

ISSN: 1814-6961 (print)
ISSN: 2788-9718 (online)

Отан тарихы
Отечественная история
History of the Homeland

Үш айда бір рет шығатын ғылыми журнал
2023. № 26 (3)

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ТАРИХ / ИСТОРИЯ / HISTORY


Published in the Kazakhstan
Отан тарихы
Has been issued as a journal since 1998
ISSN: 1814-6961 (Print)
ISSN: 2788-9718 (Online)
Vol. 27. Is. 3, pp. 618-631, 2023
Journal homepage: <https://otan.history.iie.kz>


FTAXP / МРПТИ / IRSTI 03.20.
https://doi.org/10.51943/2788-9718_2023_26_3_618-631

SOME ASPECTS OF THE FORMATION HISTORY OF THE LEGAL FOUNDATIONS OF THE MULTIPARTY SYSTEM IN KAZAKHSTAN (1989-1996) (According to archival materials)

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Abstract. *Introduction.* The article shows how the legal foundation of activity of public-political associations in Kazakhstan was formed using the archival materials of the Soviet period and in the first years of independence. *Goals.* It describes the dynamics and identifies the main legal acts that played a key role in the formation and strengthening of the party system and the development of social and political associations. The peculiarity of this work is that not only the laws themselves were highlighted and examined, as well as it is revealed how these acts were adopted based on historical sources and what significance they had. It was important to show the existing views on some issues, procedure of adoption and discussion. The important aspect of the work was the use of archival documents, identified in National Archive of the Republic of Kazakhstan, the Archive of the President of the Republic of Kazakhstan and the Central State Archive of the Republic of Kazakhstan. *Results.* The main result of the study was the emphasizing of the first half of the 1990s as the important historical stage in the creation of the legal basis for the activities of social and political associations. *Conclusions.* In contemporary history, the country finally formulated the basic principles of the new political system and established the status of political parties and public associations for the first time.

Keywords: archival materials, law, legal acts, political parties, public associations, Parliament.

Acknowledgement. The article was prepared within the framework of the grant financing project of the Ministry of Science and Higher Education of the Republic of Kazakhstan «History of Kazakhstan from ancient times to the present day” in 7 volumes» (Registration number OR11465469).

For citation: Zhumanbayev D.N., Ayagan B.G., Kara A. Some aspects of the formation history of the legal foundations of the multiparty system in Kazakhstan (1989–1996) (according to archival materials) // Otan tarikhy. 2023. Vol. 26. No. 3. Pp. 618-631. (Eng.) DOI: 10.51943/2788-9718_2023_26_3_618-631



ҚАЗАҚСТАНДА КӨПАРТИЯЛЫҚ ЖҮЙЕНІҢ ҚҰҚЫҚТЫҚ НЕГІЗДЕРІН ҚАЛЫПТАСТЫРУ ТАРИХЫНЫҢ КЕЙБІР МӘСЕЛЕЛЕРІ (1989-1996 жж.) (МҰРАҒАТ ҚҰЖАТТАРЫ БОЙЫНША)

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Андатпа. *Кіріспе.* Мақалада мұрағат материалдары негізінде кеңестік кезеңнің соңында және Тәуелсіздіктің алғашқы жылдарында Қазақстандағы қоғамдық-саяси бірлестіктер қызметінің құқықтық негіздері қалай қалыптасқандығы көрсетілген. *Зерттеудің мақсаты мен міндеттері.* Партиялық жүйенің қалыптасуы мен нығаюында және қоғамдық-саяси бірлестіктердің дамуында шешуші рөл атқарған динамика көрсетіліп, негізгі құқықтық актілер айқындалды. *Материалдар мен методтар.* Бұл жұмыстың ерекшелігі-заңдардың өзі ғана емес, сонымен бірге тарихи дереккөздерге сүйене отырып, осы актілердің қалай қабылданғаны және олардың маңыздылығы көрсетілген. Кейбір мәселелерге, қабылдау рәсіміне, талқылауға қатысты бар пікірлерді көрсету маңызды болды. Жұмыстың маңызды аспектісі ҚР Ұлттық мұрағатында, ҚР Президенті Мұрағатында және ҚР Орталық мемлекеттік мұрағатында жұмыс барысында анықталған мұрағаттық құжаттарды тарту болды. *Нәтижелер.* Зерттеудің негізгі нәтижесі 1990 жылдардың бірінші жартысын қоғамдық-саяси бірлестіктер қызметінің құқықтық негізін құрудағы тәуелсіз тарихи кезең ретінде бөлу болды. *Қорытындылар.* Дәл осы уақытта елдің қазіргі тарихында алғаш рет жаңа саяси жүйенің негізгі принциптері түпкілікті тұжырымдалып, Саяси партиялар мен қоғамдық бірлестіктердің мәртебесі түпкілікті бекітілді.

Түйін сөздер: мұрағат материалдары, Заң, құқықтық актілер, Саяси партиялар, Қоғамдық бірлестіктер, парламент.

Алғыс. Мақала Қазақстан Республикасы Ғылым және жоғары білім министрлігінің «Қазақстан тарихы ежелгі дәуірден бүгінгі күнге дейін» жеті томдық академиялық басылымы» тақырыбындағы бағдарламалы мақсатты қаржыландыру жобасын жүзеге асыру аясында орындалды (тіркеу нөмірі OR11465469).

