

# IMPLEMENTATION OF CIVIL SERVICE REFORMS IN POST-SOVIET KAZAKHSTAN: LEGAL FRAMEWORK, OPPORTUNITIES AND CHALLENGES

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## ABSTRACT

*This study aims to fill this gap and provide an overview of both the legal reform processes occurring in the field of public service and of recent developments and challenges related to the process of reforms that have occurred during the 1991-2011 period in Kazakhstan. The key goal of the investigation is to study and suggest the approaches to reforming the Kazakhstan's system of government to enhance its transparency and establish civil service in decision-making process. This paper first outlines the discourse on the reform of public service among scholars and public officials in Kazakhstan. Then, it elaborates on the laws and institutional measures that have provided for the establishment of a public service system Kazakhstan. Finally, this paper outlines the challenges faced by the government and public service institutions on the way to increasing the efficiency of public services in Kazakhstan. Authors focused their attention on those issues related to the problems with personnel policy, corruption, lack of transparency and merit-based appointments in the civil service of Kazakhstan. To identify the challenges faced by the government and public service institutions on the way to increasing the efficiency of public services in Kazakhstan authors have analysed national laws and outlined the institutional measures that provide the establishment of a public service system in Kazakhstan.*

**Keywords:** Kazakhstan, Public Service, Public Administration, Government.

## INTRODUCTION

Kazakhstan is undergoing a process of transition from a command-style political system towards more inclusive and bottom-to-top style of decision making. The lessons of other countries that have successfully accomplished such transitions (e.g. Japan, South Korea, Singapore, etc.) suggest that it is essential to nurture a class of civil servants who can provide the relevant expertise and knowledge for multiple actors in decision-making processes (Khorasani & Almasifard, 2017). One of the most important factors in this respect is to institutionalize the public (civil) service system (Khorasani, 2014). Kazakhstan has attempted to reform its system of governance and enhance the transparency of this process and the government of Kazakhstan placed the task of reforming its civil service among its top-priority goals. These goals indicate that the efficiency of the state apparatus primarily depends on the professionalism of civil servants.

However, improving the professionalism and competence of Kazakhstan's civil servants and the quality of the services offered by them continues to be a challenge. After the collapse of the USSR in 1991 and Kazakhstan's declaration of independence, the young country developed

new civil service legislation and created an authorized body for civil service affairs: Agency for Civil Service Affairs of the Republic of Kazakhstan (hereinafter referred to as the Agency).

The Academy of Public Administration, which is under the President of the Republic of Kazakhstan, was established in 1998 on the basis of the National Higher School of Public Administration under the President of the Republic of Kazakhstan and the Institution of Civil Servants Training under the Government of the Republic of Kazakhstan; the Academy's goal was to create a unified system for training civil servants. New legislation has been developed to provide for procedures and rules supporting a merit-based system of appointments and promotion, in addition to protecting civil servants from political pressure. Despite support from the leadership of the country and legislative support provided for the bureaucratic corps, the efficiency of public service and its functions are continually acknowledged to be in need of further reforms and improvements.

What specific types of administrative reforms-and what specific features of such reforms -would be necessary to constitute an effective civil service in the Republic of Kazakhstan? What are the measures that a government undertakes to institutionalize its system of merit-based promotion and to modernize its bureaucracy? What are the challenges to this process? What are the lessons that can be learned from the case of Kazakhstan for other states in Central Asia as they undertake their own civil service reforms? The goal of this paper is to answer these questions and outline the specific process of the administrative transition of Kazakhstan's civil service bureaucracy.

## **METHODOLOGICAL FRAMEWORK**

The scope of analysis of the current paper is the 1991-2011 period, which laid the foundation for the creation of the legal framework, principles and legal institutions of the civil service sector. To answer the questions discussed above, this paper first outlines the discourse on the reform of public service among scholars and public officials in Kazakhstan. It will then outline the laws and institutional measures that have provided for the establishment of a public service system Kazakhstan. Finally, this paper will outline the challenges faced by the government and public service institutions on the way to increasing the efficiency of public services in Kazakhstan.

The discourse in Kazakhstan regarding the role and place for civil service is divided along several lines of argumentation. One way to argue for the steps necessary to undertake reforms of civil service in Kazakhstan has been to posit the idea that the Kazakh bureaucracy is not efficient because the system of promotions, salaries and other motivational factors are not properly aligned and functioning. Some researchers (Rauch & Evans, 2000) believe that several easily identifiable structural characteristics constitute the key ingredients of effective state bureaucracies and should help predict bureaucratic performance, including competitive salaries, internal promotion and career stability and meritocratic recruitment. In particular, their results indicate that meritocratic recruitment is the element of a bureaucratic structure that is most important for improving bureaucratic performance. Internal promotion and career stability are at best of secondary importance. Those who approach the solution to the problem of the functioning of the bureaucracy in Kazakhstan from an operational point of view (Akchurin, 2002; Amagoh & Bhuiyan, 2010; Baimenov, 2000; Kaparov, 2009; Krepak, 2013) focus their attention on those issues related to the problems with personnel policy, corruption, lack of transparency and merit-based appointments in the civil service of Kazakhstan. These scholars

argue that addressing these issues and streamlining problems related to the functioning of bureaucracy will resolve the problems associated with the efficiency of the bureaucracy.

