization, option assessment, and problem recognition would become the focal point of research. People with the authority to commit resources, usually the legitimate authorities of nation-states, make these decisions (Hudson, V. M., 2005: 2).

The process and outcomes of human decision-making are examined proceeding from various influencing factors, which are overlaid by multilevel, interdisciplinary, integrative, agent-oriented and actor-specific explanations (Hudson, V.M., 2005:2-3).

Most FPA scholars works share the view that 'all that occurs between nations and across nations is grounded in human decision makers acting singly or in groups' (Hudson, V. M., 2005: 1-30). «States are not agents because states are abstractions and thus have no agency. Only human beings can be true agents, and it is their agency that is the source of all international politics and all change therein» (Hudson, V. M., 2005: 3).

Therefore, in this case, domestic foundations could explain events and policies that are too specific to be addressed by an actor-general theory like classical realism. This is the approach promoted by FPA. FPA gave emphasis to the non-equivalence between human decision makers and the states. They are also not interchangeable. Thus, in order to understand human beings' decisions we need reliable information. These decisions could impact on various policy outputs. Policy outputs and the norms emerging from them should be observed as dependent variables that are developed within the context of domestic and international politics, implying a «two-level» game that frames decisions according to certain context.

This article examines policy outcomes of two presidential terms, providing insight about foreign policy preferences and their relationship to climate change. Furthermore, it considers internal changes within the country that can affect preferences and behavior. The two-level approach means that preferences and interests could play a key role in foreign affairs. There is an indispensable connection between FPA and constructivism which considers actors' decisions in connection with their own ideas, values, and norms. But focusing on individual beliefs to examine state's foreign policy behavior may not

be enough. Thus, decisions taken via small groups, organizational processes, or bureaucratic politics should also be considered. It will allow to highlight certain foreign policy decisions and actions.

Foreign Policy of the George W. Bush administration

Shortly after taking office in 2001, Kyoto protocol has been rejected by the George W. Bush administration, declaring it had «no interest» in its implementation and taking the first steps towards withdrawing from it. G. Bush was especially reluctant to undertake any action that may harm the U.S. economy, and has instead proposed alternate market-based approaches. Interestingly, he made explicit reference to 'the incomplete state of scientific knowledge of the causes of, and solutions to, global climate change' when he withdrew the US commitment to the Kyoto Protocol and its binding targets (US u-turn on emissions fuels anger, 2001).

Climate change played a peripheral role within this foreign policy framework, since United States is significantly dependent on fossil fuel. Furthermore, the US is concerned about the potential loss of sovereignty which could result from international climate treaties. In this context, it must be emphasized that the fossil fuel lobby plays a more active and front-line role in the US by promoting such activities like reverse researches that aim to bring into question the validity and reliability of the IPCC findings. His supporters of his party as Senator James Inhofe argued that 'the claim that global warming is caused by man-made emissions is simply untrue and not based on sound science', that 'CO2 does not cause catastrophic disasters—actually it would be beneficial to our environment and our economy', that 'Kyoto would impose huge costs on Americans, especially the poor', that 'proponents [of Kyoto] favour handicapping the American economy through carbon taxes and more regulations', and that 'man-made global warming is the greatest hoax ever perpetrated on the American people' (Congressional Record, 2003). Energy security was indicated as a priority issue: speeches and documents on energy security continually emphasized survival and urgency, and national security was connected with energy supply and price security. National Energy Policy Report of 2001 had sought to address an energy 'crisis' by diversifying and increasing the supply of energy, and oil and gas were seen as central to this (Report of the National Energy Policy Development Group, 2001). This report also called for supporting drilling in the Arctic National Wildlife Refuge (ANWR) which reflects the substantial influence of the fossil fuel and automobile industries.

The Administration's stance to Kyoto protocol provided the basis for global disputes on climate change mitigation activities since the world's largest source of GHG emissions refused to ratify the Protocol (e.g., European Commission, 2001). This decision aroused resentment, notably from European Union states that had been more focused on shaping coordinated perspectives on climate change issues. Margot Wallstrom, the European Union's (EU) commissioner for environmental affairs pointed out the United States' disregard for this issue would impact on external relations including trade and economic affairs.

The US did not ratify the Kyoto protocol in 2001 and instead launched a number of multi-lateral regimes—including the Asia-Pacific Partnership on Clean Development established in 2005 and the Major Economies Process on Energy Security and Climate Change established in 2007—that conflict with the UNFCCC.

The Bush administration post-Kyoto climate change policy plans were connected with encouraging supplemental funding technology upgrading aimed at reducing emissions and for studies to provide an opportunity for the United States to enhance its position in environmental protection through research. Members of Bush administration initiated the process of revising the highly controversial National Energy Policy Report of 2001. The revised interpretation intended to attract political attention and to relieve the document's obvious supply-side emphasis and to establish measures to meet environmental challenges and mitigate climate change.

The Bush administration during this time intentionally started to reconsider important aspects of the international debate on climate change. It is defined by the White House attempts to shift the focus from US inaction to reduce its own greenhouse gas emissions to the advantages of this agreement for the developing European countries. President Bush objected to the exemption for developing nations. President Bush claimed that the treaty requirements would harm the U.S. economy, leading to economic losses of $400 billion and costing 4.9 million jobs (Bush Outlines Clean Skies Initiative, 2003). Condoleeza Rice, the US president's national security advisor, stated, «One would want to be certain that developing countries were accounted for in some way, that technology and science really ought to be important parts of this answer, [and] that

we cannot do something that damages the American economy or other economies because growth is also important» (Katharine Q. Seelye, Andrew C. Revkin, 2001).

The Bush administration has called for the necessity of agreement with comprehensive obligations that would extend on major developing emitter-countries like China. The USA currently leads the world in overall greenhouse gas emissions and China is in second position. According to forecasts, by 2025 the emission levels in China are expected to double or triple, equaling increase in the entire industrialized world. Meanwhile, China has become an increasingly powerful actor and a main opponent to the US in a wide range of issues. Thus, the Bush administration's opposition to the Kyoto Protocol could be determined by the impeding further growth of Chinese economy. The Bush administration stance towards the relationship with China was defined as the «strategic competition» by considering China as a rising regional and international power; that in turn had lead to the policy on diminishing opponents capabilities to threaten US privileges.

Secondly, the Bush administration actively criticized European countries attempts to deflect attention from their impotence to meet Kyoto obligation by attacking the United States policy. This tendency was indicated as an planned European strategy in order to put the blame on the for the eventual fiasco of the Kyoto Protocol.

Finally, the Bush administration pursued policy to change stereotypes regarding the US 'donation' to the climate change problem by non-acceptance of general research concerning US culpability for almost 25 per cent of global CO2 emissions and by putting emphasis on its economy's contribution to the world economic output.

However, in 2003, the Bush administration introduced its climate change strategy – the Clear Skies Act which is aimed to reduce power-plant pollution by approximately 70 percent. More specifically, this act would dramatically reduce and cap emissions of sulfur dioxide (SO2), nitrogen oxides (NOX), and mercury from electric power generation.» Clear Skies promised to «deliver unprecedented emissions reductions nationwide from the power sector without significantly affecting electricity prices for American consumers» and «deliver certainty and efficiency, achieving environmental protection while supporting economic growth.» (S. 1844 (108th): Clear Skies Act, 2003)

More specifically, the US strategy called for reductions in the rate of greenhouse gas production (the so-called emissions intensity) relative to economic output by 18 per cent by 2012. This objective would be achieved by creating a pool of approximately $US5 billion in tax credits to spur companies to improve their environmental performance. The Bush administration also proposed the expansion of a program to enable firms to report their greenhouse gas emissions to a federal registry on a voluntary basis.

The Bush administration has sought to mitigate the security implications of climate change effects through the nuclear power. Reviving nuclear power has been a priority for Bush since 2001, when the energy plan devised by Vice President Cheney advocated construction of hundreds of new nuclear plants. Bush's 2006 budget proposes reducing funding for the Energy Department by 2 percent even as nuclear funding increases 5 percent.

Despite several initiatives on reducing emissions of greenhouse gases via advancing science, the Bush administration put aside clime change as something marginal that could be also stemmed from possible serious consequences during a recession. President's Council of Economic Advisors stated that 'a fixed emission limit eventually means lowering economic growth' Thus, the White House policy focused more on maintaining a permissive system of compliance with environmental standards to generate the wealth that would led to the dynamic innovation process. However, due to the close alignment between the White House and such kind of industries like oil and coal, it is quite difficult for US policy makers to offer new perspectives and adopt advanced environmental strategies that would promote innovation. The Bush administration insisted that economic and environmental objectives were incompatible. The fate of The Lieberman – Wamer Climate Security Act of 2007 demonstrates this political reality. Senators Joe Lieberman and John Warner introduced legislation in October 2007 to establish a cap-and-trade system for reducing greenhouse gas emissions. President Bush himself criticized the bill by claiming that it would cost the U.S. economy $6 trillion. His estimate drew quick denials from those who support the legislation, including Sen. Barbara Boxer, a California Democrat and longtime environmentalist (Analysis: U.S. may be entering age of political deadlock, 2011).

The Obama administration and updated Commitment to Climate Change Combat

Environmental and energy issues were one of the dominant domestic policy concerns during the

elections of 2008. Barack Obama advocated for active government involvement into the sphere of environmental protection. He pledged generous government support for scientific research by placing increased attention to renewables. As for the Republican John McCain, he actively promoted nuclear power by offering traditional fuel efficiency with the important exception of government support of nuclear energy and called for a certain government role in environmental protection programmes.

Obama's winning was greeted with optimism by US environmental groups. Rodger Schlickeisen, the president of the Defenders of Wildlife Action Fund, said: «For the first time in nearly a decade, we can look to the future with a sense of hope that the enormous environmental challenges we face… It is difficult to describe the damage done by the Bush administration's misguided and destructive environmental policies. For eight years, the special interests have ruled, virtually dictating our conservation, environmental and energy policies» (Obama victory signals rebirth of US environmental policy, 2008).

Obama's choice of cabinet posts revealed a clear difference of Bush's environmental policy practice and tone. Obama preferred to appoint respected and prominent names to lead on environmental policy. And moreover a number of non-cabinet-level staff who has a great experience into the sphere of environmental protection was involved into the work. Also Obama has established a new Office of Energy and Climate Change Policy. President Obama insisted that for too long 'rigid ideology has overruled sound science ... My administration will not deny facts, we will be guided by them' (Obama aims for oil independence, 2009). Secretary of State Hillary Clinton pointed out that the new administration's ambition: 'we are sending an unequivocal message that the United States will be energetic, focused, strategic and serious about addressing global climate change and the corollary issue of clean energy' (Clinton climate change envoy vows «dramatic diplomacy», 2009). However, in terms of actual climate change policy, many argue that the Obama administration's first term was almost all talk, and no walk.

Obama stated in January 2009 a new role for the US: 'It's time for America to lead, because this moment of peril must be turned into one of progress. To protect our climate and our collective security, we must call together a truly global coalition' (The Irony Of President Obama's Oil Legacy, 2016). Obama administration launched specific programmes and executive orders devoted to the environmental protection issues which are encompassed a more energy efficient automobiles, fostering special research and creating energy-saving jobs. As a first step, Obama ordered the Environmental Protection Agency to revise its decision not to permit California and other 13 states to impose stricter controls on auto emissions from new cars and trucks.

These early activities, president's engagement, creating green jobs, possible renovation of auto industries, and further developing renewables were highly assessed by environmentalists and supporters. However, enacting any sort of meaningful change in a polarized policy-making system was indeed tough one. Obama's appeal to electorate and his appointments were attempts to overcome that fragmentation. But success wasn't guaranteed. It was also linked to inability to overcome the climate legislation deadlock in Congress. Republican climate deniers and corporate lobbyists have made the US Congress a trap for any climate legislation. Domestically important legislation regulating carbon-dioxide emissions that could provide the catalyst for the US global leadership on climate action has not succeeded. For instance, the Clean Energy and Security Act of 2009 was defeated by the House of Representatives in July 2010. The president supported this bill which was passed by the House of Representatives, 219–212, on June 26, 2009. This was the strongest climate bill ever supported by a US President. It mandated that utilities provide 20 % of electricity through savings and renewable sources by 2020, set up a cap-and-trade system for carbon emissions and authorize funds to help vulnerable communities adapt to such climate change as occurred. Many environmentalists criticized the cap-and-trade program, both because it gave emissions quotas—basically permits to pollute—free to the industry, and because it allowed quotas to be met by purchasing «carbon offsets,» which allow a company emitting greenhouse gas above its quota to continue to do so, provided that it pays someone else to take an equivalent amount of greenhouse gases out of the atmosphere elsewhere. The earlier the same thing happened to Climate Security Act of 2007 blocked by Senate Republicans to prevent losses to economy.

