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CORRUPTION IN KAZAKHSTAN: SOME REFLECTIONS

The purpose of the present paper is to show that the level of corruption in Kazakhstan is decreasing, to discuss some reasons why it is decreasing and to explain why there is every reason to believe that the level of corruption in Kazakhstan will decline in the near future.

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In the last couple of years, Kazakhstani scholars have devoted considerable attention to studying corruption in Kazakhstan. Some studies explored the consequences or rather the costs of corruption for Kazakhstan (Omarov and Kuzhin, 2015). Other studies explored the correlates and the possible causes of corruption (Pethukova and Taubayev, 2016), while a third stream of studies discussed how government policies and institutional reforms could influence or rather reduce the level of corruption in the country (Pelizzo, Baris and Janenova, 2016).

In spite of their differences, all these studies agreed on the fact that the international measures or indexes of corruption do not seem

to provide a terribly precise indication of how much corruption there is in Kazakhstan.

Omarov and Kuzhin (2015) were the first to point out that many of the best known measures of corruption seem to have a problem of validity and reliability when they are computed for the case of Kazakhstan.

Omarov and Kuzhin (2015) were able to show not only that measures such as Transparency International's Corruption Perception Index or the Worldwide Governance Indicators' Control of Corruption, are highly unstable on a year to year basis, but also that these indexes are not consistent with one another. These findings were confirmed by the studies conducted by Pelizzo, Baris, and Janenova (2015, 2016, 2017).

While the instability of these measures raises some doubts about their reliability, the fact that they are not strongly correlated to one another raises some doubts about their validity.

Pethukova and Taubayev (2016) went on to test whether the instability in the level of perceived corruption recorded by the international indexes was the result of fluctuations in the number of corruption-related crimes prosecuted in the Republic of Kazakhstan.

If the correlation had yielded strong and statistically significant coefficients, the evidence would have sustained the claim that the instability in the levels of corruption were not due to any fault in the way corruption indexes are computed but was due instead to objective changes in the number of crimes. Yet, this analysis showed that changes in the perceived level of corruption are in no way related to the number of corruption-related crimes that are prosecuted.

According to Pelizzo, Baris and Janenova (2016, 2017) the evidence generated in each of these studiesexplains why Kazakhstani scholars and policy makers felt the need to devise a new index of corruption and Pelizzo, Baris and Janenova (2017) discussed some of the methodological solutions that Kazakhstani scholars and practitioners have proposed for measuring corruption in Kazakhstan.

While these studies have generated a considerable wealth of information and have made a considerable contribution to advancing our understanding of corruption in Kazakhstan, they have generally neglected to mention what is probably the single most important lesson that one could learn from the Kazakhstani case, namely that corruption is decreasing.

Measuring Corruption in Kazakhstan

The scholarly literature is aware of the fact that there are thousands of corruption indexes-some are perception-based and some are objective, while some other are mixed. Yet, while there are many corruption indexes and many ways in which they can be measured, some corruption indexes are better known than others (Pelizzo, 2015). The best known corruption indexes are:

The corruption perception index computed by Transparency International; the control of corruption index computed by the Worldwide Governance Indicators, and three corruption-related variables that are included in the Global Competitiveness Report—pertaining respectively to the diversion of public funds, favouritism in government decisions, and irregular payments, which are code-words for embezzlement, nepotism/clientelism, and bribery.

These measures consistently tell us that the level of corruption in Kazakhstan is declining. The diversion of public funds has declined for four consecutive years in the 2012-2016 period. The favouritism in government decision has also declined for four consecutive years in the 2012-2016 period. The Irregular payment –which is the are in which Kazakhstan does best, incidentally – declined in 2013 and 2014, bounced back upward in 2015, and decreased once again in 2016. In other words, the three corruption-related variables used in the Global Competitiveness Report unequivocally indicate that from 2012 to 2016 the level of corruption in Kazakhstan has declined.

Figure 1 shows that the ability to reduce diversion of funds has increased, figure 2 shows instead that the ability to curb favoritism has increased, while figure 3 shows that the ability to reduce irregular payments (bribes) has increased.