An opposing group of experts tout the idea that merely reforming the bureaucracy and the factors influencing the motivations of public officials in their actions is not sufficient to improve the performance of these officials and to ensure that Kazakhstan's bureaucracy becomes more efficient.

Their arguments support the views of scholars (Ayee, 2001) working in other developing countries who argue that making the civil service a "value for money" institution was not achieved because of the absence of both high-level political administrative commitment and the motivation and involvement of civil servants themselves in a bureaucratic system that ensures success. Those supporting this argument emphasize that civil service reform must be based on an entire (holistic) rather than a partial reform of institutions and administrative behaviour. Such a view considers that the people, organizations, processes, interactions and the relevant external environment are vital for the successful reform of public service. Therefore, such holistic reform would require reform of the legal framework and stipulations that underlay the foundation of public service reform. Although some effort has previously been made to conduct studies involving the formation of legal foundations, rules and practices (Aitkhozhin, 2002; & Sapargaliyev, 2002), previous studies were limited by the timeframe of their coverage and do not necessarily reflect more recent developments in Kazakhstan's public service reform. This study aims to fill this gap and provide an overview of both the legal reform processes occurring in the field of public service and of recent developments and challenges related to the process of reforms that have occurred during the 1991-2011 period in Kazakhstan.

## RESULTS AND DISCUSSION

### **Formation of a New Legal Framework for the Post-Soviet Civil Service in Kazakhstan**

The civil service in Soviet Kazakhstan was shaped in a manner that is conceptually different than the post-Soviet understanding of civil service. During the Soviet administration, the government represented the main employer and guarantor of the full-time employment for the majority of the employable population. Therefore, fairly large portions of the population—if not all of the population—were considered to belong to the civil servants corps primarily because they were simply employed by the government. Therefore, this notion included not only those employed in administrative positions in the government but also all ranges of positions beginning with schools and ending with officers in various Soviet organizations. However, in post-Soviet Kazakhstan, the situation drastically changed as the government began playing a far less active role as an employer. In addition, the notion of civil service and its understanding has been narrowed to those bureaucratic positions in the administration of various ministries as well as in the administration of local government units. Such a drastic shift from an all-encompassing civil service during the Soviet era toward the shaping of the corps of a more clearly delineated and presumably more efficient post-Soviet civil service in Kazakhstan required a legal framework to be prepared for such a transition.

The reform process has evolved in a systematic manner, as detailed below. The modernization of civil service in Kazakhstan can be divided into four stages. The first stage of the reform process was launched at the end of the 1980s and lasted until approximately 1993. This period can be characterized as the period during which the problems of the previous system of civil service became obvious—with its static mechanism of decision making, inefficiencies in

terms of results achieved and its non-transparent process of appointment to various positions in the bureaucratic hierarchy. Although the process of reforming the civil service was not announced as a major reform initiative during the final Soviet years, the lack of bureaucratic efficiency of the Soviet era was mentioned and emphasized in all the major documents of the perestroika years both by the central apparatus officials of the Soviet Communist Party and by those in charge of leadership positions in Kazakhstan. Even the term “bureaucracy”—which in the non-Soviet context is merely a neutral name for the body of administrative civil officers—had a negative connotation in the Soviet literature as a term associated with endless procedures and paper work that led to no meaningful outcomes. In general, the issues related to the civil service were not regulated within the framework of a single legislative act in the Soviet era and these issues were also not discussed in the Constitution of the USSR.

Whereas discourse centred upon improving the efficiency of the civil service was present in the mass media and official governmental statements, the more obvious implementation of reforms in this field began with the preparation of legal documents defining the role and place of the civil service in the decision-making structure of the newly independent Kazakhstan, which lasted from approximately 1993 to 1995. Once the legal and legislative documents had been drafted, the next stage of reforms in this area required adoption and implementation of the stipulations of these laws and documents that were undertaken during the 1995-1999 period. In addition, the last stage of these forms, which remains an on-going process, can be associated with the beginning of the year 2000 to the present.

As discussed above, each of these stages was marked by the adoption of legislative and regulatory documents and laws directed at the formation of new structures and methods for the involvement of highly qualified personnel in public service, the provision of stable civil status for public officers, the development of their professional skills and the fight against corruption.

The main departure from the Soviet-era practice was the introduction of articles related to the civil service and unified national law on the civil service in post-Soviet Kazakhstan.