In fact, the Obama administration policy confined to the traditional approach that implies focusing on energy security without active promoting renewable or clean energy. It is often emphasized in political circles that achieving energy independence can be possible through the following ways: diversification of import sources, diversification of fuel mix, and increased domestic production of fossil fuels. Clean

and renewable energy sources could contribute towards the diversification of the fuel mix. However, it is not the only means of ensuring energy security, but there are growing pressures and needs to develop and expand alternative clean energy sources to mitigate climate change. This means that the two goals do not have to be dealt with together, and solutions to energy security can be harmful to the climate.

Oil drilling and production has received a massive boost, despite the President's support for the environmental agenda and the Gulf Oil Spill in 2010. New oil rigs have been built, with the overall number of rigs in 2010 being double that in 2009 and 10 times higher than in the late 1990s. President Obama has presided over rising oil production in each of the seven years he has been in office. From that low point in 2008, U.S. oil production has grown each year to reach 9.4 million bpd in 2015 -- a gain of 88% during Obama's presidency. This is in fact the largest domestic oil production increase during any presidency in U.S. history (The Irony Of President Obama's Oil Legacy, 2016).

Interpretation of climate change as one of the most efficient and viable solutions to promote energy security will not be successful unless the concept of energy security is reframed and re-conceptualized itself in order to include climate objectives in the definition. In order to prioritize clean energy over domestic production of oil and coal, the urgent necessity to tackle climate change needs to be accepted. Opponents have criticized Obama for raising fossil fuel prices in order to make renewable energy more competitive in the power market. Such claims had revealed that there were a wide divergence of views in Congress regarding the importance and necessity of a green agenda. This means that the energy security concerns can be addressed by promoting more domestic fossil-fuel production and thus it could lead to the exclusion of urgency and magnitude of climate change. The question is then whether it offers a credible alternative to the pollution threats to promote more decisive action in connection with America's international commitments.

The Obama administration has attempted to connect climate action with economic benefits. Transition to the 'green economy' will be beneficial for the US economy by offering tremendous potential for technological innovation and put America back at the forefront of high tech. This approach has both a short-term and a long-term perspective. In the longer term, this approach related to American exceptionalism which is determined by the ability to respond effectively to any challenge, and to lead the world on this front. Promoting green growth vision involves long-term trends in perceptions and infrastructure, and it requires a shift away from targets focused on short-termism of politicians and economists and this can be reached in the short and medium term through the governmental regulation and support, creating 'green jobs' and technological development. Obama emphasized a 'green' technological drive as the solution to unemployment and a way to economic recovery during his election campaign in 2008. Obama made the move toward green energy and environmental sustainability a cornerstone of his campaign. Promising to invest billions in green energy initiatives and a skilled clean technologies workforce, embark on the path to reduce carbon emissions 80% by 2050, expand locally-owned biofuel refineries, and restore US leadership on climate change, among many other initiatives, Obama set ambitious standards for his administration on this pressing topic. His Recovery and Reinvestment Act included $16.8 billion for green-energy initiatives (David S. Lowman, Jr, Laura Ellen Jones and Ted J. Murphy., 2009).

Although climate change featured in the 2010 US National Security Strategy, the US was far behind other actors like the EU. Hurricane Sandy and the serious damage it caused along the east coast of the United States reawakened the topic of climate change consequences and the White House announced that Obama would present a new plan with mitigation and adaptation measures and policies regarding climate change. In June 2013 Obama introduced his latest climate action plan. This plan refers to more extreme meteorological conditions, increasing temperatures, greater incidence of natural disasters and the economic costs they entail for the treasury and sets forth a project with three main axes:

1. Cut carbon pollution in the United States by:

– Reducing carbon pollution from power plants;

– Promoting USA leadership in renewable energy;

– Modernizing the transportation sector;

– Cutting energy waste in homes, businesses and factories;

– Reducing other greenhouse gas emissions (hydrofluorocarbons and methane);

– Leading at the Federal level in clean energy and energy efficiency;

2. Prepare the United States for the impacts of climate change by:

– Building stronger and safer communities and infrastructure;

– Protecting the economy and natural resources
– Using sound science to manage climate impacts.

3. Lead international efforts to combat global climate change and prepare for its impacts (President's Climate Action Plan, 2013).

Thus, the climate change was framed as a public health issue and an economic issue, in so far as natural disasters have cost the economy more than US$110 billion in 2012 (Nicole Mortillaro, 2013).

Finally, the speech stressed that reducing carbon emissions and moving towards a greener society would reduce dependence on foreign oil, otherwise called energy security. The plan reiterated Obama's conditional pledge 'to cut emissions by 2020, [and that] America would reduce its greenhouse gas emissions in the range of 17% below 2005 levels if all other major economies agreed to limit their emissions as well', a target that amounts to 'only a 4% cut in emissions compared with 1990 levels' (Brad Plume, 2015).

In order to bypass a Republican dominated Congress, Obama issued an executive memo to the Environmental Protection Agency (EPA), enabling them to introduce new rules concerning emissions from power plants. The focus on the EPA also explains why there is such a heavy focus on public health in the speech and accompanying plan. The new rules came into force on 2 June 2014, but because states have until 2020 to implement these rules it is impossible to predict what the outcome of these plans is going to be at this stage (especially considering that there is a lot of opposition from coal-burning states).

The President Obama's Climate Action Plan also demonstrated the US approach towards the climate diplomacy, namely adopting a relatively positive energy policy to reply the criticisms from the EU members and other countries. Obama's Climate Action Plan has generated considerable geopolitical influences on new economic powers. On the one hand, it has promoted the adoption of new energy and infrastructure in overlapping areas that encouraged such countries like China, and other countries to upgrade their technologies in this regard; on the other hand, it has resulted in lower prices of conventional fossil fuels worldwide due to oversupply. It not only dealt a fatal blow to the conventional energy sector and its affiliated areas but also exerted more pressure on electricity and other sectors that still rely on traditional fossil fuels. One the other hand, Obama's Climate Action Plan benefited from the advantages brought by the energy revolution to integrate energy and climate in order to bring about new changes in such aspects as the world's industrial structure, trade structure, and technical standards. Obama's new climate policy was assessed as an effective tool to increase its energy-based industry's international competitiveness.

During this time, there was significant activism in different scenarios. The US and China are the two most essential players in reducing carbon emissions, accounting together for approximately 45% of 2012 emissions. These nations have historically been antagonists on climate change, with the US refusing to move forward without China agreeing to binding emissions limitations, and China asserting that the principle of 'common but differentiated responsibilities' precludes this arrangement. However, amid intense internal discord in China over the country's worsening air quality, the countries' interests in addressing climate change domestically appear to be converging. In spring 2013, the US and China issued a Joint Statement on Climate Change, leading to a working group that set out five (non-binding) cooperative initiatives:

– reducing emissions from heavy-duty and other vehicles;
– promoting CCS;
– increasing energy efficiency in buildings and industry;
– improving GHG data collection and management; and
– promoting smart grids.

The countries have also agreed to work together to phase down the production and consumption of HFCs, using the Montreal Protocol on Substances that Deplete the Ozone Layer. These initiatives signal a new attitude of cooperation between the two major emitters that could bode well for global progress (China-U.S. Joint Presidential Statement on Climate Change, 2016).

At the multilateral level, the Obama administration has also played a more constructive role in recent international climate negotiations, at least in certain respects. Obama's promise to work out a climate change agreement with the United Nations came to fruition at the December 2015 climate change talks in Paris. The Paris Agreement commits parties to 'holding the increase in the global average temperature to well below 2 C°. The Paris Agreement also includes a long-term emissions goal, a key demand by civil society groups and developing countries. Article 4(1) states that 'Parties aim to reach global peaking of greenhouse gas emissions as soon as possible' and to achieve 'a balance between anthropogenic emissions by sources and removals

by sinks of greenhouse gases in the second half of this century' (Paris Agreement, 2015). The notion of emissions balance, which was referred to in an earlier draft of the treaty as 'emissions neutrality', suggests that GHG emissions will need to come down to a 'net zero' level between 2050 and 2100; UNEP had previously called for this to be achieved for CO2 emissions by 2070. In contrast to the Kyoto Protocol, which lacked long-term targets, the Paris Agreement thus sends an important signal to global markets, and especially to institutional investors, though it is weakened by the lack of a specific timetable and uncertainty over the future use of carbon sinks.

China and the United States are the world's two largest polluters and account for just under 40 percent of global emissions. Together, they formally joined the Paris agreement in September 2016, with the United States pledging to cut emissions between 26 and 28 percent from 2005 levels by 2025. The United States, too, has indicated a greater willingness to work with the international community to achieve significant emissions reductions (U.S. and China Formally Commit to Paris Climate Accord, 2016).

Thus, Obama administration was keen to promote United States as a trendsetter in environmental and climate change issues and took several different actions to achieve this purpose. While Obama administration statements and policies were understandably often couched in terms of US national interests, they were nevertheless a substantial shift by the US government toward an acceptance of international fairness and equity as important objectives of US climate change policy. This is especially evident when such statements and policies are compared with the posture of the US government during previous administrations.

The Trump administration: Rethinking the Debate

President Trump's decision to withdraw the United States from the Paris Climate Accord was strongly criticized by world community. This decision would be an unacceptable step backwards to address climate change. Trump's suggestion was determined by injustice of the Paris Accord and violation of its sovereignty. After the failed UN climate talks in Copenhagen in 2009, each country was able to put forward suggestions on establishing its own commitment to the global response. These commitments were voluntary; there were not expected to have any repercussions for countries who fail to meet their obligations. Countries are only required to report on their efforts to meet these commitments. In comparison with the Kyoto Protocol, all of the major emitters have taken on commitments under the Paris Accord. Moreover, many world leaders have re-affirmed their Paris commitments in the aftermath of Trump's announcement (Betsill M.M., 2017: 189-191).

During his presidential campaign, Donald Trump states to pull out from the Paris Agreement once he was elected. Indeed, it could be determined by the following factors:

1. The Trump Administration is closely tied to the fossil fuel industry, and interest groups. So it's not surprising that Trump decided to repeal climate regulations to benefit energy companies like Koch Industries. EPA Administrator Pruitt, who led the legal fight against former President Obama's Clean Power Plan, repeatedly denied anthropogenic causes of global warming, and insisted withdrawing from the Paris Agreement.

2. Trump's skepticism regarding climate change. Trump stated that «the Paris Accord is very unfair at the highest level to the U.S. and compared China and India's mitigation obligations with U.S., taking no notice of the common but differentiated responsibility principle

3. Trump's excessive emphasis on economic consequences. Trump believes that the Paris Agreement undermined U.S. competitive edge and impairs both employment and traditional energy industries and could weaken the U.S. sovereignty. Trump stance is defined by focusing on mitigation's economic costs and neglecting ecological and economic benefits.

Thus, Trump's withdrawal decision was mainly driven by the U.S. domestic politics and his personal preferences rather than any burdens on the U.S. imposed by the Paris Agreement. It is uncertain what can be done with climate deregulation under the Trump Administration (Betsill M.M., 2017: 189-191).

In sum, Trump's decision to withdraw from the Paris Accord undermined the universality of the Paris Agreement, which is recognized as the cornerstone of global climate regime. The agreement is characterized by its universality due to the participation of both developed and developing countries that enhances the effectiveness of climate governance. The U.S. administration resolution considerably weakened treaty's essential feature..

The United States refusal demonstrated the leadership deficit in global climate governance since the coordinated leadership of the U.S., the EU, and China was critical in this case. So, implementing the

Paris Agreement will be frustrated in the absence of U.S. leadership.

U.S. would set an undesirable precedent for global climate cooperation. Although most countries reaffirmed their commitment to the Paris Agreement after Trump's announcement, it will not be surprising to see changes in these countries' climate politics. If other countries would pursue the same politics or cut renewable energy research, the target set by Paris Agreement would be unachievable.

Trump Administration's activity concerning America's Paris commitments is perceived by its allies as undermining common values. This could enable China to take leading position on the international arena and encouraging the Europeans countries to built up closer relations with China. This rebalancing of the international order and the loss of «soft power» could affect on US efforts to advance other foreign policy interests in the future.

Cutting U.S. climate aid will make it more difficult for developing countries to mitigate and adapt to climate change and less likely for these countries to achieve the 2 °C target of the Paris Agreement. Financing is essential to implementing the Paris Agreement, and under the principle of common but differentiated responsibility, developed countries are obligated to provide climate financing to developing countries. The U.S. has been the top donor to the Global Environmental Facility, contributing around 21% of its total shares. The U.S. contributed US$ 9.6 billion between 2011 and 2012. In 2014 alone, the Obama Administration pledged US$ 3 billion to the Green Climate Fund and has appropriated US$ 1 billion so far, accounting for 40% of the total US$ 2.42 billion fund. The Trump Administration decided to terminate the donation to the Green Climate Fund, which will reduce America's share to 6.4%. The U.S. promised to significantly increase its climate funding for developing countries at the 2009 Copenhagen Climate Change Conference and appropriated $15.6 billion for international climate aid for adaptation, clean energy, and other activities (Hai-BinZhang,Han-Cheng Dai, Hua-Xia Lai,Wen-TaoWang, 2017: 222).

