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ORGANIZATION OF WORK OF YOUNGER STUDENTS WITH INFORMATION PRESENTED BY VISUAL MEANS OF DIFFERENT DEGREES OF ABSTRACTION

Evgenii Alisov, Dmitry Kalinchenko
Moscow, Russian Federation

Abstract. The article describes special educational and practical tasks designed to organize the work of younger students with information (its search, collection, processing, analysis, organization, transmission and interpretation), developed by the authors in accordance with the communicative and cognitive tasks. Tasks are presented in the logic of complicating visualization tools. Examples of tasks are given, as well as accompanying illustrative material for them (in the form of a table, column and line diagrams). The article reveals the pedagogical potential of each of the considered types of tasks in the context of the formation of information culture of younger students. The dynamics of the formation of knowledge, skills, and competencies of younger students, potentially achieved when using tasks, is shown. The work was carried out in line with the concept of developmental learning and goes beyond the methodology of teaching individual primary school subjects.

Keywords: primary school age, formation of information culture, types of information, working with information, visual AIDS.

Introduction. This research is carried out in the specific focus of solving the General problem of finding effective means of forming the information culture of primary school children.

The purpose of the study is to design and describe a system of special educational and practical tasks designed to organize the work of younger students with information.

Research problem:

- define a set of actions, the development of which is necessary for the work of younger students with information;
- build a hierarchy of visual AIDS used in primary school, in terms of increasing the degree of abstraction;
- prepare and describe specific examples of special educational and practical tasks designed to organize the work of younger students with information.

In recent decades, the problem of organizing the work of students with information is reflected in various scientific works of a wide profile. Given the ambiguity of the concept of information [15], scientists characterize this type of work in various activities of participants in educational relations [7, 12].

The starting point for solving this problem is the formation of information literacy [16], its level is correlated with information culture [6], giving the latter the status of a system-forming category [3]. The high level of information culture is considered as a key reference point in the information field [4], which determines the regularities of the formation of the information space [10].

The modern paradigm of the organization of the educational process in primary school, in the context of the formation of information culture [17], focuses on the methodological basis of the competence approach [5], designating information competence as "competence of the future" [19].

Taking into account the semiotic position in the consideration of competence [22], practical teachers consider not only the possibilities of individual subjects in the formation of information competence, but also give it a special educational value [14], in the aspects of developing independence and initiative, communication skills used in various situations and activities.

Much attention is paid to the professional readiness of primary school teachers to organize the work of younger students with information [1, 8], in particular, in the conditions of network

interaction [2, 13]. Age features of primary school age actualize the impact of computer games on educational activities [20, 21], requiring information security of the developing person [18, 23].

In scientific and methodological works, it is emphasized that in the process of organizing the work of younger students with information, it is necessary to include special educational and practical tasks, especially using a non-text form of presenting information (diagrams, tables, diagrams), questions for understanding, for understanding the goal [11].

Research materials and methods. The main method of developing a system of special educational and practical tasks was the method of pedagogical design [9]. Understood in a broad educational context, the method of pedagogical design was extrapolated to solve a specific applied problem of organizational support for the work of younger students with information.

Results and discussion. During the author's research, special educational and practical tasks were developed for younger students, aimed at searching and analyzing information for the purpose of its subsequent transmission. Tasks were developed in accordance with the types of information: text, numeric, audio, etc.They were included in the content of various academic subjects: Russian language, mathematics, the world around them, and became mandatory for performance during control tests.

The inclusion of students in the process of finding a solution allows them to form a General ability to solve the problem, by expanding knowledge about the problem itself and getting acquainted with new ways of solving it, develops cognitive interest, since the content of tasks is practice-oriented, related to the life situations of the younger student. Solving problems of searching and processing information, students experiment, observe, draw conclusions, developing research skills.

Performing such tasks allows you to learn to navigate the surrounding reality, get prepared for solving practical life situations and problems, learn to consider all available options and opportunities, make the right, optimal choice for this situation, and develop such qualities of thinking as variability and purposefulness.

For younger students, it is more convenient to search for information that is already presented in tables and figures, i.e. it does not have non-essential, secondary data.

Here is an example of a task. The table (table 1) shows the musical instruments that first-graders learn to play. The rows contain the names of children, and the columns contain musical instruments (piano, guitar, and flute). Next to the name of each first-grader, a mark is made in the desired column, indicating which musical instrument they are learning to play. Some first-graders learn to play several instruments.

Table 1. An example of the accompanying illustrative material for the task for younger students to work with text information, presented in the table.

	Piano	Guitar	Flute
Anna	*		*
Victor	*	*	*
Valentine	*		
Galina	*		*
Dmitry	*	*	
Elena	*		
Evgeniy	*		*
Elizabeth	*		
Igor		*	*
Irina	*	*	
Ludmila		*	*
Maria			*
Michael	*	*	

Nikolay		*	
Natalya	*		*
Olga	*		*
Peter		*	*
Sergei	*		*
Fedor		*	*

Students need to find information in the table by answering the questions: what musical instrument does most first-graders learn to play?; which musical instrument does more boys learn to play than girls? how many first-graders learn to play three musical instruments? Searching for answers to these questions involves a quantitative analysis of information. Performing similar tasks, younger students get experience in conducting research, constructing judgments on the basis of the particular facts.

Familiarity with the method of recording information in tabular form becomes the beginning of independent work on collecting information and processing it. You can ask younger students to conduct a survey among their classmates and find out, for example, what Pets they live with, what books they like to read, or what programs they like to watch. Students should enter the received data in a similar table and conduct analytical work and draw conclusions.

Such training tasks are of steady interest, because they are related to everyday life. For the formulation of a training task, it is important that it performs the function of a specific instruction that allows you to consciously master a particular action (in the full composition of its operations) with information. When performing such tasks, younger students gain experience in preliminary analysis of the content, translating it into a symbolic form, and correlating the results presented in the table with reality [3].

You can gradually complicate the instruction and display numeric information in the table. At the same time, students are also invited to review the table (table 2) and answer questions. However, the corresponding columns already contain quantitative data: the number of boys and girls who learn to play certain musical instruments. The first column lists musical instruments (piano, guitar, flute), the second column shows how many boys, and the third column shows how many girls are learning to play each instrument.

Table 2. An example of the accompanying illustrative material for the task for younger students to work with numerical information, presented in the table.

Musical instrument	Boys (number)	Girls (number)
Piano	5	8
Guitar	7	2
Flute	6	6

Students can be asked to answer the questions: how many boys are learning to play the flute? how many more girls than boys learn to play the piano?; which musical instrument does boys learn to play as much as girls?

Using a table with numeric data allows you to more accurately convey information about the object or phenomenon being studied. Students receive the necessary generalized data presented in an accessible, easy-to-understand form. Thanks to the table, younger students not only have the opportunity to quickly find and analyze information, they are introduced to the way of interpreting data (in a collapsed form), which creates the basis for moving to a higher degree of abstraction.

The work of searching for numerical information in tables is carried out throughout the initial training and should gradually become more complex. Creating a task system allows you to create targeted actions, and a wide range of options used during training has a positive effect on the acquisition of the necessary competencies that allow you to act effectively in non-standard situations.

The use of more complex means of recording information allows us to expand opportunities for creating new and improving existing methods and techniques for processing information. The data shown in the table can be presented in the form of a bar chart (figure 1) consisting of three pairs of rectangles, each pair shows the types of musical instruments, and the height of the rectangles corresponds to the number of first-graders learning to play these instruments.

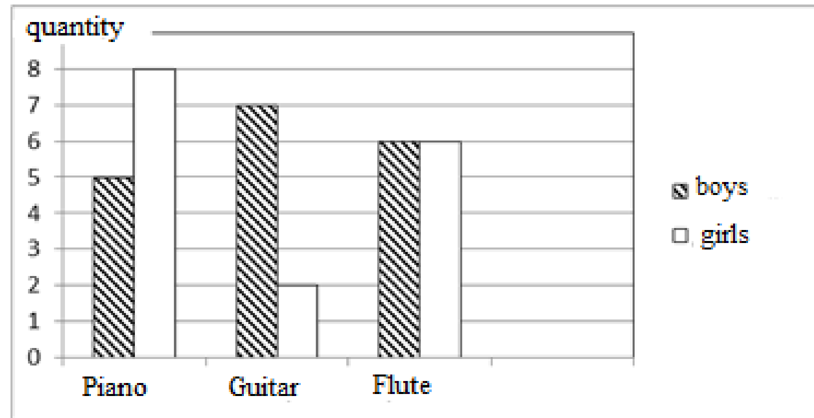

Figure 1. An example of the accompanying illustrative material for the task for younger students on working with information, presented in the bar chart.

The presentation of the same information using different degrees of abstraction of visibility allows younger students to form the ability to see not only the signs of the processed information, but also the specific properties of the means of its structuring. In the future, this will give students the opportunity to make a purposeful choice of how to process and interpret the information received, which will contribute to its deeper, systematic analysis.

A bar chart can be used not only in a ready-made form, but also to offer detailed instructions for performing actions to create it (with a sample). In the table (table 2), the number of boys and girls was indicated in columns, in the bar chart this vertical spatial arrangement remained, and these data formed rectangles. However, their number corresponds to the number of musical instruments (separately for boys and girls), and a horizontal line was required to indicate the number of first-graders. Here, younger students need to navigate the location of the data using the coordinate system. Combining indicators in two directions is a complex educational task that is performed by younger students under the guidance of a teacher. Determining the number of boys (or girls) vertically and the name of a musical instrument horizontally allows you to get accurate data. In addition, in contrast to the table, the bar chart immediately shows the value of the indicator, which allows you to answer the question (without resorting to arithmetic calculations): how much more (or less)?

The complexity of the information capture tool is also justified because the bar chart helps to prepare younger students for the perception of more abstract demonstration tools. In primary school, students also start using line charts to search for and process information.

So, younger students may be invited to consider a line chart (figure 2), which, as well as on the bar graph, the data is arranged in two directions: vertically specified number of pupils, and horizontally – names of musical instruments. The difference is that there are no rectangles, but there are points fixed at the same height as the upper border of the rectangles. These points are connected to each other, forming a polyline that has its own meaning. In this example, the solid line corresponds to the number of boys, and the dotted line corresponds to the number of girls. To visually confirm the common location of data in the bar and line charts, you can show students how the columns would be located here by lowering the perpendicular from the points to the horizontal, getting segments that resemble the usual rectangles for younger students. You can also

do the opposite by drawing broken lines (the same as in a line chart) on a familiar bar chart. Searching for common and different data locations on different information visualization tools allows you to better understand the functionality of the tools used, and expand the capabilities of students in making independent, informed choices.

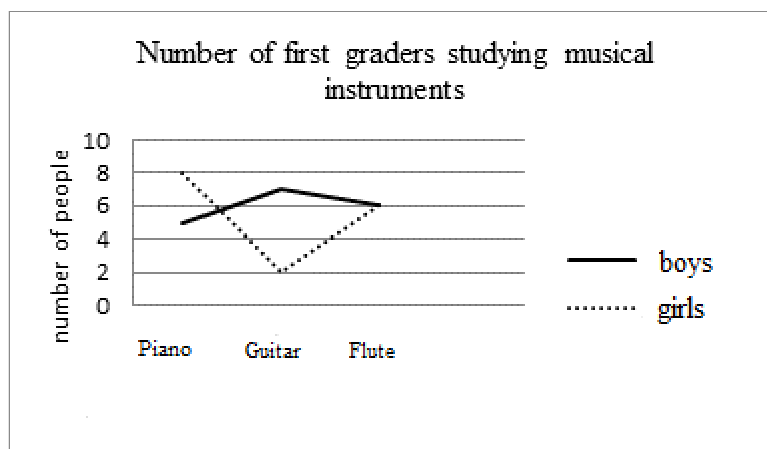

Figure 2. An example of the accompanying illustrative material for the task for younger students on working with information, presented on the line diagram.

Tasks that require you to find the information you need using a line chart may be similar to those that younger students performed when working with a table and a bar chart. You can also suggest determining which musical instrument the least number of girls learn to play?; which musical instrument is more often chosen by boys? etc.

You can display more information in a line chart than in a table or bar chart. For example, specify the number of boys and girls learning to play musical instruments, not one class, but several, using broken lines of different colors or hatching.

Systematic and purposefully organized training in the search and processing of information using visual means of varying degrees of abstraction contributes to the development of information activities of younger students. First of all, this is due to the fact that in the process of performing such educational and practical tasks, the development of thought operations (analysis, synthesis, comparison) takes place; skills of working with various ways of presenting information are developed; spatial representations are developed, and cognitive interest is formed. All this will contribute to the harmonious development of younger students, in accordance with the requirements of the modern information society, and will help their successful self-realization throughout their later life.

Conclusion.

1. Organizing the work of younger students with information is a specific direction for solving the problem of forming their information culture.

2. The actions that are necessary for younger students to work with information include: quantitative and qualitative analysis of information, translating it into a symbolic form, highlighting the characteristics of the information being processed, its specific properties and means of structuring, building a judgment on a specific factual material, and choosing a method for processing and interpreting the information received.

3. In the aspect of increasing the degree of abstraction, visual tools used in primary school for organizing students ' work with information can be presented in the form of a hierarchical chain: a table that requires working with text information – a table that requires working with numeric information – a bar chart-a linear chart. It is recommended to provide pedagogical support for the work of younger students with information in the given direction of complicating visual AIDS.

4. Special educational and practical tasks designed to organize the work of younger students with information should be practice-oriented, causing cognitive interest, related to the life situations of younger students (for example, in the described set of tasks contained information about teaching first-graders to play musical instruments), which will help them correlate the results of their work with reality.

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ANALYSIS OF LAND OWNERSHIP IN FOREIGN LAW: CONCLUSIONS AND RECOMMENDATIONS FOR THE REPUBLIC OF KAZAKHSTAN

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Annotation. Buying and renting land are the most common ways of transferring land ownership and land use rights, often in modern conditions in order to consolidate farms and create economically more stable farms. They constitute the most important elements of the land market and, as such, are subject to civil law and in many, if not most, cases of state regulation, the latter being determined by both national specifics and more general factors such as land security and the desire to keep the land viable farms.
Keywords: land law, land lease, legislation of Kazakhstan, property rights, foreign law

Introduction. From the date of getting independence the most relevant issues for state and whole society are questions about regulation of land relations.

According to leading Kazakh scientists in the field of land law, positive perspectives for the development of Kazakhstan's society depends on the appropriate choice of the economic and legal concept of interaction between the state, society and the land market. This is a meaningful task facing behind society of Kazakhstan [1, 12]. In order to solve these tasks, it is necessary to research meticulously the progressive foreign experience of regulating land relations.

Regulation of agricultural land is given special attention by the state as the most socially significant object, the main purpose of which is to produce agricultural products. The current state of regulation of land ownership relations in foreign countries is the result of a long evolution associated with the restriction of the rights of private owners for the benefit of the entire society.

At the present time relevance of the problem is caused by the need to resolve issues with reference of the announcement of a moratorium and the suspension of certain norms of the Land Code of the Republic of Kazakhstan regarding the sale and transfer of agricultural land.