Дәйексөз үшін: Жұманбаев Д.Н., Аяган Б.Г., Қара А.Г. Қазақстанда көппартиялық жүйенің құқықтық негіздерін қалыптастыру тарихының кейбір мәселелері (1989-1996 жж.) (мұрағат құжаттары бойынша) /Отан тарихы. 2023. Т. 26. № 3. С. 618-631. (Ағылш.) DOI: 10.51943/2788-9718_2023_26_3_618-631

НЕКОТОРЫЕ АСПЕКТЫ ИСТОРИИ ФОРМИРОВАНИЯ ПРАВОВЫХ ОСНОВ МНОГОПАРТИЙНОЙ СИСТЕМЫ В КАЗАХСТАНЕ (1989-1996 гг.) (По архивным материалам)

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Аннотация. *Введение.* В статье на основе архивных материалов рассматриваются формирование юридических основ деятельности общественно-политических объединений в Казахстане в конце советского периода и в годы Независимости. *Цель и задачи исследования.* Определены основные правовые акты, которые сыграли ключевую роль в становлении и укреплении партийной системы и развития общественно-политических объединений. Особенностью данной работы является то, что были исследованы не только сами законы, и на основе исторических источников показаны как принимались эти акты, и какое значение они имели. *Методы и материалы.* Проанализированы имеющиеся мнения касательно некоторых вопросов и процедур принятия. Важным аспектом работы стало привлечение архивных документов из Национального архива РК, Архива Президента РК и Центрального государственного архива РК. *Результаты.* Главным результатом исследования стало эпоха 1990-х годов как самостоятельный исторический этап в создании правовой основы деятельности общественно-политических объединений. *Выводы.* Именно в это время впервые в современной истории страны были окончательно сформулированы основные принципы новой политической системы и закреплён статус политических партий и общественных объединений.

Ключевые слова: архивные материалы, Закон, правовые акты, политические партии, общественные объединения, парламент.

Благодарность. Статья подготовлена в рамках программно целевого финансирования Министерства науки и высшего образования Республики Казахстан «Разработка нового академического издания «История Казахстана с древнейших времен до наших дней» в 7 томах» (регистрационный номер OR11465469).

Для цитирования: Жуманбаев Д.Н., Аяган Б.Г., Кара А. Некоторые аспекты истории формирования правовых основ многопартийной системы в Казахстане (1989-1996 гг.) (по архивным материалам) // Отан тарихы. 2023.Т. 26. № 3. С. 618-631. (Англ.) DOI: 10.51943/2788-9718_2023_26_3_618-631

Introduction. The party system of Kazakhstan has been formed and changed throughout various stages of the country's history. It is important to investigate the historical and political contexts that influenced on the evolution of the party system. Since Perestroika and independence, Kazakhstan has gone through several stages of development of its political parties and party system.

In Kazakhstan, during the period under the review, there were known 11 political parties and 21 public associations, the data about which was published in the directory of 1994 (Ayaganov, Vyp. 1., 1994; Ayaganov, Vyp. 2., 1994).

The study of the history of Kazakhstan during the period of independence, the history of the state formation and public institutions, the process of democratization of Kazakh society is an important and relevant direction of national history. One of the historians of Kazakhstan Kozybayev M.K., in one of his works, drew attention to the need to study various aspects of the country's history of the recent period. He highlighted the issues of studying “initial stage” of the democratization of society” and the problem of “democratic changes” (Kozybayev, 2006, 176).

One of the initiatives of the President of Kazakhstan Kassym-Jomart Tokayev, aimed at modernization, is the reform of the country's party system and the democratization of the electoral system (Poslanie, 2022). As the President Tokayev K.K. noted “The course for building a New Kazakhstan proceeds from the need to ensure fair and free political competition. For this purpose we must create the most favorable environment for the institutional and organizational development of parties” (Poslanie, 2022).

All this makes the question of studying the origins of the process of formation and development of socio-political movements and organizations relevant, which is a prerequisite for understanding the recent history of Kazakhstan. The main focus of this article is on the archival materials.

Thus, the study of various aspects of the modern history of Kazakhstan, including such an important aspect as political transformations, is an urgent task for the modern historical science of the country.

One of the initiatives of the President of Kazakhstan Kassymzhomart Tokayev aimed at modernization is the reform of the country's party system and the democratization of the electoral system (Poslanie, 2022). As President K.K. Tokayev noted, “The course for building a New



Kazakhstan proceeds from the need to ensure fair and free political competition. To do this, we must create the most favorable environment for the institutional and organizational development of parties" (Poslanie, 2022).

The drastic changes in the public and political sphere during the liberalization of the political system of the USSR in the 1980s and 1990s led to the revival (renaissance) of public activity and, as a consequence, the rapid growth of various social and political associations required the legal regulation of this factor. Taking into account factual lack of experience in the functioning of the multiparty system during the Soviet period, it is worth mentioning the beginning of the creation of a new, more democratic and contemporary legal framework for the stable development of party organizations.

The analysis of legal documents in the sphere of party building and the history of their adoption in the early 1990s reveals the significant influence of the Union-wide activities and practice on the development of the given process in Kazakhstan. This is, of course, due to the fact that the Kazakh SSR was still in the same legal field with the USSR in connection with which there was the dependence on the Union-wide legislation and many laws were adopted based on the above-mentioned factor. But later, in October 1991 after the adoption of the Declaration of State Sovereignty and after the proclamation of Independence, the establishment of the legal framework of the transition to the multiparty system was becoming more and more specific, corresponding to the level and nature of the requirements of contemporary Kazakhstan.