Trump's anti-climate action could penalize capacity-building measures on climate change mitigation. Studies show that the next ten years are critical to reduce anthropogenic emissions. Achieving this target also means that fossil fuel consumption will have to decrease to below a quarter of the primary energy supply by the year 2100 if negative emission technologies remain technologically or economically unfeasible at a global scale.

At the very least, the Trump Administration will continue to face pressure from domestic constituencies to advance climate protection efforts at home and abroad; walking away from Paris does not mean they will be able to walk away from climate action. However, the U.S. withdrawal will considerably diminish the likelihood of achieving the Paris Agreement's target and may even render the target unachievable. The withdrawal undercuts the foundation of global climate governance and upsets the process of global climate cooperation.

Conclusion

If one assesses America's sharing of the costs of climate change, it is easy to be critical. Three different presidential terms have accepted the fact that protecting the environment should not hamper economic development, but in case of the Obama administration these two concepts should be complementary.

The US climate change policy could be analyzed within the FPA's agent-oriented and actor-specific perspective. Personal characteristics of leaders, argumentation and discourse, problem representation, and bureaucratic and legislative politics, as well as domestic political imperatives have shown their influence in foreign and domestic policymaking.

This perspective is strengthened by the role that individual beliefs play in presidential decisions. Collective action also frames the context and the manner in which decisions are made at this level. Different explanations of behavior in terms of climate change policy have multidimensional nature. The Obama Administration had many arguments to promote climate change policy, however, the current administration does not. During the Obama administration had made an effort to resist a largely hostile Congress and business community, has endeavoured to direct US foreign assistance toward this problem.

However, there is little likelihood that the United States will act more robustly in the very near future. Too many forces opposed to action are able to access the American policy process. Hence, because the United States is central to efforts to mitigate climate change causes, we should not expect adequate international efforts to address this problem in the near or medium term.

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ҒТАМР 11.25

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ҚЫТАЙДЫҢ ЭКОЛОГИЯЛЫҚ САЯСАТЫНДАҒЫ ІШКІ ЖӘНЕ ЖАҺАНДЫҚ МӘСЕЛЕЛЕР

Соңғы бірнеше жылда климаттың өзгеру мәселелері Қытайдың аса танымал және ұлттық пікір алмасуларында тақырыпқа айналды.

Парникты газдардың ауаға тасталуымен байланысты әлемнің климаттық өзгерістері жөніндегі құжаттар мен баяндамаларда, аталмыш мәселенің тарапталуы Қытай Халық Республикасының экономикалық дамуымен қатар көтерілуі де жиі кездеседі. Энерготасымалдаушы ірі импортер болып саналатын ҚХР табиғи ресурстардың әлемдік қорына да ықпалы зор.

Қытайдың экономикалық дамуы және қоршаған ортаның деградациясы, басқа елдер тұрғындарына да ықпал етуде. Трансшекаралық және жаһандық экологиялық мәселелерді шешу үшін бірлескен халықаралық ақуал талап етіледі. Қазіргі уақытта Қытай қоршаған орта және оның дамуы саласындағы негізгі халықаралық келісімдердің қатысушысы ретінде, халықаралық конференциялардың белсенді дауыскеріне айналып, әлемнің көптеген елдерімен қоршаған орта және оның дамуына арналған мәселелерде ынтымақтастық жасауда. Қазіргі уақытта көмір қышқыл газын шығару көлемі бойынша Қытай қазіргі уақытта бірінші орынды иеленеді. Елдің интенсивті индустриалды дамуы жағдайындағы соңғы жылдарда мемлекет техногендік қызметтік маңызды экологиялық салдарын сезінуде. Қытайдың экономикалық және саяси жоспарларын жүзеге асырудағы талпынысы тұрғындарының да экологиялық өмір салтының қарама-қайшылығын алып келді. Жаңа ғасыр ауқымындағы Қытайдағы экономикалық жарылыс тұтыну дәрежесін өсіріп, өмірдің экологиялық сапасын төмендетті. Елге табиғи ресурстардың қажеттілігі тіптен көп сұранысқа айналып, энергия тұтыну шексіз өсуде. Осы орайда, Қытай қабылданған экологиялық заңдар мен ұсыныстарды жүзеге асыруға сәйкес келетін жаңа технологиялар саласындағы ғылыми жобаларды да экологиялық талаптарға сай қаржыландыруды тиянақты қолға алған.

Түйін сөздер: Қытай, жаһандану, экология, қоршаған орта, климаттың өзгеруі, экосаясат, экожүйе, тұрақты даму.

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Domestic and global problems in China's environmental policy

The problem of climate change in the last few years has become one of the most popular in the national discourses of the country as China's.

In declarations and documents around the world, the climatic changes which are connected with greenhouse gas emission are associated with economic development of PRC. The People's Republic of China is a major energy importer, thereby having its impact on the reserves of world's natural resources.

Economic development and environmental degradation in China affect the inhabitants of other countries as well. Joint international efforts are required to solve transboundary and global environmental problems. Nowadays, China is a party to major international agreements in the field of environment and development, is an active participant in international conferences, and also China collaborates on

issues of environment and development with many countries of the world. China currently ranks first in terms of carbon dioxide emissions. In conditions of intensive industrial development, the country in recent decades is experiencing significant environmental consequences of man-made activities. China's desire to implement its economic and political goals is in contradiction with the environmental conditions of life of the population. Over the past two decades, the economic boom in China has caused an increase in consumption and significantly worsened the environmental quality of life. The country needs more and more natural resources, energy consumption is steadily growing. Nevertheless, China seeks and finances scientific developments in the field of new technologies that promote the implementation of the adopted environmental laws and initiatives.

Key words: China, globalization, ecology, environment, climate change, eco-policy, ecosystem, sustainable development.

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Внутренние и глобальные проблемы в экологической политике Китая

Проблема изменения климата в последние несколько лет стала одной из самых популярных и в национальных дискурсах Китая.

В выступлениях и документах по всему миру климатические изменения, связываемые с выбросами парниковых газов, все чаще ассоциируются с экономическим развитием Китайской Народной Республики. КНР является крупным импортером энергоносителей, оказывая тем самым влияние на мировые запасы природных ресурсов.

Экономическое развитие и деградация окружающей среды в Китае сказываются и на жителях других стран. Для решения трансграничных и глобальных экологических проблем требуются совместные международные усилия. На сегодняшний день Китай является участником основных международных соглашений в области окружающей среды и развития, активным участником международных конференций, а также сотрудничает по вопросам окружающей среды и развития со многими государствами мира. Китай в настоящий момент занимает первое место по объемам выбросов углекислого газа. В условиях интенсивного индустриального развития страна в последние десятилетия испытывает значительные экологические последствия техногенной деятельности. Стремление Китая к реализации своих экономических и политических целей входит в противоречие с экологическими условиями жизни населения. За последние два десятилетия экономической бум в Китае вызвал рост потребления и значительно ухудшил экологическое качество жизни. Стране требуется все больше и больше природных ресурсов, неуклонно растет энергопотребление. Тем не менее, Китай стремится и финансирует научные разработки в области новых технологий, способствующих реализации принятых экологических законов и инициатив.

Ключевые слова: Китай, глобализация, экология, окружающая среда, изменения климата, экополитика, экосистема, устойчивое развитие.

Кіріспе

Жаһандық экологиялық қауіпсіздік мәселелері күн өткен сайын жаңаша мазмұндана, әлемдік қауымдастықтың назарын кезек күттірмейтін тұжырымдарымен қарата түсуде. Таяу күндері жария еткен атақты «Рим клубының» мерейтойлық баяндамасында, «Ескі әлем күйреді. Жаңа әлем алыс емес» делінген тұжырымдамасымен қазіргі өркениеттің даму парадигмасының түбегейлі ауысуының алыс еместігі туралы айтылады. Капитализмді, қаржылық алып-сатарлықты, материализмнен бас тартуды, әлемді қысқа түсінуді қатаң сынға ала отырып, баяндамашылар балама экономика, «Жаңа ағартушылыққа» негізделген руханижағымды дүниетаным, тұтас ғаламшарлық өркениет, «тұрақты дамудың» іскерлік мазмұнын насихаттайтын жаңа экологиялық қауіпсіздікке қол жеткізуге бағытталған болашақ дамуының жаңа күн тәртібі аталмыш баяндаманың өзектілігін сипаттаған. Әсіресе, адамдардың қазір өмір сүріп отырған адамзат белсенділігінің ерекше жоғары дәрежесінің дәуірі – Антропоцен, яғни геологиялық дәуіріндегі басқа да тіршілік иелеріне қарағандағы 97 пайызды көрсеткен үлесті «омыртқалағыштардың» иелену дәуірінің экожүйедегі негізгі дабылына айналуы ерекше назарға ілігеді (**Weizsaecker,** 2018). Экономикалық өркендеуге қауіп төндіретін

планетадағы энергетикалық және шикізат көздерінің таусылуға жақын екендігі, XX ғасырдың 90-жылдары адамзат өркениеттің өзіне қауіп төндіруі мүмкін шынайы экологиялық қатерді үдете түсті. Жағдайдың қауіптілігі соншалық экологиялық мәселелердің талқылануы ғылыми дискуссиялар мен ресми емес қозғалыстардың ауқымынан шығып, үкімет, халықаралық ұйымдар, ірі корпорациялар мен қаржылық құрылымдар тартылған халықаралық саяси үдерістің маңызды бөлігіне айналады. Осындай әлемдік саяси үдерістер ауқымына негіздей отыра, Қытайдың экологиялық саясатын сараптау, ішкі және жаһандық мәселелерді шешудің келешегін анықтау да, жетекші мемлекеттің даму үрдісімен де тікелей астасарын көруге болады.

Дүние жүзілік дамудың бірқатар салаларында әлемдік біріншілікке үміткер Қытай таяу уақыттарда экологиялық ірі держава ретінде әлемдік экосаясаттың да сахнасындағы негізгі ойыншылардың біріне айналуы күтілуде (Рогожина, 2009: 83). Үш онжылдық ауқымында жүргізіліп келе жатқан жоспарлы, мақсатты реформа жағдайындағы феноменальды экономикалық өсім және «ерекше» ұстанымдағы Қытай туралы назарға алынған пікірталасты тәжірибелі сыртқы саяси болжаулар қарқынын бағыттап отырғаны белгілі. Осы орайда, әлемдік дамудың негізгі үлес салмағының барлық көрсеткіштерінде орны бар, «алып» Қытай елінің ғаламшар дамуының ары қарайғы тұрақты даму үдерісінде нақты жауапкершілігі де айқын көрініп тұр. Әлемдік дамудағы ортақ жауапкершілікке Қытайды тарту немесе міндеттеудің аса күрделі мәселеге айналғаны тағы бар. Келесі онжылдықтарда әлемдік экономикалық өсімнің 50 пайызы Азиаттық-тынықмұхиттық аймақ елдерінің үлесіне түсетіні болжануда. ҚХР экономикалық супердержавалар қатарынан көрінe бастауы қазіргі өмір сүріп отырған әлемдік экономикалық тәртіптің ары қарай өмір сүруі туралы мәселені күрделендіруі де мүмкін. Қытай қашанда Батыстың құрылымды-экономикалық көшбасшылығынан зардап шегіп келе жатқан ел. Қытай наразылығына сай батыс сарапшылары әлемдік қатынас жүйесіне Қытайдың «бейбіт ену» мәселесін үздіксіз талқылауда. Сондай-ақ Қытай сарапшылары да «даго» (ұлы держава) статусына ие болған Қытай өзін қалай ұстауы керек? «Фуцзэго» (жауапты мемлекет) болу қажет пе, болған жағдайда бұл Қытай үшін қандай маңызды? Осы контекстегі жауапкерішіліктің батыстық және қытайлық түсінігін үндестіру мүмкіндіктерін талдауда (Исова, 2013:70).

Жаһандану үдерісінің қоршаған ортаға ғана емес, экологиялық саясатқа да тигізер әсері маңызды. Халықаралық сауда баға саясатын құрастыру кезеңінде экологиялық шығындарды ескермесе, қоршаған ортаға зиян әкелері сөзсіз. Мемлекет шетел капиталын тартуда экологиялық стандарттарды төмендететін амалдарға да баратыны бар. Мұндай жағдайда экологиялық ақуалға қатысты немқұрайлылық бәскелестікке мүмкіндіктер жасайды. Осындай факторлар жиі орын алатын Қытай секілді экологияны басқару механизмі әлсіз елдерде экономиканың либералдануы қоршаған орта ақуалының нашарлауына алып келері сөзсіз. (Mol, 2006).

Қытай жақын арада экономикалық өсу мен қоршаған ортаны қорғау қажеттіліктері арасындағы қайшылықты шешетін қазіргі заманғы технологияларды жеткілікті мөлшерде енгізуі мүмкіндігінің әлсіздігін сезінеді. Халықаралық қатынастардың негізгі детерминанттарының бірі, қоршаған орта, «тұрақты даму» және энергоэкология мәселелеріне мемлекеттердің аймақтық үдерістер аясындағы шаралар ауқымында жауапкершілік танытуы да аса маңызды. БҰҰ («Әлемдік экономикалық жағдай және 2011 жылдағы мүмкіншілік» баяндамасы) мәлімдеуінше Қытай, Үндістан және Латын Америкасы елдерінде, әлемдік экономиканың өсуіне ықпал жасайтын жоғарғы даму қарқыны сақталуда. Оған қоса, дамыған елдер экономикасының баяу жандануы, әлемдік экономиканың өсуіне жағымсыз әсерін тигізіп жатыр (Перелет,1997:155).

