

On peacekeeping activities of the Republic of Kazakhstan

Unofficial translation

Law of the Republic of Kazakhstan dated June 15, 2015 No. 320-V.

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The present Law regulates the public relations connected with participation of the national contingent of the Republic of Kazakhstan in operations (missions) on maintenance of the peace and safety, according to the international obligations accepted by the Republic of Kazakhstan.

Chapter 1. GENERAL REGULATIONS

Article 1. Basic concepts used in this Law

The following basic concepts are used in this Act:

- 1) Civilian personnel - citizens of the Republic of Kazakhstan who are employees, employees of state bodies (organizations) of the Republic of Kazakhstan;
- 2) Partner states - states participating in peacekeeping operations jointly with the Republic of Kazakhstan;
- 3) Military personnel - servicemen of the Armed Forces, other troops and military formations of the Republic of Kazakhstan;
- 4) peace enforcement operation - one of the types of peacekeeping operation involving joint international enforcement actions in accordance with the Charter of the United Nations (hereinafter - the UN);
- 5) operation (mission) for the maintenance of peace and security (hereinafter referred to as "peacekeeping operation") - a set of interrelated and agreed upon goals, tasks, place and time of actions of military and civilian personnel undertaken in accordance with the Charter of the United Nations to stabilize the situation in zones (areas) of potential or existing armed conflicts, carried out in accordance with the mandate to conduct peacekeeping operations and aimed at creating conditions conducive to the resolution of the conflict and the maintenance or restoration of peace
- 6) preparation for a peacekeeping operation (hereinafter referred to as peacekeeping training) - a set of measures including exercises on the territory of the Republic of Kazakhstan and outside the Republic of Kazakhstan, negotiations, reconnaissance, planning, training of the national contingent, including with the participation of the armed forces of partner states, logistical and financial support, transportation of cargo and national contingent, establishment of an operational headquarters;

7) mandate to conduct a peacekeeping operation (hereinafter referred to as "mandate") - a legal document adopted by an international organization in accordance with the Charter of the United Nations and regulating the conduct of a peacekeeping operation;

8) peacekeeping activity of the Republic of Kazakhstan (hereinafter referred to as "peacekeeping activity") - a set of measures including means and methods corresponding to the purposes and objectives of the Charter of the United Nations using military and (or) civilian personnel aimed at prevention, deterrence and termination of armed conflicts between the states or within the state by means of intervention of a third party and contributing to the maintenance of peace and security, provision of humanitarian aid in accordance with the international treaties of the Republic of Kazakhstan

9) the national contingent of the Republic of Kazakhstan (hereinafter - the national contingent) - military and (or) civilian personnel of the Republic of Kazakhstan.

Article 2. Scope of this Law

This Law does not apply to persons participating (who took part) in a peacekeeping operation but who were not part of the national contingent.

Article 3. Legislation of the Republic of Kazakhstan in the field of peacekeeping

1. The legislation of the Republic of Kazakhstan in the field of peacekeeping is based on the Constitution of the Republic of Kazakhstan and 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 4. Basic principles of peacekeeping

The basic principles of peacekeeping are

- 1) Legality;
- 2) Compliance with international law;
- 3) Impartiality and neutrality;
- 4) Respect for the customs and traditions of the local population;
- 5) non-participation in hostilities, except in cases of participation in peace enforcement operations.

Article 5. Goals of peacekeeping

The purposes of peacekeeping activities are to assist the international community and foreign states (a foreign state) in preventing, deterring and ending armed conflicts between states or within the state, as well as to provide humanitarian assistance in accordance with the international obligations of the Republic of Kazakhstan.