Article 17 of the Constitution of the Republic of Kazakhstan that was adopted in 1993 addressed the equal rights of the citizenry to serve in public office and states that “the requirements for candidates for public offices shall be conditioned only on the character of the office duties” (Constitution, 1993). With this article and the emphasis on the importance of civil service in the governance of the newly independent Kazakhstan, the constitution laid the foundation for laws on civil service. However, after quite some time, very few steps had been taken toward the formation of new civil service legislation. This stage of development was mainly associated with collecting information on the best international practices and the search for the functional model to be adequately introduced and implemented in Kazakhstan’s conditions. This search for models of formation of a corps of civil servants was complicated by the fact that Kazakhstan did not possess sufficient knowledge and historical experience with respect to the creation of such state institutions, as both conceptual and practical matters related to such processes of institution creation and management had been in the competence of the Communist Party’s central apparatus and Soviet government in Moscow.

In approaching civil service institutionalization, the first stage of reforms related to developing a legal framework to regulate special types of public services, i.e., military service, the office of the prosecution authorities and those offices related to internal affairs. Activities of these types of state authorities were legally regulated within the framework of the relevant laws: “On the Prosecutor’s Office of the Republic of Kazakhstan” (1992); “On Law Enforcement

Agencies” (1992); and “On the Defense and Armed Forces of the Republic of Kazakhstan” (1999).

In addition, separate issues relating to civil service and the social status of public officers from different state agencies and authorities were reflected in the Constitutional Law of the Republic of Kazakhstan, “On the Government of the Republic of Kazakhstan” (1995), as well as in other legislative acts (Law, 1995a, 1995b; Republic, 1999).

A new Constitution of the Republic of Kazakhstan was adopted within the framework of the republican referendum held on August 30, 1995, which gave further impetus to the adoption of new legislation on Kazakhstan’s civil service. Article 33 (item 4) of the new Constitution - which was similar to Article 17 of the Constitution of the Republic of Kazakhstan (1993) - provided as follows: “The requirements for candidates for public offices shall be conditioned only by the character of the office duties and shall be established by law”. However, the Constitution of 1995 includes one substantial supplement, which prescribes the legal regulation of the actions of civil servants by the relevant law, implying the importance of the urgent adoption of such law (Constitution, 1993; Republic, 1992; 1999).

The Decree of the President of the Republic of Kazakhstan having the Force of Constitutional Law, “On the President of the Republic of Kazakhstan” (1995) (hereinafter referred to as the Decree), was adopted on December 26, 1995, to implement the given constitutional provision. This legal document laid the foundations for the institutionalization of the civil service system in the Republic of Kazakhstan. It determined the basic principles of civil service, such as common availability, precedence of laws and the freedoms and legitimate interests of citizens before the interests of the state (President, 2004).

The Decree regulated the execution of the state functions by public officers, based on the principle of supremacy of the law and unity of civil service. Considering the provisions of the Republic of Kazakhstan Constitution of 1995, the Decree prevented the creation of political parties within state authorities and their organizations. This restriction was essential to prevent civil service politicization and to protect the state institutions and decision-making process from the influence of different political groups.

The Decree also clearly identified the spheres of designations that it regulated. It determined the order for appointments into civil service, classified official positions of public officers, introduced qualification classes for public officers, regulated the procedure for appointments, promotions, service and cessation from civil service, required the attestation of public officers and determined the measures for social security of public officers (Asio & Khorasani, 2015).

The Decree stated that entry into civil service could be realized either in the form of appointment to a relevant position or in accordance with the appropriate contractual terms for a particular workload. In addition, Article 17 of the Presidential Decree contained a provision regarding the requirement for competitive employment of candidates wishing to fill vacant positions (D.O.T. Government, 2000).

It should also be noted that the Decree formulated for the first time the criteria and basis of cessation from civil service, such as mandatory resignation in addition to conventional reasons (such as dismissal at the initiative of the administration or voluntary resignation). This document stipulated that the resignation of the chief executive officer of any state authority meant that all executive personnel of such authority must resign.

The Constitution of the Republic of Kazakhstan determined that the maximum age for civil service to be 60 years, although the heads of the relevant state authorities were able to

extend their terms of office for highly professional employees willing to continue public service but for no more than five years.

Among the most important innovations introduced with the adoption of the Decree are the rating of civil service positions and the legal status of public officers, which allowed them to be distinguished from other public sector employees.

However, although certain progressive elements were introduced by the Decree, it was incomplete. It was rather declarative in nature and did not provide special legal mechanisms and detailed provisions for ensuring equal access of citizens to civil service.

These shortages resulted in a great number of cases of civil service employment and promotions during the 1995-1998 period that were frequently characterized as based on corruption, private networking and family ties.

In addition to these deficiencies, the Decree also resulted in a number of other related problems in the newly created civil service. For example, as explained above, the Decree stipulated that all subordinate executive personnel must resign when the executive officer of a ministry or an administrative branch resigns from office. This stipulation brought the turnover rate of the staff of public officers of central and local administrations to 22 percent in 1998 because changes of Akims (heads of local administrative bodies in Kazakhstan) and heads of ministries frequently resulted in an unreasonable change of the majority of employees in lower-level organizations. Such frequent changes of staff members and civil servants led to loss of expertise because those civil servants with deep knowledge of mid-management issues were required to resign when the head of their executive body resigned. In addition, the high turnover rate of civil servants also brought to light the problem of new incoming officers-some of whom were hired from among those who had been discredited (based on negligence, corruption or other misconduct) in earlier years of civil service and were thus dismissed several years prior to their reemployment.