Жылдар бойы қалыптасқан әлемнің күрделі мәселелерін ұғынған адамзат, аталған мәселелерді еңсеруге бағытталған тұрақты даму тұжырымдамасын алға тартты. 1987 жылы қоршаған орта мен даму жөніндегі Халықаралық комиссия немесе Брунтланд Комиссиясы деген атаумен танымал бұл комиссия «Біздің ортақ болашағымыз» атты баяндамасын жариялады. (Oxford Univeristy Press. 1987: 199). Бұл баяндама тұрақты даму тұжырымдамасын жасаудың көпшілікпен мақұлданған теориялық негізі болды. Бүгінгі күнге дейін экологиялық тұрақты даму анықтамасының түрлі тұжырымдамалары айтылып келеді, ал тұрақты даму тұжырымдамасының өзі қалыптасу кезеңінде болып отыр. Брунтланд Комиссиясының баяндамасына сәйкес, «Тұрақты даму бұл қазіргі буынның қажеттіліктерін қанағаттандыратын және болашақ ұрпақтардың өз қажеттіліктерін қанағаттандыру мүмкіндіктеріне қауіп төндірмейтін даму». Аталмыш баяндамаға сай үн қатудағы

Қытай елі жігерінің де жандануы да жаһандық ауқымдағы көшбасшы болуға талпынысқа бой түзеуге тиісті мемлекет үшін аса жауапкершілік болуы тиісті. Бүгінгі таңда, табысы орта деңгейден төмен мемлекеттер қатарына Қытай және Үндістан секілді алыптар жатады және осыған қоса, әлемнің екі алып ішкі тұрақсыз топтарға бөліну және бөліктер арасында әлеуетті қақтығыстардың орын алу қаупі пайда болды.

Жалпы, Қытайдың қазіргі кездегі Орталық Азия, әсіресе Қазақстанның энергетикалық нарығындағы инвестициялық белсендігі мен оны жүзеге асырудағы аймақтық экологиялық тәртіпке сай қызмет етуі төңірегіндегі мәселелерде дара бағытта қарауды қажет етеді. Аталмыш нарық талабына сай, Қазақстан территориясында бизнес жүргізуде Қытай біршама озық тәжірибе көрсетуге талпыныс танытуда. 2017 жылы Астана қаласында өткен ЭСКПО – халықаралық көрмесіндегі өзегі «Болашақ энергиясы, жасыл Жібек жолы» болған 1000 шаршы метрге жайғасқан Қытай павильоны энергетикалық шешімдердің футуристикалық үлгілерінің нұсқауларын көруге жағдай жасаған еді. Көрші елдің сыртқы экологиялық мәселелердегі күш-жігерінің қайратталуы аса назар аударарлық.

Теориялық-әдіснамалық негізі

Халықаралық факторға қатысты белгілі бір мемлекеттің ішкі және сыртқы саяси ұстанымдарын тұтас қарастыру, оған дара сипаттама беруде күрделі терең сараптамалық әдістерге жүгінумен жүзеге асатынына көз жеткізуге болады. Осы орайда, Қытайдың экологиялық саясатындағы ішкі және жаһандық мәселелерді шешудің келешегін анықтауда, мәселенің теориялық-әдіснамалық негізіне сәйкессіздік құбылыстар мен жағдайдың қайталанбауы негізінде ғылыми маңызды қорытындылар жасауға мүмкіндіктер беретін салыстыру әдісі қолданылды. Бұл әдістің басты жетістігі, локальды және жаһандық экологиялық мәселелерді ортақ, халықаралық қатынас саласын құрастырушы ережелерге бағдарлауда маңызды болды. Жария ақпараттарды өңдеуге бағытталған ивент-анализ немесе оқиғалық мәліметтерді талдау әдісін қолдану, Қытайдың қазіргі әлемдік экологиялық ынтымақтастық құрылымындағы ұстанымын анықтауда және мемлекеттің ішкі экологиялық жағдайын сараптауда тиімді болды.

Нәтижелер

Интенсивті индустриалды даму жағдайында Қытай соңғы онжылдықтарда техногендік қызметтің маңызды экологиялық салдарларын бастан кешуде. Қытайдың барлық салалардың, көліктің және ауыл шаруашылығының табиғи кешендерінің және геожүйелерінің қауіпті әсерін шектеу туралы көптеген халықаралық экологиялық шарттар мен келісімдерге қол қоюдан бас тартуы елді халықаралық оқшаулау жағдайына алып келеді. БҰҰ-ның Климаттың өзгеруі туралы конвенциясы бойынша атмосфералық шығарындыларға шектеу белгілейтін Киото келісімшартына қол қоюдан бас тартуын, Қытай аталмыш келісімнің ұлттық экономиканың дамуын бәсеңдететінін мәлімдеуімен түсіндіреді. Сондай-ақ қытайлық делегация кедейшілікпен күрес және экономикалық даму ішкі қытай саясатының негізгі басымдықтары болып табылатынын мәлімдеді, сондықтан ҚХР үкіметі парниктік газдар шығарындыларын шектеу туралы шешімді кейінге қалдыруға мәжбүр болды.

Экосаясат – экологиялық жағдайды басқару және елдегі табиғи ресурстарды ұтымды пайдалануды қамтамасыз ету үшін қабылданатын саяси, экономикалық, құқықтық, білім беру және басқа да шаралар жүйесі. Қытайдың экологиялық саясаты Қытайдың жалпы саясатының маңызды бөлігі болып табылады. Соңғы жылдары Қытайда ауыл шаруашылығын, индустриалды және энергетикалық дамуды ынталандыратын экономикалық және технологиялық реформалар ел экожүйелерінің таралуына кедергі келтірді. Қытайдың экономикалық және саяси мақсаттарын жүзеге асыру ниеті халықтың экологиялық жағдайына қайшы келеді. Қытай аумағының көлеміне және экономикасының дәстүрлі құрылымына байланысты, жақын арада Қытайдың «таза қалдықсыз өнеркәсіптің» экономикасына көшу мүмкіндігі төмен. Қазіргі уақытта ел экономикасының негізі ауыр өнеркәсіп, химия, көмір және тау-кен өнеркәсібі салалары болып табылады, олар үлкен көлемде энергияны тұтынып, көптеген зиянды және өңделмейтін қалдықтар береді. Аумағы үлкен елдің шикізатына деген абсолютті салмаққа түсуі, шаруашылық қызметке де ықпалды. Тұрғындар сұранысы Қытай экономикасының өнімге деген аса тәуелденетін шегі мен технологиялық тиімділіктің жетістігіне үлгіленген тұста, тұтынушылармен де тікелей байланысты экология-

лық сананың да негізді болуын дүниеге әкелді (Хань Сюй, 2010: 85-89).

Соңғы екі онжылдықта Қытайдағы экономикалық өрлеу тұтынуды арттырып, қоршаған ортаның сапасын айтарлықтай нашарлатты. Елде барған сайын көп табиғи ресурстар қажет, энергия тұтыну тұрақты түрде өсіп келеді. Соған қарамастан, Қытай қабылдаған экологиялық заңдар мен бастамаларды іске асыруға ықпал ететін жаңа технологиялар саласында ғылыми жаңалықтарды іздейді және қаржыландырады. Қытайдың экологиясы өзінің қазіргі жағдайында көрші елдерге теріс әсер етуі мүмкін, ауаның ластануының 25 пайызы трансшекаралық сипатқа ие. Қытай күкірт диоксидінің атмосфераға шығарылу бойынша жетекші ел, бұл өзендердің, теңіздердің, жер асты суларының ластануына, шөлдену және қолайсыз ортада туындаған аурулардың өсуіне ықпал етеді.

Қытай әлемдегі территориясы жағынан үшінші орын және халық саны жағынан бірінші орын алатындықтан, экологиялық мәселелерді шешу барлық елдерге қатысты екенін атап өткен жөн. Климаттың өзгеруі тұрғысынан алғанда, Қытай жақында таулы аймақтардағы мұздықтар аймағының азаюы, теңіз деңгейінің көтерілуі және климаттың жаһандық өзгеруімен байланысты басқа да мәселелерге тап болды.

Қоршаған ортаны қорғау саласында құқық қорғау жүйесі Қытайдың экологиялық заңнамасы жақында құрылған. Экологиялық заңдардың қабылдануы жиі провинциялық биліктің жауапкершілігі болып табылады, сондықтан да Қытай соттары заң шығару мен құқық қорғау процестеріне әсер етуге іс жүзінде ешқандай мүмкін емес. Нәтижесінде Қытайдың орталық билігіне экологиялық мәселелерді ластануды бақылау арқылы шешуге болмайтынын мойындауға тура келді. Қытайдағы экологиялық бағдарламалар қоршаған ортаны қорғауға арналған институттар арасында өкілеттіктердің жоқтығы мен үйлестірудің болмауынан зардап шегетіні айқындалды. Ендігі жерде, жаһандық саяси үдерістерге атсалысу бағытында саясат түзу үшін Қытай мүмкіндіктерінің экологиялық саясаттағы ғаламшар келешегіне де ортақ жауапкершілік түзу қажеттілігіне байланысты болуды көздейді.

Пікірсарап

Халықаралық экологиялық ынтымақтастық аясындағы Қытайдың қол қойып, ратификациялаған хаттамалары қатарына, 2000 жылғы биологиялық түрлер жөніндегі биоқауіпсіздік Конвенцияның Картахен хаттамасымен (Картахенский...), 2001 жылғы тұрақты органикалық зиянкестер жөніндегі Стокгольм хаттамасын (Стокгольмская...) жатқызуға болады. Аталмыш хаттамалардағы Қытай қабылдаған міндеттер, осы келісімдер аясында ішкі экологиялық саясатқа ықпал ететін ұзақ мерзімді маңыздылыққа ие болды. Сонымен қатар, бұл халықаралық келісімдердің мақсаты ірі дамушы елдердің қатысуынсыз жүзеге аспайтыны белгілі еді. Тағы бір, халықаралық Монреальда қабылданған озон қабатын бұзатын заттар жөніндегі хаттаманың (Монреалький...), XX ғасырдың соңындағы фреон өндіруші әлемдік көшбасшы Қытайдың қатысуымен хаттамалануы да оның тиімділігін арттырған болатын. Климаттың өзгеруі жөніндегі мәселелердің қазіргі жаһандық экосаяси дискурсын жүргізуде негіз болатын аталмыш хаттамаларға қатысу, Қытайдың жаһандық экологиялық саясаттағы жауапкершілігіне тірек нүкте.

Бай Солтүстік және кедей Оңтүстік арасындағы технологиялық тиімділігі аз, экологиялық қауіпті өнімдерге мамандандырылған сауда саясаты, дамушы елдердегі қоршаған орта ақуалына құрылымдық және ауқымды ықпал етуімен сипат алуда. Сонымен қатар, дамушы елдердегі экономиканың либералдануы барысында «зиянкестердің бас сауғалау орны» (pollution haven) пайда болатыны туралы да пікірлер бар (Copeland, Taylor, 1994: 755–787). Бұл гипотеза қытайлық ғылыми пікірсарапта жиі қолданыс тауып, экологиялық қауіпті өндірістің дамушы елдердегі көшіқонға ықпал ететіндігін негіздейді (Фу Цзинянь 2009: 13–18). Қытай ғалымдары экспортты бағдардағы өндіріс қалдықтары пластикалық өнімдер, көліктер мен жабдықтар, сонымен бірге өнеркәсіп химикаттардың қоршаған ортаны ластауын, «зиянкестердің бас сауғалау орны» гипотезасына жақындата қытай-американдық сауда қатынастары барысын сипаттауда да айтады (Фу Цзинянь, Чжан Шаньшань, 2011: 11–17).

Ғылыми кеңістікте қоршаған орта ақуалы және шетел капиталы мәселесінің бірлігі болмаған. Көптеген зерттеушілер трансұлттық корпорациялар тұрпатындағы тікелей шетел инвестициясына экологиялық бақылау керектігін мақұлдайды (Дин Хуаньфэн, Ли Пэйи, 2010: 117–122).

Экологиялық мәселелердің тағы бір трансұлттық маңызды аспектісі қалдықтардың

халықаралық саудасы, яғни дамушы елдерге қалдықтарды экспорттау утилизацияның ең тиімді түріне айналған. Қытайға қайта өңдеу мақсатында, негізінде қағаздар мен пластикалардан тұратын еуропалық қоқыстар көптеп әкелінеді. Қолданыстағы оларды өңдеу технологиясы, елге ауа мен судың ластануымен қатар, аз төлемақы мен жұмысшылардың науқастануы қауіпін жоғарылататын себептері көп экологиялық және әлеуметтік салдар әкелетін ауыртпалықтар тудыруда (Жэньминь жибао. …).