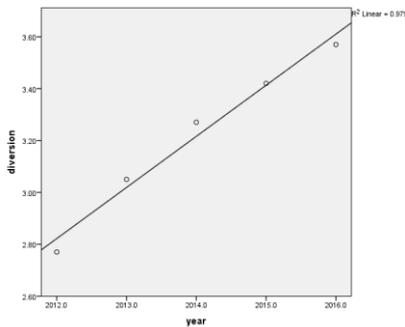Fig.1 Ability to reduce diversion of funds
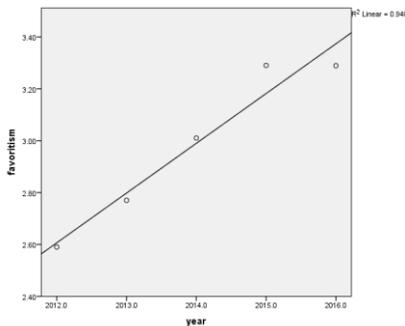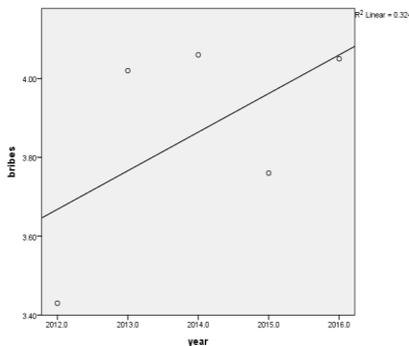

Fig.2 Ability to reduce favoritism

Fig. 3 Ability to reduce irregular payments

The Worldwide Governance Indicators show that corruption has decreased significantly from 1996 to 2015 (from -1.1 to -.76) but also, and more importantly, that it has decreased from 2012 to 2016. In other words, the Worldwide Governance Indicators' estimate of Kazakhstan's ability to control corruption shows that Kazakhstan's ability to control corruption has increased, that corruption has conversely decreased, as the Global Competitiveness Report data suggested. Figure 4 illustrates how much has the ability to control corruption increased from 2012 to 2015.

Fig. 4 Control of Corruption
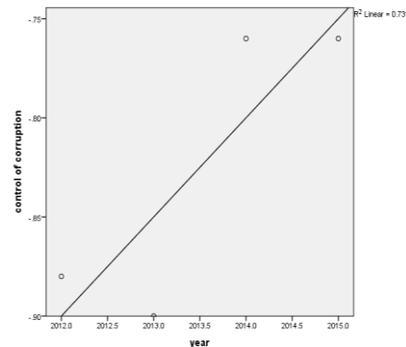
Finally, the newly released 2016 Corruption Perception Index data show that corruption in Kazakhstan has declined from a year before.

Why is corruption decreasing?

While the evidence presented above proves that corruption has declined, it does not provide any explanation for why there has been such a decrease in the level of corruption however measured.

The most obvious reason why corruption Kazakhstan has decreased is that the fighting corruption is one of the top priorities for the government. The Government of Kazakhstan adopted a new anti-corruption strategy, enacted a new anti-corruption law, launched a campaign to promote an anti-corruption culture in Kazakhstani society. The government's commitment to fighting corruption is mirrored by the fact that corruption cases have actively prosecuted by the competent authorities—as evidenced by the fact that the number of individuals prosecuted for mediating a bribe increased by 200 per cent in the 2012-2015 period; the number of individuals prosecuted for offering bribes increased by 226 per cent in the same time span, and the number of individuals

prosecuted for accepting a bribe increased by 132 per cent.
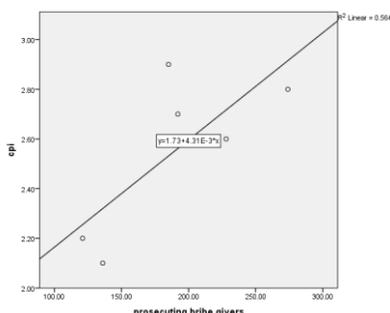
Fig. 5. Prosecuting bribe givers and CPI

Figure 5 illustrates how the prosecuting of those individuals who give bribes affects the Corruption Perception Index. The obvious conclusion is that as more bribe-givers are prosecuted, the CPI score for Kazakhstan improves. This evidence suggests a second lesson namely that the level of corruption in Kazakhstan decreased because there is more prevention, more detection and more prosecution. Will corruption decrease in the future?