In a message to the people of Kazakhstan dated October 5, 2018, the First President, Elbasy, the Leader of the Nation, Nursultan Nazarbayev hand out assignment to create a unified information database on the land fund and real estate, focusing on the need to restore order and transfer land to real investors. On September 2, 2019, Head of state Kassym-Jomart Tokayev set the task of attracting foreign investment in agriculture, more efficient use of land resources, and confirmed the restrictions associated with the sale of land to foreign residents.

In the Republic of Kazakhstan, the institution of private ownership of agricultural land was introduced in 2003 with the adoption of the Land code. In Kazakhstan, the total area of agricultural land is 217 million hectares. At the same time, agricultural land constitutes 105.2 million hectares, of which only 1.4% is privately owned. In that way, the reserve lands amount to 96.7 million hectares, this indicates that there is a significant potential for their involvement in the market turnover.

Private ownership of agricultural land, as an integral and mandatory attribute of market relations, has not received the expected spread in Kazakhstan.

The issue of ownership of land in Kazakhstan is the most socially vulnerable, so it is necessary to grant land ownership taking into account national interests. In particular, in 2016, after making a number of amendments to the land legislation and announcing the start of auctions for agricultural land, a number of rallies were held across the country. For the most part, this happened due to the incorrect reporting to the population of information on the amendments made and the lack of understanding by citizens of the essence of the land reform. However, this indicates the need for a more sensitive approach to the consideration of issues of agricultural land lease.

In this regard it is necessary to carefully and selectively refer to foreign experience in resolving these issues. This is the purpose of this research. The obtained results should have practical benefit and be implemented in subsequent legislative work.

Research methodology. The methodological base of the research is based on the methods of empirical (observation, comparison, measurement) and theoretical (abstraction and concretization, induction and deduction, systematization and interpretation of facts) research.

In order to comprehensively analyze some of the problems of protecting land ownership, we have undertaken an analysis of the legislation of the OECD countries, as well as other foreign countries. In addition, the content of research materials of foreign scientists-lawyers, specialists in the field of civil and land law was studied. Hereby, the methodological basis of the research includes: system analysis, comparison, theoretical and legal forecasting.

Research results. From the experience of foreign countries the experiences of the OECD countries have primary interest for the Republic of Kazakhstan. In this regard, the study is intended to focus on the experience of OECD countries in the first place, and only where necessary, on the experience of other countries.

Under Hungarian law, the concept of land ownership is defined as:

- norms of land law contained in the Constitution of Hungary, laws and subordinate legislation on land relations;
- land legal relations that are formed between the subjects of property rights and other persons- holders of land rights and obligations;
- rights of land owners.

The General provisions of § 9 of the Hungarian Constitution also constitute the basis for the legal regulation of land ownership relations. In accordance with clause 1 of this paragraph, the Hungarian economy is defined as a market economy based on the existence of public and private property, which are declared equal and enjoy equal protection.

Land ownership relations are regulated in the civil code of the Republic of Hungary. In § 97 of the civil code, it is stated that the owner of the land owns the right of ownership of the building. In cases stipulated by law or a written agreement concluded with the land owner, the property right to the building may belong to the developer. The civil code establishes the right of pre-emptive purchase of a building by the **owner** of a land plot, as well as the right of pre-emptive purchase of a land plot by the developer.

The concept of «land ownership right» also implies a subjective right to exercise the powers of possession, use and disposal, as enshrined in chapter X Civil Code of Hungary.

Within the limits of their authority, owners own, use and dispose of their land. They have the right to perform certain actions in relation to the land or not to allow them to be performed.

Individuals have the right to have land plots in private ownership for personal or farm management, for personal subsidiary farming, gardening, growing grapes, nuts, activities in the forestry sector, as well as for housing, garage and dacha construction.

Grave restrictions on the purchase of real estate in Hungary are provided only for agricultural land and protected areas (vineyards, orchards, meadows, pastures, reeds, forests, fishing lakes, etc.).

In this regard, it should be noted that in December 2010 the European Commission confirmed the right of Hungary to set restrictions on the acquisition of agricultural land by foreign citizens for a further 3 years. Thus, for foreign legal entities and individuals in Hungary, there are appropriate restrictions on the acquisition of agricultural land in Hungary. However, there are certain exceptions that allow both legal entities and individuals from states that are not members of the European Union to acquire ownership of agricultural land on the territory of Hungary. In particular, persons from third countries have the right to acquire ownership of agricultural land and land protected areas in the case of legal inheritance.

As a second exception, we can consider the right of foreign persons, but in this case only from EU member states, to acquire ownership of agricultural land in cases where they intend to live in Hungary and carry out agricultural activities as independent entrepreneurs, provided that they have already lived continuously legally on the territory of Hungary for at least three years.

Similar restrictions apply to the right to use agricultural land. However, legal entities and individuals from third countries have the right to conclude land lease agreements for a period not exceeding 20 years, and for a plot of land not exceeding 300 hectares. In this regard, it should be noted that in practice there is a conclusion of so- called «pocket contracts» for the acquisition of agricultural land by foreign persons on the territory of Hungary. These contracts are not officially registered in Hungary and are concluded in violation of the country's rules. According to some expert estimates, about 30-40 % of all agricultural land in Western Hungary has already been sold to foreigners [2].

In Germany, according to section § 903 of the civil code, the owner has the right to dispose of a thing at his own discretion, if his ownership is not restricted by law or the rights of third parties. German civil code does not give a legal definition of property rights, but speaks about its content, defining property through the rights of the owner. The civil law concept of property differs from the constitutional legal concept of property established by article 14 of the Basic law of Germany. The basic law guarantees not only the right of ownership of a thing, but also all subjective rights to property, thereby guaranteeing the right of ownership.

Ownership of the land includes both the right to space above the surface of the land and the right to subsoil located under the land, but does not cover the right to groundwater flowing under the land, except for artificially supplied water.

In German law, the basis of the institution of real estate is the legal regime of the land plot, while objects not covered by this regime are considered, from the legal side, movable things. However, the BGB does not provide a direct explanation of these terms.

According to §94 BGB structures and things that are firmly connected to the land are among the essential components of the land plot. Thus, buildings and houses are inseparable from the land plot. Other property traditionally related to real estate is equated to it by law. In particular, E. R. Furich indicates the right of development, the right of ownership of the apartment [3, 38]. Therefore the legal status of ownership of an apartment is equated to a land plot.

In Germany, constant monitoring of any changes in ownership or lease of farmland is maintained. The transfer of rights to any agricultural land requires special permission, which is necessary in three cases: when this transfer of rights leads to an undesirable distribution of land, for example, the transfer of farmland to non -agricultural uses, which is usually considered undesirable. If there are several people who want to buy or lease land, preference is given to the one who is already engaged in agricultural production. The other two reasons for limiting land management are to avoid undesirable fragmentation of plots (plot shouldn't be less than 1 hectare) or excessive concentration of land (maximum 400 to 500 hectares). However, this does not apply to the Eastern lands (former GDR). As for the lease of land, it is subject to the same restrictions as the purchase.

In ***the United States***, the institution of land ownership came from the UK, which led to its uniform understanding and application in almost all states. But over time, the influence of the continental model of this institution on state law has intensified. The degree of influence varies from state to state. This influence led to "the Europeanization" of the English Institute of Property Law. This was very clearly manifested in the laws of the state of California. The Civil Code of the State California gave a legal definition of ownership, which is not typical for state law. Unlike Great Britain, in the USA there is no sole absolute owner of the land (like the monarch in England).

Land as a natural object involved in the system of public relations has certain physical, industrial, technological and other characteristics and signs, which, when reflected in law, acquire legal significance. These properties of it significantly affect the nature of the rights and obligations

of subjects of the right to use and determine the content of legal relations regarding the use and protection of land resources.

The desire of the legislator to maximally link the content of rights and obligations with the objective properties of land is manifested in US law. As well as in the principle of regulating its use in limited territories - in areas within which the lands have similar socio-economic characteristics. Especially this principle manifests itself in the regulation of the use of agricultural, moist, marshy and other lands important from an environmental point of view [4].

The legal literature of the Soviet period rightly emphasizes that in the United States by the end of the twentieth century a new legal community has emerged, which is referred to in the American legal literature as “Land use control” or “Land use law,” in other words, legal regulation of land use. Unfortunately, the legal nature of the legal community in the Russian (and Kazakhstan’s) literature is still unexplored.

At the same time the study of the scientific literature, legislation and judicial practice of the United States allows us to make an unambiguous conclusion about the objective trend of becoming a relatively independent institution of land use law in the legislation. and not about the modernization of private property law, which turned out to be socially ineffective in the traditional civilian version. The differences between the right of ownership and land use is confirmed in legislative practice by the introduction of new concepts, such as the right to development, concept “land user-entrepreneur” and etc.

Right of the ownership of land in ***Canada*** belongs to governments, indigenous groups, corporations and individuals. Canada is the second largest country in the world by area; for 9,093,507 km2 or 3,511,085 miles of land (and more, if you do not take into account fresh water), it occupies more than 6% of the Earth's surface. Since Canada uses mainly English common law, land owners actually have land ownership (permission to own land from the crown) and not absolute property [5].

The largest landowner group is provincial governments, which hold all unclaimed land in their jurisdiction. More than 90% of Canada’s stretched boreal forest is the provincial Crown Lands. Provincial Lands account for 60% of Alberta, 94% of land in British Columbia, 95% of Newfoundland and Labrador, and 48% of New Brunswick [6].

In Canada, most mineral rights belong to the royal authority, that is, the “Crown”, but the degree of ownership of the Crown varies from province to province. While a provincial government has general authority over its natural resources, federal jurisdiction may overlap these provincial responsibilities. Examples of this include when indigenous peoples are affected, if the project crosses provincial or international borders, or when the project is carried out on the shelf. When overlapping jurisdictions occur, both federal and provincial regulators may be involved.

The Canadian Constitution recognizes three groups of indigenous peoples: the natives, mestizos, and Inuit people. Land tenure that has been recognized as a contract or dispute settlement agreement between these groups and the federal and / or provincial governments is generally owned by the governing body of the group and is akin to crown tenure.

The Canadian land law is related to the nature of land ownership law [7]. Legal definition: “Land” includes land of any tenure, as well as mines and minerals, regardless of whether they are kept separate from the surface, buildings or parts buildings (regardless of whether the division is horizontal, vertical or in any other way) and other material inheritance rights. Also the estate and rent and other incorporeal inheritance rights, as well as the easement, right, privilege or benefit, in excess or received from the land.

Conclusions. Thus, most foreign countries exercise fairly tight control over the land market. At the same time, there are countries with a much more liberal land market regime - this refers to land trade and rent, although there are also restrictions on the withdrawal of agricultural land from circulation, taxation, inheritance rights and other factors. But the market is more liberalized there. It affects both national traditions and the availability of land resources. These

countries primarily include the USA, Australia, Canada. Somewhat less control is also in the UK, Belgium and Greece. However even there the state reserves the right to intervene, for example, from an environmental point of view. For example, in Australia, where most of the land is state property, the issuance of permits for its use or leasing is subject to the observance by farmers of the relevant rules for the use of land, in particular, erosion control and prevention of desertification.

Even in the United States, with its liberal regime, in the most developed agricultural areas, the state at the legislative level prohibits non-farmers from acquiring agricultural land. So, in 13 of the most agriculturally important states of the Midwest, legal entities are prohibited from buying agricultural land. However, if farmers themselves create any associations that have the status of a corporation under American law - for example, family corporations where the farm is owned by family members, then this restriction does not apply to them. The meaning of the law is to prohibit the purchase of land by non-farmers or the potential withdrawal of this land from agricultural circulation.

In most countries there is no juxtaposition of land ownership and leasing. For example, England is a classic example of the state of the farming on leased land. In France 50% of the land is leased and in Belgium - 66% of the land is leased. And in all these states has been achieved a high level of agricultural production intensity.

In general, we can conclude the desire of many states to extend lease terms and stabilize rental rates.

This experience can be integrated in the Republic of Kazakhstan only if certain national characteristics are taken into account. Thus, the introduction of partial restrictions for foreigners on the ownership of agricultural land on a rental (sublease) basis can give significant results. Along with this, it is possible to provide the opportunity to carry out investment activities by this category of entities into existing Kazakhstani agricultural enterprises, as well as into business entities owned by Kazakh citizens. This will allow, firstly, to limit foreigners from direct ownership of land in Kazakhstan, and secondly, to leave the opportunity for foreigners to invest in agriculture of the Republic of Kazakhstan and increase the turnover of agricultural land.

Thus, based on the data obtained during the research, a number of general conclusions and recommendations can be made for the subsequent implementation of foreign experience in the legislation of the Republic of Kazakhstan.

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LEGAL ASPECTS OF PROTECTING THE RIGHTS OF MINORITIES: PROTECTING THE RIGHTS OF THE KAZAKH DIASPORA ABROAD

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Abstract The article analyzes the international legal aspects of protecting the rights of ethnic and linguistic minorities. International treaties and conventions are discussed, topical problems of ethnocultural and political-legal rights and freedoms of ethnic minorities are studied. And also, analyzed the theoretical and legal problems of protecting the ethnocultural rights of the Kazakh diaspora living abroad.
Keywords: minority rights, human rights, Kazakh diaspora, protection of ethnocultural rights.

Introduction

The protection of ethnic, religious and language groups is one of the oldest concerns of international law. The international protection of minorities has played a decisive role in the development of the entire system of human rights protection in the form in which it exists in modern international law. The particular importance was the problem of minorities in the 20th century, and it remains to this day (G.M. Mendikulova, 1997).

The problems of minorities arise in many states and are usually both domestic and interstate - being a majority in one state; a national group is often a minority in the nearest state. Within the state, the problem of minorities is directly related to the protection of human rights (A.H. Abashidze, 1988).

The subjects of public international law in the field of protection of the rights of ethnic minorities are participants in international legal relations regarding the protection of the rights of ethnic minorities, who have rights and obligations on the basis of international law (Promoting and Protecting Minority Rights: A Guide for Advocates, 2012).

Undoubtedly, the main ones are international organizations, which are divided into international governmental and international non-governmental organizations. International governmental organizations are associations of states on an ongoing basis, which are created on the basis of either a constituent instrument or an international agreement to achieve the following goals - the solution of certain international problems; promoting full cooperation. The specificity of these entities is the fact that their legal personality differs from the legal personality of states, since it does not stem from sovereignty. All international governmental organizations are typologies into two types - global and regional. In the system of world organizations, the United Nations undoubtedly occupies a dominant position. In this regard, the UN was adopted by the General Assembly in resolution 47/135 of December 18, 1992 “Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities” (Deklaraciya o pravah lic, prinadlejaschih k nacional'nym ili etnicheskim, religioznym i yazykovym men'shinstvam, 1992).

This article protects the rights of persons belonging to minorities to their national, ethnic, religious or linguistic identities, or to a combination of these features and to preserve those features that they want to preserve and develop. Although this article refers to minority rights in countries where minorities exist, its applicability does not depend on the official recognition of the minority by the state. States that have ratified the Covenant are required to guarantee the enjoyment by all persons under their jurisdiction of their rights; this may require special measures aimed at correcting the conditions of inequality of minorities (Kathleen Newland, 2010).

“Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities” adopted by the General Assembly in resolution 47/135 of December 18, 1992 and general comment No. 23 (1994) of the Human Rights Committee on minority rights of the UN General Assembly are fundamental international legal norms that underlie the activities of

international organizations and intergovernmental ornaments for the effective protection of national minorities, including ethnic Kazakhs, residing in abroad. The Republic of Kazakhstan, represented by the government as well as non-governmental organizations, in their work to protect the rights of ethnic Kazakhs abroad should rely on these international treaties and the institutional mechanisms provided for by them to protect the rights of the Kazakh Diaspora abroad.

General Comment No. 23 (1994) of the Human Rights Committee on minority rights provides an authoritative interpretation of article 27. The Committee noted that "this article establishes and recognizes persons belonging to minorities a right that is clearly distinguishable and granted in addition to all other rights that these persons, along with all other members of society, already enjoy in accordance with the Covenant." The right provided for in article 27 is autonomous in the structure of the Covenant. The interpretation of its scope by the Human Rights Committee results in the recognition of the existence of various groups within the territory of the state and the fact that the adoption of decisions on such recognition is not the prerogative of the state only and that positive measures on the part of the state "may also be necessary to preserve the identity of any minority and the rights of its members to use their culture and language and develop them, as well as to practice their religion together with other members of the group. " Article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights explicitly states that "the States Parties to this Covenant undertake to guarantee that the rights enshrined in this Covenant will be exercised without discrimination of any kind, in relation to race, color, sex, language, religion, political or other beliefs, national or social origin, property status, birth or other circumstances" (Kommentarii rabochei gruppy po men'shinstvam k deklaracii organizacii ob`edinennyh nacii o pravah lic, prinadlejaschih k nacional'nym ili etnicheskim, religioznym iyazykovym men'shinstvam, 2005).

Methods of a research and ethical questions. The methodological basis of the study is made up of historical and comparative legal methods, in which scientific works on the issues of international and domestic law were used. At the same time, research methods of logical and systematic analysis, historical-legal and comparative-legal analysis, hermetic analysis, comparative analysis, analysis, synthesis, induction and deduction were used. In addition, the fundamental principles of theoretical and legal science and the modern achievements of other sciences were applied.

Discussion. In the past, the relationship between the state and its minorities was built on the basis of the following five different models: destruction, assimilation, tolerance, protection and promotion. According to the norms of modern international law, destruction is clearly an illegal form of relationship. In addition, the Declaration is based on the principle of the inadmissibility of forced assimilation (A. Gamlen, 2006).

Although to some extent integration in any national society is a necessary condition for the state to ensure respect and observance of the human rights of all persons on its territory without any discrimination, measures to protect minorities are designed to ensure that integration does not turn into forced assimilation or did not undermine the identity of the group of persons residing in the territory of the relevant state (A. Gamlen, 2008).

One of the principles of international law, on the basis of which relations between states are built, is the principle of mutual respect and non-interference in the internal affairs of other states. The Republic of Kazakhstan strictly adheres to the principle of mutual respect and non-interference in the internal affairs of other states.

However, when it comes to ethnic Kazakhs living abroad, the Republic of Kazakhstan, taking into account international treaties and conventions for the protection of the rights of national minorities and adhering to one of the main trends in the implementation of these treaties, bases its actions on the principle of the unacceptability of forced assimilation and, to some extent, on the principle of integration, which would not turn into forced assimilation and would not undermine the identity of the Kazakh diaspora living in the territory of the corresponding state arstva. In its

domestic policy, Kazakhstan adheres to the principles of tolerance, protection and promotion of national minorities living in the territory of the Republic of Kazakhstan, which allows Kazakhstan to fully defend the rights of ethnic Kazakhs living in other countries.

Integration differs from assimilation in that, contributing to the development and maintenance of social principles based on the principles of equal treatment and respect for the rule of law, it allows for pluralism. The areas of pluralism envisaged by the Declaration are culture, language and religion (H. De Haas, 2006).

Protecting the identity of minority groups requires not only tolerance, but also a positive attitude of the state and society as a whole towards the principle of cultural pluralism. To ensure identity requires not only recognition, but also respect for the distinctive features and contribution of minorities to the life of national society as a whole. The protection of identity means not only that the state refrains from pursuing a policy whose aim or result is the assimilation of minorities within the framework of a dominant culture, but also that the state protects minorities from the assimilation of the activities of third parties (M. Reis, 2004).

In this regard, the policy pursued by the relevant state in the field of language and education is crucial. Depriving minorities of the opportunity to learn their native language or excluding from the education process of minorities an element of the transfer of their knowledge of their own culture, history, traditions and language constitutes a violation of the obligation to protect their identity (W.Safran, 1991).

The promotion of the identity of minorities requires the application of special measures aimed at promoting the preservation, enhancement and further development of their culture. Culture is not static, so minorities should be given the opportunity to develop their own culture in the context of an ongoing process. This process should include interaction between persons belonging to the minority, between the minority and the state, and between the minority and the entire national society. The measures required to achieve this goal are described in more detail in article 4 of the Declaration.

Article 6 encourages states to cooperate with a view to finding constructive solutions to problems related to minorities. In accordance with the Charter of the United Nations, States should be guided in their bilateral relations by the principle of non-interference. They should refrain from any use of force, as well as from any calls to parties to conflicts in other states affecting relevant populations, use violence and should take all necessary measures to prevent the invasion of any armed groups or mercenaries in other states with the aim of participating in conflicts affecting these populations (S. Vertovec, 2005).

It should be noted that, in cases of extremely aggressive relations in the countries of residence to national minorities, in particular ethnic Kazakhs, the Republic of Kazakhstan should refrain from any use of force, as well as from any calls to countries of conflict, and act in the framework of bilateral relations, Kazakhstan should develop constructive cooperation to help protect equality and promote the identity of ethnic Kazakhs on the basis of reciprocity.

One of the approaches that is actively used in Central and Eastern Europe is the conclusion by states of bilateral treaties or other agreements of neighborly relations based on the principles of the UN Charter and international law in the field of human rights and allowing to combine strict obligations with regard to interference with cooperation standards in promoting the development of conditions for the preservation of the identity of the relevant groups and cross-border contacts between persons belonging to minorities. The content of minority rules provided for in such treaties and other bilateral agreements should be based on universal and regional instruments relating to equality, non-discrimination and minority rights. Such treaties should include provisions for the settlement of disputes regarding their implementation (Prava men'shinstvmejdunarodnyestandarty i rukovodstvopo ih soblyudeniyu, 2012).

The cooperation referred to in article 7 may take place at the regional and subregional levels, as well as at the United Nations level. At the European level, a number of intergovernmental

mechanisms and procedures have been created, which are somehow aimed at promoting minorities in a peaceful way and achieving a constructive solution to problems concerning the respective groups. These mechanisms include the Council of the Baltic Sea States and its Commissioner for Democratic Institutions and Human Rights, including the rights of persons belonging to minorities; The OSCE and its Office of the High Commissioner on National Minorities, as well as the Council of Europe, which has adopted a number of minority agreements. Cooperation within the United Nations can be achieved through the Working Group on Minorities. In this regard, treaty bodies, in particular the Committee on the Elimination of Racial Discrimination and the Human Rights Committee, can also play an important role (Prava men'shinstv izlojenie faktov, 1992).

The Framework Convention for the Protection of National Minorities of the Council of Europe, the basis for the acquisition of specific rights by individual representatives of minorities or minorities as a whole lays down the principle of free and voluntary attribution by a person of himself to a particular national minority - the principle of national self-identification. The explanatory report of the European Commission on the Legislative Support of Democracy clarifies: “The subjective choice of each individual is associated with an objective criterion relating to a person’s personality” (Rukovodstvo OON po problemam men'shinstv, 2019).

Conclusion. In the framework of the CIS, it can be said that a historical document was adopted that constituted the legal basis for multilateral cooperation of states in the field of protecting the rights of persons belonging to national minorities. The Republic of Kazakhstan uses this convention to protect the rights of ethnic Kazakhs living in the CIS countries. The Convention on Ensuring the Rights of Persons Belonging to National Minorities is open in nature, which follows from Art. 15, according to which, after its entry into force, other states may join the Convention, sharing its goals and principles. The open character of the Convention is also confirmed by the fact that any of the contracting parties on the basis of Art. 16 of the Convention may declare its withdrawal from it by written notification to the depositary at least six months before the date of withdrawal.

The preamble to the Convention reaffirms the commitment of States parties to the Convention to comply with international human rights standards and protect the rights of persons belonging to national minorities, as enshrined in relevant UN and OSCE documents. The States Parties to the Convention also reaffirm that the rights of persons belonging to national minorities are an integral part of universally recognized human rights.

The mere fact of the participation of the CIS countries in the Convention means that they finally recognized the fact of the existence of national minorities on their territory and the ensuing interests and needs. This conclusion is also confirmed by the preamble of the Convention, which states that its parties take into account that “persons belonging to national minorities live in the territory of each Contracting Party” (Konvenciya ob obespechenii prav lic, prinadlejaschih k nacional'nym men'shinstvam, 2019).

People, including ethnic Kazakhs living abroad, should not be discriminated against for demonstrating their group identity. Governments or persons belonging to the majority of the population are often tolerant of people of a different national or ethnic origin until they begin to assert their right to identity, language and traditions. In many cases, discrimination or harassment begins precisely after they claim their rights as persons belonging to a particular group.

Summing up, it should be noted that peoples and national minorities are protected by international law and are endowed with a significant amount of fundamental and optional rights that allow them to freely develop, while preserving their ethno cultural identity and identity. However, the exercise of these rights does not primarily depend on the countries participating in the world community, their governments and other state and political institutions, but on the peoples themselves or national minorities, their will to political, social and cultural progress, without which the whole system of international guarantees for them specific rights will remain a stillborn legal mechanism.

The Republic of Kazakhstan, through cooperation with international organizations such as the United Nations High Commissioner for Human Rights, the International Organization for Refugees, the International Organization for Migration, and through diplomatic channels, makes every effort to protect the rights of ethnic Kazakhs living abroad.

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TRENDS IN THE MODERNIZATION OF CONSTITUTIONAL CONTROL IN THE RUSSIAN FEDERATION

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Abstract: This article presents the author's analysis of the changes in the legislation on the Constitutional Court of the Russian Federation, that are being discussed at the highest governmental level. In particular, special attention is paid to the formation of new trends in adjusting the institution of constitutional control (the procedural aspect), which are in demand by the political elite and are often necessary for immediate adjustment of the political forces balance, but, at the same time, are insufficiently developed from the point of legal theory. The study concludes that such a discrepancy between the expected and that of being carried out directions of development of the institution of constitutional control inevitably leads to increased risks in the activities of the Constitutional Court and also hardly correlates with such fundamental constitutional principles as maintaining the trust of citizens to the activities of the state (including its certain governmental bodies), as well as legal certainty (in the context of predictability of the legal effect of regulation).

Keywords: Constitutional Court of the Russian Federation, constitutional justice, amendments to the Constitution of the Russian Federation, modification of the Constitution of the Russian Federation, constitutional control, ex-ante constitutional control, constitutional procedure.

Problem statement. The events that took place at the end of 2019 and the beginning of 2020 certainly forced all researchers in the field of constitutional review to turn their attention back to this seemingly well-established institution of domestic constitutional law. Indeed, 2019 marks the 25th anniversary of the adoption of the current Federal law "On the Constitutional Court of the Russian Federation"[1], which has been subject to various changes over the past quarter of a century. However, the analysis of the conducted reforms shows that against an average index of "stability legislation", which until 2010 was about 1 month, but after 2010 went to about 20-25 days[2], 16 amendments, introduced up to date, represent in some sense unusual (especially in comparison with, say, the Code of administrative offences, etc.). On the one hand, such a "delicate" appeal of the legislator to the basic legal act on constitutional control in the Russian Federation may be due to the balanced regulation of this institution, which requires only individual adjustments, point adjustment to the requirements of modern development of the state and society. On the other hand, the reason for such a rare appeal of the legislator to the problems of reforming the legislation on constitutional control may lie in the extremely low political interest in this issue, a certain sense of security, etc., which is largely reflected in the efficiency of solving certain issues in the sphere of reforming the said institution. For example, there are frequent cases of literally lightning-speed adoption of amendments to the Federal law On the Constitutional Court that are of great political significance (but not always undisputable from the point of view of legal theory)[3]; adoption of veiled point amendments in the system of other legislative changes not related to the

[1] Federal constitutional law from 21.07.1994 № 1-FKZ "On the Constitutional Court of the Russian Federation".
[2] For more information, see the research conducted by the Center for Strategic Research in 2017: URL: https://www.csr.ru/ru/news/rastushhaya-nestabilnost-zakonodatelstva-meshaet-planirovat-budushhee-strany/ (accessed January 19, 2020).
[3] This is about recent years amendments, which were adopted within a week from the moment the corresponding initiative was submitted to the State Duma (see, for example: Federal constitutional law of 14.12.2015 N 7-FZ "On amendments to the Federal constitutional law "On the Constitutional Court of the Russian Federation".

constitutional procedure[4]; adoption of a set of amendments interspersed with "textual clarification of provisions"[5].

The problem in this regard is the approach of the legislator's choice of a particular area of the adjustment, taking into account that a number of science-discussed and objectively necessary from the point of view of requirements of the Constitutional Court of the Russian Federation itself (which often is expressed in unequivocal hints contained in decisions) proposals on potential directions of changes in the legislation remains without attention[6].

In the context of the mentioned issues, it seems appropriate to focus on the specific strategic directions of the reform of the constitutional proceedings, which were marked at the highest state level: 1) the problem of clarification of grounds of the admissibility of the constitutional complaint; 2) the problem of expanding the scope of the preliminary constitutional review; 3) the problem of clarification of object of the constitutional review (in terms of expanding the list of acts subject to review by the Constitutional Court of the Russian Federation).

Clarification of grounds of the admissibility of the constitutional complaint. This aspect of the problem is related to the statement of the President of the Constitutional Court of the Russian Federation V.D. Zorkin at a meeting with the President of the Russian Federation dedicated to the Day of the Constitution of the Russian Federation[7]. In particular, during the traditional meeting of the Judges of the Constitutional Court with the President of the Russian Federation, V.D. Zorkin proposed to clarify the grounds of the admissibility of the complaints of citizens, adding the requirement of passing the procedure in the ordinary courts. Such order, according to the President of the Constitutional Court, would eliminate the excessive zeal of the applicant to appeal to the Constitutional Court after the district court (and sometimes even after the decision of the justice of the peace), which in turn would contribute to the harmonization of relations within the judiciary, reducing conflict situations among the ordinary courts and between the practice of the Supreme and Constitutional courts.