However, despite the many negative features revealed during implementation of the present normative legal act, its importance should not be underestimated. It should be noted that the system of civil service-created for the first time ever in the history of sovereign Kazakhstan-laid the foundations for recruiting key personnel into public administration and offered mechanisms for the development of the civil service and the formation of a public officer corps.

In a follow-up to the Decree, 16 presidential and governmental normative acts were adopted that ranged from regulations on qualification classes for public officers and on holding a competition to fill vacant positions in public sector to the terms and conditions for attestation of public officers to the procedure for imposing disciplinary sanctions-in addition to adopting a code of ethics for public officers. Most of these regulations attempted to improve the efficiency of the civil service and increase the transparency of its practices (D.O.T. Government, 2000; President, 2004).

### **Transparency of Civil Service and Logistical Problems in Building an Effective Corps of Bureaucrats**

As outlined above, the problem of ensuring transparency in the process of recruiting and promoting civil servants was defined as one the most important issues among the number of problems in establishing efficient civil service in the initial years of reforms in Kazakhstan. To establish such tools and safeguards against the abuse of the law on civil service, a number of laws and presidential decrees were adopted, beginning in 1997. By this time, it was clear that

previous decrees and laws were not functioning as initially planned and that new legislative acts were required to improve the efficiency of previously adopted laws (D.O.T. Government, 2000).

Among the new legislative acts adopted in response to the worsening situation within civil service was the Presidential decree, “On the Supreme Disciplinary Council” (1999). This decree established the Supreme Disciplinary Council of the Republic of Kazakhstan, which primarily aimed to establish control over the enforcement of discipline, as well as with charging senior public officials from different state authorities and bodies for criminal or ethical offenses and abuses of power or authority. Accordingly, disciplinary councils were also established at relevant local administrations in regions and in the cities of Almaty and Astana. Creation of these councils was considered one of the measures of efficiency directed at rooting out corruption and adding transparency to the functions of state bodies (President, 2004).

As exemplified by President Nazarbayev’s address to the nation, the president regarded the following problems as undermining the efforts of Kazakhstan to modernize its bureaucracy and decision-making policies: Hiding information from society, “over departmentalization” and “provincialism” (to simplify the issue), nepotism (such as by private networking) and sectionalism, collective irresponsibility, inadequate and multi-step construction and the corruption (even of low-level managers). Addressing these problems was identified as essential to creating an “effective and modern corps of public officers committed to the state and able to serve in the capacity of public representatives in achievement of our priority goals” (Nazarbayev, 1997).

On par with the conceptual issues related to the problem of defining corruption and introducing tools for revealing it in the ranks of the bureaucracy, the more difficult problem was to address the logistical problems related to corruption in Kazakhstan. Whereas the presidential decree established certain mechanisms for revealing and bringing to justice those at the top of the civil service chain, it did not address the core reasons as to why corruption emerges in the first place. Therefore, the Development Program for the 1998-2000, which was approved by the government of Kazakhstan, was meant to address logistical issues in the fight against corruption. Although the program attempted to improve the efficiency of the public service, it left several problematic issues uncovered that required additional attention.

First, one major obstacle to increased efficiency of the civil service remained the lack of competent and professionally trained public officers who were not only willing but also trained to work in the new conditions. Thus, although the generational change in the corps of Kazakh bureaucrats was occurring, it did not necessarily translate into change in terms of the quality of human resources. As a result, the bureaucratic corps consisted of either older, more experienced experts who were trained for the needs of Soviet-era problem resolution or younger, more technologically advanced but inexperienced or poorly trained officers.

Second, the poorly defined manner in which the duties and requirements for a particular position were transmitted to newly hired civil servants and officers left open the possibility for a free interpretation of the expected workload and output expected from civil servants, which resulted in poor efficiency of their work.

Third, the comparatively low level of social and legal security of public officers with comparatively low salaries left little motivation for more effective work. In addition, as outlined above, the recruitment of civil servants and opportunities within the ranks of the bureaucracy often depended on the sole discretion of senior staff members, which made this process less transparent and less accountable. The same can be said about the poorly defined procedure and order of promotions upwards in the hierarchy of the positions for public officers that also

depended on personal relations between entry level and mid-career personnel on the one hand and high ranking officials, on the other. Such logistical and systemic problems were fertile ground for corruption, bribery, fraternizing and family and zhuz (tribal) ties to flourish.

These problems resulted in the instability of the composition of staff, the constant outflow of a significant segment of skilled public officers into the private sector of the economy and the rise of corruption, bribery and abusive activities. In addition, only those public officers who could not find a better place of employment or those who benefitted from abuse of their bureaucratic positions tended to stay within the body of civil servants, which led to a situation in which the average age of civil servants reached 50 years old.