Article 6. Tasks of peacekeeping

The tasks of peacekeeping are:

- 1) Prevention of disagreements between the parties, prevention of conflicts from escalating into armed conflicts, limitation of the scale of the conflict;
- 2) Assistance in ending violence by diplomatic means and methods;

3) participation of military personnel in joint international enforcement actions in accordance with the UN Charter;

4) protection of the territory and (or) population in the zone (region) of peacekeeping operation from armed attack;

5) ensuring the observance of ceasefire conditions;

6) Disengagement of conflicting parties, disarmament and disbandment of units;

7) assistance in solving the problems of refugees, internally displaced persons;

8) Provision of humanitarian assistance;

9) Rehabilitation of infrastructure in the area(s) of the peacekeeping operation;

10) Rule of law, public safety and human rights;

11) Other mandated tasks.

Chapter 2. THE STATE REGULATION OF THE WORLD REGULATION ACTIVITIES

Article 7. Competence of the President of the Republic of Kazakhstan

President of the Republic of Kazakhstan shall:

1) submit for consideration of the joint session of the Chambers of Parliament of the Republic of Kazakhstan a proposal on the use of the Armed Forces of the Republic of Kazakhstan for the fulfillment of international obligations for the maintenance of peace and security;

2) make a decision on the completion of the participation of the national contingent in a peacekeeping operation, on the early withdrawal, as well as on the emergency evacuation of the national contingent from the zone (district) of the peacekeeping operation;

3) exercise other powers in accordance with the Constitution and laws of the Republic of Kazakhstan.

Article 8. Competence of the Government of the Republic of Kazakhstan

Government of the Republic of Kazakhstan shall:

1) submit to the President of the Republic of Kazakhstan a proposal for the participation of military personnel in a peacekeeping operation with the conclusion of the necessary expenditures, indicating the sources of funding;

2) make a decision on participation in the peacekeeping operation on a voluntary basis of civilian personnel;

3) determine, in compliance with the mandate, the composition, number, tasks, duration of stay and the procedure for replacing civilian personnel and their transportation to and from the place of the peacekeeping operation;

4) decide on the provision of additional equipment to the national contingent depending on the area(s) of the peacekeeping operation, as well as the provision of additional funds for the participation of the national contingent in the peacekeeping operation, indicating the sources of funding;

5) decide on the transfer of equipment entrusted to national contingents to partner States or the host State, and determine the write-off of such equipment;

6) allocates funds from the reserve of the Government of the Republic of Kazakhstan for the provision of humanitarian assistance in the framework of peacekeeping activities, the direction of the national contingent to the place of the peacekeeping operation and back, early recall, emergency evacuation of the national contingent from the zone (district) of the peacekeeping operation and compensation for damage caused by the national contingent;

7) resolves issues related to the compensation of international organizations and partner states for the expenses of the Republic of Kazakhstan for participation in a peacekeeping operation;

8) Approves the rules of preparation for a peacekeeping operation;

9) When military and civilian personnel from various State bodies (organizations) are involved in a national contingent, establishes an operational headquarters in accordance with the rules for the preparation of a peacekeeping operation;

10) Performs other functions assigned to him by the Constitution, this Law, other laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Article 9. Competence of the Ministry of Defence of the Republic of Kazakhstan

Ministry of Defence of the Republic of Kazakhstan:

1) develops rules for the preparation of peacekeeping operations and organizes their implementation;

2) develops and approves a plan of preparation for a peacekeeping operation;

3) exercise other powers stipulated 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.

Article 10. Competence of other state bodies (organizations) of the Republic of Kazakhstan

1. State bodies (organizations) that plan to send a national contingent to participate in a peacekeeping operation:

1) provide military and (or) civilian personnel with property, unless otherwise determined by the decision of the Government of the Republic of Kazakhstan, an international treaty of the Republic of Kazakhstan or a mandate;

2) send a national contingent to undergo peacekeeping training in accordance with the plan of preparation for peacekeeping operations;

3) send the national contingent to the place of peacekeeping operation and back;

4) Pay lump-sum compensation to civilian personnel involved in a peacekeeping operation in the cases and on the grounds provided for in article 17 of this Act.