It seems that such an unexpected proposal needs at least serious scientific study for the following reasons. First, the reason stated as a leitmotif for the introduction of an additional condition of admissibility – the reduction of conflict within the unified judicial system – is of

[4] In this case, we can cite as an example the Federal constitutional law from 29.07.2018 № 1-FKZ "On amending the Federal constitutional law "On the judicial system of the Russian Federation" and certain Federal constitutional laws in connection with the establishment of general jurisdiction courts of cassation and general jurisdiction courts of appeal" associated, on the basis of name, with the processes of the new organization of general jurisdiction courts. In connection with this circumstance, article 2 looks extremely strange, which increases the term of office of the Vice-President of the Constitutional Court to 76 years (which miraculously coincides with the reassignment of O.S. Khokhryakova to the specified position to 76 years).

[5] Such amendments were repeatedly introduced by the legislator in the Federal law on the constitutional court. In particular, in this way was substantially weakened requirements for the number of judges of the Constitutional Court of the Russian Federation, necessary for adjudication, and the appointment of a new judge when an office becomes vacant (the Federal constitutional law from 04.06.2014 № 9-FKZ "On amending the Federal constitutional law "On the Constitutional Court of the Russian Federation"). However, the most sophisticated one was the amendment made by the Federal constitutional law of 28.12.2016 № 11-FKZ. In fact, having fixed a new type of decisions that was of no questions or practical problems (a judgement with the identification of the constitutional meaning), the legislator simultaneously corrected article 100 of the Federal constitutional law On the Constitutional Court, deleting the words "in any case" from its part two. Such editorial changes could not be noticed in the case if it was not associated with a significant limitation of the applicant's right to a so-called prize – an unconditional review of enforcement decisions based on the provisions found to be unconstitutional.

[6] An example is the expected amendments to the relevant legislation that allow the Constitutional Court to interact with the applicant in electronic form (Federal constitutional law № 5-FKZ of 08.06.2015 "On amendments to the Federal constitutional law "On the Constitutional Court of the Russian Federation". In addition, there were sufficiently developed and reasoned points of view in science about the overdue and expected reforms: see, for example, O.N. Kryazhkova Changes in the Russian constitutional justice that were expected, are expected and unexpected // Constitutional and municipal law. 2014. № 10. P 41–51, etc.

[7] See: URL: https://www.vedomosti.ru/politics/news/2019/12/12/818563-uslozhnit-obrascheniya-grazhdan-ks (accessed January 26, 2020).

serious concern. Of course, this circumstance is extremely important, especially in modern Russian realities, but it still seems somewhat controversial from the positions expressed by the Constitutional Court of the Russian Federation itself in a number of decisions. In particular, the Court noted that the state, even if it has the goal of preventing the abuse of law, should not use excessive measures, but only necessary and strictly determined measures, in order to ensure that the exercise of constitutional rights does not violate the rights and freedoms of others. This principle of proportionate restriction of rights and freedoms, enshrined in article 55 (part 3) of the Constitution of the Russian Federation, means that the public interests listed in this constitutional norm can justify legal restrictions of rights and freedoms if they are adequate for socially justified purposes[8]. Thus, it is a socially significant goal that seems to correspond to modifications of the rule of law aimed at eliminating the problem of domestic interaction. In addition, this legal position was developed in the practice of the constitutional Court, which also noted that the goals of rational organization of the activities of government bodies alone cannot serve as a basis for restricting rights and freedoms (judgements of 13.06.1996 № 14-P, 11.03.1998 № 8-P, 18.02.2000 № 3-P, 30.10.2003 № 15-P,..., 16.04.2015 № 8-P, 29.11.2016 № 26-P, 17.01.2018 № 3-P).

In addition, when implementing the proposed initiative, the effectiveness of the Constitutional Court of the Russian Federation itself will be in doubt. In fact, the applicant will complaint to the Constitutional Court in cases where the violation of his right (which can later be established in the course of constitutional review) is not just fixed in place by the decision of the ordinary court, but also to some extent "rooted" in practice, since the period of passage of numerous instances by the applicant (up to the Supreme Court of the Russian Federation) will also actually create additional difficulties for the applicant. At the same time, the Constitutional Court is currently not deprived of the opportunity to independently assess the potential legal effect of providing constitutional review in relation to a specific provision contested in the applicant's complaint. Thus, having discovered a significant constitutional defect, the Constitutional Court has the opportunity to nullify it even before it is fixed (but most likely accepted) by the practice of the Supreme Court of the Russian Federation, which in turn can cause much more problems in the context of the impact of the Supreme Court's explanations on the practice of lower courts.

Moreover, as rightly pointed out V.D. Zorkin, at present, this problem hardly appears to be extremely significant from the position of the Constitutional Court, because, as mentioned above, the Constitutional Court has sufficient tools to assess the constitutional significance raised by the applicant and also to evaluate the risk of such priority of constitutional review[9].

In fact, current practice shows that the Constitutional Court refrains from resolving complaints in situations where the resolution of the issues raised in them is not completed during ordinary legal proceedings.

In 1998 the Constitutional Court formulated a basic position related to the impossibility of replacing the ordinary judicial dispute resolution (legal proceedings) with constitutional review. Thus, the Ruling of 1.07.1998 № 113-O the Constitutional Court noted that according to the attached to the complaint materials no conclusion can be made on the matter of what law how exactly it will be applied in particular claimant's case and whether this could lead to a breach of his rights enshrined in the Constitution of the Russian Federation, to which he refers in support of its position. Under such conditions, consideration of this complaint in the Constitutional Court of the Russian Federation could prejudge the conclusions of the of the general jurisdiction court. However, the Constitution of the Russian Federation (articles 118, 125, and 126) does not allow the substitution of constitutional proceedings for civil, administrative, or criminal proceedings. At the same time, the Constitutional Court has developed a whole set of approaches to the situation when the applicant tries to make the specified substitution of legal proceedings: there are no documents confirming the completion of the case (ruling from 21.06.2011 № 844-O-O); from the

[8] See: Judgement of the Constitutional Court of the Russian Federation from June 13, 1996 № 14-P.
[9] See: URL: http://kremlin.ru/events/president/news/62309 (accessed January 26, 2020).

attached documents, it follows that the proceedings continue (rulings from 02.07.2009 № 1008-O-O[10], from 29.09.2011 № 1295-O-O[11]; from 17.06.2010 № 922-O-O[12]; from 30.09.2019 № 2449-O[13], etc.). In addition, the practice of the Constitutional Court shows that the number of complaints containing such a defect hardly constitutes a significant share of the total amount of correspondence received by the Constitutional Court.

Thus, it can be stated that the establishment of additional procedural obstacles for citizens to apply to the Constitutional Court, which is not currently due to objective reasons, and is also quite successfully compensated by the approaches developed by the Constitutional Court, can hardly be considered as a necessary reform of constitutional control.

Expanding the scope of preliminary constitutional review

As already mentioned in the introduction of this article, in this situation it is necessary to talk about the proposals made by the President of the Russian Federation in the framework of his traditional annual address to the Federal Assembly and, to date, very successfully expressed in the form of a draft law on the amendment to the Constitution of the Russian Federation submitted to the State Duma of the Federal Assembly of the Russian Federation[14]. It seems that the reforms proposed by the head of state also deserve some critical comprehension (especially given the suddenness of their introduction and consideration by the chambers of the Federal Assembly).

Among the significant array of constitutional amendments that have already become the subject of massive comment, the amendments concerning changes in the powers of the Constitutional Court of the Russian Federation also took their place. In particular, the new version of article 125 of the Constitution of the Russian Federation (namely, the proposed part 5^1) proposes to expand the scope of preliminary constitutional review to federal legislation (federal constitutional laws and federal laws in certain cases). Thus, according to the proposed regulation, the Constitutional Court is vested with the authority to review the constitutionality of laws adopted in the manner prescribed by part 3 of article 107, and part 2 of article 108 of the Constitution of the Russian Federation (as amended), prior to their signing by the President of the Russian Federation.

Of course, these changes deserve a full study (including, or rather, primarily, from the point of view of the necessity of such a "balance of powers" alteration in the system of separation of powers, provided by article 10 of the Constitution), but this article is focused solely on the question of competence of the Constitutional Court.

In fact, the institute of preliminary constitutional review is already present as an independent authority of the Constitutional Court, however, under the current wording of the Constitution, this right is limited solely to the subject area of international treaties not entered into force, and international agreements on the acceptance into the Russian Federation of a new constituent part (as a special case the general rule on international agreements, what in particular stated the Constitutional Court[15]). Such a limitation is not without legal logic, since, as the authors of the commentary to the federal constitutional law «On the Constitutional Court of the Russian Federation» pointed out, "international treaties that have entered into force for Russia do not fall under the jurisdiction of the Constitutional Court of the Russian Federation. Disputes concerning existing international treaties are resolved in accordance with international legal mechanisms established by international law, in particular articles 46, 65, 66 of the 1969 Vienna Convention

[10] The decision in which contested provision has been applied in a concrete case, later was reviewed by the Supreme Court of the Russian Federation.
[11] The case was referred to a court of cassation.
[12] Court of appeal review was pending due to expert study conduction.
[13] Court of cassation review was pending.
[14] URL: https://sozd.duma.gov.ru/bill/885214-7 (accessed January 26, 2020).
[15] Judgement of the Constitutional Court of the Russian Federation from 19.03.2014 № 6-П.

on the Law of Treaties.[16]" It is thus evident that the review of international treaties in accordance with article 15 of the Constitution became part of the legal system of the Russian Federation from the moment of ratification of an international treaty is required, and the only possibility of such a check occurs only before ratification of the latter (i.e. before the entry into force).

However, it should be emphasized that such logic cannot be applied to the preliminary review proposed for ordinary legislation. Moreover, it actually creates a situation of parallel constitutional procedures[17], in which two completely different situations can lead to the same essential result. It is not difficult to guess that in this case we are talking about a preliminary review of the draft federal law before it is signed. If the Constitutional Court finds that the proposed regulation complies with the Constitution of the Russian Federation, this de facto excludes the possibility of ex post re-review the law that has already been adopted, but this possibility remains de jure in the mode of abstract and concrete review. Such examples can hardly be called speculative, since V.D. Zorkin also clearly indicated that the main group of problems related to the constitutionality of laws today is not so much in the wording of the provisions being checked, but in their application and judicial interpretation.

Moreover, this problem is not so much theoretical and methodological (which is generally characteristic of proposed constitutional amendments), but rather practical. First, re-review of provisions that has entered into force by the Constitutional Court significantly undermines the constitutional principle of maintaining the trust of citizens in the actions of the state. In particular, as the Constitutional Court itself noted, the content of this principle stands for the fact that when changing the legislation, a reasonable stability of legal regulation must be maintained and arbitrary changes to the legal system are unacceptable. In addition, citizens should be given the opportunity, if necessary, to adapt to changes during a certain transition period[18]. It is obvious that if a legal provision is found to be clearly unconstitutional (taking into account the existing law enforcement practice), which has been checked on a preliminary basis, the Constitutional Court will not be able to overcome the conclusion formulated earlier without infringing on the essence of the above-mentioned principle.

Another significant omission in the context of the proposed procedures of preliminary review is the exclusion of laws of the Russian Federation on the amendment to the Constitution of the Russian Federation from the number of acts subjected to the review, while the opposite, unlike the earlier examples, could be justified and expected change, directed to improve the system of constitutional review in the Russian Federation, as well as to strengthening the role of the Constitutional Court in the system of checks and balances .

However, some possibility of positive developments in this issue should still be admitted. In particular, the draft constitutional amendments provide the Constitutional Court with the right to verify the constitutionality of laws (in this case, the common term «law» is used, as the Constitutional Court itself has repeatedly stated, thus expanding the potential subject of review) adopted in accordance with part 3 of article 107 and part 2 of article 108 of the Constitution of the Russian Federation[19]. It is important to pay attention to the wording used in the proposed part 51 of article 125 of the Constitution of the Russian Federation – "*laws adopted in accordance with part 2 of article 108 of the Constitution of the Russian Federation*". It seems that such an ornamental design allows us to draw some analogies with the formula used in article 136 of the Constitution of the Russian Federation " adopted according to the rules fixed for adoption of federal constitutional laws...". Thus, stipulating procedure of preliminary request of the President

[16] Commentary to the Federal constitutional law «On the Constitutional Court of the Russian Federation» / ed. G.A.Gadjiev. P. 88.
[17] Malyutin N.S. Judicial interpretation as a constitutional procedure in the context of separation of powers in the Russian Federation // Constitutional and municipal law. 2015. № 8. P. 12-19.
[18] Judgement of the Constitutional Court of the Russian Federation from 24.05.2001 № 8-P.
[19] Proposed part 5^1 of the article 125 of the Constitution of the Russian Federation.

of the Russian Federation in the Constitutional Court, the proposed part 2 of article 108 of the Constitution allows, taking into account a systemic interpretation of the said provision with the provision of article 136 of the Constitution of the Russian Federation, to consider preliminary review as an optional part of the procedure of adoption of federal constitutional law, and hence also applicable to the law of the Russian Federation on the amendment to the Constitution of the Russian Federation.

Clarification of the scope of constitutional review. Along with adjusting the competence of the Constitutional Court, the proposed version of the Constitution of the Russian Federation also addresses a number of issues related to expanding the scope of constitutional review. In particular, in the proposed part 5^1 of the article 125 of the Constitution establishes that the Constitutional Court at the request of the President of the Russian Federation in accordance with federal constitutional law, verify the constitutionality of laws of subjects of the Russian Federation prior to the promulgation by the senior official of the subject of the Russian Federation.

It seems that this regulation is not devoid of controversial points that need to be clarified before the adoption of these constitutional amendments.

First, it must be noted that the novelty of this amendment declared by the President of the Russian Federation is somewhat illusory. Thus, according to the current legislation, specified by the practice of the Constitutional Court of the Russian Federation, the legislation of a subject of a Russian Federation is considered as a full-fledged subject of constitutional control in a situation when these laws are adopted on issues of joint jurisdiction. However, unlike the provisions of part 2 of article 125 of the Constitution, the proposed amendment does not specify subject area of regulation for potentially reviewed laws of the constituent parts of the Russian Federation, thus allowing the possibility of review of legislation enacted within the exclusive regional competence, under article 73 of the Constitution. In this situation, we can certainly talk about expanding the approach of the legislator to determining the scope of review of the Constitutional Court.

Secondly, the possibility of review of laws of the subjects of the Russian Federation adopted on issues of its exclusive jurisdiction (assuming such a possibility, as discussed above) is unlikely to become an effective institution given the current system of federative relations. In particular, the point is that the Constitution of the Russian Federation, being the main and in fact the only measure for the Constitutional Court of the Russian Federation, does not specify its attitude to the issues of jurisdiction of the subjects of the Russian Federation, thus leaving them a significant degree of autonomy. It is obvious that the implementation of constitutional review of such legislation will be impossible without taking into account federal legislation (which seems questionable in the context of article 73 of the Constitution), and without interpretation of regional constitutions and charters, which in the end is not correlated with the idea of a federative constitutional review and autonomy of subjects of the Russian Federation outlined above.