Along with these problems, the challenges of establishing efficient civil service in Kazakhstan is also related to the lack of the targeted search system for public officials and poorly defined procedures for selecting competent and talented specialists for civil service. It is notable that the staff composition of the state apparatus was mainly represented by specialists with engineering, technical and pedagogical educational backgrounds. Kazakhstan was significantly behind the developed countries when the proportion of specialists with legal, economic and administrative education was considered.

This problem was addressed in the State Program for Reformation of Civil Service and Personnel Policy, as well as in the creation of a unified central authority charged with the task of providing the state apparatus with the required number of employees with appropriate qualifications. Prior to the adoption of this program and the Presidential Decree, "On the measures directed towards further improvement of training, retraining and advanced professional training of public officers", the National High School of State Management under the President, the Kazakhstan Institute of Management, Economics and Strategic Research under the President, the Institute of Advanced Training and Training of Public Officers under the Government of the Republic of Kazakhstan and other research institutes and advanced training courses had worked separately from one another due to the lack of unified policy and approaches to the problem of training personnel for the civil service (On measures to further optimize the system of state bodies of the Republic of Kazakhstan, 1998) (Khorasani, 2014).

The program and decree mentioned above provided measures directed at reforming the organizational structure of educational establishments to ensure the training and advanced training of managerial personnel. The Academy of Public Administration under the President of the Republic of Kazakhstan and Institution for Retraining and Advanced Training of Public Officers under the Government of Kazakhstan were established. It was hoped that these measures would improve learning and teaching, scientific provision of professional training, advanced training of public officers and to prevent the wasteful use of public funds allocated for these purposes.

In addition, the Presidential decree also established the Agency, which was an authorized body directly subordinate and accountable to the President and was specifically created to implement unified state policy in the sphere of civil service.

The existence of an authorized body addressing issues of civil service facilitated the development and adoption of the law, "On the President of the Republic of Kazakhstan" (1995), which was followed by 20 subordinate acts that regulated the relationships involving the civil service. These legal acts marked a new stage in the development and legal regulation of Kazakhstan's civil service (D.O.T. Government, 2000).

The above-mentioned law was developed based on the detailed study of civil service systems functioning in other countries. An analysis of international experience demonstrated that



a so-called “meritocracy” based on the personal achievements of civil servants is one of the most efficient and sustainable systems of governance and an effective use of human resources in democratic states. The following principles were laid down as the foundation for the law on civil service that aimed at creating merit-based civil service. These principles included but were not limited to the introduction of obligatory competitive selection at entry and career promotion in civil service, provision for the legal and social security of public officers, introduction of the principle of “equal pay for equal work”, provisions incentivizing public officers who have achieved effective results in their activities and the introduction of the practice of correction of activities of public officers whose results are not fully satisfactory (including the discharge of public officers who have shown unsatisfactory results). In addition, the law also defined the procedure for continuous training of public officers to improve their professional activities throughout their careers.

One of the most significant aspects of the law is that it ensured the principle of competitive selection for citizens willing to be employed in civil service with the possibility of subsequent career promotion based on merit and the principle of competitiveness. Although this practice is accepted internationally, introduction of such practice was a breakthrough for Kazakhstan, a country in which entry into civil service had been based in the past on private networking, party/ideological loyalty and “back-door” entry practices.

At the same time, legislation introduced both open and closed forms of competition, making the personnel selection procedure more flexible. The introduction of the “closed competition” implied an open call for open positions available only to those who already served within the ranks of public servants. In addition, legislation allowed for the possibility of non-competitive holding of administrative positions by public officers within the same state body and within the same category of positions.

The law defined the term “civil servant” and formalized the separation of civil servants into political and administrative positions. This limited the borderlines of political assignments and ensured a stable body of administrative public officers.

The law provided public officers with certain legal and social security. It changed the previous practice whereby changing political officers triggered the automatic resignation of administrative officers. Another article guaranteed employment of administrative officers in case of reorganization or liquidation of the state body. Moreover, it also provided comprehensive definition of reasons and procedures for the imposition of disciplinary penalties, including dismissal of administrative officers.

The law on civil service also included articles that aimed to prevent corruption among the ranks of civil servants. First, although symbolic, the law introduced the administration of an oath by public officers and for the first time ever introduced an overview of cases of intersection or conflict of the private interests of civil servants with their duties and authorities. Second, it should be noted that the competition-based hiring system served as an effective anti-corruption measures at entry and for career promotion in civil service. The law also defined measures directed at professional development of public officers by introducing periodic attestation, training and reconfirmation of qualification requirements for appointment to different positions within the administrative civil service. Third, this law-together with the Decree of the President No: 321-laid the foundations for fighting corruption among the ranks of civil servants (On additional measures to address the problem of debt to foreign organizations, 1999). The regulations in these two documents define the reasons for disciplinary responsibility and types of offenses subject to disciplinary action; the types of penalties, terms, conditions and procedures

for imposition of penalties; the procedure for official investigation; the procedure for formation and functioning of disciplinary committees; the forms of acts for imposing penalties; the procedure for remission of penalties; and the guaranteeing of public officers' rights in bringing them into a procedure that might result in disciplinary responsibility. In addition, the Resolution of the Government of Kazakhstan No: 99 approved regulations for the placement of public officers' property under discretionary management and formalized reasons and procedures for placing property under discretionary management, in addition to guaranteeing the rights of public officers who had placed their property under discretionary management.

