

LEGISLATION AND DOMESTIC MEASURES OF THE REPUBLIC OF KAZAKHSTAN IN SUPPORT OF THE FIGHT AGAINST GLOBAL CLIMATE CHANGE

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Abstract

In the 21st century mankind is faced with climate change and other global problems that cannot be resolved by any one country and require the combined efforts of all states and peoples. Climate change, like other global problems, comes down to the imperfection of the relationship between society and nature, leading to a crisis. At present, mankind has such a technical potential that can significantly violate biological equilibrium. Due to the sharp increase in population, industrialization and urbanization, economic pressures began to exceed the ability of ecological systems to self-clean and regenerate. This, in turn, causes a violation of substances cycling in the biosphere: natural resources are depleted, which leads to the emergence of resource-energy problems, and a large number of harmful substances accumulate, resulting in environmental problems. Solutions to existing problems are actively discussed at international forums, conferences, seminars and other events, as part of the activities of environmental organizations, various international and national projects. The results of these activities are an important source of the research of climate change problems and the prevention of its consequences. Despite the importance of the problem, the conceptualization and institutionalization of the international community efforts to prevent adverse climate change and its consequences have not yet been comprehensively studied. Moreover, the global climate change and the impossibility of preventing it without the joint efforts of states, without the specification of the position of Kazakhstan in this process, confirm the relevance of the theme of this work.

The aim of the scientific article is to reveal concepts of climate change, forecasts of their development for the disclosure of the essence of the international community institutions' tasks, including forms and methods of combating climate change, and the role of the Republic of Kazakhstan in this process based on a comprehensive study. The article reveals the evolution of interstate cooperation in preventing climate change and its consequences; it highlights Kazakhstan's policy in climate change prevention and its consequences; it determines the degree and nature of international and regional cooperation in addressing climate issues.

Keywords: Republic of Kazakhstan, environmental security, international cooperation, climate change

1. INTRODUCTION

The problem of climate change has become one of the central topics in the activities of the UN, its system of institutions and most international organizations. It takes an important place on the agenda of the most influential international forums, such as the Group of Eight and the Group of Twenty, in the work of a number of non-state actors, starting with environmental movements and organizations and ending with leading TNCs. Kazakhstan is becoming one of the key players in shaping the global climate and environmental security system. The high degree of relevance of this issue is evidenced by the great attention to the

problem by the top leadership of our country, in particular, the first President N. Nazarbayev, which was expressed in his initiative of the 'Green Bridge' international movement, its goal is to promote the creation of partnership between Europe, Asia and the Pacific Ocean on the transition from current conventional development models to 'green growth'.

Global climate change and the development of measures aimed at preventing its adverse effects are recognized as the most controversial and acute problems of our time. Despite the various opinions regarding the causes and consequences of climate change, their relevance is confirmed by the conclusions of authoritative experts, according to which mankind is close to the threshold environmental load, as well as the adverse effects of climate change. Drying of the Aral Sea, desertification of pastures and soil erosion, air pollution is a problem not only of Kazakhstan, but also of the world community.

Climatic problems are closely connected with international security, and one of the main tasks of the world community is the search for conceptual and methodological approaches to studying the problem in the light of the new geopolitical position of the world.

In these conditions, it becomes extremely important to study existing intentions and actions based on a variety of objective processes and their direct understanding within the framework of various concepts.

2. LEGISLATION OF THE REPUBLIC OF KAZAKHSTAN IN THE SPHERE OF CLIMATE CHANGE

The Constitution of the Republic of Kazakhstan [1] laid a solid foundation for the implementation of public policy, in particular in the prevention of climate change and its consequences. According to article 2 of the Constitution, the people exercises power directly through a republican referendum and free elections, and also delegates the exercise of its power to state bodies. Regulating the exercise of democracy, Article 33 of the Constitution gives citizens of the Republic of Kazakhstan the right to participate in the management of state affairs directly and through their representatives, to apply in person, as well as to send individual and collective appeals to state bodies and local governments. The realization of these constitutional norms requires the implementation of public policy, i.e. publicity and active involvement of citizens in the development and adoption of decisions on pressing issues, including climate change.

The implementation of public policy is a requirement not only of exercising democracy, but also of fulfilling the constitutional obligation of citizens to preserve nature and take care of natural resources, compliance with the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) [2]. However, despite these legislative requirements and the fact that public policy is recognized as a democratic form of implementation of state power and the organization of the legislative process, the convention is still under discussion.