2. The authorized body in the sphere of foreign policy submits to the President of the Republic of Kazakhstan and to the Government of the Republic of Kazakhstan a proposal on

the foreign policy expediency of participation of the national contingent in a peacekeeping operation, conducts negotiations, and cooperates with international organizations and partner States on issues related to peacekeeping activities.

3. The authorized body in the field of health care organizes and provides preventive vaccinations to the national contingent before departure, during the period of the peacekeeping operation, as well as rehabilitation measures upon return from the peacekeeping operation.

4. The authorized body in the field of communications and transport assists the state bodies (organizations), the national contingent of which is planned to send for participation in the peacekeeping operation, in providing accessible types of communication and transportation of the national contingent and cargo to the zone (region) of the peacekeeping operation and back.

5. In accordance with the legislation of Kazakhstan, the authorized body in the field of social protection of the population organizes the payment of state social benefits for disability, loss of breadwinner in cases of injuries, contusions, wounds, diseases and death (death) of a person from the national contingent.

Chapter 3. DIRECTING the NATIONAL CONTINGENT for WORLD OPERATION

Article 11. Decision-making procedure for the participation of a national contingent in a peacekeeping operation

The grounds for considering the participation of a national contingent in a peacekeeping operation are the decision of an international organization and/or an international treaty ratified by Kazakhstan.

2. For participation in peacekeeping operations of military personnel:

1) The authorized body in the sphere of foreign policy submits to the President of the Republic of Kazakhstan and to the Government of the Republic of Kazakhstan a proposal on the foreign policy expediency of participation of military personnel in a peacekeeping operation, conducts negotiations, interacts with international organizations and partner states on issues of peacekeeping activities;

2) in the event of maintaining the proposal on the foreign policy expediency of the participation of military personnel in a peacekeeping operation, the Government of the Republic of Kazakhstan makes a proposal to the President of the Republic of Kazakhstan with a conclusion on the necessary expenses, justification of the decision to allocate additional funds for the participation of military personnel in the peacekeeping operation, indicating the sources of its funding. The proposal should contain information on the zone (area) of the peacekeeping operation, tasks, total number, type and composition of weapons, property, subordination, duration of stay, replacement procedure, conditions of withdrawal, transportation to and from the place of the peacekeeping operation, as well as other information depending on the specific peacekeeping operation.

3. The decision on the use of the Armed Forces of the Republic of Kazakhstan to fulfil international obligations for the maintenance of peace and security is taken in accordance with article 53 (5) of the Constitution.

4. The Ministry of Defence of the Republic of Kazakhstan, on the basis of the decision taken at a joint session of the Chambers of Parliament of the Republic of Kazakhstan on the use of the Armed Forces of the Republic of Kazakhstan, sends military personnel to participate in peacekeeping operations.

5. To participate in a peacekeeping operation by civilian personnel:

1) the authorized body in the sphere of foreign policy in coordination with the Ministry of Defense of the Republic of Kazakhstan and other interested central state bodies according to the results of consideration of foreign policy expediency and coordination with international organizations and (or) partner states, on the territory of which the peacekeeping operation is carried out, submits to the Government of the Republic of Kazakhstan a proposal on participation in the peacekeeping operation of civilian personnel;

2) in case of maintenance of the proposal on participation of the civil personnel in the peacekeeping operation, the Government of the Republic of Kazakhstan makes a decision on participation of the civil personnel in the peacekeeping operation and allocation of additional funds with indication of the sources of financing, data on the zone (district) of the peacekeeping operation, tasks, total number, property, subordination, duration of stay, order of replacement, conditions of withdrawal, transportation to the place of the peacekeeping operation and back, as well as other information in the head office

3) state bodies (organizations) of the Republic of Kazakhstan, on the basis of the decision taken by the Government of the Republic of Kazakhstan, send appropriate civilian personnel for participation in the peacekeeping operation.