At the stage of the emergence of social and political associations and the establishment of a multiparty system from the late 1980s to the mid-1990s, several important legal acts were adopted, the laws that have contributed to the regulation and functioning of social movements and parties and supported the development of a multiparty system. The cornerstone of the destruction of the Communist Party's monopoly was the abolition of Article №6 of the USSR Constitution (Vneocherednoj, 1990).

When analyzing political processes, the researchers note the adoption of a set of basic documents, normative acts that laid the foundation and were of particular importance for the formation and development of social and political associations in the first years of Independence, such as the adoption of the Constitution of the Republic of Kazakhstan (1993 and 1995), laws on public associations, political parties and a number of others (Zinchenko, 1998:85).

However, even before the adoption of the Constitution and relevant laws, the very concept of a political party, a public association, had been already used in legal documents of Kazakhstan.

Materials and methods. The article uses both published materials, mainly legislative acts and previously unpublished archival materials from the National Archive of the Republic of Kazakhstan (NA RK), as well as the Archive of the President of the Republic of Kazakhstan (AP RK).

One of the important cases, kept in the fund №176, is the case №74 (Law of the Republic of Kazakhstan "On political parties" and documents to it) (NA RK. F. 176. Op. 1. D. 74. L. 1-173). The case contains not only the text of the law that regulated the functioning of political parties in Kazakhstan, but also a number of important documents showing how this law was adopted, contains an explanatory note, Draft law, resolutions of the Government and the Majilis of the Parliament of the Republic of Kazakhstan on this law, the composition of the working group that took part in the preparation of the draft law and other documents. Of interest are the conclusions of the committees of the Majilis of the Parliament and an explanatory note to the amendments and additions that were made to the bill by senators, also the minutes of the meeting of the Conciliation Commission of the Parliament of the Republic of Kazakhstan on consideration and resolution of differences between the Majilis and the Senate of the Parliament of the Republic of Kazakhstan on the draft of the Law of the Republic of Kazakhstan "About political parties". The materials of the case №58 of this fund of NA RK are important, in which the documents related to the discussion and adoption of such an important legal act as the Law of the Republic of Kazakhstan "On Public Associations", adopted in 1996, were postponed (NA RK. F. 176. Op. 1. D. 58. L. 1-200). This case contains both the text of the law and drafts, as well as a number of other documents directly related to its adoption, including various resolutions, letters and others.

The documents of the fund №152 (Senate of the Parliament of the Republic of Kazakhstan) of the Republic of Kazakhstan are of similar composition and importance. The fund has several cases related to the adoption of important legal acts that have affected the development of social and



political movements in Kazakhstan. The case №64 contains material related to the adoption of the first Law “On Public Associations” in 1996 (NA RK. F. 152. Op. 1. D. 64. L. 1-206). Similarly, the case file №176 contains both the text of the law and a number of important documents showing the mechanism of its adoption, initiator of the bill and the composition of the working group that prepared the draft law and some other documents. The objections of the First President of the Republic of Kazakhstan to the draft law (NA RK. F. 152. Op. 1. D. 64. L. 74-83), adopted by the Majilis of the Parliament of the Republic of Kazakhstan are important and the comparative table of the redaction of the draft Law of the Republic of Kazakhstan «On public associations» compiled on the basis of the proposals of the Senate of the Parliament of the Kazakhstan is of considerable interest (NA RK. F. 152. Op. 1. D. 64. L. 116-117).

The case №78 containing interesting data on adoption of the Law “On Political Parties” by the Senate of the Parliament of the Republic of Kazakhstan in 1996 is kept in the same fund (NA RK. F. 152. Op. 1. D. 78. L. 1-235). In particular, the case contains the materials of the adopted law itself, its draft submitted for discussion to the Senate, the letters and resolutions, materials on the establishment of a conciliation commission in Parliament on this bill, conclusions on the draft law by the committees of the Upper House of Parliament and a number of other documentary sources.

The materials of the case №33 of fund №2 (Supreme Council of the Republic of Kazakhstan) of this archive were used. The case contained interesting data relating to the discussion of the first Law on Public Associations, adopted in 1991. The law adopted after the discussion in June of that year was the first where the first in contemporary history was formulated what was a party and the democratization process to form public-political associations was launched. The case file contains a verbatim record showing how this important document was adopted (NA RK. F. 2. Op. 4. D. 33. L. 26-44).

In addition, the files of the foundation 85-H AP RK were used, the materials of which are relatively well known to researchers. The fund №85-N (Socialist Party of Kazakhstan) contains three inventories with a total of about 200, from 1991 to 1997, when the party operated. In particular, the case №41 of this fund (Suggestions and comments of the SPK to the draft law of the KazSSR “On Public Associations in the Kazakh SSR”) was used (AP RK. F. 85-N. Op. 1. D. 41. L. 1-11).

During the work in the Central State Archive of the Republic of Kazakhstan (CSA RK) it was possible to find documents of case №2640, fund 1109. This case contains a decree of the Supreme Council of KazSSR concerning the order of formation and activity of “amateur” public associations (AP RK. F. 85-N. Op. 1. D. 41. L. 1-11).

The materials involved, the part of which are being introduced into scientific circulation, are a reliable source for the article.

Discussion. The study of the history of the formation of the legal basis for the formation and development of social and political associations was actually parallel to the process of building a multiparty system. Many authors who studied the history of the social and political life of Kazakhstan in the late 1980s and early 1990s and especially representatives of the social sciences, often directly turned to legal acts regulating the activities of social and political associations in the country.