Алайда, дамыған елдердің технологиялық және қаржылық қатысуынсыз, сонымен қатар жаһандық реттеулерде экономикалық құралдардың еркін қолданысынсыз жеткістікке қол жеткізу қиындығы тағы бар (Ван Лидун, Дун Яжун, 2010: 56–58; Saluja, 2008: 950–956).

Қытай ғалымдарының және қоғамының климаттың өзгерісімен күрес құралы ретінде ұсынысы ауқымы зор ормандар отырғызу жөніндегі ұсыныстары әлеуметтік-экономикалық мәселелерді шешу амалдары ретінде қолдау табуда (Кэ Шуйфа, 2010: 6–12).

Қытай экологиялық саясатының тағы бір сипатты тұсы көмірқышқыл газы түсімін азайту бағытындағы міндеттер кеңінен көтеріледі. ІЖӨ тұрғындардың жан басына шаққандағы ары қарайғы ұлғаю жағдайы және көмір энергетикасына артықшылық, «жасыл дамуға», «айналмалы экономикаға», экологиялық таза өндіріс және тұтынуға біртіндеп өту қажеттілігі мүмкіндіктері де жиі айтылады (Пин Чжицзюнь, Чжоу Жун, 2010: 1–7). Көмірқышқыл газдарының түсімі көлемінің тұтыну үлгілеріне қарайғы дәрежелуімен де күрес өзектілігі де сарапануда (Ян Сюаньмэй... 2010: 35–40).

Қытай ғылыми және қоғамдық-саяси пікірсарабында өз кезегінде, «үшінші өркениет» тұжырымы да біршама кең тараған. Оны айтушылардың пікірінше, Қытай бірінші – ауылшаруашылық өркениетінің маңызды бөлігін құрады, алайда екінші – индустриалды өркениетте маңызды рөл атқару мүмкіндігін жіберіп алған. Қазір Қытай – ауқымды тұрғындар, шикізат жетіспеушілігі, ластанудың жоғары дәрежесі секілді қиыншылықтарға қарамастан, гармониялық қоғам құру мен тұрақты дамуға өтуге негізделген, үшінші экологиялық өркениет құрудың тарихи мүмкіндігінен айырылып қалмау керек (Сун Юйцинь, Е Вэньху, 2009: 119–124).

Экологиялық өркениет одан басқалары жаңа қайта өрлеген қытай өркениетін күткен тұста, оған дара тәртіп пен өзара тәуелділікке мойынсұнуға негізделген қандай да бір идеалды түрдегі социалистік қоғам ретінде бірқатар авторлар көзқарасында қалыптасқан (Жуй Цюн, Син Хуафэн, 2009: 43–46). «Жоғалған құндылықтарға» қайта оралмай (Ци Е, Цай Цинь, 2008: 1–6), ары қарайғы ілгерілеулерге талпыныс оның болашақта ғылыммен негізделуіне ерекшелік береді. Дәстүрлі мәдениетке үн қату арқылы (Ли Чуньян, 2008: 29–31) қоршаған ортаға деген құрметті қоғамдық көзқарас қалыптастыру дәстүрі де, Қытай қоғамының жаһандық экологиялық тәртіпке қосылар үлес болып табылады.

Қорытынды

Қытайдың қоршаған орта мен экологиялық саясатына жаһанданудың экономикалық, саяси және мәдени үдерістері өткір ықпал етуде. Бұл елдегі халықаралық сауда қоршаған ортаға жағымсыз әсер ететін өнім шығарудың көлемін шексіз ұлғайтуға әкеліп соқтыруда. Сонымен қатар, елдің экологиялық ақуалына дамыған елдерден келетін қалдықтар импортының зардабы тағы бар. Сонымен қатар, экологиялық таза өндіріс және «жасыл өнеркәсіп» бағытына тікелей шетел инвестициясының «көш алуы» қазіргі уақытта қоршаған ортаға жағымды әсер тудырып жатқаны тағы бар. Қытайдың «Экологиялық протекционизм» халықаралық ұйымдар тарапынан қысым, дамыған елдердің тұтыну үлгілері, Қытай үкіметін экологиялық заңнамаларды қатаңдатып, экспортқа бағытталған өндірістерге талаптарды қатайту және жаңа технологияларды жетілдіруді қолдау шараларын жүргізуге мәжбүрлеп отыр. Дамыған елдер мен халықаралық ұйымдар тарапынан келетін экологиялық жобаларға салынатын мақсатты шетел инвестициясы, өз кезегінде экологиялық реттеулер мүмкіндігін арттыруда. Саяси және мәдени жаһандану барысында тұрғындардың да экологиялық мәселелерге қарым-қатынасы өзгерген. Халықтың экологиялық сауаттылығы да қытайлық қоғамның басты мәселелеріне айналды. Қытайда самарқау мөлшерде болса да халықаралық экологиялық үкіметтік емес ұйымдардың да қатысуы дәстүр ала бастады. Қытайдың көрші елдердің де қоршаған ортасына тигізіп отырған әсері аймақтық экологиялық мәселелер төңірегінде жаңаша пікір қалыптастыруда. Жаһандық өлшемдегі Қытайдың, жер шарындағы парниктi газдың (тастауды қысқартудың халықаралық міндеткерлігінің болмауы жағдайында) ірі эмитенттерінің

үштігіне кіруі оның әлемдік экосаясаттағы рөлінің қайта қаралуын сөзсіз талап етеді.

Қытайдың шетелдердегі (Қазақстандағы да) табиғи-шикізат ресурстарының ауқымды көлемін игеріп отыруы мен оны импорттауы да, оның төңірегіндегі энергоэкологиялық мәселелердің де орын алуы, Қытай тарапынан экспортер-елдер арасында да, жалпы әлемде де қоршаған орта мәселесінің ауқымын ұлғайтуда. Сонымен қатар, Қытайдың дамушы елдерге ықпал ету факторы және бар. Жалпы, климаттың жаһандық өзгерісінің тиімді механизмін құру үшін және шын мәніндегі кез келген жаһандық экологиялық мәселе, қазіргі халықаралық қатынастардың экологиялық ынтымақтастығын ары қарайда нығайтуда Қытайдың тікелей қатысуын аса міндеттейтін кезеңге келгенін мойындау орынды жағдайға айналғаны сөзсіз.

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СОВРЕМЕННОЕ СОСТОЯНИЕ РЫНКА ТРУДА И СТРУКТУРА ЗАНЯТОСТИ В РЕСПУБЛИКЕ КАЗАХСТАН

Проблемы рынка труда и занятости населения всегда являются объектом изучения научных, общественно-политических центров и других ведомств. Они приобретают все большую актуальность на современном этапе посткризисного восстановления глобальной экономики. Большинство экономических, социальных, демографических явлений, протекающих в рыночной экономике, прямо или косвенно, полностью или частично, отражают процессы, происходящие на рынке труда. Именно на рынке труда происходит купля-продажа рабочей силы, оценивается ее полезность и общественная значимость. Так, целью данной статьи является комплексное исследование рынка труда и структуры занятости населения в Казахстане. Человеческие ресурсы на основе образования, профессионализма, интеллекта составляют важнейшие предпосылки успешной реализации новых стратегических задач. В данной статье проанализированы динамика и тенденции развития структуры занятости населения в Казахстане на современном этапе и в различных секторах экономики. Современное состояние рыночных отношений порождает множество вопросов о процессах и механизмах, обуславливающих эффективное функционирование рынка труда. Их решение требует детального анализа теоретических подходов и данных наблюдаемых в повседневной жизни в сфере занятости населения, в чем заключается ценность и практическая значимость данного исследования.

Ключевые слова: рынок труда, структура занятости населения, тенденции развития занятости населения, безработица.

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The current state of the labor market and the structure of employment in the Republic of Kazakhstan

Problems of the labor market and employment of the population are always an object of study of scientific, socio-political centers and other departments. They are becoming increasingly important at the present stage of the post-crisis recovery of the global economy. Labor market and employment takes unique placein the system of market-oriented relarions. Majority of economical, social, demographic evictions, burning in a market economy, either directly or partiallyemerge from the process of emerging market labor.And the processes of buying and selling of workforce, usefullness and public importance of it takes place at the labor market. The purpose of this article is a comprehensive study of the labor market and the structure of employment in Kazakhstan.Human resources on the basis of education, professionalism, and intelligence constitute the most important prerequisites for the successful implementation of new strategic tasks. This article analyzes the dynamics and trends in the development of the employment structure of the population in Kazakhstan at the present stage and in various sectors of

the economy. The problem of unemployment and self-employment of the population are the objects of the research. The current state of the development of market relations raises many questions about the processes and mechanisms that determines the effective functioning of the labor market. Their solution requires a detailed analysis of theoretical approaches in the field of employment, what is both the value and the practical significance of the research.

Key words: labor market, employment structure, employment trends, unemployment.

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Қазақстан Республикасының қазіргі еңбек нарығының жайы мен жұмыспен қамту құрылымы

Еңбек нарығы мен халықты жұмыспен қамту мәселелері үнемі ғылыми, саяси-қоғамдық орталықтардың және басқа да мекемелердің зерттеу нысаны болып табылады. Ғаламдық экономиканың қазіргі дағдарыстан кейінгі қалпына келу кезеңінде бұл мәселелердің өзектілігі артуда. Еңбек нарығында орын алатын процестерді көптеген нарықтық экономиканың экономикалық, әлеуметтік, демографиялық құбылыстары толықтай немесе ішінара қамтиды. Сонымен, бұл мақаланың басты мақсаты еңбек нарығын және Қазақстандағы халықты жұмыспен қамту құрылымын жүйелі түрде зерттеу болып табылады. Жаңа стратегиялық міндеттерді жүзеге асыру жолында ең маңызды орынды білім, біліктілік және парасаттылық негізіндегі адами ресурстары алады. Бұл мақалада қазіргі таңдағы Қазақстандағы халықты экономиканың түрлі секторларындағы жұмыспен қамту құрылымының үрдістері мен динамикасына талдау жасалады. Еңбек нарығының тиімді жұмыс жасауы қазіргі замандағы нарықтық экономикадағы қарым-қатынастардағы көптеген сұрақтар мен мәселелермен тығыз байланысты. Зерттеудің мәні мен практикалық маңыздылығы да сол мәселелерді шешу үшін жұмыспен қамту жөніндегі теориялардың толық талдалуында жатыр.

Түйін сөздер: еңбек нарығы, жұмыспен қамту құрылымы, халықты жұмыспен қамтудың даму үрдістері мен динамикасы.

Введение

В Послании Президента Республики Казахстан Н.А. Назарбаева народу Казахстана «Казахстан-2030» изложена стратегия по занятости населения. Процветание, безопасность и улучшение благосостояния всех казахстанцев в Стратегии-2030 связывается с решением вопросов занятости и бедности. Актуальность данной темы заключается в недостаточной изученности основных причин возникновения проблем занятости на современном этапе, когда требуются незамедлительные действия в отношении всей структуры занятости исходя из мирового опыта. Изменение в отношении форм труда и безработицы, стрессы и социальная неуверенность, связанные с работой, растущая несправедливость и изолированность граждан от общественной жизни – все это становится причинами серьезного исследования современной ситуации социально-трудовой сферы. Между тем, происходящие преобразования в экономике вселяют уверенность, что в ближайшее время сложится рынок труда, соответствующий современным потребностям общества. Так, объектом исследования в данной статье является рынок труда и структура занятости населения. Методы, использованные в ходе исследования: социально-исторический, статистический и сравнительный.

Методы исследования

В соответствии с целями статьи авторы применяют методологические инструментарии:

1) для того, чтобы показать этапы развития занятости населения, авторами используется социально-исторический метод анализа данных, позволяющий проследить процессы становления, функционирования и развития сферы занятости как важнейшей сферы жизнедеятельности общества. В связи с этим были изучены труды отечественных и зарубежных ученых а также государственные программы за последнее десятилетие;

2) в целях наглядной демонстрации позитивных изменений в сфере занятости, уровня молодежной и общей безработицы были использованы статистический и сравнительный методы,

которые дают возможность конкретизировать те или иные ответы в цифрах;

3) также авторами в ходе исследования были использованы методы исследования: от простого к сложному, от абстрактного к конкретному, единство исторических и логических компонентов, методы экономического анализа, методы математического анализа, методы диалектического познания.

Дискуссия

По определению А.И. Рофе: «Рынок труда – это составная часть структуры рыночной экономики, которая функционирует в ней наряду с другими рынками: сырья, материалов, товаров народного потребления, услуг, жилья, ценных бумаг и др.» (Рофе, 1996: 128). В общем виде под рынком труда понимают систему общественных отношений, связанных с наймом и предложением рабочей силы, или с ее куплей, продажей (ценой рабочей силы является зарплата). По определению Н.А. Волгина: «Рынок труда – совокупность социально-трудовых отношений между покупателями и продавцами по поводу условий найма и использования рабочей силы» (Волгин, 2003: 736). Однако только условиями найма и использованием рабочей силы содержание понятия «рынок труда» не ограничивается.

