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**DELEGATION
OF THE REPUBLIC OF KAZAKHSTAN
TO THE ORGANIZATION FOR
SECURITY AND CO-OPERATION
IN EUROPE**

№31-22/762

Note Verbale

The Delegation of the Republic of Kazakhstan to the OSCE presents its compliments to all Delegations and Permanent Missions to the OSCE and to the Conflict Prevention Centre and, with reference to the decision of the OSCE Forum for Security Cooperation number 2/09, has the honour to forward attached herewith the Questionnaire on the Code of Conduct on Politico- Military Aspects of Security

The Delegation of the Republic of Kazakhstan to the OSCE avails itself of the opportunity to renew to all Delegations and Permanent Missions to the OSCE and to the Conflict Prevention Centre the assurances of its highest consideration.

Enclosure.: 13 pages.



Vienna, July 2013

**All Delegations/Permanent Missions to the OSCE
OSCE Conflict Prevention Centre**

Vienna

REPUBLIC OF KAZAKHSTAN

Questionnaire
on the Code of Conduct on Politico- Military Aspects of Security

Original: as delivered

According to the OSCE FSC Decision No. 2/09

Astana – 2013

EXCHANGE OF INFORMATION ON THE CODE OF CONDUCT ON POLITICO-MILITARY ASPECTS OF SECURITY

Section I: Inter-State elements

1. Account of measures to prevent and combat terrorism

1.1 To which agreements and arrangements (universal, regional, subregional and bilateral) related to preventing and combating terrorism is your State a party?

To take effective measures to combat and prevent terrorism is one of the priorities of domestic and foreign policy of the Republic of Kazakhstan. The established regulatory framework has allowed building a strategy of ideological, informational and organizational resistance to terrorist intentions, prevention and suppression of acts of terrorism in the State.

According to the Law of the Republic of Kazakhstan on Combating Terrorism, public bodies engaged in combating terrorism include the Ministry of Interior, National Security Committee, President's Guard Service and Ministry of Defence.

In accordance with the UN resolutions 1368 of 12 September 2001 and 1373 of 28 September 2001, the Republic of Kazakhstan has adopted a number of measures to combat terrorism with the provision of relevant information to the UN Security Council.

On May 14, 2008, the Law of the Republic of Kazakhstan ratified the International Convention for the Suppression of Acts of Nuclear Terrorism. Therefore, Kazakhstan is a party to all 13 universal UN conventions against terrorism.

The internal procedures have been conducted for the ratification of a number of treaties and agreements reached within the framework of regional security structures, and their subsequent implementation.

The Law of the Republic of Kazakhstan of 25 October 2012 ratified the Agreement on countering the legalization (laundering) of proceeds from criminal activities and the financing of terrorism during movement of cash and/or financial instruments across the customs border of the Customs Union dated 19 December 2011.

On December 30, 2011, the Government of the Republic of Kazakhstan adopted the Resolution 1696 on Approval of the Agreement between the Government of the Republic of Kazakhstan and the Government of the Kingdom of Spain on Cooperation in the Fight against Crime of 17 June 2011, which is aimed at mutual cooperation to effectively prevent and combat terrorism and transnational organized crime, drug trafficking, illegal migration and other types of crime.

To implement the provisions of this Agreement, all contacts are made directly through central bodies of states, including the Ministry of Defence of the Republic of Kazakhstan.

1.2 What national legislation has been adopted in your State to implement the above-mentioned agreements and arrangements?

On February 16, 2012, Kazakhstan adopted the Law on Amendments and Additions to Some Legislative Acts of the Republic of Kazakhstan on Defence and Military Service.

On January 8, 2013, the Law on Amendments and Additions to Some Legislative Acts on Countering Terrorism was adopted. Changes and additions were made to the Criminal Code, Criminal-Executive Code, Code of Administrative Offences and 10 Laws of the Republic of Kazakhstan, which provide significant strengthening of prevention, involvement of concerned government agencies, public institutions and the public, as well as creation of regional antiterrorist commissions.

