

The Formation and Development of the Contractual and Legal Base for the Contemporary Relationship between Russia and Kazakhstan (1991-2011)

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Abstract. In this article, the author reviews the formation of the contractual relationship between two largest states among the republics of the former USSR – Russia and Kazakhstan – since 1991 until today. The analysis does not include multilateral relations with Russia and Kazakhstan. Only bilateral relations between these two countries are studied in the article. Various stages as well as “ups and downs” in their relations were analyzed on the basis of researchers’ views. Besides, the author notes the most important trends in the relationship. These trends are determined by more than 400 bilateral agreements between the countries. Their role both in strategic aspect and in bilateral regional collaboration is shown in the article.

[Issabayev N. Z., Sadykov T.S. **The Formation and Development of the Contractual and Legal Base for the Contemporary Relationship between Russia and Kazakhstan (1991-2011)**. *Life Sci J* 2014;11(11s):104-107] (ISSN:1097-8135). <http://www.lifesciencesite.com>. 24

Keywords: bilateral collaboration, bilateral agreements, periodization, strategic partnership, regional agreements.

Introduction

Russia and Kazakhstan are united by historically common territory, great length of the border and huge reserves of natural resources. Close relationship developed between Russia and Kazakhstan. This can be easily explained – both states are situated in the middle of the Eurasian continent; they have a common border of 6,467 km and foreign policy positions intersecting in many questions. For almost three hundred years, Russia and Kazakhstan were parts of a single state. This led to the cross-cultural interaction and active migration processes which continue to this day.

The collaboration between the two countries becomes stronger every year. Simultaneously, Russia and Kazakhstan are increasing economic resources rapidly. Both countries have all prerequisites for the status of energy powers. It is but natural that the competition for energy markets increases in this situation [1].

As is known, the disintegration of the USSR inevitably created numerous social and economic problems. This predetermined the necessity to develop a new contractual base for the bilateral relationship between former Soviet republics.

Contemporary contractual relationship between Russia and Kazakhstan was established in the early 1990s after the countries declare their independence. However, more active stage of this relationship began approximately at the beginning of the century. Over the past few years, the collaboration of the countries intensifies in various spheres.

It is important to assess the development of interstate relations and to identify the main stages of their transformation between two largest post-Soviet countries.

President of Kazakhstan Nursultan Nazarbayev holds power from the time when Kazakhstan attained independence in 1991. In his opinion, all problem issues between Kazakhstan and Russia which are of mutual interest were decided by constructive dialogue and in the spirit of comprehension [2]

The role of bilateral negotiations in maintaining stable and positive collaboration in economic and social spheres is hard to overestimate.

Today, it is particularly important to study how the contractual base influences interstate relations, because this helps to find basic legislative ways for the programs of strategic partnership and long-term collaboration. Besides, the undecided controversies and problems can complicate bilateral relations. That is why it is necessary to detect deficiencies in their development.

The research of historical aspects concerning the bilateral relationship between Russia and Kazakhstan also can have a significant influence on decisions and tendencies of future relations.

1. The periodization of forming the contractual relationship between Kazakhstan and Russia.

In general, we can admit the existence of two key stages in the bilateral relationship between Kazakhstan and Russia after the disintegration of the Soviet Union. The difference in approaches towards foreign policy in the days of Boris Yeltsin and Vladimir Putin greatly influenced the periodization of these stages.

Mikhail Aleksandrov (1999) called them “non-simple alliance” [3] in his book about the relations between Kazakhstan and Russia in 1991-1997. This phrase was used by western authors in later

periods [4]. However, there were no any marked crises in diplomatic relations between Kazakhstan and Russia (at least officially). They developed very stably. Nevertheless, we can identify various sub-stages of these relations in the days of Boris Yeltsin and Vladimir Putin. These sub-stages are marked by bilateral agreements concluded in different spheres (political, military, economic and cultural).

Few works of Russian researchers practically do not include the analysis of stages in the relations between Russia and Kazakhstan. At the same time, there are many works of Kazakhstan researchers which demonstrate various approaches towards the periodization of these relations.

All investigations are generally presented in three papers which show two main approaches towards the identification of different stages in relations between Russia and Kazakhstan. The first approach was proposed by T.A. Mansurov [5]. In the main, it covers the first decade of relations between the two countries.

This paper is the first fundamental attempt to describe the system approach towards different stages of the bilateral relationship. However, it does not cover the aspects of the long-term contractual relationship between the two countries, and it does not show their influence on current tendencies. This periodization was perfected in the Kazakhstan Institute for Strategic Studies by expert M. Laumulín in 2009 [6]. In his paper, M. Laumulín discloses some problem issues between the two states and studies them quite deeply. At the same time, the paper lays claim to the expression of the official policy of Kazakhstan concerning the relationship with the Russian Federation.