The Agency developed and approved normative acts regulating issues for entry into civil service and attestation of public officers, including the application of standard qualification requirements for various categories of administrative public positions. It also provided rules for holding competitions to fill vacant administrative public positions and introduced instructions to evaluate the applicants willing to fill vacant administrative positions.

The decree of the President of the Republic of Kazakhstan established the rules for attestation of administrative public officers and determined the procedure for preparation and implementation of the attestation of administrative civil servants (On Approval of the Rules for the Transfer of Property of Civil Servants into Trust Management, 2000). It also defined the manner in which the attestation commission should be chosen and prescribed the procedure for appealing its decisions.

The Centre for Information and Testing of the Agency was established in 2000. In 2001, the Agency established regional centres to train civil servants and to engage in the professional development of employees of local government authorities in all regions of Kazakhstan. Functional analysis of positions in state authorities based on a job classification point-rating system was also introduced in 2001.

Under the new system of recruiting civil servants, issues related to the social security of civil servants is regulated by a Unified Pay System for employees that are supported from public funds. The given legal instrument provides material incentives for civil servants from labour compensation fund's savings and from administrative funds. For implementation of the given decree, the government of Kazakhstan approved Resolution No: 1127, on the rules for granting bonuses and premiums, provision of financial aid and payment of wage premiums to the fixed official salaries of employees of the Republic of Kazakhstan state authorities by using the funds provided to support the relevant authority in accordance with plans for financing budget projects (subprograms) (R.O.T. Government, 1999).

Notably, this document also provided for payment of allowances to officials replacing temporarily absent civil servants who have good command of the Kazakh language and who use their language abilities to help with the drafting of laws, conventions, agreements and other documents, if such authority is not already included in the employment duties of such employee. This reflects a type of affirmative action by the state to incentivize those working in the Kazakh language because for a long historical period, the majority of legal and administrative documents were available only in Russian. For many civil servants in contemporary Kazakhstan, Russian remains the main language in which legal documents are drafted.

Regulatory aspects of the specified range of issues with respect to separate state authorities are also included in institutional normative legal acts.

In furtherance of the specified decrees, the Government of Kazakhstan adopted Resolution No: 1311, which approved the standard statute on the disciplinary council of oblasts and the cities of Almaty and Astana, which in turn determined the status, authorities,

organization and procedure of disciplinary councils' activities. Rules for the creation of attestation commissions for attestation of the state authorities' chief executive officers (administrative public officers) were approved in 2002 (R.O.T. Government, 1999).

In March 2003, the Law, "On civil service" (2003), was amended and supplemented with the creation of a positional-career model of civil service in the Republic of Kazakhstan. The amendments into the law aimed to eliminate cases of closed competition at the entry level into civil service, reduction of paper-laden processes at entry into civil service, provision of relevant conditions for administrative civil servants career development by giving civil servants an opportunity to hold higher positions without repeated competition and examinations. In addition, amendments to the law of civil service also envisaged enlarging the pool of reserves for civil service out of the number of applicants who passed the entrance examinations and qualified to be registered into the reserve corps of civil servants.

The provision on the personnel reserve for civil service regulates the following: The composition of personnel used for the formation of a political and administrative service personnel reserve, the procedure for the formation and conduct of activities by the Commission in selecting candidates to be admitted into the personnel reserve of political civil service and the composition of the Commission for selecting candidates into the personnel reserve of administrative civil service, conditions for the conduct of such candidate selection, the procedure for exclusion from the personnel reserve, specific features relating to the formation of an administrative public service's personnel reserve from citizens who participated in competitive selection and who were trained under the state programs for training and retraining of public officers based on government order or by virtue of being transferred to international organizations or other states for their professional development and from among administrative public officers and for being attested and recommended by attestation commission for inclusion into the personnel reserve.

In addition to the presidential decree of December 2003, the President of Kazakhstan issued another decree No. 1457, which articulated a provision that aimed to ensure that state institutions requiring highly skilled personal would be able to recruit such professionals through a more transparent procedure safeguarding such recruitment against corruption and hiring through personal connections and networking. It was obvious by that time that corruption and personal ties had become one of the most acute problems hindering the implementation of the merit-based system of employment in Kazakhstan's civil service (On approval of the Rules for retraining and advanced training of civil servants of the Republic of Kazakhstan, 2004). Therefore, this decree was further complemented by the President's February address and a Decree "On Measures to Strengthen the Combat of Corruption, Strengthening Discipline and Order in the Activities of State Authorities and Public Officials", which prescribed the establishment of disciplinary councils at the Agency in the cities of Almaty and Astana and in various regions across Kazakhstan. In addition, these councils were to report directly to the central government and not to the local administrations (Akimats). Such measures were supposed to provide for publicity with wider involvement of public members and the mass media. In implementing the Presidential Decree, the government, the General Prosecutor's Office and Agencies for economic and corruption-related crimes (financial police), in addition to the Agency and other state authorities, were authorized to develop and implement special measures directed at fighting corruption among civil servants. These measures included the development of the National Anti-Corruption Program for 2006-2010, the preparation of money anti-laundering measures and bills concerning the introduction of changes and amendments into

legislation, barring those convicted of public corruption offenses from holding any position in the state authority, revealing abusive practices and improper use of public funds, illegal participation of public officers in entrepreneurial activities as well as implementing measures aimed to provide transparency during competitions to fill vacant positions for administrative public officers, among other measures (On the State Program to Combat Corruption for 2006-2010; 2005).