At the same time, the Law also included a number of provisions of the Shanghai Cooperation Organization Convention against Terrorism of 16 June 2009 and the model CIS Counter Terrorism Law.

On February 21, 2012, the Agreement on the Eurasian Group on Combating Money Laundering and Financing of Terrorism was ratified.

1.3 What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?

- analyzing the politico-military situation, and determining the nature and extent of potential threats to military security;

- identifying the main areas of joint struggle against international terrorism, drug and arms trafficking;

- collecting and analyzing information, and forming a data bank on international terrorist separatist and extremist organizations:

- establishing and maintaining working contacts with international organizations involved in the fight against terrorism.

- arranging and implementing anti-terrorist head-quarter and operational-tactical exercises.

According to Article 18 of the Law of the Republic of Kazakhstan on Defence and the Armed Forces of the Republic of Kazakhstan, the armed forces are invited to participate in the antiterrorist operation by the decision of the President of the Republic of Kazakhstan.

1.4 Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g., those pertaining inter alia to:

The participation in several international events of the CIS Anti-Terrorism Center and the SCO Regional Anti-Terrorist Structure has helped promote the exchange of information with states concerning identified terrorist threats.

The CIS Programme of Cooperation in Countering Terrorism and Extremism-related Violence for 2012-2013 is being carried out.

The targeted preventive measures are being taken to identify and liquidate laboratories and other specialized facilities for making arms and tools to commit terrorism-related crimes.

Since 2006, we have annually held the active exchange of information on crimes in the sphere of high technologies created under the auspices of the G8 and the National Contact Point project, which is composed of 58 states.

Kazakhstan has actively participated in international events dedicated to the fight against extremism and terrorism:

- On March 12-13, 2012, Ankara hosted a meeting of experts on terrorism of the Conference on Interaction and Confidence-Building Measures in Asia;

- On March 15, 2012, a working meeting of the heads of anti-terrorism and extremism departments of the CIS law enforcement agencies was held in Osh, the Kyrgyz Republic;

- On September 16-29, 2012, as part of the Programme on the Fight against Terrorism Kazakhstan took part in the fourth session of the seminar among the Interpol member countries in Baku, Azerbaijan;

- On November 19-24 and 26-30, 2012, as part of the same programme the Interpol officers of Kazakhstan's Interior Ministry took part in the seminar, which discussed the activities of terrorist organizations, in Bratislava, Slovakia.

2. Stationing of armed forces on foreign territory

2.1 Provide information on stationing of your State's armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law.

The separate military units of the Republic of Kazakhstan may temporarily be part of combined (coalition) armed forces (troops), or be under unified command in accordance with the treaties ratified by the Republic of Kazakhstan.

Today, there are no any troops of the armed forces of the Republic of Kazakhstan stationed on the territory of other OSCE participating States.

3. Implementation of other international commitments related to the Code of Conduct

3.1. Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence- and security-building as an element of indivisible security are implemented in good faith.

The Republic of Kazakhstan in the field of arms control performs the following exchange:

- global exchange of military information;
- questionnaire on antipersonnel mine;
- information on the transfer of conventional arms;
- exchange of information on SALW exports to other participating States and imports therefrom during the previous calendar year;
- exchange of information on the categories, subcategories and quantity of SALW identified as surplus and/or seized and destroyed on their territory during the previous calendar year;
- one-time exchange of information with regard to the OSCE principles on the control of brokering in SALW;
- annual plans and restrictive provisions;
- information on contacts;
- information and planning in the field of defence and military budget;
- annual exchange of military information on WD-11 and CFE Treaty;
- report on military expenditures for the latest fiscal year;
- UN register on imports and exports of conventional weapons;
- national report on the implementation of the UN Programme of Action on the illicit trade in small arms and light weapons in all its aspects.