These approaches have different interpretations, directions and depth of investigations, but they identify the same development periods in relations between Russia and Kazakhstan.

It seems that each of the periods has its own contractual base which will be considered further. It will be applied to a certain development period of bilateral relations between Kazakhstan and Russia.

2. The main formation periods of the contractual base between Kazakhstan and Russia.

The 1st period (1991-1992) - the determination of new legislative ground for the relationship. During this period, several meetings at various levels resulted in a number of documents signed for new interstate relations between Kazakhstan and Russia. The Agreement for Friendship, Collaboration and Mutual Aid became the fundamental political document of the first stage. It reflected the greatest changes after the disintegration of the USSR and the entry of bilateral relations in a

qualitatively different dimension. Besides, agreements in different spheres of activity including the interdepartmental relations were made.

The 2nd period - searching for a new model of relationship in political, economic and military spheres.

The second period began when official diplomatic relationship was established between the two countries in 1992. The Agreement between the Governments of the Two States on the Founding of Trade Representations was also signed at that time. This period is marked by the important economic and historical event – the collapse of the united ruble zone and the adoption of national currency in Kazakhstan. In 1992-1994, the state independence of Kazakhstan gradually gained its real substance.

The second period ended by the first official visit of the President of Kazakhstan to Russia in March 1994. During this visit, 22 very significant documents were signed. They took the interstate relationship to a new level. Among them, we should mark out The Agreement on Further Deepening the Economic Collaboration and Integration of Kazakhstan and Russia, The Memorandum on the Basic Principles for Deciding Issues Connected with the Civil and Legal Status of the Citizens of the Two Countries Residing in the Territory of Each Other, and The Agreement on the Basic Principles and Conditions of Using the Baikonur.

The 3rd period - the broadening and deepening of the bilateral collaboration in the integration boundaries of the CIS (March 1994 – 1997). This period is characterized by the broadening and deepening of the integration in economic and other spheres. Since 1995, they started to implement the models of integration development, both in the boundaries of the CIS and at the regional level. This fact made left its traces on the character and content of bilateral contacts of our countries moved to the level of more close integration in economic, military, political, scientific, technical, cultural and humanitarian spheres.

The 4th period - the consolidation of strategic partnership (September 1997-2001). This period is marked by the Declaration of Eternal Friendship. The considerable contractual and legal base of the two countries and real collaboration between Kazakhstan and Russia made it possible to sign a unique political document during the visit of the President of Kazakhstan July 6, 1998. This was the Declaration on the Eternal Friendship and Alliance between the Republic of Kazakhstan and the Russian Federation. This document has a truly historic significance because it stated the guidelines of relations in the new century for Kazakhstan and Russia which sequentially move towards the intensification of trusted and equal

partnership and alliance. The principles of the Declaration completely meet the basic interests of polyethnic population of the two countries.

It should be noted that E. Aben (2000) marks out a stage of 1995-1998 in his periodization [7]. This stage differs from the above mentioned but it is very important for relations between Russia and Kazakhstan. It is characterized by some coolness of these relations due to the intensification of relations between Kazakhstan and the United States. Just at that time, the USA head to the strengthening of its political and military presence in the Central Asian region [8],[9]. E. Aben identifies the first of the above considered periods as a “non-systematic” and “contradictory” one, and the second – as the time of attempts of Kazakhstan to overcome the contradictory relationship with Russia. In the opinion of this expert, these attempts were expressed in authoritative initiatives for closer relations between Kazakhstan and western countries, particularly with the USA. However, the fact that in 1998 Russia and Kazakhstan signed the above mentioned Declaration on Eternal Friendship and Alliance denotes that the leaders of Kazakhstan imbued with the idea of the Eurasian Community and finally turned from the rapprochement with the West to the long-term partnership between Kazakhstan and Russia.

We should note that the publication “President Nursultan Nazarbayev. The Strategy of Eternal Friendship Kazakhstan-Russia” [10] became a true summing-up of the ten-year development of relations between Russia and Kazakhstan. It is a kind of anthology for the contemporary period of our collaboration. President Nursultan Nazarbayev emphasized that “the development of relations with the Russian Federation is of great importance for Kazakhstan. This is caused by its political and economic authority in the world community and the big length of our borders. Russia is the biggest trade partner for our Republic. Our positions concerning various international issues are very similar. Finally, millions of family ties connect our countries. This makes Russia a natural ally for our country” [10].

3. The peculiarities of contemporary development period of relations between Kazakhstan and Russia.

Now we will consider the contemporary period of relations between Russia and Kazakhstan which does not consist in the works of T. Mansurov, M. Laumulin and E. Aben for obvious reasons.