One of the first problems of party building in Kazakhstan was studied by the well-known scientist Ayagan B.G., who deeply studied recent history and political processes in the years of independence (Ayagan, 1993; Ayaganov, Vyp. 1., 1994; Ayaganov, Vyp. 2., 1994). It is also worth noting the works of Zaslavskaya M.B. (Zaslavskaya, 1994), Babakumarov E.Zh. (Babakumarov, 1994), Buluktaev Y. (Buluktaev, 2012; Buluktaev, 2013), Kuserbayev K.E. (Babakumarov, Buluktaev, Kuserbaev, 1995; Buluktaev, Chebotarev, 2004; Ayagan, Nurymbetova, Sejtova, Kudajbergenov), Sartayev R.S. (Sartaev, 1996), Dyachenko S.A. (Dyachenko, 2001), Seidumanov S.T. (Seidumanov, 1997) and others.

It is also worth mentioning a certain contribution to the study of social and political associations of some foreign authors, such as Olcott M.B., Bowyer A., Mishra M.K., Isaacs R. and others who considered the political development of Kazakhstan in the post-Soviet period (Bowyer, 2008; Sartori, 2005; Mishra, 2009: 313-327; Isaacs, 2017; Olcott, 2002).

Despite the great contribution of researchers and the development of this topic it should be noted that scientific publications devoted to the history of formation of the legal basis for the development of social and political associations of Kazakhstan, supported by archival materials,



almost very little. At the same time, a significant part of the works is of an overview nature or is presented by reference literature.

Results. Chronologically, one of the first documents that regulated the activities of public associations in the context of the beginning democratization of public life in the late Soviet period was the Decree of the Presidium of the Supreme Council of the Kazakh SSR “On the procedure of formation and activity of self-regulated public associations” of 14 April 1989. This Decree was adopted as part of “the further development of democracy” in the Perestroika. According to the content of the Decree the activities of various public associations were permitted, but in the context of the CPSU’s monopoly, the creation of other political parties was not provided for in the Decree (CGA RK. F. 1109. Op. 3. D. 2640. L. 64-70). This document shows the important moment of the beginning of the legal justification and the beginning of the introduction of various forms of public associations in the very late 1980s on the eve of Independence.

One of the most important documents of obtaining independence is “Declaration on state sovereignty of the Kazakh Soviet Socialist Republic”, adopted by the Supreme Soviet of the KazSSR on October 25, 1990 (Kazak, 1990).

It is no coincidence that President of Kazakhstan. Tokayev K.K, speaking at the first meeting of the National Kurultay in June 2022, proposed to restore historical justice and revive the celebration of the Day of the Republic on October 25 (Vystuplenie, 2022). The Head of State noted the particular importance of the adoption of the Declaration on State Sovereignty, calling it an important step towards independence. This important document refers several times to parties as well as mass associations and public organizations. Importantly, despite the de facto control and monopoly of one party, this fundamental document contains a reference to a multiparty system. For example, all citizens living in the Republic, regardless of their party affiliation, were guaranteed equal rights of opportunity and the parties are also mentioned in the plural in another part of the document (Kazak, 1990). There are also some references to public associations in the Constitutional Law of the Republic of Kazakhstan “On State Independence of the Republic of Kazakhstan” adopted on December 16, 1991 (Konstitucionnyj, 1991).

In the conditions of another unified union state, the legal regulation of the establishment and activity of public-political associations in Kazakhstan was synchronously changed.

The USSR Act of March 1990 was important for the beginning of democratization of the political field and the creation of conditions for the activities of public associations and especially the formation of a multiparty system “On the establishment of the post of President of the USSR and the introduction of amendments and additions to the Constitution (Basic Law) of the USSR” (Vneocherednoj, 1990). In accordance with article №6 of the Constitution of the USSR, adopted in 1977, “The governing and guiding force of the Soviet society, the core of its political system, the state and public organizations is the Communist Party of the Soviet Union» (Konstituciya, 1977). In other words, the legislation in force at that time formalized the CPSU’s monopoly and prevented the idea of a multiparty system. However, the Act of March 1990 repealed this provision. One of the main provisions of the Act was the amendment of the Constitution regarding the role of the CPSU. The provisions about “The leadership and guidance” role of the CPSU was excluded. The activities of other political parties have now been permitted and the role of public associations and mass movements in the political life of the country has been consolidated (Vneocherednoj, 1990).

However, the adoption of the law amending the Constitution was only the beginning, only the first, albeit significant step was made. The position of the Communist Party was still strong and efforts were required to develop new legislation in the sphere of public-political associations.

In the autumn of 1990, the USSR adopted the Law “On Public Associations” which became the practical implementation of the spring decision to abolish the monopoly of one party. In accordance with a law that began on 1 January 1991, the parties, like other social movements, represented themselves as an organization united on the basis of common interests (Zakon, 1990). At the same time, the law had a special article on political parties in accordance with which the tasks of political parties were defined, which distinguished them from other public associations. According to the adopted Law “parties, expressing the political will of their members, set the main tasks to participate in the formation of state power and management bodies, as well as in the exercise of power through their representatives elected to the Councils of People’s Deputies” (Zakon, 1990). An



important provision of the law was the one that established the principle of a multiparty system, namely the equality of all parties before the law (Zakon, 1990).