3.2 Provide information on how your State pursues arms control, disarmament and confidence- and security-building measures with a view to enhancing security and stability in the OSCE area.

The Republic of Kazakhstan within the framework of European treaties and agreements in the field of arms control annually receives inspection groups of the OSCE participating States.

Under the Vienna Document the inspection groups from Canada, Austria, Italy, France and Germany conducted inspections on the territory of Kazakhstan in 2012.

The purpose of these inspections was to check whether there was notifiable military activity (large-scale exercises), and to check annual military information, which the participating States exchange in accordance with the duly format and reporting.

Therefore, the inspection activities on the territory of Kazakhstan within the framework of arms control have been carried out in full that is evidenced by the reports circulated by the participating States via the OSCE Communications Network.

To implement its international rights within the framework of the Vienna Document, Kazakhstan is actively involved in inspection activities on the territory of the OSCE participating States.

In 2012, Kazakhstan hosted inspection in Norway, Sweden, Greece, Bulgaria, Hungary and the Czech Republic.

Inspection activities under the Vienna Document positively influenced the implementation by the Republic of Kazakhstan of its politico-military commitments, and confirmed the active role played by Kazakhstan in the OSCE area.

In June 2006, the Regional Arms Control Training Centre was created and now operates under the decision of Kazakhstan's Minister of Defence and Minister of Foreign Affairs based on the Arms Reduction Control and Inspection Activity Centre at the Kazakh Ministry of Defence.

In June 2012, the next training course on the Vienna Document was arranged for the armed forces officers of the Republic of Kazakhstan, Central Asia and the Caucasus at the Regional Arms Control Training Center in cooperation with the OSCE Secretariat and the OSCE Centre in Astana.

This event contributed to the strengthening of regional cooperation between the armed forces of the Central Asian region.

Totally, since 2006 there were held the following events:

- 7 international seminars on various military and political activities of the OSCE; and
- 8 regional training courses on the WD-11, which brought together over 250 people from the countries of Central Asia, the Caucasus, Afghanistan, Mongolia, and the OSCE participating States.

Section II: Intra-State elements

1. National planning and decision-making process

1.1 What is the national planning and decision-making process in determining/approving military posture and defence expenditures in your State?

In accordance with the Law on Defence and the Armed Forces of the Republic of Kazakhstan dated January 7, 2005, the planning process includes the adoption of legal acts on defence, decision making on how to use the armed forces, consideration of war and peace issues, and development of key areas of military policy.

The main objectives of economic support for defence:

- meeting the needs of the armed forces, other troops and military units in financial, material-technical and other resources;
- improving scientific, technical and production base for manufacturing, repair and modernization of weapons and military equipment;
- establishing effective systems of mobilization readiness of the economy and mobilization training of the population;
- raising the level of social security, and implementing guarantees for soldiers, their families and persons discharged from military service set by the legislation of the Republic of Kazakhstan;
- implementing mutually beneficial international military and military-technical cooperation.

2. Existing structures and processes:

2.1 What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence services and the police?

In accordance with the Decree of the President of the Republic of Kazakhstan dated 19 January 1993 "On the Establishment of the Institute of Deputy Commanders (Chiefs) for Educational and Socio-Legal Work" and the Order of 22 June 1993 "On the Approval of the Provision on the Bodies for Educational and Socio-Legal Work in the Armed Forces of the Republic of Kazakhstan" and the Order of the Minister of Defence dated 30 July 1993, the armed forces of Kazakhstan maintain the bodies for educational and socio-legal work.

Such bodies are responsible for the implementation and monitoring of the effectiveness of constitutionally established democratic procedures and for the ensuring that the commanders (chiefs) act solely within the constitutional framework. The bodies also facilitate public access to information related to the armed forces.

In order to enhance the efforts to prevent the penetration of destructive ideology of religious extremism in the army, it was decided to establish additional departments in the armed forces and arrange new posts as ideology and special orientation officers. In this regard, the Minister of Defence issued some orders that define goals, objectives, priorities and main directions in this area.