The period from 2002 to the present day is characterized by the joint efforts of the two countries for entering the list of the most competitive states of the world and for strengthening security in the Central

Asian region. Just in this period, the border of Russia and Kazakhstan was finally determined.

The Agreement on the State Border between Russia and Kazakhstan was signed January 18, 2004 in Moscow by President of Russia Vladimir Putin and And President of Kazakhstan Nursultan Nazarbayev. “The fact that the question of the border between Russia and Kazakhstan was settled means that the mutual trust increased”, President Vladimir Putin said during the negotiations concerning the signing of this Agreement [11]

Currently, they systematically implement interstate agreements aimed at the development of border collaboration. This favours the participation of economic entities in foreign economic activities. For instance, today several agreements on commercial, economic, scientific, technical and cultural collaboration are signed between the local administration of the Western Kazakhstan Province and five regions of the Russian Federation – Astrakhan, Volgograd, Saratov, Samara, Orenburg and the Republic of Tatarstan.

It is important to note that direct agreements concerning various lines of collaboration are concluded between the adjacent regions of Russia and Kazakhstan. The Republic of Kazakhstan has commercial and economic ties with 76 from the 89 Russian regions. Exhibitions and fairs promote the development of transfrontier economic ties between the adjacent regions of Kazakhstan and Russia. Commodity producers of the two countries take part in them [13].

Besides, the border collaboration includes the Plan of Measures for the Program for Border Collaboration of the Regions of the Russian Federation and the Republic of Kazakhstan for 2008-2017, the creation of international centres of border collaboration in the area of the state border between Russia and Kazakhstan and the interaction concerning the joint use and protection of transfrontier water bodies.

The period under study is also marked by the significant strengthening of relations in the sphere of security. For instance, within the framework of military and technical collaboration, they signed a set of agreements for this kind of partnership (The Agreement on Collaboration and Mutual Settlements in the Utilization of Nuclear Ammunition; The Agreement on Collaboration During the Reduction of Strategic Offensive Arms Situated in Kazakhstan; The Agreement between the Defense Departments on Joint Training of Armed Forces; The Agreement on the Guarantees for Russian Contract Servicemen in Kazakhstan and The Agreement on the Status of Russian Military Forces in Kazakhstan). In 2004, they signed the Agreement on the Joint Usage of Army for

Mutual Security. The defense departments of Russia and Kazakhstan reached and implemented the following agreement: to perform joint military exercises every year from 2009 till 2011 on the territory of the two countries by turns. In general, a number of experts affirm that the contractual base for the bilateral military collaboration contains more than 60 documents and is being renewed and built up practically every year [12]

So, after the disintegration of the USSR, more than 400 different documents were signed between Russia and Kazakhstan during more than twenty years. Besides, often meetings at different levels take place. Thus, November 11, 2013 in Yekaterinburg, Vladimir Putin and Nursultan Nazarbayev took part in The 10th Forum of Interregional Collaboration of the two countries. This resulted in signing a set of documents was signed in presence of the two presidents including The Agreement between the Russian Federation and the Republic of Kazakhstan on the Neighbourliness and Alliance in the 21 century. Moreover, the set includes the Agreement on Oil Transportation through Kazakhstan; The “Road Map” Agreement on the Activization of Industrial Cooperation in 2013-2014; The Memorandum on the Mutual Comprehension in Industrial Interaction; The Protocol for the Intergovernmental Agreement on Collaboration in Developing the Imashevskoye Gas-Condensate Field; the Intergovernmental Agreement on the Fire Prevention and Control in Border Areas; and The Agreement on Collaboration in Establishing the Association of Industrial Colleges.

Meanwhile, a number of problems still exist in relations between Kazakhstan and Russia. Thus, Kazakhstan is anxious about the undue influence of the Russian Federation in the primary processing of Kazakhstan natural gas and its participation in the export of produced commercial gas from Kazakhstan to Russia. Besides, Kazakhstan has an evident dependence on Russia in the transit of Kazakhstan oil to foreign markets. Russian mass media, on the initiative of some Russian politicians, often touch upon the problem of Russian-speaking citizens in Kazakhstan. That is why the contractual process is far from being complete.

Conclusion

The bilateral relationship between Russia and Kazakhstan went through a number of significant stages in their evolution. If studied these stages can help us to adequately identify the level of relations

between the two countries and the degree of integration.

The considerable number of agreements is the evidence of a unique experience of good-neighbourly relations between Kazakhstan and Russia. Moreover, it is the international political result of collaboration based on the combination of political pragmatism, historical responsibility and spiritual wisdom of the leaders of both countries.

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6/27/2014