According to the resolution of the Supreme Council (hereinafter-SC) of the USSR, it was recommended to the Union republics, including the Kazakh SSR to develop and adopt legislation on public associations in accordance with the law (Postanovlenie, 1990).

In turn, in Kazakhstan the deputies of the Supreme Council of the Republic considered their own draft law on public associations for about six months. During the work in the National Archive of the Republic of Kazakhstan in the fund of the Supreme Council the case № 33 was discovered, which contains a verbatim report of the fourth session of the Supreme Soviet of the Kazakh SSR held on June 27, 1991 and at which the first Law “On Public Associations” was discussed and adopted (NA RK. F. 2. Op. 4. D. 33. L. 26-44). This document allows us to understand how the discussion of the law took place, what significance it had and what tasks it solved.

At the meeting of the Supreme Council of the Kazakh SSR held on June 27, the latest version of the bill was adopted. During the discussion of the previous version of the Law, more than two dozen deputies spoke, who made more than fifty comments and amendments. As a result, a conciliation commission was created, as a result of which significant changes were made compared to the previous version (NA RK. F. 2. Op. 4. D. 33. L. 26-26ob).

As follows from the archival document, among the issues that caused the discussion of deputies was, for example, the issue of mandatory registration of public associations and thus a ban on the activities of those which have not been registered. As follows from the transcript, the main idea of the Law “On Public Associations” itself was precisely to streamline the activities of associations, including parties. As noted by a number of deputies such as Sartayev, Voronov, Peregrin, the core idea of the Law itself is the need to ensure “legal order in such an important matter as the formation and activity of public associations” (NA RK. F. 2. Op. 4. D. 33. L. 27).

It is of interest to discuss the advisability of including provisions on political parties in the Law “On Public Associations”. Thus the deputy Frezorger A.R during the discussion of the draft law expressed doubts about unification in one legal act of different goals, significance and scale of associations and political parties. He suggested that political parties should be marked by a separate law and not together with other public associations (NA RK. F. 2. Op. 4. D. 33. L. 28ob). He was objected to this by the main rapporteur of the bill, chairman of the conciliation commission Akuyev N.I., who did not rule out the need for a separate law on parties in the future, but insisted on the need to include all types of public associations regardless of their purpose and scope in one law. He reasoned that it was necessary to establish general principles related to the activities and functioning of public associations (NA RK. F. 2. Op. 4. D. 33. L. 29). He called the discussed law a basic one, which shows the importance and role of the law adopted by deputies.

The Law “On Public Associations in the Kazakh SSR” adopted on the same day really became a kind of reference source for further legislation in the sphere of regulation of the work of public-political associations. The Law contained article №8 on political parties where their importance among other public associations was emphasized. The Act defined the tasks of the parties, the nature of membership, funding and a number of other necessary points (Zakon, 1991).

In accordance with the resolution of the Supreme Council of the Kazakh SSR, adopted on June 27, 1991, the Law “On Public Associations in the Kazakh SSR” was to enter into force as early as September 1 and by August 1 all necessary services related to the registration of charters of public associations were to be established in the system of the Ministry of Justice of the Kazakh SSR (Postanovlenie, 1991).

Although a number of adopted norms of Kazakhstan law were similar or directly borrowed from the Union law, we believe that the adoption of this legal act was an important milestone in the history of the formation of political parties and social movements of Kazakhstan. The Law “On Public Associations in the Kazakh SSR”, adopted on June 27, 1991, strengthened the process of democratization of society and gave impetus to the formation of a multiparty system.

Before the adoption of the next law “On public associations” by independent Kazakhstan in 1996, some amendments were made to the 1991 legal act, primarily due to the changes in the political and social sphere that the country was going through in the early 1990s.



In addition, it is well known the Decree of the First President of the Republic of Kazakhstan from October 5, 1995, which introduced some changes and additions to a number of laws, including “On public associations” (Ukaz, 1995).

However, the documents from the Archive of the President of the Republic of Kazakhstan, allow asserting that attempts to amend the law on public associations were made almost immediately after Independence.

The draft of a special law that made changes to the current Law “On Public Associations in the Kazakh SSR” and the proposals of the Socialist Party of Kazakhstan on this project were identified in the fund of this archive containing the documents of the Socialist Party of Kazakhstan (AP RK. F. 85-N. Op. 1. D. 41. L. 1-11). The draft law is related to the adoption of the first Constitution of the Republic of Kazakhstan in early 1993.

The proposals made by the SPK on the draft law are of particular interest. This shows how the parties themselves reacted to legal changes, their views and understanding of the process of party building and development of social movements, as well as the parties' assessment of the state's place in these processes. The identified document is annexed to the thesis.

The suggestions of the Socialist Party of Kazakhstan on the draft amendments and additions to the Law “On Public Associations” were mainly limited to several points.

The absence of a separate law on political parties, which would regulate the activity of this type of public association, has been already discussed at the adoption of the Law “On public associations” in the summer of 1991. Several years later, the SPK, when discussing the amendments and additions to the current law, also raised the issue of the identity of political parties and other types of public associations and proposed “clearly distinguish the status of political party on the one hand and any other public association on the other hand” (AP RK. F. 85-N. Op. 1. D. 41. L. 1).

Another aspect that the representatives of the SPK drew attention to and suggested making adjustments related to the issues of financing the activities of political parties. In the SPK, when discussing the issue of banning party funding, they insisted on the position that “in the period of the establishment of a multiparty system, the state is obliged to support the development of political parties and public associations pursuing political goals” (AP RK. F. 85-N. Op. 1. D. 41. L. 2).