Finally, the proposed constitutional regulation provides for the possibility for the President of the Russian Federation to appeal to the constitutional Court before the regional law is signed by the highest official of the subject of the Federation. However, this procedure also contains a number of controversial points. How will the President of the Russian Federation track the fact that the head of a subject has signed a regional law that could potentially become the subject of verification? What should I do if, in the process of preparing a presidential request to the constitutional Court, the head of a subject signs a controversial law, and the latter, in turn, comes into force? Perhaps, in this scenario, it would be more logical to transfer the appropriate authority to the head of the subject?

In addition, we should note the following. This procedure is to be initiated by the Federal authority (the President of the Russian Federation) in the other Federal authority (constitutional Court) in the manner provided solely by the Federal legislation, as well as the substance of which is to check for compliance with the Federal act, of any kind not related to the idea of delimitation of competencies between the Federation and the constituent entities because, in fact, violates the

principle of non-interference of the Federation in the autonomy of the subject, fixed by the Constitution of the Russian Federation through the exclusive reference to article 73 .

Meanwhile, it should be noted that the question of the possibility of checking the legislation of the subjects of the Federation in the order of constitutional control arose from scratch. Back in 1999, when interpreting certain provisions of articles 125, 126 and 127 of the Constitution of the Russian Federation, the constitutional Court, according to the fair comment of judge N. V. Vitruk, ignored a number of important issues that, it seems, should have been paid attention to by the legislator when developing a strategy for reforming the institution of constitutional control. In particular, N. V. Vitruk noted that today the competence between the constitutional (statutory) courts of subjects and courts of General jurisdiction to review the provisions of regional legislation is not clearly differentiated, which creates a kind of confusion when considering this category of cases. It seems that the inclusion of another potential "player" in this process will not help resolve the existing uncertainty, but on the contrary, will increase the potential for conflict in the implementation of this procedure.

Conclusion. The presented brief analysis allows us to conclude that the proposed directions for modernizing constitutional control in the Russian Federation today can hardly be called scientifically developed and justified from the point of view of both the needs of society and the needs of the constitutional Court of the Russian Federation itself. At the same time, the considerable work of the scientific community specializing in the analysis of procedural problems of the constitutional protection of human rights and freedoms, if studied by the state at a certain stage, is for some reason not taken into account when developing a strategy for legislative policy in this area, which often leads to an imbalance of the existing and fairly well-functioning system. It seems that such a policy of the state, combined with the speed (or rather, the suddenness) of the passage of proposed projects, significantly reduces the stability of the entire system of legal regulation, and also hardly positively affects the confidence of citizens in the institutions of such a state.

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LEGAL PROBLEMS OF REGULATING AGRICULTURAL COOPERATION IN THE REPUBLIC OF KAZAKHSTAN

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Abstract. This paper considers the main theoretical and practical issues of the legal regulation of an agricultural cooperative in Kazakhstan. First, agriculture is one of the main sectors of the economy of the Republic of Kazakhstan. The research of the legal problems of agricultural cooperation affects the solution of food security problems. The authors focuses on the relevance of the studied problem, determined the place and role of agricultural cooperation, gives its definition by comparing different points of view of scientists, conducts a comparative analysis of the legislation of foreign countries in the studied area, identifies problems in the legislation and suggests ways to improve existing legislation in this area. Furthermore, the authors suggests legislatively consolidating the system of principles of agricultural cooperation.

Keywords: agrarian legislation, agricultural cooperative, environmental law, land law, problems of legal regulation, state mechanism.

Introduction. Nowadays, agricultural cooperative is one of the most widespread forms of entrepreneurial activity in agriculture in the world. Defining promising forms of cooperative management, it is useful to comprehensively study the world experience. The world experience of agricultural cooperatives is extensive and of great interest for the study and use by farmers of our republic. Foreign experience indicates that cooperatives operate in almost all the most important sectors of agriculture. Our own experience and world practice is widely used in the creation of cooperatives. This does not deny, but presupposes the participation of republican and regional AIC management bodies in the development of cooperation and integration. In addition, it should be noted that agricultural cooperatives in the agrarian sphere can and should be developed and occupy a corresponding niche in the country's economy along with other effectively functioning agro-industrial formations.

In the Republic of Kazakhstan, there are no scientific studies of the legal problems of agricultural cooperation in the context of new Entrepreneurial Code of the Republic of Kazakhstan and the Law of the Republic of Kazakhstan “On Agricultural Cooperation”. There is no fully scientifically based methodological approach in a special literature. In the theory and practice of the development of macroeconomic relations, various forms of state influence on entrepreneurial activity are distinguished: fiscal, monetary, legal, and others. At the same time, in the modern conditions of globalization of the economy, it is necessary to develop an effective strategy for using these forms in enhancing entrepreneurship.

The above shows that the problems of agrarian transformations require close attention from the legal science, which should theoretically comprehend the role of the state and law in the process of forming a conceptually new model of agrarian policy, and propose legal tools for its effective implementation in the present conditions. The current stage in the development of society requires a rethinking of many tenets of socialist theory and practice in the field of agricultural cooperation and the justification of new priorities, a review of conceptual provisions.

The development of cooperation in the agrarian sector of Kazakhstan requires today new approaches in the implementation of the State program of the agro-industrial complex until 2020. The Republic of Kazakhstan has created an extensive legal framework for the development of cooperation.

October 29, 2015, Kazakhstan adopted the Entrepreneurial Code aimed at improving and developing legislation in the sphere of interaction between business entities and the state, supporting entrepreneurship, eliminating gaps and contradictions in the legal regulation of business relations [1].

The main part of the study. At the present stage of development, cooperation is recognized as the most perfect form of interaction. The idea of creating cooperation is based on the joint implementation of a project aimed at deriving economic benefits and having a positive socio-economic effect on the development of rural areas. Such a form of interaction can help activate the activities of economic entities, allow them to solve certain problems or increase the value of the resources involved.

In the current legislation of Kazakhstan, particularly, in the Civil Code, the Law on Agricultural Cooperatives, an agricultural cooperative is recognized as a legal entity in the organizational and legal form of a production cooperative created on the basis of membership by voluntary association of individuals and (or) legal entities for joint production and (or) other economic activities in order to meet their socio-economic needs in the production, processing, marketing, storage of agricultural household products, aquaculture products (fish farming), the supply of the means of production and material and technical resources, lending, water supply or other services for members of the cooperative, as well as associate members of the cooperative. They are legal entities with general legal capacity arising after their state registration, and act on the basis of the statutes adopted by the founders at meetings in accordance with the norms of general civil and cooperative legislation. The purpose of an agricultural cooperative is joint activities for the production, processing and marketing of agricultural products and the implementation of other activities not prohibited by law. Civil Code of the Republic of Kazakhstan [2] Art. 226 makes it possible to create production cooperatives based on a peasant farm: "members of a peasant or farm can establish a business partnership or production cooperative on the basis of the property of the farm. Such a reorganized peasant or farm as a legal entity has ownership of property transferred to it in the form of contributions and other contributions by members of the farm, as well as property obtained as a result of its activities and acquired for other reasons not contrary to the law [2].

The main problem of the effective development of the agro-industrial complex of the Republic of Kazakhstan lies in the small-scale nature of production, accompanied by a high proportion of small farms in the total gross agricultural output, the total number of agricultural formations, and the tendency to reduce their land plots.

It should be noted that according to the legislation on entrepreneurial activity, its implementation, including the conduct of agricultural production, is possible without the creation of a legal entity. In this case, the citizen leading such activities, i.e. acting in the role of commodity producer, has the legal status of an individual entrepreneur and the corresponding rights and obligations of the participant in commodity-money and legal relations forming them.

All agricultural commercial organizations and enterprises are holders of complex legal personality, that is, they can be participants in administrative, civil, labor, cooperative, land and other legal relations. The range of such legal relations with the participation of agricultural commercial organizations (enterprises) is very wide and varied. It is determined for each particular enterprise primarily by the nature of its industrial and commercial activities, industry specialization.

The subject of law is one of the most important categories of legal science and practice. Without subjects there is no legal relationship. In our opinion, the subjects of agrarian legal relations can be, first of all, individuals and legal entities engaged in agricultural activities.

According to G.E. Bystrov "the key to determining the circle of participants in agrarian relations is the concept of agricultural activity" [3]. *(Bystrova, 2000). The current legislation focuses on the implementation of commercial agricultural production. What signs are inherent in commodity agricultural production and what it is. The current legislation, including the law "On state regulation of the agro-industrial complex and development of rural territories" does not give an answer, which in practice leads to discrepancies and misinterpretation of legislative requirements [4].*

Unlike our country, Russia took the path of adopting a special law "On the Development of Agriculture" dated December 27, 2006, which regulates relations arising between citizens and legal entities recognized by agricultural producers, other citizens, legal entities, government bodies in agricultural development.

According to the document under consideration, agricultural production recognizes a set of economic activities for growing, producing and processing, respectively, agricultural products, raw materials and food, including the provision of relevant services. The above definition shows that the position of the Russian legislator is a fairly broad understanding of this concept.

In our opinion, agricultural production is an activity that is inseparably linked with the use of agricultural land for the purpose of producing agricultural products for own and other needs. It should be noted that earlier in the conditions of the socialist form of economic management there was a Classifier of branches of the national economy and agricultural and industrial products. It was convenient because it could be clearly defined to which type of activity, product, one or another activity or product could be attributed, and therefore the creation of such an instrument in the conditions of market relations is also necessary. For example, mushrooms that grow in the forest or on agricultural fields are agricultural products or not, and if they are specially grown for the purpose of sale? Therefore, the need to create such a document in the form of a catalog or classifier has arisen. Moreover, such analogues already exist, for example, by the order of the Department of Food Resources of the Government of Moscow dated 04.10.04 01-P-291/4, the Classifier of agricultural products, raw materials and food was introduced. It says that this document was created in order to unify information of the enterprises of the wholesale food complex on the distribution of agricultural products, raw materials and food, linking indicators with the All-Russian Product Classifier and systematize the collection of data on availability, supply, prices and sales of food products in the city.

Such features as, firstly, the use of land as the main means of production, and secondly, the focus on the production of agricultural products (plant growing, animal husbandry, beekeeping) are inherent in agricultural production.

In order to determine whether this is a commodity activity or not, it is necessary, in our opinion, to work out a number of criteria on the basis of which it is possible to determine the presence of commodity production. These include the following:

- Purpose and types of agricultural production. It should be carried out with a view to profit. As for the types of production, for example, in the personal subsidiary (household) such products are created in order to meet their own needs.

- The size of the land used for agricultural production. This criterion is of great importance. For example, the Land Code provides that for the management of personal subsidiary households, Kazakhstan citizens can be provided with free of charge 0.25 hectares on non-irrigated and 0.15 hectares on irrigated lands, and the limits are set by local representative *[5].*

For peasant (farmer) farms and legal entities leading commercial agricultural production, the maximum (maximum) norms of land plots, which may be in private ownership or land use, and the minimum ones are not established.

In practice, the fact of the creation of a farm or a legal entity already gives grounds to state the existence of commodity production. Establishing the size of a land plot from which it is possible to judge the management of commodity production is important now, in conditions when many peasant farms are not officially registered with the real estate authorities.

- organizational and legal form of activity on the land plot. These include legal entities and individual entrepreneurs engaged in agricultural production for profit. In this regard, I would like to note that "the expansion of agrarian legislation beyond land relations in their narrow sense led to its inclusion in its orbit as a central legal institution in the field of agricultural regulation, the institute of an agricultural enterprise, therefore the problem of agricultural activity as a subject of legal regulation closely related to the problem of an agricultural enterprise, as an economic and

legal category” [6]. Determining the availability of commodity agricultural production is necessary in order to properly implement the norms of the current Land Code of the country, which requires that agricultural land be provided to private ownership or use of peasant farms and non-state legal entities of the RK for commercial agricultural production. (Article 24, 97). This means that not for all types of agricultural activity, agricultural land can be made privately owned. For example, if an economic entity deals only with the processing or sale of agricultural products, it cannot be the owner of agricultural land, because in its activities the land does not play the role of the main means of production, it plays the role of a spatial basis. Therefore, many studies use the term “primary processing”, “sales of own production”, which indicates that agricultural activity in the agrarian and legal aspect takes place when it comes to the close connection of the production process, and only then its subsequent stages, that is, the processing and sale of agricultural products.

Food security, as an integral part of economic and national security, always has priority and global significance. The priority of food security is that the life of the whole society is directly dependent on the provision of food. The higher the level of food security, the higher the country's power in the economic, political and social direction. That is, it is, firstly, providing the people with food from a physiological position determines their livelihoods. Secondly, it determines the political independence of the state and ensures its economic stability. This problem is a global problem, which is a problem for all states of the globe. Therefore, the problem of food security is very relevant.

The agricultural sector plays a significant role in ensuring the country's food security. The agricultural sector is a priority and important sector of the economy. The priority and importance of this sector is determined by the fact that the agricultural sector is engaged in the production of agricultural products, which provides the country with food and raw materials.

The role of agricultural cooperatives in ensuring food security is that agricultural cooperatives cover the entire cycle of agricultural production: from direct cultivation and processing to its implementation, which ensures its sustainability [7]. Agricultural cooperatives facilitate the integration of agricultural producers. As a result - the growth of expanded reproduction, the attraction of investment in agriculture. Agricultural cooperatives for their members, ensuring their employment and participation in the distribution of incomes, increase their level of effective demand for food products. Since their members are also consumers of agricultural products produced by agricultural cooperatives, agricultural cooperatives produce environmentally friendly products and ensure the rational use of land and other natural resources.

The practice of foreign countries shows that the system of production and sale of products of the agricultural sector of the economy is based on the system of cooperation and small producers and agro-industrial integration. Features of the development of the system in the context of various countries are determined by economic, social and historical conditions. Cooperation here is considered as an association of individuals based on voluntary membership for the organization of collective entrepreneurship based on the combination of property share contributions.

It should be note how the governments of foreign states support the development of agricultural cooperation.

Currently, cooperation in Germany, France, the Netherlands, the USA and other developed countries has become the main form uniting agricultural producers in order to gain access to loans, necessary material resources, opportunities sales of agricultural products.

Throughout the entire period of development of agricultural cooperation in the United States, the state constantly provided substantial assistance to cooperatives by participating in the provision of long-term loans on special conditions for the entire system of cooperative lending.

The main advantages that agricultural producers have from participating in cooperatives in the USA are determined by the following conditions: increase in the cooperative’s income due to the formation of large quantities of agricultural goods; reduction of costs for storage and sale of

agricultural goods; the ability to use the services of transportation, storage, transformation, packaging, quality control of goods, etc .; effective marketing and logistics system; ensuring constant and search for new channels for the sale of goods; cooperation with farmers with similar problems, therefore, joint interests in the search for effective ways to solve them.[8].

Cooperatives in the United States constantly receive tax incentives from the government. In accordance with the Federal Law on Taxation in the United States, tax is paid at the same level - this is the level of the cooperative or its member. Funds that are involved in business cooperation do not become corporate income and therefore are not taxed [9].

