

Признавая не только право палат Парламента вносить изменения в законопроекты, но и право субъекта инициативы отзывать свой законопроект, Совет оставил нерешенным вопрос о субъекте законодательной инициативы. Если дополнения существенные и Правительство при этом не возражает, кто же должен нести при этом юридическую ответственность. Решение этой проблемы имеет не только теоретическое, но и практическое значение. Нельзя исключать и того обстоятельства, что в будущем в практике Конституционного Совета встанет проблема толкования таких понятий как «законность актов» и «юридическая ответственность», а также вопросы, связанные с возможной политической ответственностью лиц подписывающих законы и др.

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ACTIVITIES OF INTERNATIONAL ORGANIZATIONS ON THE IMPLEMENTATION OF OPERATIONAL FUNCTIONS IN THE REPUBLIC OF KAZAKHSTAN

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In particular the public sphere, in which the actions of international organizations, the enforcement of its decisions or the implementation of the tasks set by it is usually not the result of direct action of the organization, as a result of the activities of its members - sovereign states. Thus, the Member States and not organizations act as executors of these problems and solutions. Therefore, the main way the impact of international organizations on its scope is to encourage and mobilize for action states for the desired result.

Not having power over the territory and possessing only limited human and material resources available to them, Member States, international organizations can carry out operational functions only to a limited extent. Only in some narrow organization uniting carefully selected members with a high degree of conformity of interests, the state decided on the increase in resources made available to international organizations, and thereby to increase the value of its operational functions.

Operational functions are a special method of international organizations. If the implementation of the regulatory and supervisory functions of the international organization seeks to encourage States to implement its tasks, providing them a certain political pressure, then the implementation of the operational functions she realizes its objectives by means at its disposal the human and material resources [1; 200].

All operational functions should be interpreted as a process of the activities of an international organization consisting of different elements, and able to pass through various phases.

We can distinguish two main phases of the implementation of the operational functions of the international organization.

- 1) Decision-making in the nature of executive orders.

2) The process of implementation of these directives of the international staff of the organization are using the means at its disposal.

In both phases are important administrative organs of the international organization, which, as it were called to the implementation of the operational functions and are best suited to this. Nevertheless, one should not equate the operational functions of an international organization with functions performed by its administrative authorities. The fact that the decision-making process in the form of executive orders - attended the relevant intergovernmental bodies - or in the first phase of the implementation of operational functions. They are also inherent in the adoption of important decisions on the definition of operational objectives to guide the implementation of operational functions administrative authorities.

Implementation of operational functions, acquires after the Second World War, the nature of ongoing trends in the development of international organizations. This trend has its limits, determined by the nature of modern international relations. Nevertheless, the presence of such a tendency leads to the fact that international organizations operating functions deserve special attention. In the economic and social fields operational functions are carried out by many international organizations, as well as specialized agencies, established organizations, whose competence is more general, first of all - the UN.

In investment loans operations. Understanding the need for international assistance to credit for investment purposes appeared in the end of the Second World War. The primary objective was to provide credit assistance to countries devastated during the war, in order to facilitate and accelerates process of economic recovery. The second task was to provide assistance to developing countries to facilitate and accelerate the development of their economies [2; 114]. The magnitude of these two tasks require pooling of reserves of all countries. Loans based on bilateral agreements between the State and the State of the creditor-debtor, does not guarantee a fair distribution of resources and do not protect against the provision of assistance to the unfavorable economic and political conditions. Such a guarantee could be given only a general international organization to which the operation would have a balanced influence of the state, representing different interests and different socio-economic systems.

The second wave of the growing demand for credit assistance from international organizations has risen to the end of the fifties and has not abated to this day. This is due to two different factors. The first source of this growth in demand in the international organizations in the field of investment loans - is the achievement of political independence of the developing countries and the widespread recognition of the validity of their claim to assist them in achieving economic independence.