There are two basic reasons why it is reasonable to expect that in the near future the level of corruption will decline even more. The first reason is that the government is and remains committed to fighting corruption. Hence, it will continue to implement the measures it has so far adopted and it will in all likelihood introduce additional measures to make the corruption fight even more effective. The second reason is that a greater empowerment of local authorities and of Parliament will increase the accountability of the political system, will improve the quality of Kazakhstani democracy, will increase the level of good governance and by doing so will contribute to reduce the level of corruption even further.

This is because Kazakhstan is one of the 29 countries for which Freedom House's quality of democracy data are used to compute Transparency International's CPI scores. Hence any improvement in quality of democracy –and having more accountability improves the quality of democracy – automatically translates into more transparency and less corruption as shown in Figure 6.

Fig 6. Quality of Democracy and CPI
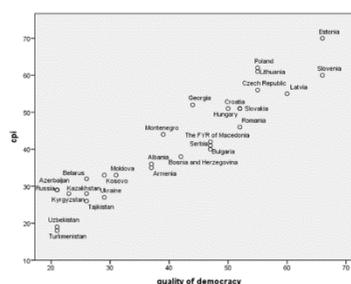
Conclusions

This short article suggests three basic conclusions, namely that, as scholars, we know more than we once did about corruption in Kazakhstan, that corruption is decreasing thanks to the government's efforts and that more has to be done in the future. This is especially true for the scholars who will have to increase their efforts to provide the government with the best diagnostic tools, the best instruments, the best evidence and the best advice that could be used to make Kazakhstan a corruption-free country.

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ЗАКОНОДАТЕЛЬНАЯ БАЗА РЕСПУБЛИКИ КАЗАХСТАН В СФЕРЕ ОХРАНЫ ИСТОРИКО-КУЛЬТУРНОГО НАСЛЕДИЯ

Аннотация. В статье рассмотрена система законодательства Республики Казахстан в сфере охраны историко-культурного наследия. Приводятся сведения о нормативных правовых актах Республики Казахстан в области музейного и библиотечного дела, охраны и использования памятников истории и культуры, защиты нематериального культурного наследия.

Ключевые слова: система законодательства, нормативные правовые акты, историко-культурное наследие.

Аңдатпа. Мақалада тарихи-мәдени мұраларды қорғау саласындағы Қазақстан Республикасының заңнамалық жүйесі қарастырылады. Музей және кітапхана ісі, тарих және мәдениет ескерткіштерін қорғау, материалдық емес мәдени мұраларды сақтау саласындағы Қазақстан Республикасының құқықтық нормативтік актілері туралы мәліметтер келтіріледі.

Тірек сөздер: заңнама жүйесі, құқықтық нормативтік актілер, тарихи-мәдени мұралар.

The article describes the legislative system of the Republic of Kazakhstan in the field of protection of historical and cultural heritage. There is information about normative legal acts of the Republic of Kazakhstan in the field of museum and library affairs, protection and use of monuments of history and culture, protection of intangible cultural heritage.

Keywords: legislativesystem, normative legal acts, historical and cultural heritage.

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Глава государства Н. А. Назарбаев в своей статье «Новое время - Новая экономика» отметил, что «В ходе реформирования социального сектора страны мы не забывали и о главной составляющей любой нации – ее культуре и самобытности. Именно поэтому нами была принята государственная программа «Культурное наследие». Она направлена именно на то, чтобы наша историческая память, культура и духовность стали определяющими факторами кристаллизации ценностных установок в общенациональном масштабе, компонентами формирования национального и государственного самосознания, дальнейшей интеграции и самоидентификации общества» [1].

В условиях глобализации и современного динамического развития общества сохранение историко-культурного наследия страны является важной стратегической задачей. На сегодняшний день в Республике Казахстан насчитывается 218 памятников истории и культуры республиканского значения, 11,2 тыс памятников истории и культуры местного значения, 10 памятников