In addition, the bodies for educational and socio-legal work are taking measures so that the officials comply with administrative and legal procedures aimed to protect the rights of all members of the personnel.

The Prosecutor General of Kazakhstan and its subordinate military prosecutors supervise correct and uniform implementation of laws and Presidential decrees and other regulatory acts in the armed forces, military units and other formations.

The courts exercise legal protection of military personnel, conduct hearings of civil and criminal cases in the armed forces, military units and other formations.

In accordance with the laws of the Republic of Kazakhstan the military police ensure observation of law and order in the armed forces, military units and other formations, as well as conduct inquiry within its competence.

2.2 How is the fulfilment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?

The control over the activities of these forces is exercised by:

- Security Council of the Republic of Kazakhstan;
- Government of the Republic Kazakhstan (defence and law and order department)
- Parliament of the Republic of Kazakhstan (Committee on International Affairs, Defence and Security);
- General Prosecutor's Office;
- nonprofit organizations.

2.3 What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?

1. The armed forces serve to repel aggression, ensure armed defence of the territorial integrity and sovereignty of the Republic of Kazakhstan, protect and defend state and military facilities, protect air space, and perform tasks in accordance with the international treaties ratified by the Republic of Kazakhstan.

2. The armed forces can be involved based on the Presidential orders to ensure relief of consequences of natural and man-made disasters, as well as to conduct counterterrorism operations and manage state of emergency.

3. The engagement of armed forces to perform tasks under the international obligations of Kazakhstan is carried out pursuant to the terms and procedures stipulated in the international treaties ratified by the Republic of Kazakhstan.

4. In accordance with the international treaties ratified by the Republic of Kazakhstan a part of the armed forces may join combined armed forces or be under unified command.

3. Procedures related to different forces personnel:

3.1 What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?

Officers' military service in the armed forces is a special kind of civil service related to the fulfillment of their duties and obligations to their state and people. Officer is a person who has a military rank of officer. The officership military service includes:

- military service under conscription;
- military service under contract;

Officers are recruited

- based on conscription for 24 months;
- among graduates of military educational institutions;
- through a voluntary enrolment of reserve officers for military service under contract.

The procedure of admission to the military service both under contract and conscription is exercised in accordance with the national law.

The procedure for organization and conduct of Kazakhstan citizens' call-up for compulsory military service is determined in accordance with national legislation approved by the Government of the Republic of Kazakhstan.

The call-up of Kazakhstan citizens for compulsory service is held twice a year – in the periods from April to June and from October to December. The persons subject to conscription are male citizens between the ages of 18 and 27 with no right for a deferment or excuse from the call-up.

35% of the armed forces of the Republic of Kazakhstan are conscripts. The personnel under contract sign contracts for 3, 5 or 10 years or serve until reaching age limit.

Currently, regardless of their education the conscripts serve in the armed forces, military units and other formations within 12 months.

The call-up for military service is organized by local authorities through the appropriate local military administration.

3.2 What kind of exemptions or alternatives to military service does your State have?

The citizens of the Republic of Kazakhstan subject to the exemption from compulsory military service are:

- 1) persons recognized as physically unfit for military service;
- 2) persons not legally called up to military service after reaching the age of twenty-seven;
- 3) persons whose one of the immediate family members (father, mother, brother or sister) was died or became disabled by the first or second category in the line of duty on military service;
- 4) persons who have done military service (alternative) in another country;
- 5) persons who have academic degree;

The conscripts with previous convictions for crimes are not subject to call up for military service in peace time.

The conscripts who have lost grounds for enjoying deferment, as well as the persons who have no right for excuse from conscription under Article 28 of the Law of the Republic of Kazakhstan dated

July 8, 2005 "On Military Duty and Military Service", and those not called up within the prescribed time are subject to the next call up.