Kazakhstan has created a strong legislative framework for environmental protection, which requires monitoring and participation of environmental NGOs in its implementation, to develop proposals for its improvement and carry out verification of the proposed draft legislative acts by these non-state organizations. The formation of the legislation of Kazakhstan is based on scientifically sound concepts and strategies. Although the Concept of transition of the Republic of Kazakhstan to sustainable development for 2007-2024 [3] has lost its force, it laid down the main measures and tasks for the development of the legislation of Kazakhstan. The concept identified the tasks of introducing modern scientifically based approaches to nature management, including environmentally friendly methods of using land, water, forest, mineral and other resources; improving the energy efficiency of the domestic economy during the implementation of special state programs, a unified policy in the field of overcoming energy losses; technological re-equipment of the country's economy, and promotion of the use of modern technologies and the ban on the import of obsolete technologies and equipment, etc.

The Environmental Code of the Republic of Kazakhstan plays an important role in the realization of conceptual and strategic objectives. This Code regulates relations in the field of protection, restoration and conservation of the environment, use and reproduction of natural resources in the course of economic and other activities related to the use of natural resources and environmental impact, within the territory of the Republic of Kazakhstan. The Code has unified several strategies and legislative acts into a single act and introduced new institutions aimed at more effective protection of the environment [4]. Furthermore, the Code has made significant changes to the environmental protection system adopted in Kazakhstan. The administrative-command approaches, the old system of regulation, and the priority of penalties should be replaced by effective economic levers, as they are a powerful factor in regulating economic activity in the use

and protection of natural resources, preventing environmental violations, and stimulating the introduction of new technologies.

On January 13, 2012, the Law on Energy Saving and Improving Energy Efficiency was adopted, it promotes the use of energy-efficient technologies; it will create opportunities for energy conservation in enterprises and in the domestic sectors; it will increase production efficiency and ultimately will make the Kazakhstani economy more efficient and close to environmental standards of the leading countries of the world. The law regulates public relations and defines the legal, economic and organizational basis for the activities of individuals and legal entities in the field of energy conservation and energy efficiency.

According to the law, the main directions of state regulation in the field of energy conservation and energy efficiency are:

- 1) The implementation of technical regulation in the field of energy conservation and energy efficiency;
- 2) The implementation of a balanced tariff policy and pricing in the field of production and consumption of energy resources;
- 3) The stimulation of energy conservation and energy efficiency, including the use of energy-saving equipment and materials;
- 4) The implementation of state control over the efficient use of energy resources;
- 5) The promotion of economic, environmental and social benefits of the efficient use of energy resources, and the improvement of the public educational level in this area;
- 6) The enforcement of the compliance with the legislation of the Republic of Kazakhstan on energy conservation and energy efficiency [5].

An important factor in protecting the environment, in particular the prevention of climate change, was the establishment of criminal offence in case of non-compliance with environmental regulations. One of the features of the Criminal Code of the Republic of Kazakhstan is the establishment of criminal penalty in article 169 for the mass destruction of flora or fauna, poisoning of the atmosphere, land or water resources, as well as the commission of other acts that caused or could cause an ecological catastrophe, defined as ecocide, i.e a crime against peace and humanity [6].

Moreover, a separate chapter of the Criminal Code of the Republic of Kazakhstan, consisting of 18 articles, is devoted to environmental crimes. This chapter establishes criminal penalties for violating environmental requirements for economic and other activities in the production and use of environmentally hazardous chemical, radioactive and biological substances, pollution, clogging and depletion of water, air pollution, land damage, illegal cutting of trees and shrubs, destruction or damage to forests, failure to take measures to eliminate the consequences of environmental pollution, etc. These provisions reflect the basic rules of environmental protection regarding the fight against climate change and their effective implementation will increase the responsibility of citizens and officials for their strict observance.

3. KAZAKHSTAN'S INTERNATIONAL ACTIVITIES IN THE FIELD OF COMBATING CLIMATE CHANGE

Kazakhstan is actively involved in international activities, because with its sharply continental climate, global climate change bodes many problems. Scientists expect probable stress in the field of water supply and in the use of transboundary waters. Reducing the area of glaciers will lead to a change in water regime, especially in the south of Kazakhstan. There may be a reduction of pasture and arable land, migration problems both within Kazakhstan, and the possible induced reception of "climate refugees" from southern countries, aggravation of medical problems in the form of the emergence and expansion of zones of infectious and viral diseases, etc. In addition, global climate change will and already affects the economic interests of the state as an exporter of energy and raw materials [7]. Kazakhstan is actively involved in international activities in order to prevent these dangers,

The Constitution of Kazakhstan has created a solid foundation for the development of its international activities. According to paragraph 3 of Article 4 of the Constitution, international treaties ratified by the Republic have precedence over its national laws and apply directly, except when the application of an international treaty requires the enactment of a law. In order to implement this constitutional norm, the Law "On international treaties of the Republic of Kazakhstan" [8] was adopted. Under article 1, paragraph 11, the ratification, approval, adoption and accession is an international act, having the appropriate name committed on the basis of the relevant regulatory legal act whereby the Republic of Kazakhstan expresses

internationally its consent to be bound by an international treaty. According to this law, many international treaties in the field of environmental protection, including climate change, have been ratified, within which Kazakhstan is actively engaged in international activities.