SPK was against the prohibition contained in the law on the participation of political parties in international organizations. The Socialist Party of Kazakhstan motivated its disagreement by the fact that “Kazakhstan has become a part of the world community and no prohibitions of the Ministry of Justice can stop the wide-scale process of numerous contacts and various forms of cooperation of our associations with international organizations” (AP RK. F. 85-N. Op. 1. D. 41. L. 2).

The proposals of SPK for amendments to the Law “On Public Associations” also addressed some other issues: the activities of political parties in state administration bodies, the possibility of receiving financial assistance from foreigners, distribution of the funds of public associations among its members and some others.

In general, the supporters of the SPK critically perceived the content of the draft Law of the Republic of Kazakhstan “On amendments and additions to the Law of the Kazakh SSR “On public associations in the Kazakh SSR”. According to them, «there is a constant infringement of the rights of political parties through the whole project”, while this project sharply opposes the state to the people. The alienation of people from power has reached a critical limit. The project bears the stamp of a post-totalitarian state... the people, its representatives, its most conscious and politicized part (the same parties) should determine what should be “The Law on Public Associations” and not officials from the Ministry of Justice dominating over the people and acting according to an old habit “to prohibit” (AP RK. F. 85-N. Op. 1. D. 41. L. 3-4). SPK called not to limit, but on the contrary to maintain political diversity in Kazakhstan and required the state “to contribute to the formation of the real institution of multiparty system in Kazakhstan”.

The first Constitution of Independent Kazakhstan, adopted in 1993, is one of the important legal changes in party building. This basic document contains a special chapter on public associations and parties. The organizations listed are public associations, including political parties. The functions of the parties are marked, which as follows from the text of the Constitution “they contribute to the formation and expression of political will of citizens” (Konstituciya, 1993). The Constitution expressly prohibited the establishment of parties on the territory of Kazakhstan that were of foreign origin or, for example, had a religious basis. The Constitution also prohibited any



public association from interfering in the activities of State bodies (Konstituciya, 1993). It should be noted that in the first Constitution the First President of the country was prohibited «to hold positions in other state bodies and public associations». Thus, at that time, the Head of State, according to the Basic Law of 1993, could not be the leader of any political party. The same rule applied to the Vice-President and members of the Government. For example, the judges and prosecutors had a right to be members of any public association. The Basic Law also contained some other rules related to public associations.

Although the 1993 Constitution was in force for a relatively short time, it nevertheless reflected and enshrined the country's achievements in the formation and development of social and political associations. Taking into account that the Constitution is the Basic Law of the country, the inclusion of a number of points in the text relating to the establishment of a multiparty system, strengthened the legal basis for this process. In addition, it is important that this is the first Constitution of independent Kazakhstan, which has finally enshrined new political and legal realities in the history of the State.

In the mid-1990s, the norms on public associations and parties were included in various legal acts, laws and codes. For example, some aspects related to the activities of public associations in Kazakhstan in the first half of the 1990s are reflected in the Civil Code adopted at the end of 1994. In the Code, a separate article (№106) is devoted to the functioning of public associations, their property and certain other matters (Grazhdanskij, 1994).

The 1990s was the highest point in the development of legislation in the sphere of regulating the activities of public-political associations in Kazakhstan. Although important and serious amendments and additions to legislative acts were made until 2023, it was during this period that particularly important laws were adopted, which are of crucial importance for the establishment and further development of the multiparty system in the country.

The first thing to note the events of 1995, namely, the adoption of new Constitution in a popular referendum on 30 August in that year, which is the basis for the entire legal system of the State.

Like the Basic Law of 1993, the new Constitution contained important provisions relating to the functioning of public associations in general and political parties in particular.

Despite the short period since the adoption of the previous Constitution, the new Basic Law introduced some new provisions. The peculiarity was also that more attention was paid specifically to political parties, their functioning and membership in parties of certain categories of citizens and so on. For example, while previously there were restrictions on the number of officials in a party's leadership, the new Constitution did not merely exclude leadership but party membership. For example, in the original version all "Servicemen, employees of national security bodies, law enforcement agencies and judges should not be members of parties, trade unions, to support any political party" (Konstituciya, 1995). Also in accordance with the Constitution, the incumbent Head of State had to suspend his participation in the activities of a political party.

Article №5 of the Constitution is an important article that influenced on the democratic development of Kazakhstan. According to paragraph 1 of this article the Republic of Kazakhstan recognizes ideological and political diversity. Merging of public and state institutions, creation of organizations of political parties in state bodies are not allowed (Konstituciya, 1995).

Thus, the new Constitution of 1995 excluded the monopoly of one socio-political association and the merging of the State with any party. In addition to the political parties, the 1995 Constitution paid attention to public associations in general.

Thus, under article № 23, all citizens of Kazakhstan had the right to freedom of association. Another article prohibited any association that had an unlawful purpose (Konstituciya, 1995). In fact, the new Constitution accumulated the achievements and experience of the establishment and functioning of social and political associations in the first half of the 1990s and laid a solid foundation for further party building. However, due to the specificity of the Constitution as the Basic Law of the country, which was essentially based on basic legal points, special laws were required. These laws, which, based on the norms laid down in the current Constitution, were to provide specific explanations on the activities of public-political associations. The existing Law "On Public Associations" with the adoption of the new Constitution was actually outdated and the Law on Parties, as is known at that time, was not adopted at all. All this required serious work in



drafting and adopting laws that would clearly regulate the activities of political parties and ensure the normal development of a multiparty system.

