

On official development assistance

Unofficial translation

Law of the Republic of Kazakhstan dated December 10, 2014 No. 263-V.

Unofficial translation

This Law regulates legal relations related to the provision of official development assistance to States cooperating with the Republic of Kazakhstan.

Chapter 1. GENERAL PROVISIONS Article 1. Basic definitions used in this Law

The following basic definitions shall be used in this Law:

1) donor partner - a foreign country, an international organization, a foreign public organization and (or) a fund participating in project implementation of official development assistance jointly with the Republic of Kazakhstan;

2) partner country - a state cooperating with the Republic of Kazakhstan and receiving official development assistance;

3) official development assistance - assistance provided free or on a preferential basis by the Republic of Kazakhstan to the partner country in order to promote the socio-economic development of the partner country and improve the welfare of its citizens;

4) official development assistance project - a set of measures aimed at promoting the socio-economic development of a partner country and increasing the well-being of its citizens and carried out in the forms provided for by this Law;

5) operator in the field of official development assistance (hereinafter - the operator) - a legal entity established by decision of the Government of the Republic of Kazakhstan, whose task is to participate in the implementation of the State policy of the Republic of Kazakhstan in the field of official development assistance;

6) authorized body in the field of official development assistance (hereinafter - the authorized body) - the Ministry of Foreign Affairs of the Republic of Kazakhstan;

7) external partner – State body or other organization of a partner country that is the final recipient of official development assistance;

8) technical assistance - the transfer of knowledge, skills, scientific and technical experience, support or maintenance of goods supply, performance of work and provision of services to the partner country;

9) international grant - free financial and (or) technical assistance provided to the partner country.

Article 2. Legislation of the Republic of Kazakhstan in the field of official development assistance

1. The legislation of the Republic of Kazakhstan in the field of official development assistance shall be based on the Constitution of the Republic of Kazakhstan, consists of this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. If an international treaty ratified by the Republic of Kazakhstan establishes other rules than those contained in this Law, the rules of the international treaty shall apply.

Article 3. Aims and Objectives of official development assistance

1. Official development assistance shall be provided to facilitate:

- 1) further integration of the Republic of Kazakhstan into the system of regional and international relations;
- 2) creation of favorable external conditions for successful implementation of development strategies and programs of the Republic of Kazakhstan;
- 3) strengthening peace, regional and global security;
- 4) socio-economic development of the partner country and improvement of well-being of its citizens;
- 5) gradual transition of the partner country to priority implementation of environmental protection and climate conservation issues.

2. The objectives of official development assistance shall be:

- 1) assistance in achieving international aims of official development assistance supported by the Republic of Kazakhstan;
- 2) national security protection of the Republic of Kazakhstan;
- 3) development of political, economic, educational, public, cultural, scientific and other relations of the Republic of Kazakhstan with the partner country;
- 4) assistance in development of the partner country, determined taking into account the national interests of the Republic of Kazakhstan and the international situation;
- 5) development of regional cooperation and assistance in solving regional problems;
- 6) poverty reduction;
- 7) assistance in resolving issues of environmental protection and climate conservation;
- 8) assistance in resolving other issues under international treaties and other obligations of the Republic of Kazakhstan in the field of official development assistance.

Article 4. Principles of official development assistance

Official development assistance shall be based on the following principles:

- 1) compliance with the national interests of the Republic of Kazakhstan;
- 2) compliance with the legislation of the Republic of Kazakhstan, as well as with the norms of international law;
- 3) respect for the sovereignty, national interests and laws of the partner country;

- 4) transparency and accountability of the decision-making process on provision and use of official development assistance in accordance with international standards;
- 5) focus on measurable results of official development assistance;
- 6) consideration of social and environmental implications of official development assistance projects.