Article 12. Basis for completion of national contingent participation in a peacekeeping operation

1. The grounds for the completion of a national contingent's participation in a peacekeeping operation are

1) the end of a peacekeeping operation;

2) the end of the period of participation in the peacekeeping operation;

3) the decision of the President of the Republic of Kazakhstan;

4) early recall in connection with changes in the international military and political situation, in which further participation of the Republic of Kazakhstan in the peacekeeping operation is not advisable;

5) emergency evacuation in the event of a sharp escalation of tension and intensity of the conflict in the zone (district) of the peacekeeping operation;

6) other grounds provided for by an international treaty of the Republic of Kazakhstan.

2. In the event of an emergency evacuation of a national contingent from a peacekeeping operation to a third country, the date of arrival of the national contingent in Kazakhstan is considered to be the end of participation in the operation.

Article 13. Staffing and training of national contingents

1. Military personnel are recruited on a voluntary basis from among the servicemen of the Armed Forces, other troops and military formations of the Republic of Kazakhstan who perform military service under contract and have undergone peacekeeping training.

2. The recruitment of civilian personnel is carried out on a voluntary basis from among persons who have undergone peacekeeping training. A contract is concluded with the civilian personnel of the State body or organization in whose staff they are employed, which specifies the conditions and procedure for participation in peacekeeping operations. The form of the contract is established by the rules of preparation for a peacekeeping operation.

3. The education and training of the national contingent for a peacekeeping operation shall be conducted in accordance with the rules for the preparation of a peacekeeping operation.

4. Peacekeeping training is carried out on the basis of the Ministry of Defence in accordance with a plan approved by the Minister of Defence.

5. Wages and places of work are maintained for the duration of peacekeeping training. Remuneration of labour and payment of travel expenses is carried out by the state body (organization) which employs the trainee.

6. In order to ensure peacekeeping training, exercises, courses, seminars, training courses and other activities may be conducted with the involvement of civilian specialists and units of the armed forces of foreign States.

Article 14. Logistical support for the national contingent

1. Logistical support of the national contingent is provided by the state body (organization) from which it is sent.

2. If it is necessary to provide additional material and technical support of the national contingent with property available in another state body (organization), the Government of the Republic of Kazakhstan makes a decision on transfer of additional property from one state body (organization) to another state body (organization).

3. In case of absence of additional property in the state bodies (organizations), the property shall be acquired at the expense of funds provided by Article 23 of this Law.

Chapter 4. SOCIAL PROTECTION OF THE NATIONAL CONTINGENT, ITS RIGHTS, DUTIES AND RESPONSIBILITIES

Article 15. Medical support in the zone (region) of peacekeeping operation

1. In the absence in the zone (region) of a peacekeeping operation of medical organizations or departments, medical equipment, medical support of the national contingent in the zone (region) of the peacekeeping operation is carried out on the basis of international treaties in medical organizations of partner states, the host country.

2. In the absence of specialized medical organizations in the zone (region) where a peacekeeping operation is carried out, civilian personnel receive free medical support in military medical units of military personnel.

Article 16. Social security of the national contingent

1. The national contingent is provided with three times its salary during the period of participation in a peacekeeping operation. Remuneration is paid by State bodies (organizations), which are staffed by members of the national contingent.

2. a person from among the national contingent upon his return from a peacekeeping operation is sent for sanatorium-resort treatment at the expense of the state body (organization), the employee of which he is an employee, for a period of not less than seven calendar days, but not more than twenty one days.

3. During the period of participation in a peacekeeping operation, as well as during travel to the zone (district) of the peacekeeping operation and back, the national contingent is provided with food from the state budget of the Republic of Kazakhstan in accordance with the standards established by the legislation of the Republic of Kazakhstan for servicemen of the Armed Forces, other troops and military formations of the Republic of Kazakhstan, unless otherwise provided for by international treaties.

