



On approval of the Regulation on diplomatic and equivalent representative office of the Republic of Kazakhstan

Unofficial translation

Decree of the President of the Republic of Kazakhstan dated February 4, 2004 N 1287.

Unofficial translation

Under sub-paragraph 27-13) of Article 6 of the Law of the Republic of Kazakhstan of March 7, 2002 “On the Diplomatic Service of the Republic of Kazakhstan”, **I HEREBY RESOLVE:**

Footnote. The Preamble - as reworded by Decree of the President of the Republic of Kazakhstan No. 661 of 18.09.2021 (shall be promulgated as of the date of its first official publication).

1. To approve the attached Regulation on diplomatic and equivalent representative office of the Republic of Kazakhstan.

2. To recognize as invalid:

the Decree of the President of the Republic of Kazakhstan dated July 2, 1992 N 832 "On approval of the Regulation on the Embassy of the Republic of Kazakhstan";

the Decree of the President of the Republic of Kazakhstan dated July 2, 1992 N 833 "On approval of the Regulation on the basic duties and rights of the Extraordinary and Plenipotentiary Ambassador of the Republic of Kazakhstan, accredited in other states."

3. This Decree shall enter into force on the day of signing.

President of the

Republic of Kazakhstan

Approved by
the Decree of the
President of the
Republic of Kazakhstan
dated February 4, 2004
N 1287

Resolution on diplomatic and equivalent representative office of the Republic of Kazakhstan

This Regulation shall determine the status and powers of the diplomatic and equivalent representative office of the Republic of Kazakhstan (hereinafter - the representative office).

1. General provisions

1. The following concepts shall be used in this Regulation:

1) Embassy of the Republic of Kazakhstan - a foreign institution of the Republic of Kazakhstan, which is a diplomatic mission, representing the Republic of Kazakhstan in the host country, headed by the Extraordinary and Plenipotentiary Ambassador, accredited under the Head of State;

2) Diplomatic mission of the Republic of Kazakhstan - a foreign institution of the Republic of Kazakhstan, equivalent to a diplomatic mission, representing the Republic of Kazakhstan, headed by the Chargé d'Affaires accredited under the Minister of Foreign Affairs in the host country;

3) Permanent representative office of the Republic of Kazakhstan to an international organization – a foreign institution of the Republic of Kazakhstan, equivalent to a diplomatic mission, representing the Republic of Kazakhstan in an international organization to which the Republic of Kazakhstan is a member, headed by a Permanent Representative;

4) a host country - a foreign state in whose territory the representative office is located.

2. The representative office shall carry out its activities in accordance with the Constitution of the Republic of Kazakhstan, the provisions of the Vienna Convention on Diplomatic Relations dated April 18, 1961, the Vienna Convention on Consular Relations dated April 24, 1963, the Law of the Republic of Kazakhstan dated March 7, 2002 "On the Diplomatic Service of the Republic of Kazakhstan", this Regulation and other regulatory legal acts, international treaties of the Republic of Kazakhstan, taking into account the laws of the host country or the rules of an international organization, as well as generally recognized norms of international law.

3. A representative office shall be established, reorganized, and terminated on the basis of a decree of the President of the Republic of Kazakhstan.

4. The representative office shall be a part of a unified system of diplomatic service bodies headed by the Ministry of Foreign Affairs of the Republic of Kazakhstan (hereinafter referred to as the Ministry).

Requests and petitions of other state bodies of the Republic of Kazakhstan shall be submitted to the representative office exclusively through the Ministry.

2. Main tasks, functions and rights of representative office

5. The main tasks of the representative office shall be:

implementation of foreign policy of the Republic of Kazakhstan, assistance in implementation of foreign economic policy;

representation of the Republic of Kazakhstan in relations with the host country or an international organization;

through diplomatic means and methods of protecting the sovereignty, ensuring the security, territorial integrity and inviolability of the borders of the Republic of Kazakhstan, its political, trade, economic and other interests in relations with the host country or an international organization;

protection of the rights and interests of the Republic of Kazakhstan, its citizens and legal entities in the host country.