3.3 What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?

The rights of all armed forces personnel are enshrined in the Constitution of the Republic of Kazakhstan, as well as in the laws "On military service and status of military personnel", "On pension provision in the Republic of Kazakhstan", "On benefits and social protection for the participants and disabled veterans of the Great Patriotic War and for the persons equated to them", "On military police bodies", in the Presidential decree "On approval of basic military regulations of the armed forces, military units and other formations of the Republic of Kazakhstan", and in a number of other legislative acts of Kazakhstan, including international ones to which the Republic of Kazakhstan is a party.

In 2012, the Ministry of Defence carried out the following activities on social protection of military personnel and their families:

1. Adoption of new law "On military service and status of military personnel", aimed at implementing reforms in the armed forces of Kazakhstan.

2. With a view to ensure occupational safety and protection of rights of the civilian military personnel a close cooperation with trade unions was established.

In accordance with the Labour Code of the Republic of Kazakhstan the trade unions employees of the armed forces and the Ministry of Defence developed a sectoral collective agreement for 2012-2014, aimed to protect the labour, social and economic rights and other legitimate interests of the civilian personnel of the armed forces. The sectoral collective agreement was brought to military unit commanders and chiefs of the armed forces institutions to be managed and executed in a proper manner.

4. Implementation of other political norms, principles, decisions and international humanitarian law

4.1 How does your State ensure that International Humanitarian Law and Law of War are made widely available, e.g., through military training programmes and regulations?

The training programmes in military educational institutions of Kazakhstan provide for studying international humanitarian law. The students of such institutions study the international humanitarian law in the following areas:

1. International treaty. International custom. Principles of international relations between Kazakhstan and other countries.

2. Essence, norms and principles of international humanitarian law.

3. Sources of the Law of Armed Conflict (LOAC). Goals and objectives of the LOAC, its basic humanitarian principles. The Law of Geneva, the Law of the Hague, Mixed law and its specifics.

4. Concept and structure of international law. Principles and sources of international law. General provisions of international humanitarian law (IHL). Concept, goals and objectives of IHL, its basic humanitarian principles. IHL structure.

5. International legal regulation of armed conflicts. Parties of armed conflicts. War participants. Armed forces in international law.

6. Weapons of war (both prohibited and partially prohibited ones). Prohibited methods of warfare. Military occupation regime. Neutrality in war. Captivity conditions and keeping discipline. Civilian population in occupied zone. Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.

7. Acts determined as aggression. Liabilities of states and individuals for aggression and those liable for violations of norms and principles of the law of armed conflict under the criminal law of the Republic of Kazakhstan.

8. Concept of "serious violations of the LOAC". Major (serious) violations of the Geneva Conventions (1992) and the Optional Protocol I. War crimes. International tribunals and the International Criminal Court.

9. Liabilities of state with regard to war crimes.

Section III: Public access and contact information

1. Public access

How is the public informed about the provisions of the Code of Conduct?

What additional information related to the Code of Conduct, e.g., replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?

How does your State ensure public access to information related to your State's armed forces?

Public access to information related to the armed forces is provided through the spokesperson of the Minister of Defence and the press service of the Ministry who are responsible for the organization of interaction with national and foreign media. Such access is also provided through the newspaper "Sarbaz", the magazines "Aibyn" and "Sardar", the website of the Ministry of Defence and through official accounts in Facebook, Twitter and Elim-ai.

This interaction involves the following principles:

- public information is based on facts proven and confirmed; it is free from the influence of any political interest, but meets the interests of national defence and security;
- any information, if not limited to secrecy requirements, is provided promptly and in full when possible;
- it is prohibited to disclose the information that may harm national security of the state or other states of the Commonwealth, or threaten personal safety of the military personnel, their families, and of individuals.

2. Contact information

Provide information on the national point of contact for the implementation of the Code of Conduct.

The National Contact Centre of the Republic of Kazakhstan is:

Arms Reduction Control and Inspection Activity Centre at the Ministry of Defence of the Republic of Kazakhstan.

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