В 1919 году, почти 100 лет тому назад, было сформировано специальное учреждение – Международная Организация Труда (МОТ), занимающаяся вопросами регулирования трудовых отношений. Отличительная черта МОТ – трипартизм, её трехсторонняя структура, в рамках которой осуществляются переговоры между правительствами, организациями трудящихся и предпринимателей. Делегаты этих трех групп представлены и совещаются на равных основаниях, на всех уровнях МОТ (ILO, 2014).

Рынок труда представляет собой систему общественных отношений в согласовании интересов работодателей и наемной рабочей силы. Данный вопрос был и остается одним из актуальных для изучения разными учеными, как отечественными так и зарубежными. Проводя сбор и анализ материалов по проблеме структуры занятости и рынка труда, сопоставляя мнения и взгляды разных ученых, таких как: Рофе А.И., Еримбетова А., Мамырова Н.К., Нурпеисовой Н. С., Нурпеисовой Л., James, J.A. andSkinner, J.S., Jaimovich, N. and Siu, H.E., Goos M., Manning A. and Salomons, A., Davis, S.J. and Haltiwanger, J., Autor D., Katz L.F. and Krueger A.B. и Marshall, пришли к выводу о том, что до сих пор нет конкретных путей решения основных проблем занятости населения, и о том, что процесс реструктуризации рынка труда, как правило, занимает длительное время.

Основная часть

Структура занятости населения выступает одним из наиважнейших факторов экономического развития. В связи с тем, что изменения в структуре занятости населения в значительной степени обусловлены соответствующими изменениями в динамике и структуре производства, в экономической литературе анализ занятости и производства ВВП часто осуществляется по трем направлениям или секторам экономики: аграрный, индустриальный и сфера услуг. Это позволило выделить несколько этапов развития занятости, в основе которых лежат важнейшие структурные изменения в экономической деятельности человека:

– доиндустриальная эпоха, или аграрная, охватывает период до XX века;

– начало XX в. – ведущее положение заняла индустриальная сфера, сменившая многовековое господство аграрного сектора, наблюдался рост занятости в этих отраслях народного хозяйства, в первую очередь за счет оттока работников из аграрного сектора;

– в современных условиях особое место в структуре экономики стала занимать сфера услуг. В этой отрасли экономики в развитых странах создается более 70% ВВП и занято около 70% экономически активного населения (Нанавян, 2012: 46).

Стратегия вхождения Казахстана в число наиболее конкурентоспособных стран мира предусматривает комплексное решение взаимосвязанных задач на всех уровнях социально-экономического развития страны. Это относится, в первую очередь, к структуре занятости населения, в которой сдвиги происходят замедленными темпами. Она предстает в виде распределения занятого населения по секторам экономики, отраслям и видам экономической деятельности (Медельханова, 2006).

Авторами предлагается следующая классификация структуры занятости человеческих ресурсов и ее составляющих:

Демографическая	Социальная	Экономическая	Территориальная
фраспределение занятых по полу и возрасту	по статусу занятости	распределению по формам собственности, видам экономической деятельности, секторам экономики	распределение занятых по городу, селу, регионам страны

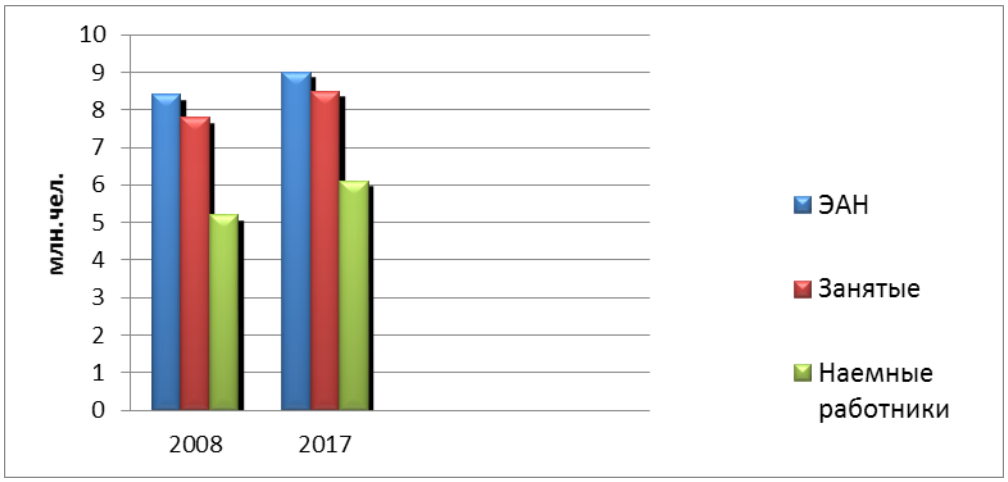
Все составляющие структуры занятости по своей значимости играют немаловажную роль в обеспечении эффективного использования человеческих ресурсов. Они настолько взаимосвязаны между собой, что иногда их невозможно разграничить.

В настоящее время в большинстве стран Центральной Азии отмечается рост, который в неравной степени распределен среди стран и секторов экономики. Этот рост обеспечивается за счет небольшого числа отраслей (секторов) экономики, прежде всего связанных с добычей природных ресурсов, что пока не является достаточным для того, чтобы преодолеть дефицит производительной занятости и рабочих мест. Процесс реструктуризации отраслей промышленности еще далек от завершения. Национальные рынки открыты для глобальных игроков и для конкуренции на фоне не всегда достаточной способности государства к регулированию экономики.

Из более чем 17-миллионного населения нашей страны к экономически активному населению (ЭАН) относится 8 млн. 952 тыс. человек, 8,5 млн. человек являются занятыми, а безработными соответственно 437 тыс. человек (Кулмаганбетова, 2017).

Позитивные изменения происходили на фоне заметного повышения экономической активности населения. Если сравнивать с 2008 годом, то численность ЭАН увеличилась на 600 тыс.человек *(с 8,4 млн. чел. до 9 млн. чел.)*, занятого населения – увеличилась на 700 тысяч человек *(с 7,8 млн. чел. до 8,5 млн. чел.)*, наемных работников – увеличилась на 900 тысяч человек *(с 5,2 млн. чел. до 6,1 млн.чел)*.

Позитивные изменения в сфере занятости:



Составлена авторами на основе данных http://www.stat.gov.kz/

Например, в годы временных экономических трудностей, связанных с влиянием мирового финансово-экономического кризиса 2008-2009 годов, в стране была реализована антикризисная стратегия занятости, суть которой заключалась в бюджетных инвестициях в инфраструктуру, за счет чего создавались рабочие места, и профессиональной подготовке населения. Это позволило не только сохранить рабочие места, но и обеспечить потенциал для дальнейшего развития в экономике страны. С учетом накопленного опыта регулирования рынка в 2011 году была принята новая программа – Дорожная карта занятости-2020, в которой сделан акцент на активные меры содействие занятости. Причем значительно расширен фокус целевых групп, которым предназначена поддержка. Помимо безработного и малообеспеченного населения в актовые меры вовлечено самозанятое население.

Так, самозанятость – это форма получения необходимого для жизни вознаграждения за свой труд непосредственно от заказчиков, в отличие от наёмной работы. Человек, выбравший для себя статус «самозанятый», находит работу самостоятельно, в рамках собственного дела. Самозанятый оформляет трудовые отношения в форме подряда и несёт ответственность за свою работу, организует процесс труда, выполняет договорную работу самостоятельно либо в составе группы самозанятых, связанных родственными или артельными отношениями.

Самозанятые ведут предпринимательскую деятельность, при этом не являясь предпринимателями в классическом понимании, так как не создают безвозмездно изымаемую прибавочную стоимость, распределяя полученные доходы внутри рабочей группы, согласно личному трудовому участию.

Самозанятые несут ответственность за уплату своих налогов и страховых взносов, в то время как налогообложение наёмных работников входит в зону ответственности работодателя. Самозанятые несут личную ответственность за своё здоровье и безопасность в процессе трудовой деятельности. Доходы самозанятых складываются из выручки от экономической деятельности и прибыли от используемого частного капитала.

Качественный состав самозанятых в Казахстане значительно отличается от категории самозанятых в постиндустриальных странах, характеризирующийся значительной долей высококвалифицированного труда. В Казахстане значительная доля самозанятых сосредоточена в сельском хозяйстве (62,0%) и торговле (22,1%), в том числе основная доля самозанятых со средним общим образованием – 63,3%, тогда как со среднеспециальным образованием – 21,0%, а с высшим образованием всего – 15,7%

Необходимо отметить, что, несмотря на позитивные показатели, характеризующие рынок труда в Казахстане, одной из проблем является сохранение высокой доли неэффективной занятости и низкое качество трудовых ресурсов. Если посмотреть структуру занятого населения, то в соответствии с методикой статистической оценки показателей на рынке труда, основанной на рекомендациях МОТ (Международная Организация Труда), 2,4 млн. человек являются самозанятыми (это 28% от занятого населения), из них свыше 700 тыс. относятся к непродуктивно занятым (www.stat.gov.kz).

Процесс простого увеличения занятости не может рассматриваться как повышение эффективности, даже если происходит улучшение некоторых количественных показателей рынка труда – рост числа занятых, снижение уровня безработицы и пр. Кроме того, в условиях текущего этапа экономического развития Казахстана и стоящих перед национальной экономикой задач одним из приоритетов трудовой политики является снижение доли самозанятых. Исходя из стратегических задач развития казахстанской экономики и ее современных реалий, можно предложить следующие критерии оценки потенциала повышения эффективности занятости:

– критерий «детенизации», т.е. уменьшение его теневой доли на рынке труда: сокращение числа самозанятых и рост численности работников, имеющих официальный статус и включенных в системы социальных гарантий;

– социальный критерий: увеличение занятости в отраслях с более высокими показателями оплаты труда по сравнению со средней по Казахстану;

– критерий соответствия отраслевым приоритетам развития: улучшение отраслевой структуры занятости, понимаемое как повышение числа занятых в приоритетных отраслях;

– критерий производительности: повышение числа занятых в отраслях с более высокой производительностью труда по сравнению со средним по Казахстану уровнем (Додонов, 2016: с. 109).

Большинство предлагаемых критериев пересекаются в части конечных отраслевых приоритетов, однако их выделение и использование целесообразно в контексте обеспечения комплексности оценки потенциала повышения эффективности занятости населения. Кроме того, данные критерии составлены по принципу последовательного повышения эффективности занятости, от более простых задач к более сложным.

Наиболее простым пониманием повышения эффективности занятости, и в то же время сложной задачей в плане обеспечения реального прогресса в ее выполнении, является снижение числа самозанятого населения и вывода этой категории занятых из теневого рынка труда, «детенизация» этого сектора рынка. Это крайне актуальная задача для казахстанского рынка труда, поскольку несмотря на постепенное сокращение числа и доли самозанятого населения, эти показатели остаются очень высокими, осложняя ситуацию не только в сфере трудовых отношений, но и в социально-экономическом развитии Казахстана в целом.

Высокая доля самозанятого населения в низкопроизводительных видах деятельности означает резкое снижение производительности труда на национальном уровне и негативно отражается на всех макроэкономических показателях, в том числе наиболее агрегированных – ВВП, ВВП в расчете на душу населения и пр. В мире существует достаточно четкая корреляция между этими параметрами, имеющая обратно пропорциональный характер – чем выше доля в стране самозанятого населения, тем ниже размер ВВП на душу населения (и остальных ключевых макроиндикаторов). Казахстан в настоящее время не является исключением из этой закономерности, имея высокий уровень самозанятого населения и относительно низкий размер душевого ВВП.

Существенное сокращение числа самозанятого населения наблюдается с 2011 г., а в 2015 г. эта тенденция ускорилась. На наш взгляд, при благоприятной динамике соответствующих показателей есть неоднозначный аспект этого процесса – сокращение опережающими темпами работодателей. Это означает, что сокращается число бизнесменов и продуцируемых их бизнесом рабочих мест, что смазывает в целом благоприятную картину с постепенным уменьшением уровня самостоятельной занятости в Казахстане.

Что касается безработицы в общих чертах, то за последние 16 лет уровень безработицы в Казахстане снизился более чем вдвое – с 13% в 2001 г. до 4,9% в 2017 г. По данному показателю наша республика уже опередила Европейский Союз (8,2%), Украину (9,7%), Кыргызстан (8%), Бразилию (12%), (Россию (5,6%) и Великобританию (4,8%), вплотную приблизившись к США. (zakon.kz).