6. In the manner prescribed by the laws of the Republic of Kazakhstan, the Representative Office shall exercise the following functions:

- 1) promotes the strategy of international policy of the Republic of Kazakhstan;
- 2) ensures pursuit of a unified policy of the Republic of Kazakhstan in the host state or international organisation;
- 3) provides the Ministry with proposals for relations between the Republic of Kazakhstan and the host state or international organisation;
- 4) negotiates and facilitates official contacts with and within the governmental bodies of the host state or international organisation;
- 5) facilitates the implementation of objectives and principles, as well as the implementation of decisions as part of cooperation of the Republic of Kazakhstan with the host state or with an international organisation;
- 6) arranges for the negotiation and signing of international treaties of the Republic of Kazakhstan with the host state or international organisation;
- 7) assists official delegations and representatives of the Republic of Kazakhstan, seconded to a host state or international organisation in the performance of their assigned missions
- 8) ensures protocol and organisational support of events with participation of the President of the Republic of Kazakhstan, Chairpersons of the Parliament Chambers of the Republic of Kazakhstan, Prime-Minister of the Republic of Kazakhstan and other officials of the Republic of Kazakhstan;
- 9) gathers information on the host state, analyses the relations of the Republic of Kazakhstan with the host state, its foreign and domestic policy, its position in the system of international relations, and surveys the activities of other states and international organisations;
- 10) in the established order, provides the public authorities of the Republic of Kazakhstan with information needed for the implementation of foreign and domestic policy;
- 11) promotes friendly and mutually beneficial relations between the Republic of Kazakhstan and the host state or international organisation in the field of economy, culture, science and other spheres;
- 12) performs consular functions governed by the laws of the Republic of Kazakhstan and the norms of international law;
- 13) spreads information on foreign and domestic policy of the Republic of Kazakhstan, socio-economic, cultural and spiritual life of the state in the host state or international organisation;
- 14) monitors and supervises the implementation of international treaties to which the Republic of Kazakhstan and the host state or international organisation are parties;
- 15) facilitates ties and contacts with compatriots residing in the host state;

16) in the event of a state of emergency or martial law or the threat thereof in the host state, as well as in neighbouring states, coordinates activities to ensure the safety of the nationals of the Republic of Kazakhstan and the safety of the property of the Republic of Kazakhstan up to and including emergency evacuation to a safe location;

17) collects, processes, receives and stores diplomatic mail, arranges for the delivery of diplomatic mail from the Ministry to other diplomatic missions abroad;

18) collects, stores and processes diplomatic mail for delivery to the Ministry;

19) arranges for the delivery of diplomatic mail to the Ministry;

20) within its competence, undertakes measures to ensure the safety and security of the diplomatic mail during its delivery;

21) ensures that diplomatic couriers and ad hoc diplomatic couriers prepare and issue the required documents for the delivery of diplomatic mail;

22) performs other functions provided for in the laws of the Republic of Kazakhstan.

Footnote. Paragraph 6 - as reworded by Decree of the President of the Republic of Kazakhstan No. 661 of 18.09.2021 (shall be put into effect from the date of its first official publication).

7. For the implementation of the main tasks and the functions assigned to it, the representative office shall have the right:

1) to coordinate the activities in the host country of representative offices (representatives) and branches of Kazakhstan state bodies and organizations (hereinafter referred to as state organizations) and their employees;

2) to require state organizations to fully inform and coordinate activities that affect the national interests of the Republic of Kazakhstan in the host country;

3) to exercise other rights provided for by the legislation of the Republic of Kazakhstan.

Footnote. Paragraph 7 shall be in the wording of the Decree of the President of the Republic of Kazakhstan dated 06.03.2013 No. 518.

3. Organization of activity of representative office

8. The Embassy of the Republic of Kazakhstan shall be headed by the Extraordinary and Plenipotentiary Ambassador. The Permanent representative office of the Republic of Kazakhstan to the international organization shall be headed by the Permanent Representative

The Ambassador Extraordinary and Plenipotentiary and the Permanent Representative shall be appointed to and dismissed by the President of the Republic of Kazakhstan at the recommendation of the Minister of Foreign Affairs of the Republic of Kazakhstan.

