

Control Powers of the Parliament of Kazakhstan

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According to Constitution of the Republic of Kazakhstan 'The Parliament is the Supreme representative body of the Republic performing legislative functions'.

Parliament controls the compliance by the executive bodies and their officials with legislation, makes sure that budget funds are spent in a targeted and efficient manner, supports the stability of state structure, and improves the efficiency of public regulation.

The issues of parliamentary control are paid sufficient attention in legal science. However comparing the theoretical studies of the issue with the real application of the control functions of the Parliament of Kazakhstan it can be seen that the institution of parliamentary control is still at its development stage.

The Head of the state has repeatedly drawn special attention to the need and significance of control functions and activities of the legislative power in his speeches. In particular here is just one citation from the President of the Republic N.Nazarbayev:

'We should find most optimal solutions for expansion of authorities of the Parliament and accountability of the Government'.

It is well-known that the control function is directly caused by the representative nature of Parliament and that the people are entitled to control the activities of government agencies via Parliament.

One should refer to the existing legislation to fully understand the content of parliamentary control of the Republic of Kazakhstan and carry out a comparative analysis of some laws, in particular: Constitution, Constitutional Law 'On the Parliament of the Republic of Kazakhstan and status of parliamentarians', Law 'On committees and commissions within the Parliament of the Republic of Kazakhstan', Law 'On the Government of the Republic of Kazakhstan' and others.

The Constitution of the Republic of Kazakhstan has no separate provisions setting up the control powers of the supreme legislative body of Kazakhstan. As the status of Parliament as a control body is not provided for by the Constitution, its chambers are entitled to carry out corresponding functions within the powers stipulated by the law.

The powers of the Parliament of the Republic of Kazakhstan related to control are stipulated by various provision of 1995 Constitution and corresponding legislation regulating the functions of Parliament. However the control functions of Parliament are difficult to separate from other functions. Still the key objective of some powers is to ensure controls by Parliament.

In our view the key controls that are executed by Parliament can be classified into two groups:

- 1) caused by the Constitution of the Republic of Kazakhstan;
- 2) provided for in the constitutional laws of Kazakhstan and other enactments.

The first group includes:

- impeachment;
- adoption of laws;
- approval of national budget and reports of the Government and Accounts Committee on control of national budget execution;
- vote of censure;
- agreement to appointments;
- Parliamentary hearings;

The second group includes:

- inquiries and questions of deputies;
- 'Government hour';
- right of deputies for the immediate reception by the officials;
- meeting of deputies with voters.

Further enhancement of the control powers of Parliament needs an effective mechanism to execute the control function, requiring good assessment of the constitutional principle of power separation into legislative, executive and judicial branches and interaction between them using a system of checks and balances.

The real position of Parliament in the system of state power in Kazakhstan depends on the existence of effective control powers.

Speech of the leader of the nation, Nursultan Nazarbayev, at inauguration ceremony of the President of the Republic of Kazakhstan. 09.04.2011.

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