Характерными чертами казахстанского рынка труда остаются:

– низкий уровень заработной платы и производительности труда,

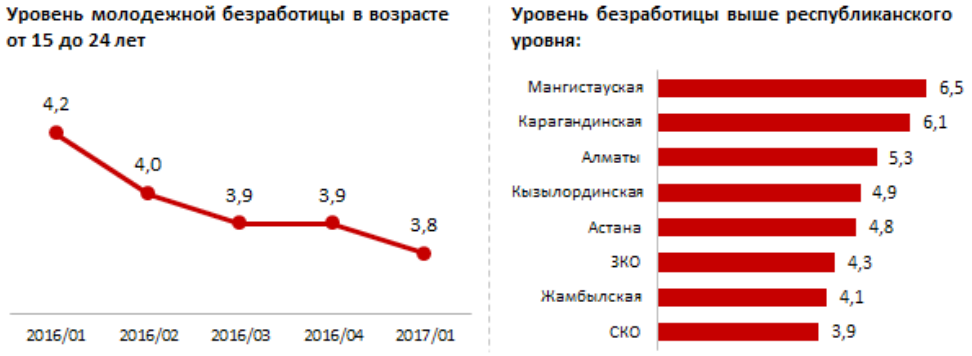
– значительный масштаб неформальной экономики,

– высокий уровень безработицы среди молодежи.

– структурный дисбаланс между предложением рабочей силы и спросом на нее и т.д.

По данным Комитета по Статистике МНЭ РК, в половине регионов страны уровень молодежной безработицы выше республиканского. Наибольший уровень наблюдается в Мангистауской области – 6,5%, Карагандинской области – 6,1% и Алматы – 5,3%.

Молодежная безработица:



Расчеты Ranking.kz на основе данных КС МНЭ РК

В последнее десятилетие в Казахстане произошли весомые изменения в структуре занятости по видам экономической деятельности. Анализируя период с 2006 по 2016 г., следует отметить, что по некоторым видам деятельности существенно выросла занятость трудовых ресурсов, к ним в первую очередь относятся:

– оптовая торговля, доля занятых здесь увеличилась с 16% до 18,7%;

– операции с недвижимым имуществом и строительство, где удельный вес занятых увеличился на 1,3 и 1,0 процентных пунктов соответственно.

Часть видов деятельности, наоборот, потеряла значительную долю персонала: доля занятых в сфере обрабатывающих производств за последние десять лет сократилась на 3,6 процентных пункта, доля занятых в сельском хозяйстве

сократилась на 10 процентных пункта и составила в 2016 г. 16,6% против 26% в 2006 г. (www.stat.gov.kz/).

Сектор услуг в последние годы занимает до 70% от совокупного общего прироста казахстанского ВВП. При этом вклад промышленности в экономический рост страны существенно снизился. По сравнению с показателями 2008 года объёмы промышленного производства в Казахстане выросли на 20%, в то время как, например, прирост в секторе торговли составил 79%.

Несмотря на превышение доли сектора услуг в общем объёме ВВП, этот показатель значительно отстаёт от аналогичных показателей развитых стран. В странах Западной Европы и Канаде сектор услуг формирует от 2/3 до 3/4 ВВП, в США – около 80%, согласно данным статей «Job polarization in Europe», авторами которых являются Goos, M., Manning, A. and Salomons, A. (Goos, 2009) и «Manufacturing de cline, housing booms, and non-employment», написанных Charles, K.K., Hurst, E. and Notowidigdo, M.J. (Charles, 2013). Также довольно интересные факты о рынке труда и структуре занятости в этих странах были найдены в труде «Computing in equality: Have computers changed the labormarket?» (Autor, 1998: c. 1169-1213) и «The trend is the cycle: Job polarization and jobless recoveries», написанный Jaimovich, N. and Siu, H.E. (Jaimovich, 2012).

24 декабря 2014 г. была утверждена «Программа по развитию сферы услуг в Республике Казахстан до 2020 года», в которой поставлена цель увеличить долю сферы услуг в ВВП страны. Если оперировать цифрами, то к 2020 году вклад сферы услуг в казахстанский ВВП должен вырасти в 1,7 раза и составить более 200 млрд долларов. За это время производительность в секторе услуг должна вырасти в 3-5 раз.

Заключение

На основании анализа социально-экономической и трудовой сферы можно сделать вывод о том, что на развитие рынка труда в Казахстане, как и во многих странах СНГ в современных условиях оказывают влияние следующие факторы:

1) недостаточный уровень развития сферы малого и среднего бизнеса;

2) снижение трудовой активности граждан в сельской местности негативно отражается на занятости в этой отрасли народного хозяйства, на доходах и перспективах роста производства в агропромышленном комплексе;

3) наличие нелегальной миграции, неформальной занятости, скрытой безработицы осложняет ситуацию в области занятости населения;

4) сохранение низкой конкурентоспособности отдельных категорий граждан, обусловленной ужесточением требований работодателей и слабой системой профессиональной переподготовки.

Таким образом, рациональная занятость человеческих ресурсов по своему содержанию и целям означает достижение высокопроизводительного труда, обеспечивающего устойчивый экономический рост страны и на его основе повышение уровня и качества жизни населения; обеспечение прогрессивных отраслевых и территориальных сдвигов в структуре занятости; достижение количественного и качественного соответствия, сбалансированности рабочих мест и предложения рабочей силы на рынке труда.

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4-бөлім

ТІЛ БІЛІМІ МӘСЕЛЕЛЕРІ

Раздел 4

ВОПРОСЫ ЯЗЫКОЗНАНИЯ

Section 4

ISSUES OF LINGUISTICS

IRSTI 14.35.07

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THE ROLE OF SELF-EDUCATION IN DISTANCE LEARNING

In the modern fast-changing world, the education system has to meet numerous challenges of time. New approaches to modernization of the Kazakhstani education system, introduction of the new generation standards determine priority goals and objectives whose solution demands high level of education quality. Today the society is interested in graduates with developed cognitive needs aimed at self-education and self-development, being able to operate the knowledge got, to orientate in the modern information space. Self-education of the student's personality, as an independent direction of pedagogical research, emerged in the science comparatively recently. The term 'self-education' is met frequently in studies and scientific pedagogical publications, but a uniform approach to the studied problem has not been designated in the science yet. Taking into account new position of students as subjects of education, higher education institutions are rebuilding the status of their purposefully organized independent work, perfecting its normative and legal and information bases. One of the directions of its development is the distant form of education, based upon self-education. We understand self-education of students as activity aimed at achievement of certain educational goals: satisfaction of professional requests, gaining new knowledge, continuous professional education, owing to which knowledge is actualized and expanded. The most important in the structure of self-education of students is a motivation component, which includes: professional interest, strive to self-perfecting. In the process of distant education, certain relations of educational character arise, which are the very catalyzer of self-development processes. Self-education becomes an individual and social value, provides mobility and wide opportunities to the youth in the educational sphere. Introduction of distant education as a means of realization of individual educational trajectories of students is an important tendency of development of the Kazakhstani educational system. The article gives arguments in favor of the necessity of formation of skills and abilities of self-education for efficient realization of distant education.

Key words: self-education, distant education, educational process, pedagogical support, independent work.

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Қашықтықтан оқудағы өз бетінше білім алудың рөлі

Қазіргі тез өзгермелі әлемде білім беру жүйесі заманның көптеген сын-тегеуріндеріне төтеп беруге мәжбүр. Қазақстандық білім беруді жаңғыртудың жаңа тәсілдемелері, жаңа ұрпақ стандарттарын ендіру басым мақсаттар мен міндеттерді анықтайды, ал оларды шешу білім берудің жоғары деңгейлі сапасын талап етеді. Бүгінгі күні қоғам танымдық қажеттіліктері дамыған, өз бетінше білім алуды және өздігінен дамуды мақсат тұтқан, алған білімдерді пайдалана алатын, заманауи ақпараттық кеңістікте бейімделе алатын түлектерге мүдделі. Педагогикалық зерттеулердің дербес тәуелсіз бағыты ретінде студенттің жеке тұлғасының

өз бетінше білім алуы ғылымда біршама жақында ғана пайда болды. «Өз бетінше білім алу» термині зерттеулер мен ғылыми-педагогикалық жарияланымдарда жиі кездеседі, бірақ ғылымда зерттеліп отырған мәселеге бірыңғай тәсілдеме әлі анықталған жоқ. Студенттердің білім берудің субъектілері ретіндегі жаңа жағдайын ескере отырып, жоғары оқу орындары олардың нысаналы ұйымдастырылған өзіндік жұмысының мәртебесін қайта құрып, оның нормативтік-құқықтық және ақпараттық базасын жетілдіруде. Оны дамытудың бағыттарының бірі қашықтықтан оқу нысаны болып табылады, оның негізін өз бетінше білім алу құрады. Студенттердің өз бетінше білім алуы деп біз белгілі бір жеке тұлғалық және қоғамдық маңызды білім мақсаттарына қол жеткізуге бағытталған қызметті түсінеміз: кәсіби тілектерді қанағаттандыру, жаңа білім алу, кәсіби білімді үздіксіз жалғастыру, соның арқасында білімнің өзектілігі артып, ол кеңейе түседі. Студенттердің өз бетінше білім алу құрылымында уәждемелік құрауыш ең маңызды нәрсе, ол мыналарды қамтиды: кәсіби мүдде, өзін-өзі жетілдіруге талпыныс. Қашықтықтан оқу үрдісінде тәрбие сипатындағы белгілі бір қарым-қатынастар пайда болып, солар өздігінен даму үрдістерін үдеткіш болып табылады. Өз бетінше білім алу жеке және қоғамдық құндылық болып табылады, жастардың жұмылғыштығы және білім беру саласындағы зор мүмкіндіктерін қамтамасыз етеді. Студенттердің жеке білім алу жолдарын жүзеге асыру құралы ретінде қашықтықтан білім алуды ендіру Қазақстанның білім беру жүйесін дамытудың маңызды беталысы болып табылады. Мақалада қашықтықтан оқуды тиімді жүзеге асыру үшін негіз ретінде өз бетінше білім алудың ептілігі мен дағдыларын қалыптастыру қажеттілігінің пайдасына дәлелдер келтірілген.

Түйін сөздер: өз бетінше білім алу, қашықтықтан оқу, оқу үрдісі, педагогикалық қолдау, өзіндік жұмыс.

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Роль самообразования в дистанционном обучении

В современном быстро меняющемся мире системе образования приходится отвечать на многочисленные вызовы времени. Новые подходы к модернизации казахстанского образования, внедрение стандартов нового поколения определяют приоритетные цели и задачи, решение которых требует высокого уровня качества образования. Сегодня общество заинтересовано в выпускниках с развитыми познавательными потребностями, нацеленных на самообразование и саморазвитие, умеющих оперировать полученными знаниями, ориентироваться в современном информационном пространстве. Самообразование личности студента как самостоятельное независимое направление педагогических исследований появилось в науке сравнительно недавно. Термин «самообразование» встречается в исследованиях и научно-педагогических публикациях часто, но в науке еще не определился единый подход к исследуемой проблеме. Учитывая новое положение студентов как субъектов образования, вузы перестраивают статус их целенаправленно организованной самостоятельной работы, совершенствуя ее нормативно-правовую и информационную базы. Одним из направлений ее развития является дистанционная форма обучения, в основе которой лежит самообразование. Под самообразованием студентов мы понимаем деятельность, направленную на достижение определенных образовательных целей: удовлетворение профессиональных запросов, приобретение новых знаний, непрерывное продолжение профессионального образования, благодаря которому актуализируются и расширяются знания. Наиболее важным в структуре самообразования студентов является мотивационный компонент, который включает профессиональный интерес, стремление к самосовершенствованию. В процессе дистанционного обучения возникают определенные отношения воспитательного характера, которые и являются катализатором процессов саморазвития. Самообразование становится индивидуальной и общественной ценностью, обеспечивает мобильность и широкие возможности молодежи в образовательной сфере. Внедрение дистанционного образования как средства реализации индивидуальных образовательных траекторий студентов является важной тенденцией развития образовательной системы Казахстана. В статье приведены аргументы в пользу необходимости формирования умений и навыков самообразования как основы для эффективной реализации дистанционного обучения.

Ключевые слова: самообразование, дистанционное обучение, учебный процесс, педагогическая поддержка, самостоятельная работа.

Introduction

The humankind came into the XXI century. The world changes its attitude to all kinds of education, including to the distant one. In the system of education, the paradigm of the end educational goal changes: 'from the specialist-performer' to the competent 'professional-researcher' (Рабаданова А.,2017:108). The modern labor market, keenly reacting to educational, social, political, economic, and any other factors of the social realm, imposes new and more stringent requirements to the quality of professional instruction of future specialists of all directions, actualizes the problem of formation of students' self-education skills and abilities. Understanding that the most important value and the main capital of the present-day society is the educated person, who is able to learn further, to independently master new knowledge, grows stronger and stronger. It explains great attention in the society to the problem of self-education.

Owing to the modern technological revolution, the sustainable tendency of generation of the information society is viewed. In such society, the main source of productive forces development is knowledge generation technologies, which to a significant degree strengthens the need and the significance of self-education. Generation of the information epoch in a new way determines the meaning and the significance of self-education. Today, information is more accessible and permits to increase many times efficiency of education, and also facilitates multilateral development of the student's personality. Respectively, one of the most important characteristics of the modern personality is ability of self-education (Шерстобитова,2011:341). Self-education becomes individual and social value; it provides mobility and wide opportunities of the youth in the educational sphere. The strategic goal of the state policy in the area of education is to increase of accessibility of education meeting the requirements of the modernized economy. Modern higher education institutions face the necessity to provide high quality educational results owing to the internal reserves, which is possible only with active introduction of modern pedagogical technologies, realizing competence and module approaches, with change of technological support of educational process organization, creation of conditions for self-education of the person, creative use of knowledge got, and readiness to self-development through perfection of key professional competencies.