Article 5. Sectoral priorities of official development assistance

Official development assistance is directed to the development of the following sectors of the partner country:

- 1) agriculture and food security;
- 2) environmental protection, including the promotion of global and regional environmental initiatives;
- 3) rational use of natural resources;
- 4) assistance in solving transboundary water problems;
- 5) facilitating the simplification of border crossing procedures;
- 6) conflict prevention and security;
- 7) combating illegal drug trafficking and transnational organized crime, including human trafficking, illegal migration and illegal arms trafficking;
- 8) education and science;
- 9) health care;
- 10) improvement of public administration system;
- 11) supporting entrepreneurship and improving business climate;
- 12) development of regional and international trade, including by improving access of landlocked countries to transport and other infrastructure;
- 13) other sectors determined by major state policy of the Republic of Kazakhstan in the field of official development assistance.

Chapter 2. REGULATION IN THE FIELD OF OFFICIAL DEVELOPMENT ASSISTANCE

Article 6. Competence of the Government of the Republic of Kazakhstan

Government of the Republic of Kazakhstan:

- 1) develop and submit to the President of the Republic of Kazakhstan for approval major state policy of the Republic of Kazakhstan in the field of official development assistance;
- 2) conclude international agreements in the field of official development assistance;
- 3) decide on the creation, reorganization and liquidation of operator;
- 4) excluded by Law of the Republic of Kazakhstan No. 223-VII dated 19.04.2023 (shall become effective ten calendar days after the day of its first official publication).

Footnote. Article 6 as amended by Law of the Republic of Kazakhstan No. 223-VII dated

19.04.2023 (shall come into force upon expiration of ten calendar days after the day of its first official publication).

Article 7. Competence of the authorized body

1. Authorized body:

1) in order to implement the major state policy of the Republic of Kazakhstan in the field of official development assistance, develops and approves plan of measures for official development assistance;

2) approve the procedure for interaction of state bodies and organizations in the field of official development assistance;

3) provide information support for activity of the Republic of Kazakhstan in the field of official development assistance;

4) develop and approves form of project proposal of official development assistance (hereinafter - the project proposal);

5) coordinate the activity of state bodies, operator and other organizations in the field of official development assistance;

6) record and analyze official development assistance;

7) approve the plan for payment of voluntary contributions to international organizations for official development assistance and supervise its implementation;

8) submit an annual report on the implementation of official development assistance to the Government of the Republic of Kazakhstan;

9) monitor the operator activities in the use of budget funds allocated for official development assistance;

10) evaluate the projects implementation effectiveness of official development assistance;

11) exercise other powers provided by this Law, other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

2. Foreign institutions of the Republic of Kazakhstan:

1) monitor and analyze the situation on provision of official development assistance in the partner country;

2) submit to the authorized body project proposals, proposals for suspension and termination of existing, as well as resumption of suspended official development assistance projects;

3) coordinate and facilitate the implementation of official development assistance projects in the partner country.

Article 8. Competence of other state bodies of the Republic of Kazakhstan

State bodies within their competence:

- 1) submit project proposals to the authorized body;
- 2) provide organizational and technical support for official development assistance and provide the authorized body with reporting information on implementation of official development assistance projects;
- 3) at the request of the authorized body, assist in implementation of official development assistance projects;
- 4) assist the authorized body in assessing the effectiveness of implementation of official development assistance projects.

Article 9. Competence of operator

1. The operator carries out its activity in accordance with the legislation of the Republic of Kazakhstan.

Prior to the creation of operator, its functions shall be implemented by authorized body.