In Germany, the activities of cooperatives are regulated by legislation on consumer and production cooperatives. All cooperatives, including agricultural ones, have been given a unified legal status. To stimulate the development of cooperation in the country, the German federal government provides material assistance and tax incentives to cooperatives. The taxable amounts of farms engaged in production services and supplies, as well as farm cooperatives engaged in the production, processing and marketing of agricultural products, economic operations of the cooperatives themselves with their participants, are not included in taxable amounts. Substantial encouragement of cooperative activities is also significant support.

Agricultural cooperation in the Netherlands is understood somewhat differently than in Kazakhstan. The Dutch cooperative is an economic organization whose founders and owners are farmers. Typically, cooperatives are created by farmers in response to adverse market conditions, which become their common problem: difficulties in selling products, low prices offered by resellers, difficulties in purchasing seeds, equipment, fertilizers, etc. Combining efforts to solve these problems by creating cooperatives, farmers greatly facilitate their lives and strengthen their market position. In this case, the production of products is carried out by each farmer separately, in his own farm. Farmers, as a rule, do not take direct labor participation in the work of the cooperative; employees employed by the cooperative do this, but all important decisions in the cooperative are made exclusively by its founders, that is, farmers [10].

In France, in the Law on Cooperation, cooperatives are defined as companies whose main objectives are to reduce the cost or sale price of goods and services, as well as improve the quality of manufactured goods and customer service.

The country has established the Ministry of Social Economy, which, while creating conditions for the development of cooperation, does not interfere in the operational economic activities of the cooperatives themselves. Moreover, the state considers cooperation as the third sector of the economy after public and private [11].

First of all, the legal basis for cooperation in Italy is Article 45 of the Constitution of the Italian Republic of 1947, which states that the Republic recognizes the social function of cooperation based on mutual assistance and not pursuing speculative goals. Italian law also distinguishes between societies that aim to make a profit, as well as mutual aid societies, which include cooperatives. They are exempt from taxes during the first ten years of their activities in full. In addition, goods and services sold within this cooperative are also not subject to value added tax. The state exempts consumer cooperation from the need to trade in the deep zones of the country where trade is unprofitable, and creates its own stores for this [12].

The Russian legislator is more consistent in this area. As an agricultural producer, the law recognizes the organization of an individual entrepreneur engaged in the production of agricultural products, their primary and subsequent (industrial) processing (including leased assets) in accordance with the list approved by the Government of the Russian Federation. The sale of these products is subject the total income of agricultural producers’ share from the sale of these products is not less than seventy percent in a calendar year. This provision allows to judge about the presence of the fact of commodity production. It takes place in the presence of 70% of the sold agricultural products of own production or processing during the calendar year. The formulation “subsequent industrial” processing is not entirely clear. In our opinion, this type of economic

activity is not directly related to the use of land as the main means of production, therefore the inclusion of private ownership of agricultural land in the subjects is undesirable.

The progressive provisions of this law, in our opinion, should be adopted and implemented in national legislation.

According to the current land legislation of the Republic of Kazakhstan, both state and non-state legal entities can act as subjects of rights to agricultural land plots. Thus, the subject of the law of permanent land use, according to Art. 34 of the Land Code of the Republic of Kazakhstan may be state land users engaged in agricultural production, as well as research, experimental and educational activities. As for non-state structures, the land legislation does not specify the particularities of the legal regime of land plots of such entities, only stipulating that they can act as actors, both the rights of temporary land use and the rights of private ownership of agricultural land.

According to Amirkhanova I.V. “The legal framework for agricultural entrepreneurship of individuals and legal entities is significantly different due to the specifics of determining the land regime as the main means of production used for this activity.

The identification of types of entrepreneurial activity is possible according to several criteria, namely: the criterion of the fundamental principle of entrepreneurial activity — the form of property on which it is carried out; according to the criterion for determining a business entity and its organizational and legal forms.

The main specific division of entrepreneurship, depending on the form of ownership in accordance with the current legislation is into private and state entrepreneurship. In addition, legal forms of entrepreneurship can be distinguished, first of all, by legal subjects of entrepreneurial activity which is the entrepreneurship of individuals and legal entities.

Legal support of agricultural entrepreneurship of individuals and legal entities has significant differences in connection with the specifics of determining the mode of land as the main means of production used for this activity. These differences are manifested in the formation of agrarian business entities, at the initial stage of providing the opportunity for the state to use land for business, throughout the entire period of the activity itself. There should be created a separate niche for agricultural entrepreneurship in the legislative design

Among all agricultural producers, a certain percentage of the production of agricultural products accounted for agricultural organizations.

In the current legislation of the Republic of Kazakhstan, there is no well-established definition of the concept of agricultural organization. In our opinion, it is necessary to distinguish the concepts of "agricultural organization" and "agricultural commodity producer". They should not be equal in the meaning. Why? We will try to clarify our position.

Firstly, the agricultural organization has the status of a legal entity, whereas an agricultural producer may be an individual. Secondly, not every agricultural organization directly participates in the production and primary processing of agricultural products. For example, an agricultural partnership may be created with the aim of providing various services. Thirdly, the land is not always the main means of production of such an agricultural organization, which is engaged in the provision of various types of sales, supply and other services. Fourthly, the agricultural organization should be recognized as the organizational and legal form of agricultural entrepreneurship, since it is associated with agricultural activities, agricultural business, and its implementation involves making profit or solving some statutory tasks. To narrow the circle of subjects of agrarian business, recognizing only agricultural producers, as it was suggested by I.V. Amirkhanova, in our opinion, is wrong.

Currently, the state is interested in the development of various organizational and legal forms of agrarian entrepreneurship. Therefore, it creates economic conditions to stimulate the activities of both agricultural producers and other economic entities in the agricultural business, for example, the activities of a rural consumer cooperative, agricultural partnership.

In this regard, there is an urgent need for legislative differentiation of the above concepts, in order to determine their legal personality. Automatic recognition of all agricultural organizations by agricultural producers will lead to “squandering” of agricultural land, which is unacceptable luxury. Land legislation is in the position that agricultural land is provided for agricultural production. Therefore, regulatory authorities should be armed with specific statutory regulations that allow to judge the existence of such production in order to exercise effective control over the use of agricultural land and the assessment of its quality. We focus not on all agricultural land; we are talking only about farmland.

The presence of these practical problems is explained by the fact that the current legislation does not contain a clear understanding of the agricultural organization. This question is not answered in the agrarian and in the land legislation, although many agricultural scientists recognize the existence of an independent legal institute “Organizational and legal forms of agricultural organizations”, which shows the content of all foreign and domestic textbooks on agrarian law. Moreover, there is a lack of comprehensive scientific research in agrarian and legal science in this area, which requires its solution.

Currently, the following factors can be identified that hamper the development of cooperation of rural producers in the production and sale of products, material and technical supply and the provision of services:

- low income of the rural population, small and medium-sized rural businesses, not allowing them to provide the necessary starting capital for the creation and operation of cooperatives;
- inaccessibility of bank loans, poor development of financial services delivery systems to small and medium rural enterprises;
- lack of qualified personnel and a mechanism for their search, training and consolidation;
- low level of awareness of rural residents about the benefits of cooperation;
- low level of legal culture in the countryside, the practical lack of public awareness of the legislative conditions of activity;
- a high level of distrust of the population in any created structures, as a result of which there is inertia, indecision, unwillingness to invest in any projects.

In the Republic of Kazakhstan, the legal and economic foundations for the creation and activities of agricultural cooperatives and their unions constituting the system of agricultural cooperation are determined by the Law of the Republic of Kazakhstan from October 29, 2015 No. 372-V “On Agricultural Cooperation”. According to Art. 5 of the law, an agricultural cooperative is a legal entity in the organizational and legal form of a production cooperative created on the basis of membership by voluntary association of individuals and (or) legal entities to carry out joint production and (or) other economic activities in order to meet their socio-economic needs in production, processing, marketing, storage of agricultural products, aquaculture products (fish farming), the supply of the means of production and mate technical resources, crediting, water supply or other servicing of members of a cooperative, as well as associate members of a cooperative [12]. The main activities of agricultural cooperatives are the production, processing, marketing, storage of agricultural products, aquaculture products (fish farming), the supply of production facilities and material and technical resources and other types of services for members of the cooperative, as well as associated members. Thus, paragraph 5 of Art. 96 of the Civil Code of the Republic of Kazakhstan established that the legal status of an agricultural cooperative formed in the form of a production cooperative, as well as the legal status, rights and obligations of its members are determined by this Code and other Laws of the Republic of Kazakhstan, except as provided by the Law of the Republic of Kazakhstan "On Agricultural Cooperatives".

However, paragraph 2 of Art. 2-1 of the Law of the Republic of Kazakhstan dated October 5, 1995 “On Production Cooperative” [13], it is established that this Law does not apply to relations on regulation of the legal status of an agricultural cooperative formed in the form of a

production cooperative, as well as the legal status, rights and obligations of its members, which are determined by the Law of the Republic of Kazakhstan “On Agricultural Cooperatives”. Thus, on the one hand, the legislation establishes that an agricultural cooperative is created and operates in the form of a production cooperative. On the other hand, it does not allow the application of the norms of the Law on Production Cooperatives to agricultural cooperatives. Even more confusion in this issue makes paragraph 4 of Art. 5 of the Law on Agricultural Cooperatives, according to which the company name of an agricultural cooperative must include its name with the words “agricultural production cooperative” or the abbreviation “APC”. Another problem is related to the introduction of the law on agricultural cooperatives. It has also been established that rural consumer cooperatives, rural consumer cooperatives of water users, agricultural partnerships are required to undergo a reorganization or liquidation procedure in accordance with the legislation of the Republic of Kazakhstan. If these requirements are not fulfilled after one year from the moment this Law enters into force, these cooperatives are subject to liquidation by a court decision. At the same time, the Law does not indicate in what form the reorganization should be made. Probably, the developers of this Law and the legislator have left this question to a consideration of the members (participants) and the heads of these legal entities, as well as the registration authorities.

However, it is obvious that in whatever form such reorganization is supposed, it cannot be carried out with the preservation or appearance (the last - during reorganization in the form of division, separation or merger) of legal entities of the mentioned organizational and legal forms. In other words, due to the repeal of the aforementioned Laws, rural consumer cooperatives, agricultural partnerships and rural consumer cooperatives of water users were excluded from the list of legal forms of legal entities. There remains a transformation, but into what form a legal entity? There are only two options: a “simple consumer cooperative” or an agricultural cooperative (but not a religious association, a political party, an autonomous educational organization, a cooperative of apartment owners or a notarial chamber). But both options are also flawed. The possibility of transforming into “just a consumer cooperative” does not contradict the law, but shows the imperfection of the system of non-profit organizations themselves. Unlike the list of commercial organizations closed by the Civil Code, the list of forms of non-profit organizations is "half-open" to other legislation (Art. 34 Civil Code). The Law from January 16, 2001 No. 142-II “On Non-Profit Organizations” also did not “close” it [14].

The possibility of transforming rural consumer cooperatives, rural consumer cooperatives of water users and agricultural partnerships into agricultural cooperatives is even more difficult issue. It would seem that the answer is “on the surface” since the laws on the specified forms of legal entities were put on cancellation in connection with the adoption of the Law on Agricultural Cooperatives, they should be transformed into a legal entity of this legal form. S.I. Klimkin runs into the question of the very possibility of transforming non-commercial legal entities into commercial ones. Supporters of the idea of the possibility of such a transformation usually put forward the thesis: in civil law, in contrast to administrative and criminal law, the principle is “Everything is allowed that is not prohibited.” Since it does not contain a direct ban on the transformation of a non-profit organization into commercial civil law, it means that such a transformation is possible. However, in his opinion, this approach to the fundamentals of legislative regulation of legal relations is detrimental [15].

After all, in addition to the method of direct prohibition (imperative) and the principle of the freedom of civil legal relations (for example, the regulation of contracts), there are less categorical methods of regulation, for example, through a prescription. However, none of the laws of the Republic of Kazakhstan directly devoted to the organizational and legal forms of commercial organizations: "On State Property" [16], "On Economic Partnerships" [17], On Limited and Additional Liability Partnerships [18], "On Joint-Stock Companies" [19] , and "On the production cooperative" from October 5, 1995 №2486 does not allow the possibility of

creating a commercial organization by transforming it into a non-profit organization. In other words, there is no such permission.

Conclusion. Summing up this brief study of the legal status of agricultural cooperatives, it should be that the developers of the law on agricultural cooperatives violated the integrity of the system of organizational and legal forms of commercial legal entities that its creators, the authors of the Civil Code of the Republic of Kazakhstan, are proud of.

The new law eliminated many of the flaws and mistakes made in previous laws. Today, in many regions of the country, agricultural producers are increasingly expressing a desire to unite in cooperatives.

The new law establishes the following principles for the creation of agricultural cooperatives:

• voluntary entry into the agricultural cooperative and exit from it, the possibility of entry for any person;

• democratic governance based on equality of members of the cooperative: one member - one vote, regardless of the size and quantity of property (share) contributions, with the exception of associate members of the cooperative;

• election and accountability of the management bodies of the agricultural cooperative to the general meeting of its members;

• autonomy and independence of agricultural cooperatives;

• the agricultural cooperative sells goods (works, services) to its members at their cost price;

• mutual assistance and provision of economic benefits for members of the cooperative;

• availability of information on the activities of an agricultural cooperative, an association (union) of agricultural cooperatives for all their members.

Analysis of the development of the agro-industrial complex of the Republic of Kazakhstan shows that in order to increase agricultural production, to increase competitiveness and to ensure food security, it is necessary to create large commodity farms. Only in large commodity farms it is possible to conduct expanded production and introduce innovative technologies. The solution to this problem is the development of economic mechanisms for the association, merger of small farm into large commodity farms, mutual assistance and mutual responsibility to each other.

A study of the history of the development of cooperation in Kazakhstan shows that cooperation is a powerful ideological and economic force capable of solving complex problems in the world structure. The effective functioning of such production structures is possible with their proportionality, consistency, rhythm, rational economic relations and production relations. One of the forms of cooperation in Kazakhstan, which functioned for many years, was the collective farms, which were created with the aim of eliminating private ownership of land and for a rapid transition to socialism and communism. In the years of the emergence of Kazakhstan as an independent state in the 1990s, in order to boost and strengthen the economy of the agrarian sector, the government of the republic adopted a program on the denationalization and privatization of state agricultural and other agricultural enterprises. The mechanism of privatization led to the fragmentation of the former state and collective farms into medium and small farms. Subsequently, medium-sized farms turned into small ones, and small ones went bankrupt and filled up the ranks of households. Based on the above problems, it is necessary to create financial institutions in order to develop agricultural cooperation in Kazakhstan; provide state subsidies to agricultural cooperatives for the reimbursement of expenses for the payment of interest on loans and borrowings; improve the procedures for granting preferential loan.

Today, a wide circle of stakeholders is involved in the process of creating and developing agricultural cooperatives: government agencies, research and educational centers, business structures from both the agricultural and non-agricultural sectors, agricultural producers. And it should be noted that among them there is still no common understanding of the essence of

cooperation in the agricultural sector, including both the production process and the types of work of a post-production nature (cleaning, storage, processing, marketing and others). This causes certain difficulties in creating cooperatives, and first of all, farmers who are not fully aware of the key conditions and requirements set out in the new law face difficulties, which in turn contain provisions contrary to the norms of other laws of the country. This leads to further complication of the situation.