The period of participation in the peacekeeping operation shall be the time from the moment of departure from the Republic of Kazakhstan and arrival in the Republic of Kazakhstan, which shall be determined by the mark of the structural unit of the territorial unit of the Border Service of the National Security Committee of the Republic of Kazakhstan in the passport of a citizen of the Republic of Kazakhstan. When leaving for countries in which the presence of a passport of a citizen of the Republic of Kazakhstan shall be optional, the period of participation in the peacekeeping operation is considered the days of crossing the State border of the Republic of Kazakhstan.

4. Social security of military personnel participating (having participated) in a peacekeeping operation is provided in the manner prescribed by the legislation of the Republic of Kazakhstan.

5. Military personnel participating in peace enforcement operations shall be equated with participation in hostilities during their stay in the peacemaking operation zone (region).

Footnote. Article 16 as amended by the Law of the RK dated 16.11.2020 № 375-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication).

Article 17. Features of social security for civilian personnel

1. Civilian personnel participating (having participated) in a peacekeeping operation shall be granted additional paid annual leave of fourteen calendar days within one year of arrival from the peacekeeping operation.

2. During the period of participation in a peacekeeping operation and peacekeeping training, civilian personnel shall retain their place of employment with a State body (organization).

3. In the event of the death of a civilian personnel during a peacekeeping operation, as well as as a result of injury (wounds, traumas, contusions), illness or illness resulting from participation in a peacekeeping operation, the determination of disability or injury (wounds, traumas, contusions) during the peacekeeping operation, a lump-sum compensation shall be paid in accordance with the procedure established by the Government of the Republic of Kazakhstan.

4. In the event of the death of a civilian personnel during a peacekeeping operation, as well as as a result of injury (injury, trauma, contusions) or illness resulting from participation in a peacekeeping operation, the heirs of a civilian personnel shall be paid a lump-sum compensation in the amount of five years' salary for the last position occupied on the date of death.

5. A lump-sum compensation for a determination of disability by a civilian staff member during participation in a peacekeeping operation or as a result of injury (injury, trauma, contusion), illness resulting from participation in a peacekeeping operation, before the expiration of one year from the date of completion of the person's participation in the peacekeeping operation, shall be paid at the last place of employment (position) in the amount :

- 1) to a person with a disability of the first group - thirty months' salary;
- 2) to a person with a disability of the second group - eighteen months' salary;
- 3) to a person with a disability of the third group - six months' salary.

6. No lump-sum compensation is paid if, according to the procedure established by law, it is proved that the death or injury (injury, trauma or contusion) of a civilian staff member has occurred:

- 1) As a result of suicide, except in cases where a court sentence has entered into legal force;
- 2) When committing criminal or administrative offences;
- 3) due to the use or application of substances causing a state of alcohol, drug or other type of intoxication;
- 4) as a result of intentional infliction of any bodily harm (self-harm) or other harm to his health in order to receive lump-sum compensation or avoidance of duties.

7. In the event that a person from among the civilian personnel during the period of participation in a peacekeeping operation receives a serious injury (injury, trauma, contusion), which did not cause disability, he shall be paid a lump-sum compensation in the amount of one and a half months' salary; a minor injury - half of the monthly salary.

8. The burial of a person from among the civilian personnel who died while participating in a peacekeeping operation or died as a result of injury (wounds, injuries, contusions), illness

, received as a result of participation in a peacekeeping operation, before the expiration of one year from the date of completion of participation in the peacekeeping operation, is made in the Republic of Kazakhstan in the area chosen by his relatives. All expenses related to preparation for transportation of a body, transportation of a body, burial, making and installation of a tombstone, are carried out at the expense of the state body (organization), the employee which employee was the civil personnel, in the sizes established by the Government of the Republic of Kazakhstan for military men of Armed forces, other armies and military formations of the Republic of Kazakhstan.