The second source of current growth in demand for international investment banks associated with the processes of integration of the group of economically developed countries. Combining smaller-scale national economic organisms larger organisms such as community advances, in particular, the problem of the common policy in the field of investment. The need for such a policy is met mainly by coordinating the economic development policies of individual states - members of the community. But in some situations this is not enough and there is a need for joint investment activities. As in the first and in the second case, an important role falls on the share of total investment bank. It can become not only a tool for implementing coherent policies of economic development, but also an instrument of this policy coordination. This is due to the fact that the international bank has certain preferences when providing investment loans, guided by appropriate development strategy. Because of this it can influence the direction and structure of economic development of individual Member States. Loans for the construction of joint ventures, provided by the bank in accordance with the long-term plan of development of the whole community can also become nuclei of new and higher forms of joint economic cooperation.

A particularly important role in the performance of operational functions in the field of investment credits played administrations. They are not limited to technical operations. After all, the mere receipt of loans by issuing bonds on the capital markets due to the high risk and requires a thoughtful economic analysis. Administrative authorities also assess the economic situation of the country in need of credit organizations, as well as assess the feasibility of the project investment, which should be carried out with the help of these loans. In practice, administrative bodies, presenting their proposals to intergovernmental bodies, trying to foresee the reaction of major shareholders, from which a final decision depends. Through this type of analysis or forecast, the administrative authorities are guided not only technical, but also to a large extent by political considerations.

December 27, 1945. It was established, and in 1946 began to operate the World Bank - an inter-governmental specialized UN agency. IBRD operational functions may be to: 1) the granting of loans; 2) guaranteeing the loans received from other sources; 3) obtaining loans through the Bank for the purpose of acquiring capital; 4) management of the Bank's assets; 5) the provision of technical assistance. Aid in the form of IBRD loans may be used only its members. Loans granted by the Bank may not exceed the amount of all fixed capital and reserves of the bank (Art. III of, n. 3) [3; 144].

Kazakhstan became a member of the World Bank in 1992. To create the conditions necessary for entry into the IMF and the World Bank Group in Kazakhstan in June 1992, a special law "On the membership of the Republic of Kazakhstan in the International Monetary Fund, the International Bank for Reconstruction and Development, International Finance Corporation, the International Development Association, Multilateral Investment Guarantee Agency and the International Centre for Settlement of Investment Disputes" was adopted. Since then, Kazakhstan has received 27 loans from the World Bank in the amount of 2.6 billion US dollars, of which already paid for \$ 1.8 billion. In addition, the World Bank assisted in mobilizing co-financing and parallel financing from other sources. Initial loans from the World Bank (loan for the rehabilitation, structural adjustment and regulation of the financial sector) focused on supporting the work of the Government in the formulation and implementation of structural reforms in key areas such as privatization, enterprise restructuring, financial sector reform, and social protection. As soon as considerable progress in the implementation of key structural reforms has been made, the focus has shifted to investment projects for deepening and improvement of reform (loan to public sector management and transformation of the loan convert the pension reform). In 1999 the World Bank approved a project for the rehabilitation of road transport (\$ 100M), the Health Project (\$ 42,5M), the Law Reform Project (\$ 16,5M) project for the rehabilitation of the municipal city of Atyrau (\$ 16,5M), as well as the rehabilitation project transmission system (\$ 140M).

June 20, 2008 - Kazakhstan and the World Bank announced plans to co-finance the project for the construction of roads in the amount of US \$ 2.5 billion, which will help to improve trade links Asia with Russia and Europe. It is expected that this project will give a powerful impetus to enhance the competitiveness of Kazakhstan and will bring significant economic benefits not only to the country but to the entire Central Asian region.

It is expected that the World Bank will finance the construction and repair work on the 1,025 km stretch of road between Shymkent and Aktobe. road construction project, supported by the World Bank, will become part of the project worth 7.5 billion US dollars in the project to upgrade the road length of 2800 km from the Kazakhstan border with China (Khorogos) to the border with Russia (Srym). This project will be the largest infrastructure project in Central Asia.