In 2009 Kazakhstan ratified the Kyoto Protocol to the UNFCCC [9]. As noted, Kazakhstan's entry into Appendix B of the Kyoto Protocol will allow us to create a system that will generate Kazakhstan's national quotas, and in the future it will greatly help to prepare for the post-Kyoto regime. Kazakhstan should be fully focused on creating a low-carbon economy, following the example of Norway or Denmark. The implementation of energy efficiency programs and the introduction of energy saving and the use of renewable energy sources will allow Kazakhstan to actively and dynamically develop and protect its supplies from "climate taxation", which is already being introduced in European countries and the USA [8]. These expectations are justified by the achieved results, the development of international cooperation and the support of international organizations.

The Kazakh Research Hydrometeorological Institute was transformed into the Kazakh Research Institute of Environmental and Climate Monitoring by the Decree of the Cabinet of Ministers of the Republic of Kazakhstan in compliance with the Republic of Kazakhstan's commitment to implement the United Nations Framework Convention on Climate Change and in need to deal with issues of the Vienna Convention for the Protection of the Ozone Layer, the Montreal Protocol on Substances that Deplete the Ozone Layer and other international treaties, as well as for the formation and implementation of State environmental policy in the field of hydrometeorology and environmental monitoring and the further development of scientific research of trends in environmental and climate changes. This institute develops methods for conducting integrated environmental monitoring and assessing the impact of anthropogenic impact on nature, monitors the ozone layer, studies the processes of its destruction and restoration, develops a system of measures to prevent the impact of human activities on the ozone layer and performs other tasks aimed at implementing international obligations of Kazakhstan.

The formation of a special body in the field of climate change allowed Kazakhstan to actively participate in the activities of the Conference of the Parties (CP) and other bodies of the UNFCCC. At the thirteenth session of the Conference of the Parties, held in Bali on December 3-15, 2007, the Government of Kazakhstan provided information on Kazakhstan's voluntary quantitative obligations for the period of 2008-2012 in accordance with paragraphs 2 g) and 2 a) and 2 b) of article 4 of the Convention. The CP took note of Kazakhstan's voluntary commitment to limit its anthropogenic greenhouse gas (GHG) emissions in period of 2008-2012 to an amount equivalent to 100% of its emissions in 1992. It should be noted that Kazakhstan began to voluntarily reduce GHG emissions even before the signing of the Kyoto Protocol.

Cooperation with the UN, its bodies and other international organizations takes a significant place in the international activities of Kazakhstan. For example, UNDP supports the Government's efforts to conserve globally significant biodiversity through better management of wetlands, pastures, steppe ecosystems and the conservation of mountain agrobiodiversity genetic material, and assists to prevent the threats of global warming by promoting energy conservation, rational use of water resources and by introducing renewable sources of energy. Together with UNDP, Kazakhstan works on such projects, as "Steppe Conservation and Management", "Improving the Energy Efficiency of Municipal Heating and Hot Water Supply", "Energy-Efficient Design and Construction of Residential Buildings" and "Capacity-Building in the Field of Sustainable Development through the Integration of Climate Change Issues into Strategic Planning in the Republic of Kazakhstan" and others. These projects resulted in introduction of proposals into bills, organization of training workshops and various grants programs [10].

Taking into account the dangers of climate change, Kazakhstan works closely with international organizations and partner countries within the framework of international treaties in order to prevent a climate catastrophe and to adapt to the effects of climate change. Kazakhstan has ratified almost all international conventions and other acts in the field of nature protection; our country actively cooperates with the UN development program, the UN environmental protection program, international development banks (ADB, EBRD, WB), and concrete measures are being adopted.

In UNDP activities it is necessary to consider in detail the project "Climate Risk Management in Kazakhstan", aimed at increasing the ability of local communities to adapt to climate variability. This project focuses on improving the efficiency of water use in agriculture and reducing the risks of natural disasters. The project also pursues such goals as strengthening the institutional framework and building technical capacity for climate risk management, developing strategies and legislation on climate change adaptation in priority sectors and geographical regions, and expanding funding opportunities to cover climate risk management costs. The project also draws special attention to raising public awareness of climate change and climate

risks among stakeholders and the general public in order to include this issue in the country's development process [11].

Kazakhstan actively collaborates with the Global Environment Facility in the framework of the Small Grants Program. The SGP has begun its activities in Kazakhstan in 1997. The main focus group of the Program is environmental NGOs - non-profit non-governmental public organizations and local initiative groups.