The universally recognized method of modernization of educational institutions is innovation. The object of pedagogical innovation is the process of appearance, development, and assimilation of innovations in education leading to progressive changes of the quality of education. Innovations are understood as purposeful changes bringing new elements in education. Education is considered as socially, culturally, and personally determined educational activity, subjects of such activity are included in. In any pedagogical innovation, the object of study is changes in educational processes of concrete people – pupils, students, and specialists. It is the main requirement of pedagogical innovativeness in its humanistic understanding (Хуторской,2010:14).Innovation education is oriented not so much on transfer of knowledge, which goes out of date continuously, as on mastering professional competences, permitting as necessary to gain knowledge independently. Strengthening of significance of self-education is determined by the tendency of modernization of the education system, according to which the teacher performs more functions of an organizer of independent active cognitive activity of the student, a competent consultant, and an assistant.

The modern pedagogical technology is a well-thought-out in all details model of joint learning and teaching activity on projecting, organization, and carrying on of educational process with definitive provision of comfort conditions for students and teachers. New educational technologies offer innovation models of building-up such educational process where interrelated activity of the teacher and the student aimed at solution of both educational and practically significant objective is brought to the forefront. It does not conflict with the creative processes of personal perfecting, since each of pedagogical technologies has its own zone the personal development comes to pass within. Self-education of the student's personality, as independent direction of pedagogical research occurred in the science comparatively recently. In these latter days, multidimensionality of methodological approaches to substantiation of the essential nature of the phenomenon of 'self-education' is seen. It gives evidence that solution of this problem is on the stage of search. The term 'self-education' is often met in researches and scientific and pedagogical publications, but the uniform approach to the studied problem has not been elaborated in the science yet. Taking into consideration this new position of students as subjects of education, higher education institutions rebuild the status of their purposefully organized independent work, perfecting its normative-legal and information base. One of the directions of its development is distant form of education based upon self-education.

There exist up to dozen definitions of the term of 'distant education' (DE): from simple, like: distant education (DE) is 'education with the use of ICT' to taking into account of essential peculiarities of the process: «Distant education, in a general case, is a purposeful, specially organized process of interaction of the student with the teacher, with information and communication technologies (ICT) and among themselves» (Андреев,2013:14). At the same time, use of information technologies in the modern forms of education increases the share of self-education, which is the most brightly manifested in distant education. The main content of self-education is perfection of students' knowledge, formation of their skills and abilities with the purpose of achievement of the desired level of professional competence. Use of new technologies in education permits to consider the student as a central figure of the educational process and leads to the change of relations of its subjects. At that, the teacher stops being the main source of information and takes up the position of a person organizing independent activity of the student learning distantly. His/her principal role now consists of identification of objectives of education, organization of conditions necessary for successful solution of educational tasks.

Methods

Choice of research methods is determined with the activity approach and the character of research tasks: historical and pedagogical analysis of the phenomenon of self-education; study of the modern state of self-education of students in universities; theoretical analysis; study and analysis of university curriculums for students who study distantly; interviewing, conversation. With the purpose of approbation of methods of approach to self-education, we have carried out a pilot investigation among students studying distantly (second higher education). As the results of the investigation showed, the principal determinants of self-education activity are: need in professional perfection (deepening of knowledge in the area of the chosen profession), and need in self-education as the method of personal self-realization.

Discussion

Among mechanisms discussed in the theory of pedagogics most frequently and methods to provide opportunities in self-education of the person, such phenomenon as pedagogical support stands out. It is considered as a part of education. At that, it is noted that pedagogical support provides individualization of education, the process of successful advancement in teaching, in differential education. Pedagogical support demands readiness to cooperation of all subjects of pedagogical activity. Realization of such relations is possible only in the humanistic education paradigm. At that, specialists note that correctly organized pedagogical support builds-up special creative atmosphere (Жампеисова,2017:3)., including in case of distant education. In the process of distant education, certain relations of educative character arise, which are catalyzer of processes of self-development. Self-education is possible and is realized only in the regime of dialogue, in the process of continuous interaction, informational, active interchange of the subject of self-education activity with his/her own environment (Шуклина,2000:117).

The social and historic experience of self-education is the richest collection of theoretically and empirically obtained information. As a pedagogical category, self-education is purposeful work of the human on expansion and deepening of his/her knowledge, perfection of existing and acquisition of new skills and abilities. As a process, self-education is a sequence of stages, conditioned by cause-and-effect relations, of search of new information (knowledge), assimilation and understanding of information with the purpose of achievement of the desired result in the form of practical application of the assimilated material in the life-sustaining activity (Гупалов,2013:165).

High rates of scientific and technical progress in different branches of science suggest that a future specialist has formed knowledge, skills, and abilities, is determined to achieve high results and has strife to continuous self-perfection. The idea of self-perfection is the backbone one in many modern conceptions. In reports of the UNESCO, the strategy of 'education through all life' is noted as the priority task of the modern policy, which is realized through self-education (LFF,2012:10). The concept of '*lifelong learning'* assumes that the education system shall cover people regardless of their age and national identity, and at that provide them with opportunities and conditions for development of any acceptable educational preferences and interests (Бекоева,2017).*The* '*Lifelong Learning'* System of Education and Advanced Training develops skills and abilities of self-education, and contributes to capitalization of the human resource.

The analysis of psychological and pedagogical literature on the problem of personal self-education shows that there are various approaches to interpretation of this phenomenon. Self-education, most often, is considered as the strive to self-esteem and

self-realization of the person (Еременко,2009:9). The process of self-education can be logically characterized as readiness of the student to professional self-determination, to use of his/her abilities and talents in educational and scientific activity.

Self-education of students develops the ability to independently organize their activity on new knowledge acquisition. Self-education as the process of continuous self-development and self-upbringing supposes different educational activity. The most significant in the structure of students' self-education is a motivation component, which includes: professional interest and aspiration to self-perfection.

Self-education of future specialists is the activity aimed at achievement of personally significative educational objectives: satisfaction of professional needs, uninterrupted continuation of professional education, owing to which knowledge is actualized and expanded. Personal and professional growth directly depends on the process of self-education (Фатнева ,2005:339).

Results

Major task of modern education is to actively involve students in self-education process. A successful learner in the modern society should be able to integrate knowledge from different sources, educate and self-educate throughout the life in order to be competitive in an increasingly globalized labor market (Sagitova,2014:272). The analysis of foreign literature on distance education and online teaching (Lien,2012:471), (Driscoll,2012:312) (Berk,2012:98), (Artino,2010:272) shows that at the present time, the experience of realization of distant education (DE) systems has been accumulated in the whole world. On the whole, the world tendency of transfer to non-traditional forms of education is seen in growth of the number of higher education institutions that carry on training in new information technologies. Thus, the National University of Technology in the USA, as recently as in the early 90th, started students' training with the use of distant methods to prepare them for the Master's Degree. For more than 20 years, National University of Distant Education (UNED) functions in Spain. The National Center of DE in France provides distant education of users in 120 countries of the world. Since the 70th in Finland, 10 universities have created DE Centers. DE is developed in some other regions of the world. One can give the following examples of mega-universities developing DE: Chinese TV University (China), the National Open Indira Gandhi University (India), The Korean National Open University (Korea), etc. (Андреев ,1999:10).

Kazakhstani universities provide a wide range of choice in mastering educational programs distantly. It is said in the Message of the President of Kazakhstan N. Nazarbayev (14.12.2012) «*Strategy «Kazakhstan – 2050»: New Political Course of the Actualized State* to the people of Kazakhstan: «We must intensively introduce innovation methods, solutions, and instruments to the national education system, including distant education and education in the online regime, easy to access for all those who desire».

Introduction of efficient systems of distant education into the higher education system of the Republic of Kazakhstan creates conditions of social accessibility of high quality education for significant part of the population, facilitates solution of the problem of education for people who because of different reasons cannot use full-time education services. Modernization of the higher education system of Kazakhstan is called to provide the needs of the population in acquisition of knowledge and abilities demanded by the developing economy. Distant education belongs to new educational services. A modern student assimilates 20% of what he/she sees, 50% of what he/she sees and hears, and 70% of information obtained independently. The main principle – self-education – is laid in the foundation of the distant form of higher education acquisition (Леонов, 2013:486).

One of the priority directions of development of the educational system of Kazakhstan is introduction of distant education as the means of realization of individual educational trajectories of students. Teachers leading distant education develop the educational and methodic complex of their courses. Elaboration of the educational and methodic complex is realized according to the following algorithm: analysis of the content of the domain and selection of ideas of its structuring; identification and analysis of functional module blocks and goals of their realization; formation of goals and objectives of a lesson; and development of the final test for determination of the students' academic success. The educational and methodic complex contains the main information on the discipline: outline, presentation of the discipline, brief course of lectures on the discipline forming the knowledge base in the framework of the discipline, course of practical assignments forming the base of students' abilities, the system of diagnostics of the state of competences (tests for knowledge completeness and integrity), as well as the results of students' knowledge control, level of development of their

abilities in the studied discipline, recommendations on mastering modules, list of the obligatory and additional literature, instructions on independent work, program and assignments for the final control, and schedule of consultations (direct and indirect). The virtue of distant education is the possibility of use of synchronous and asynchronous means of communication. Synchronous communications are real-time means of communication. They are chats, video conferences, webinars, etc. Asynchronous communications are means of communication permitting to exchange information with delay in time (electronic mail, forum, file exchange system, thematic postings, etc.) (Зайцева,2012:98).

Distant education opens new opportunities, significantly expanding both information space and information sphere of education. The most popular method of distant education organization is connected with the use of computer technologies in the regime of electronic mail, teleconferences, and any other informational resources of regional networks, as well as the Internet. With such organization, provision is made for the use, as possible, of newest means of telecommunication technologies, including multimedia ones, and all information resources of the Internet, including video seminars and video lessons. The content of any distant education includes: texts, video materials, and supplements. In electronic education, course or content filling is presented compactly. The content can be static and dynamic. The bright example of dynamic content is popular in distant education webinars, analogues of 'live' lectures, practicums, and seminars. As it is known, the function of the teacher is not only to give new knowledge, but also to control their digestion. As a rule, it is testing. Teachers leading distant education control fulfillment of the curriculum by students and control digestion of knowledge. An undisputable advantage of distant education is essential outspread of the opportunity of getting by students of consultations, assistance to students in grasping of the goal and the instrument of self-education, pedagogical support of intra-personal motives of students' self-development, facilitating their elaboration or dynamics. The principal accent in ensuring of the process of the student's self-education is put on the positive experience of understanding of personal life strategy. Consulting is carried on in days and times fixed by the schedule of semester consultations of the teacher, and realized both in full-time courses of study and in on-line system. On-line education is provided by the module system – distribution of educational material into separate functionally completed themes. In addition to it, on-line education realizes personal approach to each student (Карупа,2016:78). The presence of such flexible, but demanding control is one of determining factors of successful distant education. With literate education, the efficiency of education in the distant form is comparable with the efficiency of full-time education, all other things being equal (Полат,2005:73).

Conclusion

Distant education is especially popular among the youth. This novelty attracts attention and adult people, for example, with their desire to get the second higher education – especially as the progress forges ahead and new technologies for distant education emerge. According to the students' feedback, self-education plays the principal role in studies. Distant education demands self-organization and discipline, ability to rationally organize and use their time.

So, the main accent in providing of the process of the student's self-education is put on the positive experience of understanding of personal life strategy. Study of the theme of self-education is actual and significant at the present time. Self-education of students rests upon the general structure of the sphere of their motivation and needs and is a vital process of the future specialist, facilitating his/her self-perfection. Self-education is a long-lasting process, since professional information is undated each day; students must replenish and update their 'baggage of knowledge' from different sources, such as: mass media, educational literature, seminars, courses, and trainings. Self-education is the foundation of growth of the future specialist (Синенко,2017:165). Special value of self-education is in independent acquisition of the chosen domain. With transfer of what was said about pedagogical support into the plane of practical activity of the higher education institution and based upon the data about the level of educability, the teacher helps students to build-up their personal programs of self-education adequate to their individual abilities and aspirations. The peculiarities listed in the work determine advantages of distant education before any other forms of getting education, but at the same time make certain specific demands both to the teacher, and to students. Independent mastering of educational programs with pedagogical support will be efficient with clear and literate combination of distant and contact education forms. Distant education permits to activate the pedagogical constituent of the process of education, to raise the level of cognitive activity of students, and to increase efficiency of discipline mastering.

The capabilities of distant education have not been studied to the end yet. However, it is clear that this niche of education will develop in the future. The policy relating to self-education bears state character, which is conditioned by the fact that the state is interested in efficiency of self-education and its wider economic, social, and cultural diapason of action.

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