The diplomatic mission of the Republic of Kazakhstan shall be headed by the Chargé d'affaires, appointed and dismissed by the Minister of Foreign Affairs of the Republic of Kazakhstan.

9. During the absence of the head of the representative office, his functions shall be performed by a person, appointed by him from among senior diplomatic staff:

- 1) in the Embassy of the Republic of Kazakhstan - Chargé d'affaires;
- 2) in the Permanent representative office of the Republic of Kazakhstan to an international organization - the acting Permanent Representative;
- 3) in the Diplomatic Mission of the Republic of Kazakhstan - the acting Chargé d'Affaires

In cases where the post of Ambassador Extraordinary and Plenipotentiary, Permanent Representative or Chargé d'Affaires is vacant or if the Ambassador Extraordinary and Plenipotentiary, Permanent Representative or Chargé d'Affaires are not able to perform their functions, the Charge d'Affaires of the Republic of Kazakhstan, acting Permanent Representative or Attorney in affairs, shall be appointed by the Minister of Foreign Affairs of the Republic of Kazakhstan.

If the Permanent Representative is concurrently the Ambassador Extraordinary and Plenipotentiary to the host country, then in his absence the Acting Permanent Representative shall be the Chargé d'affaires or one of the senior diplomatic staff.

The name of the Chargé d'affaires, the Acting Chargé d'affaires, or the Permanent Representative shall be reported to the Ministry of Foreign Affairs of the host country or to another ministry regarding which there is an agreement, or to an international organization.

During the absence of the Chargé d'affaires, the acting Chargé d'affaires or the Permanent Representative, their functions in the host country or international organization shall be performed by one of the senior diplomatic staff of the mission.

4. Basic duties and rights of the head of representative office

10. The head of the representative office shall be obliged to:

- 1) conduct focused work on the implementation of the foreign policy course of the Republic of Kazakhstan, protect the rights and interests of nationals and organisations of the Republic of Kazakhstan by all lawful means and methods;
- 2) keep the Ministry informed on issues of domestic and foreign policy of the host state or international organisation;
- 3) promote cooperation between the Republic of Kazakhstan and the host state or international organisation;
- 4) take the measures required to ensure in the host state the privileges and immunities accorded to the mission, its staff and their family members under the rules of international law and the law of the host state;
- 5) agree with the Ministry on short-term business trips beyond the territory of the host state;
- 6) provide financial and economic activities of the representative office as per the laws of the Republic of Kazakhstan;

7) ensure targeted and efficient expenditure of budgetary funds within the limits of the funding plan of the representative office, use tangible assets for their intended purpose;

8) safeguard the entrusted state property, prevent damage to it;

9) keep accounting records in the representative office, ensure that the personnel of the representative office observe the procedure for filing documents and submit them in a timely manner to the representative office's authorised accounting officer;

10) fulfil other functions attributed to its competence by the legislation and international treaties of the Republic of Kazakhstan as well as the rules of international law.

Footnote. Paragraph 10 as amended by Decree of the President of the Republic of Kazakhstan No. 661 of 18.09.2021 (shall be enacted from the date of its first official publication).

11. The head of the representative office shall have the right:

1) within the limits of the powers granted, to commit acts relating to conclusion of international treaties;

2) to make proposals in the established manner on the issues of bilateral relations with the host country or an international organization;

3) in the prescribed manner, to receive from state organizations the necessary materials and documents on issues falling within the competence of the representative office;

4) to make proposals to the Ministry on awarding the staff of the representative office with state awards, promotion in rank and position, early secondment or extension of work abroad, imposing disciplinary sanctions;

5) to manage the limit of funds (expenses) provided for by the plan of financing of the representative office;

6) to issue orders on the activities of the representative office, independently make decisions on the issues related to labor relations with service personnel, to approve the schedule of annual paid leave for employees of the representative office;

7) in agreement with the Ministry, to permit short-term visits of the representative office staff and their families to the Republic of Kazakhstan and other states, except for the cases of departure upon the provision of annual paid labor leave.