In addition to cooperation with international organizations, the Republic of Kazakhstan itself is an active initiator of multilateral solutions to environmental issues and environmental security. A case in point of such kind initiatives is the VI Asia-Pacific Ministerial Conference on Environmental Protection and Development of the Asia-Pacific Region in the frames of United Nations Economic and Social Commission for Asia and the Pacific (UN- ESCAP) (MCED-6), held in Astana from September, 27 to October 2, 2010. The ministers adopted the Astana Declaration, which defines the main directions of environmental protection and development of the Asia-Pacific region for the next 5 years and supported the 'Green Bridge' initiative of the Republic of Kazakhstan, which aims to facilitate the creation of partnership between the countries of Europe, Asia and the Pacific Ocean on transition from current conventional development models to 'green growth'. The Regional Plan of Action for Sustainable Development in Asia and the Pacific for 2011–2015 was also developed and adopted. This document presents the lines of activity, taking into account the diverse development needs and capabilities of countries, and the role of key parties in order to increase countries' potential in achieving the Millennium Development Goals in the context of sustainable development [12].

The policy aimed at developing the use of the potential of renewable energy sources once again proves Kazakhstan's compliance with international obligations in the field of climate change and sustainable development. On March 21, 2013, President of Kazakhstan Nursultan Nazarbayev signed the law "On Ratification of the Statute of the International Renewable Energy Agency (IRENA)" [13].

In accordance with the statute, the agency promotes the distribution and sustainable use of all types of renewable energy, taking into account state and domestic benefits and gains, resulting from the combined use of renewable energy and the implementation of measures for improving energy efficiency, as well as for enhancing significance of renewable energy for the environmental preservation.

The initiative of Nursultan Nazarbayev, outlined in his Address to the people of the country "Strategy "Kazakhstan - 2050: New Political Course of the Established State", on the creation of the international organization "Green Bridge" in 2013, as well as the start and implementation of the Green 4 project based on four satellite cities around Almaty was a major step in the development of international cooperation in the field of environmental protection. The main task of this initiative is to build the relationship between the initiators of projects, who promotes the use of "green technologies" and entrepreneurs who can turn it to the reality. The first examples of the practical implementation of the 'Green Bridge' initiative are already known to the country, and some of them are being successfully implemented near the city Almaty.

The Kazakhstan 'Green Economy' Initiative calls for a global solution to environmental problems. The main objective of the Astana Initiative is to promote the partnership of the countries of Europe, Asia and the Pacific in this regard, as well as the partnership of the public, private sector, public and international organizations. The initiative provides for the development and implementation of the Partnership Program for 2010-2020 with a package of investment projects in support of the Green Economy and sustainable development goals. In order to solve the ecological problems, economically developed countries must provide their latest green technologies, and developing countries must create the most favorable conditions for their implementation [14].

4. CONCLUSION

Climate change is affecting all people on the planet. Therefore, it is vital to recognize the threat posed by global warming and the human role in preventing dangerous effects. The role of a man is more clearly manifested in the development and implementation of public policies, which should be conducted by non-governmental organizations, and by those who has close contacts with scientists working at the national and international levels. As climate change activities have become an integral part of public policy, governments are increasingly interested in raising public awareness and participation in it.

Most of the territory of Kazakhstan is located in climatic zones, which are very sensitive to physical fluctuations in conditions, which leads to significant changes in the well-being of the population, their production and agricultural activities. Climate change can exacerbate the problem of water scarcity, which is relevant for Kazakhstan.

The negative effects of climate change pose a real threat to Kazakhstan's national security. The prevention

of these threats requires consideration of this issue in the context of ensuring national security and establishing the special subdivision within the intelligence services of Kazakhstan. Climate change is not fragmented; therefore it is impossible to combat this phenomenon within the framework of one state or region. Indeed, environmental disasters entail socio-political tensions in the world, create the problem of food shortages and create a geopolitical threat to the world. It is about using the “climate map” in the political, including geopolitical and political-economic, game of the leading states of the world with the aim of strengthening the competitiveness of their economies, modernizing their scientific, technical and technological base, gaining access to new natural resources, while weakening the position of main rivals.

According to J. Agnew, geopolitical threats cannot be resolved only through military force and external influences (oil spills, burning forests). International cooperation is necessary to prevent environmental threats both at the international and national levels [15, p. 88]. Thus, each country should find measures to reduce the impact of climate change and apply measures to limit this impact.

Global climate change, in particular, an increase in average temperatures, affects the living conditions of each of us. And each of us can and should contribute to preventing the development of a crisis environmental situation. Politicians and states must find solutions to contain these changes and prevent their widespread impact. Actions taken - or not taken - in the coming years will most seriously affect the future direction of human development.

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