Footnote. Article 17 as amended by the Law of the Republic of Kazakhstan dated 27.06.2022 No. 129-VII (shall be enforced ten calendar days after the day of its first official publication).

Article 18. Rights and obligations of national contingents

1. The national contingent enjoys all the rights provided for by the Constitution and laws of the Republic of Kazakhstan. The rights and freedoms of the national contingent in peacekeeping operations are restricted or expanded only by the laws of the host country and international treaties ratified by Kazakhstan.

2. The national contingent is obliged to comply with the Constitution and the laws of the Republic of Kazakhstan and the country of residence, as well as to respect the customs and traditions of the local population.

3. military personnel shall have the duties provided for by the legislation of the Republic of Kazakhstan and the general military regulations of the Armed Forces, other troops and military formations of the Republic of Kazakhstan. The scope of duties in peacekeeping operations may be limited or expanded by the mandate.

4. The national contingent is assigned official duties in accordance with the position held in the peacekeeping operation.

Article 19. Use of weapons by national contingents

The rules for the carrying and use of weapons by the national contingent are determined by the legislation of Kazakhstan, the general military regulations of the Armed Forces, other troops and military formations of Kazakhstan, as well as the mandate and international treaties ratified by Kazakhstan.

When using weapons, the national contingent is obliged to take all possible measures to ensure the safety of surrounding citizens and, if necessary, to provide emergency medical assistance to victims.

In each case of the use of weapons, a member of the national contingent reports to the commander (chief).

Article 20. Responsibility of national contingents

The national contingent bears criminal, administrative, civil and disciplinary responsibility for crimes, misdemeanours and other offences in accordance with the laws of the Republic of Kazakhstan and international treaties ratified by the Republic of Kazakhstan.

When a person or a group of persons from among the national contingent commits offences during a peacekeeping operation, which exclude their further presence in the zone (district) of a peacekeeping operation, the costs of replacement shall be reimbursed from the funds of the said persons, which include the cost of travel of a person or group of persons from the Republic of Kazakhstan to the place of the peacekeeping operation and back.

Article 21. Jurisdiction in the area(s) of a peacekeeping operation

In the case of offences committed by foreigners against the national contingent in the zone (district) of a peacekeeping operation, the laws of the host country apply, unless otherwise stipulated in international treaties ratified by Kazakhstan.

Article 22. Oversight of the rule of law in peacekeeping

Higher supervision over the observance of legality in the field of peacekeeping activities is carried out by the Prosecutor General of the Republic of Kazakhstan and prosecutors authorized by him.

Footnote. Article 22 of the Law of the Republic of Kazakhstan dated 11.07.2017 No. 91-VI (shall be enforced upon ten calendar days after the day of its first official publication).

Chapter 5. FINAL PROVISIONS

Article 23. Financing of peacekeeping

1. Peacekeeping activities are financed from funds:

1) provided for the maintenance of state bodies (organizations), employees whose employees are sent to participate in peacekeeping operations;

2) allocated by the UN, other international organizations and partner states to finance peacekeeping activities or to reimburse the costs of a peacekeeping operation in full or in part ;

3) Reserve of the Government of the Republic of Kazakhstan.

2. Funds allocated by the UN, other international organizations and partner states in the order of full or partial reimbursement of the costs of the Republic of Kazakhstan for the peacekeeping operation, are received by the republican budget.

Article 24. Export and import of military goods used in peacekeeping activities across the State Border of the Republic of Kazakhstan

Export and import of military goods necessary for the functioning of the national contingent or for peacekeeping training shall be carried out in the manner prescribed by the legislation of the Republic of Kazakhstan in the field of control of specific goods.

Footnote. Article 24 as amended by the Law of the Republic of Kazakhstan dated December 28, 2022 No. 173-VII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication)..

Article 25. Procedure for implementation of this Law

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

*The President of the
Republic of Kazakhstan*

N. Nazarbaev

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