2. Operator:

- 1) participates in the state policy implementation of the Republic of Kazakhstan in the field of official development assistance;
- 2) submits project proposals to the authorized body;
- 3) participates in development and implements the plan of measures of official development assistance;
- 4) interacts with state bodies and organizations of the Republic of Kazakhstan and foreign states in the field of official development assistance;
- 5) monitors and controls the activity of external partners in implementation of official development assistance projects financed by the Republic of Kazakhstan, independently or jointly with donor partners;
- 6) makes proposals to the authorized body to improve the legislation of the Republic of Kazakhstan in the field of official development assistance;
- 7) keeps records in the field of official development assistance and, at the request of the authorized body, submits a report on activity carried out;
- 8) makes proposals to the authorized body on extent and sectoral priorities of official development assistance;
- 9) provides information and analytical support in the field of official development assistance;
- 10) concludes agreements with individuals and legal entities both in the territory of the Republic of Kazakhstan and abroad in the field of official development assistance;
- 11) provides information-analytical and consulting services in the field of official development assistance;
- 12) exercise other powers provided by this Law and other regulatory legal acts of the Republic of Kazakhstan in the field of official development assistance.

Article 10. International cooperation in the field of official development assistance

1. International cooperation in the field of official development assistance shall be carried out through the participation of the Republic of Kazakhstan in international initiatives, programs and projects.

2. International cooperation on issues of joint financing and implementation of official development assistance projects, institutional support and exchange of experience and knowledge can be developed with foreign states, international organizations, foreign public organizations and funds.

Chapter 3. ORGANIZATION OF OFFICIAL DEVELOPMENT ASSISTANCE Article 11.

Financing of official development assistance

Sources of financing official development assistance in the Republic of Kazakhstan shall be:

- 1) budgetary funds;
- 2) voluntary donations and deductions of individuals and legal entities;
- 3) incomes from operator activity;
- 4) other proceeds not prohibited by the legislation of the Republic of Kazakhstan.

Article 12. Implementation of official development assistance

1. Official development assistance shall be carried out in the following forms:

- 1) international grants;
- 2) creation (construction) of new or reconstruction of existing facilities in priority sectors provided by this Law;
- 3) loans with preferential terms and conditions;
- 4) voluntary contributions to international organizations for official development assistance;
- 5) creation of joint funds with the partner country;
- 6) technical assistance;
- 7) other forms accepted by the Republic of Kazakhstan under international treaties and other obligations in the field of official development assistance.

2. Official development assistance provided by the Republic of Kazakhstan shall not include:

- 1) grants, borrowings, loans for military purposes;
- 2) humanitarian assistance;
- 3) transfer payments to individuals (pensions, compensation, insurance payments);
- 4) supply of dual-use goods.

3. The issuance of loans on preferential terms and conditions and creation of joint funds with a partner country shall be carried out by authorized financial institutions of the Republic of Kazakhstan by decision of the Government of the Republic of Kazakhstan.

4. Official development assistance shall be implemented on:

- 1) bilateral basis - cooperation of the Republic of Kazakhstan and the partner country;
- 2) multilateral basis - cooperation of the Republic of Kazakhstan and the partner country with the participation of partner donors.

Article 13. Formation of the plan of measures of official development assistance

1. Project proposals shall be submitted by state bodies and operator to the authorized body

2. In order to implement major state policy of the Republic of Kazakhstan in the field of official development assistance and on the basis of project proposals, the authorized body develops and approves the plan of measures of official development assistance based on their foreign policy expediency.

3. By decision of the President of the Republic of Kazakhstan, official development assistance can be provided outside the plan of measures of official development assistance.

Article 14. Assessment of efficiency of implementation of official development assistance project

1. To determine the efficiency of implementation of official development assistance project, it shall be monitored.

2. The procedure for monitoring the official development assistance project shall be determined by the authorized body.

3. Based on monitoring of official development assistance project, an adjustment to official development assistance plan can be made.

Chapter 4. FINAL PROVISIONS Article 15. Responsibility for violation of the legislation of the Republic of Kazakhstan in the field of official development assistance

Violation of the legislation of the Republic of Kazakhstan in the field of official development assistance entail liability established by the Laws of the Republic of Kazakhstan.

Article 16. The procedure for the enforcement of this Law

This Law shall be enforced upon the expiry of ten calendar days after its first official publication.

*The President
Of the Republic of Kazakhstan*

N. NAZARBAYEV