12. The Ambassador Extraordinary and Plenipotentiary of the Republic shall manage the activities of consulates general, consulates, vice consulates, consular agencies, honorary consulates of the Republic of Kazakhstan in the host country and diplomatic missions of the Republic of Kazakhstan opened in the states of accreditation, as well as coordinate the activities and monitor the work of government organizations that are in the host country.

Heads of government organizations shall:

1) be obliged to coordinate their activities with the head of the representative office or consular post, assist the head of the representative office to exercise his powers, inform him about their activities;

2) coordinate work plans with the head of the representative office or consular post, and also submit reports on their implementation within the time period agreed with the head of the representative office or consular post.

Footnote. Paragraph 12 shall be in the wording of the Decree of the President of the Republic of Kazakhstan dated 06.03.2013 No. 518.

13. The head of the representative office shall be personally responsible for the objectivity, reliability and completeness of the information sent to the Ministry.

5. Staff of representative office

14. The job description of mission staff shall be divided into Diplomatic Service Officers and Diplomatic Service Employees.

Diplomatic Service Officers shall be civil servants who hold full-time diplomatic posts in the mission.

The diplomatic status of an officer of a mission shall be confirmed by the host state by issuing him/her with the appropriate diplomatic accreditation card.

Diplomatic Service Employees shall include civil servants occupying full-time administrative and technical positions in a mission.

The status of Diplomatic Service Employee shall be confirmed by the host state by issuing him/her an appropriate accreditation card.

There may be service personnel employed under individual employment contracts from among the family members of the staff of the mission, nationals of the Republic of Kazakhstan or of the host state..

Footnote. Paragraph 14 as amended by Decree of the President of the Republic of Kazakhstan No. 661 of 18.09.2021 (shall enter into force from the date of its first official publication).

15. Representative office staff and members of their families shall enjoy the immunities and privileges established by international law, international treaties of the Republic of Kazakhstan, international treaties concluded between international organizations and their host countries, and the laws of the host country.

16. Representative office personnel shall be responsible for their activities and may be held liable in the manner prescribed by the legislation of the Republic of Kazakhstan.

6. Structure of representative office

17. The structure and staffing of the representative office shall be approved by the Ministry within the limits of the staff number of foreign institutions established by the Government of the Republic of Kazakhstan, and subject to relevant agreements with the host country or with an international organization.

18. The representative office may have departments (groups): political, trade, economic, consular, media and information, humanitarian and cultural relations, referents, financial and economic services, and others.

19. The functions of departments (groups) and official (functional) duties of the personnel of the representative office shall be determined by the head of the representative office.

7. Labor relations

20. Labor relations in the representative office shall be regulated by the legislation of the Republic of Kazakhstan, taking into account international law and the laws of the host country.

21. The procedure for imposing disciplinary sanctions on the staff of a representative office shall be determined by the legislation of the Republic of Kazakhstan.

8. Maintenance of a representative office

22. A representative office shall be financed only at the expense of the republican budget.

The financing plan for the representative office shall be approved by the Ministry within the limits of the funds provided in the republican budget for the corresponding year.

23. Representative office shall be provided with transport, office space and other necessary property.

24. Representative office shall be provided with closed and open communication channels through which it contacts the Ministry.

25. The procedure for possession, use and disposal of property, assigned to a representative office shall be established by the legislation of the Republic of Kazakhstan.

26. The conditions and procedure for material, pension and social security of the staff of the representative office shall be determined by the legislation of the Republic of Kazakhstan.

9. State symbols

27. The State flag of the Republic of Kazakhstan shall be hoisted on the building of the representative office, residence of the Ambassador Extraordinary and Plenipotentiary (Permanent Representative), a shield with the State Emblem of the Republic of Kazakhstan shall be installed, indicating the form of representative office (name of the residence) and belonging to the Republic of Kazakhstan in the state language of the Republic of Kazakhstan and the language determined by the host country (international organization).

State symbols of the Republic of Kazakhstan shall be used in accordance with the legislation of the Republic of Kazakhstan, taking into account the protocol practice of the host country (international organization).