In our opinion, government bodies should support agricultural cooperatives with the following measures:

a) the development and implementation of projects and programs for the development of agricultural cooperatives;

b) providing agricultural cooperatives with the opportunity to use preferential credit resources and grants, including state grants;

c) providing advice and appropriate advice to agricultural cooperatives;

d) determination of tax incentives for agricultural cooperatives.

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DEFINING THE POST-MODERN

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Abstract: The article is devoted to a historical review of various understandings and interpretations of the term "postmodernism", and analysis of its philosophical foundation, laid down by post structuralism and deconstructivism.

Today the word "postmodernism" has become so fashionable and widespread that it is applied to almost each area of human life. And at the same time, we are faced with a paradoxical situation where the clear definition of this term is more or less absent.

Indeed, the multifaceted nature of postmodernism has gone from trying to go beyond modernity, criticizing its foundations to the proclamation of a new historical state and its awarenessA huge number of interpretations of the essence, meaning, and also definitions of post-modernism have been caused by its nature.

Obviously, on the one hand, postmodernism is a multifaceted intellectual movement expressing a special view of the world, a special mentality reflecting the profound changes that have occurred in cultural and social life in the second half of the 20th and beginning of the 21st centuries. On the other hand, postmodernism does not represent a single theory or a single concept but rather a variety of different approaches and visions related todifferent theoretical directions,as well as the new methods of studying the reality.

Today,a large number of researchers around the world continue to address to the topic of postmodernism. They attract continuous interest to the raised issues , criticismand various declared new ideals and projects for theimplementation both in the present and in the future.

Keywords Modern modernism/modernity, post-modern, post-modernism, post-modern, industrial society, post-industrial society, post-structuralism, deconstructivism

Introduction. Now, it is more interesting and relevant to reflect back to the last century's comprehension concepts of their time that it has ever been before. A number of these concepts described culture as "post-modern", and the society as "post-industrial".

At the end of the last century, Dick Hebdige wrote that "the success of the term postmodernism ... has generated its own problems. It becomes more and more difficult as the 1980s wear on to specify exactly what it is that "postmodernism" is supposed to refer to as the term gets stretched in all directions across different debates, different disciplinary and discursive boundaries, as different factions seek to make it their own, using it to designate a plethora of incommensurable objects, tendencies, emergencies». (Dick Hebdige,1988)

Postmodernism arose as an intellectual movement. Itwas not called in order to comprehend only economic but also political and cultural problems. Although, the elements of a new ideology have been developed in various areas of European culture since the beginning of the 20th century, postmodernism emerged as a notable social phenomenon, when the sphere of culture claimed to be not only a special but also a dominant position among other social spheres.

The main distinguishing feature of postmodernism is the initial orientation, where any general theories that claim to be the only true knowledge of reality cannot describe the world as a whole. Postmodernism is not a separate movement in literature, architecture, visual arts, theater, philosophy, science, sociology, etc. It is a general expression of the spirit of the times, the intellectual pulse of an era that is called postmodern. Usually researchers tend to distinguish between the two concepts."Postmodern" refers to the period of time that comes after modern. The historical framework of this period is determined by different thinkers either from the 20s or from the 60s of the last century. Sometimes it goes into the second half of the 19th century. "Postmodernism" means self-awareness of culture at a historical stage.

It is common to find another widely used term “postmodernity” ,which means a certain period in social evolution or a doctrine aimed to study social differences. This is the difference between “postmodernity” and “postmodernism”. The last term focuses on cultural issues while the former one focuses on social contradictions and changes. However, in the early nineties of the last century, these concepts began to be used interchangeably. Although some theorists of postmodernism believe that the concept of "postmodernity" contains a reaction to the era of modernity and modernization. Under the last term, they increasingly began to denote a complex process that leads to the development of a new social structure and its complication. The Oxford English Dictionary defines “modernization” as the economic and technological development of an industrial, capitalist society. Whereby “modernization” is considered as the main characteristic of modernity.

As Margaret A. Rose notes in her book “The Post-Modern and the Post-Industrial” (Cambridge University Press, 1996), the term post-modern is a word which has so far been used by a variety of thinkers on the basis of several different understandings of both the concept of the modern and the meaning of the prefix ”The prefix "post" shows a connection with the content of the preceding concept. Though, some understand this connection either as a kind of denial, overcoming or disconnecting with the previous state. While others interpret the prefix as a continuation of development, transition to a new qualitative level.

Modernism /modernity. Difficulties in determining the meaning of postmodernism are also caused by many interpretations of modernism and modernity. Many researchers however agree with the definition of “Modern”fromthe Oxford English Dictionary: “The end of the Fifteenth century was universally recognized as the starting point ... of Modern, a period which essential characteristics are different from the Middle Ages. Modern means the present, the present time (Oxford English Dictionary, 1933). Under the term “modernism” some understand the ideology of modernity or the so-called project of modern, which was expressed in the philosophy of Rationalism and reached its peak in the Enlightening ideals of freedom, equality and faith in the progress of a rational society. Others out a different meaning in this concept For example, it is functionalism in architecture, abstractionism in art or literary and artistic movement of the late nineteenth and early twentieth centuries.

The Dictionary gives the following definition: “Post-modern, also post-Modern. Next to or later than "modern" in particular in art and especially in architecture. It applies to the movement against what is denoted by the word "modern". (Oxford English Dictionary,2d edn,1989) The Dictionary also notes various problems associated with a large number of definitions of postmodernism. First of all, it is emphasized that the word "post-modern" does not always have to be interpreted as something that follows modern.Since it can be before ot contemporary to modern. In case of architecture, referencing postmodern theoretician Charles Jenks, it is unacceptable to consider postmodernism, only as a simple reaction against modernity.

To confirm this idea, the Dictionary refers to Joseph Hudnut, who used the term “post-Modern” in 1945 as applied to architecture. He believed that the postmodern architecture is nothing more than mass-produced, fabricated buildings. In his article “The Post-Modern House” (1945), Hudnut described new buildings embodying the miracle of technology, science and the collective-industrial scheme of life, devoid of any sentimentality, fantasy or whim. He believed that the nature of the era, when the world became socialized, mechanized and standardized should inevitably be reflected in the homes of people living in this era. (Joseph Hudnut, 1945) Hudnut gives a description of modern architecture, while not using the term “post-modern” as a better alternative to modern. Today many theorists of postmodern architecture consider his concept to be ultra-modernist rather than post-modernist.

The concept of Arnold Toynbee. Another understanding of postmodernism is given by Arnold Toynbee in his “Study of History”.Particularly in post-war publications, where he gives an analysis of the urban working classemergence. The term "Modern" is used by him to describe the

middle classes of Western society. Toynbee believed that the new page of Western history of the late 15th - early 16th centuries was opened by the middle class (those whom we call today the bourgeoisie), which was competent and numerous enough to become a dominant element in the life of the society,which from that moment began to be called modernist for the next four centuries. By the end of the 19th - beginning of the 20th centuries, the middle class has become the most prominent and advanced part of the whole Westernworld. (Toynbee A., 1954) Western culture of Modern is a phase of the Western cultural development in general. It is distinguished by the domination of the middle class, covering the period before the arrival of the working urban class. During theModern era in the Western history, the ability to become Western was directly proportional to the ability to adapt to the style of the Western middle class.

Later Toynbee noted that the post-Modern era is not only distinguished by the emergence of a new working class in the West, but also by the rise and determination of other nations, the emergence of their proletariat and the simultaneous emergence of “post-Christian” religious cults and science. Using the idea of Oswald Spengler about the inevitable decline of the West, Toynbee speaks of the end of Western domination, Christian culture and individualism. Although, he rather shares an optimistic view of the future unlike Spengler’s pessimistic one.

Toynbee examines two existing points of view on the essenceof post-Modern. The first view holds that post-Modern goes after Modern and brings with it both new tragedies and new achievements. Another one is a pessimistic view of the Western history, which is coming to its inevitable end. Toynbee evaluates both points of view as subjective and egocentric. Since the first and the second believe that further improvement in history is impossible. Moreover, history just does not need them. . They either say that this period was as good as it could had been or argue that everything was so bad that nothing new might had been arisen. Toynbee describes them as "rationalizing feelings that are actually irrationally subjective".(ToynbeeA.,1954)

According to Toynbee, these views and theories, resonating in the society testify that humanity has lost control of its destinies. They signify a social disease that is a consequence of moral degradation.

Koehler and others. Another example of the term “postmodernism” usage is Wright Mills's work “The Sociological Imagination” (1959). Mills uses it to describe a new so-called “fourth era”, which is following the modern era. ('C.Wright Mills., 1983) He characterizes the “fourth era” as the era of socialism and liberalism generated by the Enlightenment. Moreover, both socialism and liberalism were practically untenable as attempts to adequately explain the world. The ideas of freedom and reason have become controversial, as increasing rationality does notimply the rise of the mind.

For a more complete understanding of the term "postmodernism", there are references in relation to the new style in literature, called the postmodern style. For example, Michael Koehler in his article “Postmodrismus” (1977) provides a historical overview of the use of the term “post-modern”. In his research,he considers Federico de Onis (1934), Dudley Fitts (1942), Charles Olson (1960), Leslie Fiedler (1965), John Perreault(1968),and Ihab Hassan (1971).

Koehler writes that de Onis dates modernism from 1896 to 1905 followed by two phases: "postmodernism" from 1905 to 1914 and "ultramodernism" from 1914 to 1932. The first phase is defined by him as a reaction to the "excesses" of modernism, and the second as an attempt to expand the search for modernism of poetic innovation and freedom. De Onis uses the term "postmodernism" to describe the works of Spanish and Latin American poets, performed in a new style.

Fitts in his work “The Anthology of Modern Latin American poetry”(1942) also uses the word “post-modernism”, analyzing the works of Enrique Gonzalez Martinez. From his point of view, the Mexican poet differs from the others, by force, clarity, accuracy and intellectualism. Fitts called his work the manifes to of postmodernism.

Koehler notes in his review that there is still no so-called agreements what to call "post-modern"Among the main reasons, he calls the double meaning of the concept of modernity. He considers that the word "modern" can be used as "die Neuzeit "which means "new age" or "new era". Although it is usually translated as "modern time" or "New time". It can imply a period of history starting from the European Renaissance or the comparatively modern period from 1900, when the Cultural Studies concepts of modernism began to emerge. Likewise, this concept can be divided into several different periods and movements. For example, it can start with symbolism and finish with surrealism.

Koehler argues that Toynbee and Olson created confusion by applying the word "Post-Modern" to the period, when modernism was already born and developed. For example, he criticizes Toynbee's position regarding his understanding of post-Modern as the time of a new urban working class emergence.

Koehler also analyzes theories that identify modernity with modernism. He provides an example of Irving Howie and Harry Levin, who believe that the end of the modern period is associated with the completion of the Second World War. Koehler argues that the 50s were marked by a reaction to the extremes of modernist formalism and a return to realism. It was not so obvious in the more avant-garde 60s,which, in turn, can more likely be called "ultra-modern". Whereby he describes the 50s as post-modern.

Koehler considers another point of view that belongs to Leslie Fiedler and Ihab Hassan. On the contrary, they affirm "postmodern sensuality". According to their view, the 50s are only an early phase of postmodernity. For Koehler, this approach appears to be a rebellion against the canonization of classical modernism, which distinguishes the "aesthetic background" of alternative modern traditions such as Dada and surrealism. However, as Koehler notes, if "post" and "postmodern" not only hint at a temporary relationship but also indicate a break with the previous style, then this approach leads to an internal contradiction. He writes: "Postmodernism breaks only with the conventions of the so-called classical modernism but not with its alternative traditions".(MichaelKoehler, 1977)

Although the point of view that the term "postmodern" does not imply complete break with modernity or "postmodernism" with "modernism" is controversial. Koehler concludes that the former should be considered as late modernism, and not as postmodern. Clearly, the disputes arise again regarding what to call the "late" or "post" modern. According to Koehler, postmodernism begins only after70s, while the period from 1945 to 1970 should be called "late modern".

Despite the fact that Koehler often does not share such concepts like "postmodernism", "postmodernity" and "postmodernism", his work is recognized by many authors as one of the first systematic attempts to describe the history of the emergence and use of the term postmodernism.

The concept of post-industrial society. One of the main differences between modern theories of postmodernism and its earliest predecessors is the first appeal to the concept of post-industrial society, which was formed in the last three decades of the twentieth century. This concept describes certain changes that have occurred in the field of technology, scientific knowledge and the nature of labor. In other words, the concept of a post-industrial society is a concept of a modern society, that is, a computerized and informational, so-called "knowledge society". It should be noted that the history of this theory also includes a lot of debate about what is information or knowledge, what is the nature of the relationship of post-industrial to industrial society, etc. The most important work in this regard is the book by Danielle Bell "The Coming of Post-Industrial Society" (1973).

As Bell explains in the Introduction to his book, he first formulated the concept of postindustrial society in an unpublished report "Postindustrial Society: A Speculative Look at the United States in and of 1958" presented by him at the forum on Technology and its Role in Social Change in Society in Boston in 1962. In this report,he was the firstto give an analysis of the

phenomenon of intelligent technology and its role in the social changes of society. He noted that the term "industrial"does not inevitably mean" post-capitalist ".

Bell considers works of Arthur Penty, William Morris and John Raskin as the earliest concept of a postindustrial society. (Arthur J. Penty, 1917)

The main idea of Penty is that post-industrialism is expressed in the ability to regulate machines, thereby sharing the work of people and machines. Although his theory was subsequently criticized as unrealistic and reactionary. His idea of the division of labor hasdeveloped a basis of many concepts of post-industrial society.

For example, other theories includethe work of Zbigniew Brzezinski "Between Two Eras: America's Role in the Technotoronic Era" (1970) Where the term "technotoronic society" is introduced It is a society dominated by new technologies and electronics. This direction was called "technical determinism",which also includes A. Toffler's work "Shock of the future"(1970), where he considers the future society as domination of new technologies.

Marshall McLuhan also writes about the growth of electronic communications systems marking the entry into a new technological era, where electronic media will create a new "global village". Baudrillard characterizes modern society as a society of electronic media and cybernetics. He writes: "After the phonetic alphabet and the printed book, radio and cinema came. After radio - television. We live here and now in an instant epoch, global communication". (Baudrillard, 1981) This is a new era that has replaced the Faustian, Promethean period of production and consumption which can be called the era of communication, contacts,connections and reverseconnections. With a television image (television is absolute andperfect object for this new era) our own body andeverything around us becomes a controlling screen. (Baudrillard, 1985). Unlike McLuhan's belief in a person's ability to control electronic media, Baudrillard, on the contrary, sees the individual as being controlled by the latter. This characterization of modern society as subordinate to electronic media was subsequently borrowed by several theorists to describe the new era of postmodernity.