In the 1990s, 66% of credit funds of the World Bank was aimed at supporting reforms in public administration, energy, and finance. Loans structural stabilization amounted to more than 50% of the total loan portfolio. In the current decade, with the progress of the structural reform of industry, and in circumstances where to Kazakhstan no longer stand the problem of the budget deficit or balance of payments, the focus of the World Bank in Kazakhstan focused on investment projects.

Under this project, the World Bank is working closely with partners such as the Asian Development Bank, Islamic Development Bank and the European Bank for Reconstruction and Development.

Currently, the credit portfolio of the Bank focuses mainly on agriculture, environment and infrastructure. Recently, this list is expanding at the expense of projects in the social and knowledge-intensive industries.

The World Bank and the Government of Kazakhstan is currently in the process of preparation of a partnership strategy for the next three years. In line with national reform objectives, the World Bank Assistance Strategy includes: a) promote the wide dissemination of employment growth and an increase in the level of income beyond the extractive sector; b) promote the reform of the public sector for effective delivery of public services; c) support for the most vulnerable; g) protection of the environment [4; 99].

"Conventional" technical assistance program. In 1946, on the basis of decisions of its plenary authorities have begun to implement technical assistance to four United Nations specialized agencies: ILO, FAO, WHO and ICAO. This assistance was secondment of experts for professional advice in dealing with the most difficult economic and technical problems, the allocation of grants for training, as well as to provide necessary for the success of missions of technical equipment experts.

Already in the first year of its existence, the UN has decided that the provision of technical assistance within the scope of its moral obligations and liabilities of the specialized organizations. General Assembly resolution 52 (1) of 14 December 1946 recommended that the Economic and Social Council to carry out studies to identify effective methods and means of assisting - in collaboration with specialized organizations - those Member States which are in connection with his plans for economic, social and cultural development will require consultations and the help of experts. The Economic and Social Council of 28 March 1947 requested the Secretary General to organize in the framework of the United Nations Secretariat a special section dealing with the implementation of operational functions, consisting in the provision of advice and assistance of experts. to provide that assistance costs were included in the regular budget of the UN.

United Nations Population Fund - is the largest source of support for population issues. The Fund provides assistance in addressing reproductive health and population and seeks to improve awareness of these topics in all countries.

UNFPA Kazakhstan started its work in 1992 with the support of programs aimed mainly for the supply of medical equipment, contraceptive drugs and conduct training for professionals involved in family planning issues. Were carried out programs aimed at reducing the number of abortions, increased intervals between births and expansion of contraceptive schemes through training of health workers, counseling, provision of information, carrying out training activities and the supply of contraceptives. The main document is the National Development Strategy for 2002-2010, developed by the Agency for Strategic Planning with UNFPA technical support of advice and assistance of experts. to provide that assistance costs were included in the regular budget of the UN.

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Team trainers were organized in the pilot regions of Kazakhstan for permanent training of health workers and building human capacity in reproductive health.

In mid-December 2006, an informal consultation of the UN Population Fund, chaired by the Executive Director of the Foundation, Mr. T. Obaid with the countries of Eastern Europe and Central Asia on the ongoing reform process, in particular the regionalization of the global structure of the Fund.

June 7, 2007 an official visit UNFPA Country Director, Mr. Khaled Philby in Astana. The meeting discussed issues in the field of demography and reproductive health, including family planning and maternal health.

Similarly, the World Bank, shortly after it became operational, has seen fit to send to countries wishing to benefit from its loans, special missions of experts who would assist the Government in the development of investment projects that meet the requirements of the World Bank. Such action was often a prerequisite for IBRD loans. The IMF has also started to provide technical assistance to countries seeking to implement fiscal and economic reforms that contribute to balancing the balance of payments and currency convertibility [5; 98].

In view of reducing the need for external financing of Kazakhstan the main focus of the World Bank in recent years has become a dialogue with the Government on the strategic directions of development. Innovative mechanisms of planning and financing of analytical work is the Joint Economic Research Program (JEW), jointly undertaken and financed by the Bank and the Government of the Republic. JEW Implementation began in 2002 and has given significant results: analyzes JERP proven effective in supporting the Government's strategy in key sectors of the economy. Directions and volume of economic research are determined annually by the Government in consultation with the Bank. The effectiveness of this cooperation model is confirmed by the fact that a number of countries have adopted JERP Kazakhstan as a model for others to follow.

