



On the State Independence of the Republic of Kazakhstan

Unofficial translation

Constitutional Law of the Republic of Kazakhstan dated December 16, 1991

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The Supreme Council of the Republic of Kazakhstan, expressing the will of the people of Kazakhstan, recognizing the priority of individual rights and freedoms enshrined in the Universal Declaration of Human Rights and other universally recognized norms of international law, reaffirming the right of the Kazakh nation to self-determination based on the creation of civil society and the rule of law, carrying out a peaceful foreign policy, declaring its commitment to nuclear non-proliferation and disarmament process, solemnly proclaims the state independence of Kazakhstan.

Chapter 1

THE REPUBLIC OF KAZAKHSTAN - INDEPENDENT STATE

Article 1. The Republic of Kazakhstan is an independent, democratic and legal state. It shall have full authority on its territory, determine and conduct internal and external policies.

Article 2. The Republic of Kazakhstan shall build its relations with all countries on the principles of international law.

Article 3. The Republic of Kazakhstan is open to the public recognition of its independence by other states.

Article 4. On the whole territory of the Republic of Kazakhstan the Constitution and laws of the Republic of Kazakhstan shall operate, as well as norms of international law which it recognizes.

Article 5. The territory of the Republic of Kazakhstan within the existing boundaries shall be integral, indivisible and inviolable.

Chapter 2

PEOPLE AND CITIZEN OF THE REPUBLIC OF KAZAKHSTAN

Article 6. Citizens of the Republic of all nationalities, united by a common historical fate of the Kazakh nation, constitute together the unity of people of Kazakhstan, which is the sole bearer of sovereignty and the source of state power of the Republic of Kazakhstan, exercise

state power, both directly and through their elected state bodies on the basis of the Constitution and laws of the Republic of Kazakhstan.

Citizens of the Republic, regardless of their nationality, religion, membership of public associations, national origin, social or property status, occupation, place of residence shall have equal rights and responsibilities.

All persons in the territory of the Republic of Kazakhstan who are not its citizens, shall have the rights and freedoms, and also perform the duties established by the Constitution, laws and interstate contracts of the Republic of Kazakhstan, with the exception of those that were repealed, established by laws and interstate contracts of the Republic.

The infringement of civil equality is punishable by law.

Article 7. The Republic of Kazakhstan has its own citizenship. For all Kazakhs who were forced to leave the territory of the Republic and live in other states, the right to citizenship of the Republic of Kazakhstan shall remain alongside with citizenships of other states, unless it conflicts with the laws of the State that granted the citizenship.

The Republic of Kazakhstan shall regulate migration processes.

The Republic of Kazakhstan shall create conditions for the return to its territory of persons forced to leave the territory of the Republic during the period of mass repression, forced collectivization, as a result of other hostile political actions, as well as for Kazakhs living in the territories of former Soviet republics and their descendants.

Article 8. The revival and development of culture, traditions and the language, strengthening the national dignity of the Kazakh nation and people of other nationalities living in Kazakhstan, is one of the most important duties of the state.

The Republic of Kazakhstan shall show care for the national-cultural, religious and linguistic needs of Kazakhs living abroad, to protect their interests on the basis of agreements concluded with those States whose citizens they are.

Chapter 3

THE PUBLIC AUTHORITIES OF THE REPUBLIC OF KAZAKHSTAN

Article 9. State power in the Republic of Kazakhstan is based on the principle of the separation of legislative, executive and judicial branches.

The right to act on behalf of the people of the Republic shall be vested in the Supreme Council and the President of the Republic of Kazakhstan.

Article 10. Legislative power shall be exercised by the Supreme Council of the Republic of Kazakhstan.

The President shall be the head of the Republic of Kazakhstan and of its executive authority.

The judicial power shall belong to the Supreme Court and the Supreme Arbitration Court

of the Republic of Kazakhstan.

The highest body of judicial protection of the Constitution shall be the Constitutional Court of the Republic of Kazakhstan.

Chapter 4

ECONOMIC FUNDAMENTALS OF STATE INDEPENDENCE OF THE REPUBLIC OF KAZAKHSTAN

Article 11. The land and its minerals, waters, air, flora and fauna, other natural resources, economic and scientific-technical potential, which form the basis of its national independence, are the exclusive property of the Republic of Kazakhstan.

The Republic of Kazakhstan has an independent economic system, corresponding with its status of an independent state, and it is based on diversity and equality of all forms of ownership.

The Republic of Kazakhstan shall protect the property rights of other states, their citizens and organizations engaged in economic and other activity in the territory of the Republic in accordance with the laws of the Republic.

Article 12. The Republic of Kazakhstan shall have a State National Bank, have the right to create their own financial and credit, monetary system, to organize the Republican tax and customs system.

The Republic of Kazakhstan shall structure its own gold reserves, diamond and currency funds.

Chapter 5

REPUBLIC OF KAZAKHSTAN - A MEMBER OF THE WORLD COMMUNITY

Article 13. The Republic of Kazakhstan is subject to international law; it may exchange diplomatic and consular representatives; may be a member of international organizations, of collective security organizations and to participate in their activities.

Article 14. The Republic of Kazakhstan shall independently resolve issues of foreign economic activity.

Chapter 6

PROTECTION OF THE STATE OF INDEPENDENCE OF THE REPUBLIC OF KAZAKHSTAN

Article 15. The Republic of Kazakhstan shall take measures to protect its independence and to strengthen its national statehood. Any intervention in the issues that make up the inalienable right of the Republic shall be regarded as an encroachment on its independence.

Article 16. The Republic of Kazakhstan in order to protect its independence and territorial integrity shall have the right to form its own armed forces. The Republic shall determine the order and conditions of military service by its citizens, decide on the deployment of troops, weapons and equipment on its territory.

Chapter 7

FINAL PROVISIONS

Article 17. The Republic of Kazakhstan has its own state symbols - the national emblem, the flag and the anthem. The capital of the Republic of Kazakhstan is Alma-Ata.

Article 18. This Act, together with the Declaration of State Sovereignty of the Kazakh SSR shall form the basis for the development of a new Constitution. Provisions of the Constitution and other legislative acts of the Republic of Kazakhstan shall operate, insofar as they are not inconsistent with this Act.

P r e s i d e n t o f

the Republic of Kazakhstan