Actually in the Constitution itself it was written that in the Republic of Kazakhstan “activity of public associations is regulated by law” (Constitution, 1995).

And such important laws were adopted the next year after the adoption of the Constitution. This is the Law “On Public Associations” and the Law “On Political Parties”. These legislative acts together with the current Constitution, have become the pinnacle of legislative activity aimed at the formation and development of a multiparty system and the functioning of socio-political associations in the country.

In May 1996 the Law of the Republic of Kazakhstan “On Public Associations” was signed (NA RK. F. 176. Op. 1. D. 58. L. 1-26). This is the first law developed and adopted within the framework of Independence. The previous law as noted earlier was developed at the end of the Soviet era.

According to archival documents from the National Archive of the Republic of Kazakhstan, the Government Kazakhstan submitted the draft Law “On Public Associations” for consideration in the Majilis in January 1996 (NA RK. F. 176. Op. 1. D. 58. L. 45).

The experts from the Institute of Legislation, the Ministry of Justice of the Republic of Kazakhstan, the Ministry of Internal Affairs, the Government Apparatus were involved in the working group (NA RK. F. 176. Op. 1. D. 58. L. 61). Of interest is the “Explanatory note”, found in the National Academy of Sciences, which accompanied the draft law, transferred from the Government to the Lower House of the Parliament. The document is dated 24 January 1996. The note reflects the executive’s position on the importance and significance of the bill. In particular, the purpose of the law is “legal regulation of the right of citizens to freedom of association” (NA RK. F. 176. Op. 1. D. 58. L. 46). The role and significance of the draft law is formulated, its main provisions are described. It was important to assess the impact of the law, if adopted. According to this document “it can be expected that with the legislative recognition of the important institutionalized role of public associations, the freedoms and opportunities of behaviour of citizens, their role and activity in solving state and other socially significant problems would be expanded” (NA RK. F. 176. Op. 1. D. 58. L. 46).

The specialized committee of the Majilis of Parliament, engaged in the discussion of the draft law on public associations, gave a positive conclusion while a number of additions and changes were proposed (NA RK. F. 176. Op. 1. D. 58. L. 94-96). Basically, these comments, adopted subsequently and that were not adopted, were of a technical nature and were determined by editorial expediency (NA RK. F. 176. Op. 1. D. 58. L. 97-115). In February of the same year, the bill was approved and sent to the Senate of the Parliament of the Republic of Kazakhstan (NA RK. F. 176. Op. 1. D. 58. L. 65).

After almost a month of discussion, in early April 1996, the Law “On Public Associations” was adopted by the Senate of the Parliament of the Republic of Kazakhstan (NA RK. F. 176. Op. 1. D. 58. L. 129). However, in late April, the First President of Kazakhstan N.A. Nazarbayev, without signing the law adopted by the senators, returned it to the Parliament with his objections under separate articles (NA RK. F. 176. Op. 1. D. 58. L. 117, 123-127).

According to the documents in the archive, the objections of the First President of the Republic of Kazakhstan were related to certain concepts and definitions used in the Law, as well as to the contradictions of the Constitution and other legal acts. In addition, the First President drew attention to the fact that the law by its importance attracted close attention of the public (“significant resonance”) in connection with which it is necessary to approach its content more carefully. For example, the norm on youth public associations raised questions, to which the Head of State drew attention (NA RK. F. 176. Op. 1. D. 58. L. 123-127).

According to the conclusion of the Committee on Socio-Cultural Development of the Majilis of the Parliament of the Republic of Kazakhstan, which considered the objections of the President to the adopted law “On public associations”, it was recommended to accept all additions and amendments proposed by the First President of State (NA RK. F. 176. Op. 1. D. 58. L. 181-182). Within a few days, by a special resolution, all the objections submitted by the President were accepted by the Majilis of the Parliament of the Republic of Kazakhstan (NA RK. F. 176. Op. 1. D. 58. L. 172; NA RK. F. 152. Op. 1. D. 64. L. 28).



According to the archive fund of №152 National Archive of the Republic of Kazakhstan, the Upper Chamber of the Parliament of the Republic of Kazakhstan also thoroughly considered both the Law, received from the Majilis, and the objections of the President (NA RK. F. 152. Op. 1. D. 64. L. 1-206).

The comparative table of the draft Law “On Public Associations” compiled on the basis of the proposals of the committees of the Senate of the Parliament of the Republic of Kazakhstan is of interest. It follows from this document that it was understood that political parties should be regulated only by a special law on parties and not by the Act on public associations (NA RK. F. 152. Op. 1. D. 64. L. 116-117). Also of interest to the public is the opinion of the Standing Committee of the Senate of the Parliament of the Republic of Kazakhstan on legislation and judicial and legal reform on the bill “On public associations” dated 21 March 1996 (NA RK. F. 152. Op. 1. D. 64. L. 135-137). As noted in this document “the need to adopt the new Law of the Republic of Kazakhstan “On public associations” is undeniable. It is dictated by the need to substantially update and improve the legal basis for the citizens of the country to exercise their constitutional right to freedom of association in connection with the adoption of the new Constitution and the general part of the Civil Code of the Republic of Kazakhstan...” (NA RK. F. 152. Op. 1. D. 64. L. 136). As can be seen, it was the adoption of the Basic Law in 1995 that gave impetus to the renewal and improvement of the entire legal framework, including those related to social movements.