One of the most important aspects regulating the relationships among public officers is the consolidation of the rules of conduct of public officers, as well as ethical norms and standards, applicable to the conduct of public officers. This legal act determines basic standards of conduct that are mandatory for all public officers. In addition, it also offered legal instruments for civil servants self-defence in cases when they are accused of power abuses through judicial litigation.

The present Code of Honour also supplemented the Rules of Official Ethics of Public Officers with norms regulating the relations originating in civil service and not regulated by law. Despite the fact that certain norms, as it seems, are characterized mainly by a moral ethical character, such norms became legally binding after adoption of the specified normative act and public officers are obliged to observe such norms. Public officers violating provisions of the specified norms may be held responsible in full accordance with relevant laws. Moreover, the team of a state authority may consider the fact of non-compliance with the Code of Honour and publicly reprimand an officer violating the Code of Honour based on the relevant decision of the head of such authority. The Code of Honour also prescribed that each state institution must maintain a special book of records in which citizens would be able to report violations of their rights and norms, with each case having to be addressed in written form.

One of the examples of a time when this law has been used to prosecute violators is in the case of Customs and Tax Committee of Kazakhstan. The audits of the Customs and Tax Committees of the Republic of Kazakhstan Ministry of Finance in relation to observance of civil service legislation, provisions of the Code of Honour of public officers and conditions of personnel work conducted by the Agency in 2006 led to a public outcry. This audit revealed significant violations of civil service legislation by Customs Committee officers. Among such violations were gross violations of the competitive selection procedure, formal attitudes to qualification requirements and violations of the constitutional rights of citizens ensuring equal access to public service.

As a result, this audit and consequent application of measures mentioned in the Code of Honour led to significant reprimands in this institution. For instance, among 1.298 persons brought to disciplinary responsibility in 2005, every fifth officer served in customs authorities and 38 officers were charged with corruption. In addition, beginning on September 1, 2006, the Customs Committee management approved a rule that determined the general requirements for each position in customs, such as obligatory competitive selection of candidates to fill vacant positions and testing of individuals on their knowledge of customs legislation.

This scandal also led to improvements in the work of tax authorities, such as the possibility for submission of income declaration using the Internet, simplification of the procedure for submission of reports and organization of work based on the principle of one-window principle.

To motivate public servants to work in a more transparent manner and increase their monetary incentives to do so, the Presidential decree offered an opportunity to the heads of agencies and state institutions to decrease the number of civil servants in their institutions and

use the funds made available from such staff reductions to increase the remuneration of the remaining civil servants. In addition, a rating system was supposed to be introduced in each state institution to evaluate the performance of public officers.

### **Concluding Remarks on the Challenges to the Civil Service Reform Implementation**

Kazakhstan's civil service system was a combination of the best practices of foreign countries and the national traditions of an administrative culture. However, the introduction of new principles of civil service management was not always successful and it was frequently accompanied by difficulties. The process of the development of the civil service is characterized not only by positive dynamics but also by the presence of certain objective problems.

In the future, during its interaction with the civil society, one aspect of the development of the civil service should be paid due attention: The transfer of some state duties to the private sector should continue and be endorsed by means of enhancing the implementation of state's social order through NGO networks.

Measures to enhance accountability and fight corruption and crimes in government bodies were taken throughout the period of government formation. However, these measures were frequently sporadic and in practical terms, their performance level was low.

As part of its anticorruption policy, the Government had taken a number of preventive measures. One mechanism for the prevention of corruption was the introduction of the institute of political rotation of civil servants, inasmuch as it was revealed that there was a negative trend linking senior officials with representatives of financial-industrial groups or organized crime.

In addition, the government approved a Code of honour of civil servants and the Book of monitoring ethics of civil servants. These measures were aimed at increasing the moral and ethical responsibilities of civil servants. However, the measures taken were not able to increase the moral values of civil servants, which affected the enhancement of the quality and effectiveness of their activities.