In fiscal 2009, is working on the following topics JERP: higher education, poverty assessment, vocational and technical education (Feasibility Study for the investment project), the pension system, the Initiative Extractive Industries Transparency, tax administration (Feasibility Study for the investment project), administrative reform, macroeconomic forecasting and modeling, a review of e-government analysis of the methodology of budget transfers, a review of public financial management, the research quality of public services, the continuation of work on the analysis of financial stability, the assessment of the investment climate, with poor competitive markets, improve the rating of "Doing business ", the development of the state financial audit of the system, public - private partnerships and management of fiscal risks, the introduction of a financial monitoring system.

Thus arose the so-called conventional (regular) technical assistance programs in a specific area by individual UN organizations with funding, it is part of the normal (administrative) budgets of these organizations. These programs are carried out to date, and with respect to certain organizations, such as WHO, show a tendency of growth [6; 57].

The mandate of the United Nations Educational, Scientific and Cultural Organization (UNESCO) is to contribute to peace and security by promoting collaboration among nations through education, science, culture and communication in order to promote universal respect for the law and human rights and fundamental freedoms, enshrined in the Charter of the United Nations the peoples of the world regardless of race or gender, language or religion. UNESCO Office in Almaty was opened in 1994 and since then has played a leading role in donor coordination in the area of formal and informal education in Kazakhstan. For example, in 2005-06. UNESCO's lead and coordinate the ADB-funded national analysis of primary, secondary, higher and vocational education in Kazakhstan for the total amount of 890 000 US dollars. In the field of science, UNESCO is implementing a major project monitoring in the Aral Sea region, as well as working on issues related to the Caspian Sea and the former Semipalatinsk nuclear test site. As part of its regional project "Silk Road", UNESCO actively promotes the development of culture. With the first year of office began to provide support for the development of communication, aimed at supporting media development and journalism.

Basic technical assistance to the Government of the Republic of Kazakhstan, provided by the International Labour Organization (ILO), through two major projects: "The restructuring of the local economy and employment regulation: a demonstration project to create jobs in depressed areas" (239,000 US dollars) and "Start and Improve their job "(250 million US dollars). Since its inception in 1995, the ILO has had a variety of consulting services for the definition of wage policies, the development of employment policies, etc. In Kazakhstan, a number of seminars on safety was conducted in the workplace and occupational diseases, as well as the introduction of a system of tripartite relations. The ILO has contributed comments and recommendations to the various draft laws - on labor, employment, occupational safety and health. In 1995-1996. ILO by UNDP as part of the Social Development Strategy, conducted a study on the "Restructuring of industrial enterprises in Kazakhstan", assisted in the ratification of several ILO Conventions on occupational safety and health and workers' health and employment policies.

Also in 2003, Kazakhstan has ratified International Labour Organization Convention №182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Geneva, 17 June 1999) and has committed itself to develop and implement strategies and action to combat the worst forms of child working in the country. In 2007 in Kazakhstan on the initiative of the Federation of Trade Unions of Kazakhstan with the support of ILO-IPEC organized seminars on "Child labor in Kazakhstan: the formation of the position of trade unions" in three cities - Pavlodar, Astana and Almaty.

Agency on Statistics of Kazakhstan conducted a large-scale study of a number of health and social status of women and children - Multi-Indicator Cluster Survey, supported by a number of UN agencies - UNICEF, UNFPA, ILO-IPEC, UNDP and USAID. In this study, with the support of ILO-IPEC studied the situation of child labor [7].

The above features give a definite answer to the question why the organizations exist? The obvious answer is that in the event of liquidation to address the same issues will inevitably have to re-create similar institutions. Consequently, the functions performed by them, show the correctness of certain activities.

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