Also in 1996, another important document was adopted, which, on the one hand, summed up the first years of the establishment of a multiparty system in Kazakhstan in the first years of independence, and on the other, laid down a concrete legal basis for further development. It is about the Law of the Republic of Kazakhstan “On Political Parties” signed by the First President of Kazakhstan on July 2, 1996 (NA RK. F. 176. Op. 1. D. 74. L. 1-173).

This is the first law directly regulating the activities of political parties in the recent history of Kazakhstan. It was during the years of independence that legislation was adopted that aimed not only at regulating but also at supporting the activities of political parties. This law formalized the multiparty nature of the political system.

As follows from archival materials, stored in the National Archive of the Republic of Kazakhstan, the draft law “On political parties”, as well as the law “On public associations” were sent by the Government of the Republic of Kazakhstan for consideration by the Majilis of the Parliament in January 1996, (NA RK. 176. Op. 1. 74. L. 33). That is, these two bills, which are of key importance for the history of the formation and development of public-political associations, were considered in the Parliament in parallel and were adopted with a difference of only a few weeks.

In an explanatory note sent from the Government to the Majilis of the Parliament together with the draft Law, the objectives of its adoption and importance for the development of parties were clearly outlined. The purpose of the adoption of the draft Law “On Political Parties” as follows from the archive document was “regulation of legal relations arising in the activity of political parties” (NA RK. F. 176. Op. 1. D. 74. L. 34).

The archives contain an interesting document that shows the composition of the working group that worked on the draft law. If during the discussion of the draft law “On public associations” only specialists from various state institutions and departments were involved, the political scientists, members of large parties operating then were also involved in the work on the law “On political parties”. For example, there were representatives from SPK and PNUK (NA RK. F. 176. Op. 1. D. 74. L. 45).

In the Majilis the draft law on parties was considered at the meeting of the Committee on Social and Cultural Development, in which the members of the working group, representatives of various public associations and members of some parties were participated (NAK. F. 176. Op. 1. D. 74. L. 72). As a result, some comments and suggestions were made in the original version (NA RK. F. 176. Op. 1. D. 74. L. 73-91).

In March 1996, the Majilis of the Parliament approved the bill and sent it to the Senate (NA RK. F. 176. Op. 1. D. 74. L. 49). In the Upper House of the Parliament, the bill was considered until May, after which it was returned to the Majilis with its amendments and additions (NA RK. F. 176. Op. 1. D. 74. L. 95o.-124).

Almost all comments and suggestions of senators were accepted in the Majilis. However, one issue remained unresolved in the draft law related to the mandatory public reporting of political



parties on their incomes. As a result, it was necessary to establish a reconciliatory commission from senators and deputies of the Majilis to resolve this issue. As a result, the proposal of the Senate was supported and the bill was again sent to the Senate (NA RK. F. 176. Op. 1. D. 74. L. 152-157).

The Law “On Political Parties” approved by the Parliament of the Republic of Kazakhstan was signed by the First President N.A. Nazarbayev on July 2, 1996. From that point on, the legal basis for the functioning of public-political associations in Kazakhstan was finally established.

Conclusion. Thus, it can be concluded that the first half of the 1990s is an important stage in the legal regulation of the activities of social and political associations. At that time, important legislative acts were adopted, which for the first time in the recent history of Kazakhstan consolidated the status of political parties and public associations. The peculiarity of the adoption of these acts was that the drafting of the legislative framework was more often initiated by the country’s leadership than by the political parties themselves, although they participated quite actively in their discussion. This determined the leading role of the State in regulating the whole party-building process and, to a large extent, in the activities of the parties.

Initially, the party system in Kazakhstan was adapted to suit the circumstances of the time. However, it is important to note that such changes could be aimed not only at creating a democratic state, but also at ensuring stability and manageability during the transition period. Effective reforms towards democratization can be complex and take time. It is important to take into account the historical context and characteristics of each country when analyzing political processes.

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МАЗМҰНЫ / CONTENT / СОДЕРЖАНИЕ

«ОТАН ТАРИХЫ». 2023. № 26 (3).

ӘДІСНАМА – МЕТОДОЛОГИЯ – METHODOLOGY

<i>Сарқытқан Қ., Мәсімханұлы Д.</i> ҚЫТАЙ ҚАЗАҚТАРЫ ЖӘНЕ ДИАСПОРА МӘСЕЛЕСІ: ГЕОСАЯСИ ЖӘНЕ АЙМАҚТЫҚ ҚАРЫМ-ҚАТЫНАСТАРДЫ ДАМУ ТҮРҒЫСЫНАН.....	438
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Редакцияның мекен-жайы:

050100, Қазақстан Республикасы, Алматы қ., Шевченко көшесі, 28
Ш.Ш. Уәлиханов атындағы Тарих және этнология институты
«Отан тарихы» журналының редакциясы

Сайтқа сілтеме: <https://otan.history.iie.kz>

Тел.: +7 (727) 272-46-54.

E-mail: otanhistory@gmail.com.

Журнал Қазақстан Республикасының Ақпарат және қоғамдық келісім министрлігінде
1998 ж. 9 наурызда тіркеліп, N 158-ж куәлігіне ие болды.

Мақалаларды қайта бастырып жариялағанда, микрофильмге және басқа да көшірмелерге
түсіргенде міндетті түрде журналға сілтеме жасау қажет.