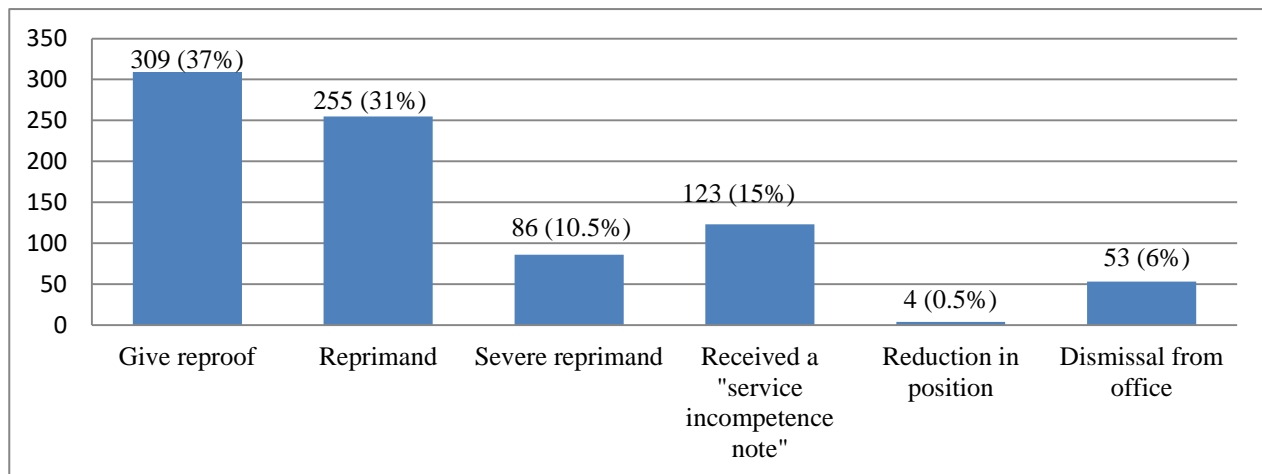
All public bodies have introduced hotlines that allow citizens to report cases of civil servant misconduct. Nevertheless, there was no sharp increase in the activity of citizens concerning civil servants' abuse of office. This was likely due to low public awareness regarding the availability of such hotlines, the passivity of the citizens and their faith in the effectiveness of these measures.

However, there is further improvement in the structure and activities of the disciplinary boards and commissions. In particular, the re-subordination of disciplinary councils from regional governors to the central office of the Agency enhances the quality of these disciplinary boards. Diagram 1 below displays the improvement activities of disciplinary boards. Disciplinary councils called 830 civil servants to account.

Optimization of the state apparatus was implemented on the principle of finding the optimal ratio of the volume of the assigned tasks and opportunities for quick and effective solutions. Distortions in matters of optimal compliance responsibilities and powers of civil servants led to inefficient functioning of the public administration system. The need to further optimize the state apparatus will lead to a reorganization of existing structures, the elimination of inefficient and/or irrelevant agencies and the creation of new state structures. In this regard, the government should develop mechanisms for permanent interdepartmental cooperation.

In the academic literature, the debate regarding the impact of the size of civil service and ministries on the efficiency of the public administration system remains open. For example, some scholars believe that the government's employment of fewer civil servants is more effective,

less bureaucratic and more cost-effect in maintaining the state apparatus. However, as shown in the table below there is no clear relationship between the effectiveness of the government and the number of public servants (Table 1 and Figure1).



**FIGURE 1**  
**QUANTITATIVE AND PERCENTAGE RATIOS OF PERSONS WHO WERE CALLED TO ACCOUNT BY DISCIPLINARY COUNCILS (JANUARY-SEPTEMBER 2011)**

Country	The number of civil servants (2012)	Percentage of civil servants in the total population (2012)	Territory, km <sup>2</sup>	The number of ministries (2012)	Population, (million)
Kazakhstan	98,900	0.7%	2,724,902	12	17.1
Singapore	139,000	3%	715	15	5.3
Germany	2,857,000	3.5%	357,021	14	80.6
France	2,484,000	3.8%	674,685	24	66
Great Britain	1,903,000	3.1%	243,809	24	64
Sweden	166,000	1.8%	449,964	13	9.7
Russian Federation	4,500,000	3%	17,125,187	23	143.5
Australia	163,716	0.4%	7,692,024	18	20
Canada	262,902	0.75%	9,984,670	20	33

And finally, the process of implementing an automated system of "electronic government" has been slow, which has led to insufficient flow of information and remaining weakness of communication infrastructure in the central government bodies. The process of automatization in providing civil services has been delayed further locally, as it is affected by the lack of qualified professionals at the local level, the unavailability of information technology for the majority of the population and the technological backwardness of computer networks at local authorities.

The status of the civil service management system in Kazakhstan is characterized by continuous and dynamic reform. Concurrently, there are certain barriers that hinder the effective development of the civil service and further deepen the need for administrative reform. For example, legal mechanisms do not always function effectively because of prevailing deep-rooted phenomena such as protectionism and family-related lobbying.

In its current state, the civil service system is characterized by a lack of democratic practices and transparency before civil society. Thus, there is a need to develop additional legislative mechanisms and public institutions to create mechanisms to control or constrain the actions of civil servants.

The presence of certain legislative gaps, complicated administrative procedures, the low level of wages and the social security system and the lack of public control continue to create the conditions for the occurrence of corruption offenses in state bodies.

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