French sociologist Alain Touraine also speaks about a post-industrial society as programmed by technology and subordinate to technocratic power. Although it does not imply pessimism about the possibility of any changes, which is so obvious in many Baudrillard texts. He writes: "A new type of society has been developed. It can be called post-industrial In order to emphasize how excellent it is from the preceding industrial, some elements of which have nevertheless been retained in both capitalist and socialist states. The new society can also be called technocratic because of the power presented within. Or it can be called programmed, which corresponds to the essence of its production methods and economic organization". (Alain Touraine, The Post-Industrial Society, Tomorrow's Social History: Classes, Conflicts and Culture in the Programmed Society. London, 1974, p.3) If we want to define a new society based on the ruling class, the so-called technocrats, it should be called technocratic. Touraine claims that technocrats support technological development, which likewise is transforming into an irrational accumulation of power. A technocratic society will also control and inhibit new forms of development and social interaction.

Bell, criticizing technological determinism, says that a post-industrial society is not distinguished by the dominance of technology but primarily by the growth of scientific knowledge. Therefore, according to Bell, one of the main characteristics of a post-industrial society, is the division in the field of mental work and increasing professional specialization. For example, it is the allocation of the information sector of work.

In the introduction to "The Emergence of a Post-Industrial Society", Bellwrites that in the next 30-50 years we will see the emergence of a newpost-industrial society, which will be primarily marked by changes in the sphere of social structure with various kinds of consequences in different countries. Here, Bell emphasizes that One should not compare his assumptions with the theory of Marx about the initial necessary changes in the superstructure, which then change

the basis. Bell insists on a crucial, new role for theoretical knowledge in innovations in the social sphere, which set the direction for changes in each other sphere of society.

Bell did not only consider changes in social structure, ways of transforming the economy through a new relationship between science and technology. As instead, he also tried to show a deep relationship between politics, economics, and culture. He claimed that postmodern culture is an extended narcissus' culture of Modern.

It is important to emphasize here that for Bell, the theoretical knowledge, which plays an important role in the formation of a post-industrial society is not the discourse of postmodern culture. In contrast of Lyotard, Bell distinguishes between technical intelligentsia, which acts rationally and literary intellectuals, who are highly tuned apocalyptic, hedonistic and nihilistic.

Bell also disagrees with Lyotard's interpretation of science as disinterested skepticism. Lyotard wrote that at the end of the 18th century, the first industrial revolution gave a rise to a reciprocal equation: there is no technology without wealth, and there is no wealth without technology. The current commercialization of scientific research means that scientists, technology, equipment are not bought to find the truth but to strengthen the power. (Daniel Bell,1976)

Bell, called his concept of post-industrial society as "the largest generalization". And he broke it into five main components:

1. The economic sector: the transition from manufacturing to service;
2. Professional distribution: excellence of professionals and technical class;
3. Axial principle: the central position of theoretical knowledge as a source of innovation in society;
4. Future orientation: technology control;
5. Decision-making: the creation of a new intelligent technology.

Some of the items listed, as Bell himself points out, were described in the 19th century by Saint-Simon. He was the first to introduce the idea of the intellectual avant-garde to the social theory of modernity. He also argued that the leading role in transforming a feudal society into a new industrial society can only belong to scientists and engineers, thereby emphasizing the undeniable contribution of science to increasing economic productivity.

Bell believed that it was Saint-Simon who popularized the word "industrialism", designating it as a society, where wealth is created by production and machinery. Although, according to Bell, Saint-Simon and Marx were obsessed with the idea of the critical role of engineers and science in the transformation of society None of them had and could not have any idea about changes in fundamental relativity of sciences to economics and technological development. For example by the end of 19th - beginning of 20th century, the main parts of industry: steel production, telegraph, telephone, electricity, auto and aircraft construction were developed due to talented inventors working completely independently of each other. If the dominant persons involved in the past century were entrepreneurs and businessmen, then the "new men" today are scientists, mathematicians, economists and engineers of new intellectual technology. (Daniel Bell. 1976)

From Bell's point of view, modernism and postmodernism were unable to provide modern society with the necessary, relevant time values. Although he did not deny that some elements of Protestant ethics are viable and functional, but only in some areas of production. The culture of capitalism (which includes both modernism and postmodernism) is based on contradictory pursuit of pleasure and play. (Daniel Bell. 1976)

Regarding this subject, Jürgen Habermas claimed that Bell accused the culture of modernism in the disappearance of Protestant ethics. However, Bell himself believed that the Protestant ethics were not undermined by modernism but capitalism. Ironically, the only system of values of the 19th century bourgeois society was destroyed by capitalism. Through mass production and mass consumption, Protestant ethics fell underactive promotion of a hedonistic lifestyle. Protestant ethics were designed to limit the accumulation of excess luxury (not capital).

However, when it was defeated by the capitalist offense of quick loans, only hedonism remained from bourgeois society. Indeed, the capitalist system lost its transcendental ethics. The real problem of modernity is the problem of faith or, in other words, the problem of a spiritual crisis that has created a situation that throws the West back to nihilism. (Daniel Bell.1976)

For Bell postmodern theories of deconstruction, structuralism and neo-Freudianism are also symptoms of the crisis caused by modernist hedonism. Bell makes a special reference to what he considers to be the deconstructive nature of postmodernism, describing Michel's Foucault ideas: “Foucault sees a person as a briefly living historical incarnation, as a “footprint in the sand” washed away by the waves. It is no longer sunset of the West and the end of all civilization. A lot of it all tribute to fashion, a pun leading the thought to absurd logic. Like Dada’s wicked playfulness or surrealism, it may be remembered as a footnote, a note, an appendix to cultural history”. (Daniel Bell. 1976)

Bell attributed Foucault along with Norman Brown, and the entire “pornographic popculture” to the general trend of the 60s, which he called the postmodern extension of modernism. He interpreted postmodernism as a hedonistic concept opposed to Protestant ethics. Besides it has been displaced from the central positions of Western culture. For example, abstracting expression of contemporary art, which he called post-modernist, simultaneously meaning post-Christian art. In his opinion, the new art has lost all genres. Moreover, it denies the existence of any connection between art and life.

In his work, “The Cultural Contradictions of Capitalism,” Bell writes: “Efforts to find something exciting and significant in literature and art that could replace religion have led to modernism as cultural fashion. Now modernism is exhausted and various types of postmodernism (with their psychopathic efforts to expand consciousness without borders) are just a decomposition of the Self in an attempt to erase the individual ego”. (Daniel Bell.1976) Clearly, Bell interpreted postmodernism only as the destruction of former cultural values, which naturally was typicalfor his time.

As showed above, in the search for original approaches to the analysis of economic processes, postmodernists came to the conclusion that production should be interpreted in the broad sense. It is a production of material goods and creative personality. In the same time, the consumption also should not be interpreted as the disposal of a substance of nature or goods produced but as a process of assimilation of status states and cultural forms. Hence, the true content of utility is not reduced to the universal use value of the product but is expressed in its highly individualized sign value.

The combination of the two concepts of postmodernism and postindustrial society has led to concrete results: rethinking of the meaning use value and utility, consideration of status and cultural aspects of consumption, research on a new role and the meanings of time and space as cultural forms and at the same time factors of production. Society has come to be seen as a post-market type of social structure, with increasing features of more likely of hyper-reality and hyperactivity. (Baudnllard J,. 1996) In such a society, a person expresses himself, his subjective aspirations. Then the value as an economic category reaches fractal stage (Baudrillard), where the value has no fulcrum and where there is no longer any equivalence - neither natural nor universal, where we can no longer talk about any value. (Baudrillard J. ,1996)

The study of a multifaceted personality, the results of its activities in combination with the debunking of social, political and economic vices of capitalist and post-capitalist society and the search for a way out of the crisis led to the creation of a unique doctrine of postmodernity. Seemingly unconnected directions were combined from the concepts of architecture and criticism of literature to post-structuralism and the theory of post-industrial society in this movement. However, all of them are united by the strong spirit of the doctrine of postmodernity, a sense of a new era, criticism, the denial and opposition of modernity to the past, postmodernity - modernity.

Conclusion. So, a historical review of the concept of postmodernism shows its vastness, versatility and eclecticism, which creates certain difficulties in its interpretation. It is clear that postmodernism is not a separate movement in philosophy, literature, architecture, economic or political theory. It means a general expression of the worldview of a certain era.

The terms “postmodern” and “postmodernism” did not immediately acquire their current semantic meaning. Until the eighties of the last century, they designated individual cultural phenomena and events but not the worldview of the era as a whole. For the first time, the status of the philosophical concept of “postmodernism” was obtained on the basis of generalizations of French poststructuralism and American deconstructivism, which some researchers call the real ideology of postmodernism. Philosophical postmodernism immediately began to claim both the role of the general theory of modern art as a whole and the most adequate concept of special postmodern sensitivity as a specific postmodern mentality. As a result postmodernism began to be conceptualized as an expression of the spirit of the times in all spheres of human activity: art, sociology, science, economics, politics, etc.

Postmodernism was born at first as a phenomenon of art. Firstly, it was comprehended as a literary movement. Later, it was identified with one of forms of the stylistic directions of architecture of the second half of the century. And at the verge of the 70s-80s, it began to be perceived as the most appropriate expression of the intellectual and emotional perceptions of the epoch. Arising as a reflection on new phenomena in the field of art, postmodernism gradually turned into a specific philosophy of the cultural consciousness of modernity. And in search of a theoretical basis, it turned to the concepts of poststructuralism.

Apparently, there is reason to argue that there is a single set of ideas, including poststructuralism, postmodernism and deconstructivism. This complex is an influential interdisciplinary trend in modern cultural Western life, manifested in various fields of humanitarian knowledge and connected by a certain unity of philosophical and general theoretical assumptions and analysis methodology. Theoretical basis of this complex are the concepts developed within the framework of French post-structuralism by such representatives as J.Lacan. M-F.Lyotard, M. Foucault, J.Derrida and others. The involvement of poststructuralists in demonstration of their positions and postulates of primarily literature material led to the considerable popularity of their ideas among literary scholars and gave rise to the phenomenon of deconstructivism. In the narrow sense of the word, deconstructivism is a theory of literature and specific practice of analysis of art works, based on general theoretical concepts of poststructuralism.

At the verge of the 70-80s, worldview and methodological parallels between poststructuralism and postmodernism emerged. Initially, postmodernism was developed as a theory of art and literature trying to master the experience of various neo-avant-garde movements and reduce them to a common ideological and aesthetic denominator. From the second half of the 80s, postmodernism began to be conceptualized as a phenomenon identical to poststructuralism. In some studies these terms are characterized as synonymous.

Many theories that use the term “postmodern” developed in different time and cultural periods and therefore were based on a different understanding of the terms “modern”, “modernism”, “modernization”, “modernity” as well as the prefix “post” itself. Hence, the various meanings embedded in the word “postmodernism” and in the various areas of its application. One fact remains undoubted. Theoretical and ideological foundations of both modernism and postmodernism were formulated and justified by philosophy that not only met the needs of its time or “expressed the spirit of the epoch” but also radically changed it. Richard Rorty in the book “Philosophy and the Mirror of Nature” writes to the chapter “Philosophy in Conversation with Humanity” that he is attempting to make some allusions to replace the vision of philosophy only as a “matrix” of reality that does not affect people's simple everyday lives. A modern conversation needs to be built otherwise. (Richard Rorty, 1979)

Today around the world a large number of researchers continue to address to the topic of modernism and postmodernism, which shows the continuing interest in the problems posed, their criticism and possible solutions in the future to which they are oriented.

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RESOURCE NATIONALISM AS A KEASTONE FACTOR IN KAZAKHSTANI FOREIGN POLICY

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Abstract. This article seeks to identify country-specific peculiarities of the factors affecting foreign policy formation in petro-states taking the case of Kazakhstan including domestic ones as society and state institutions, as well as external factors containing policy of great powers, transnational organizations and international system etc. Energy factor being a key geopolitical motivation for many powers located even far outside the neighborhood urges Kazakhstan to continuously lineup its foreign policy strategy in accordance with contemporary conjuncture in the market.
Keywords: Kazakhstan's foreign policy, resource nationalism, energy factor, policy revision.

Introduction. Foreign policy formation is reported to be dependent on various factors such as the size of territory, geographical position, level and nature of economic development, socio-cultural and historical legacy, governmental culture and structure.

However, it is worth noting that territorial size of a country influences the psychological and operational environment within which the foreign policy-makers and public respond. It includes, as Rosenau says, both human and non-human resources. Nations with large human and non-human (natural) resources always try to be big powers and they have better chances of becoming big powers in international relations.

Being relatively most permanent and stable factor of its foreign policy, geography of a state determines both the needs as well as the capability to fulfill the needs of the people of a nation. Suitable geographical factors and availability of natural resources can help and encourage the nation to adopt and pursue higher goals. *(Rietveld M., Toledano P. 2017).*

Since the end of communism, Kazakhstan has consistently pursued 'multivector foreign policy' that emphasizes maintaining good relations with Russia while also courting the interest of other great powers. In the 1990s, this policy focused on developing relations with the US and Western Europe. Today it extends to include growing worldwide interest in Kazakhstan. It emerged as an independent state with neither the political institutions nor the staff needed to guarantee basic state's functions. The country had few diplomats, and its diplomatic representation was initially handled almost entirely by Russian embassies. In 1992, 1993 and 1994, President Nazarbayev signed major agreements with Russia, China and the US. While Russia came first, Kazakhstan made a concerted effort to reach out to China and the US in order to achieve balance in its foreign policy. This early expression of multilateralism developed into the multivector approach, which was enshrined as the core doctrine of Kazakh foreign policy and incorporated into Nazarbayev's Kazakhstan 2030 strategy. *(Н.А. Назарбаев. Июль 2007).*

Discussion. The multi-vector policy was then, and remains to this day, a key driver of the international component of Kazakhstan's energy policy.

Under difficult conditions between 1992 and 1997 the Kazakh elite signed agreements with TOCs to exploit certain large oil fields (Tengiz, Karachaganak), to explore those with the greatest potential (Caspian Sea), and to build transport routes from aforementioned fields to foreign markets.

This was the groundwork that led Kazakhstan to become (from 1998 to 2000) a new international oil actor. Commencement of drilling in Karachaganak and Tengiz prompted a rapid increase in overall oil production, while the opening of the Caspian Pipeline Consortium (CPC) allowed much of that oil to flow for export. During this time, two happy coincidences arose that helped to change expectations about Kazakhstan oil potential: international oil prices began to spike (from $13 per barrel in 1998 to over $28.5 in 2000).

As the economic situation improved, increasing oil export revenues strengthened the ruling elite. Oil revenues rose from $6 billion to $41.5 billion between 2000 and 2007, making possible GDP growth at an average rate of 10% annually. These economic results gave more credit to government policies and fed Nazarbayev's "modernizing" propaganda. In turn, oil sales favored the extension of rent-seeking through budgetary activity.

Public revenues and expenditures rose rapidly, and the government proved willing to share these rents with local and regional leaders. In addition, a growing share of public expenditures (up from $4 billion to $25 billion between 1999 and 2007) was earmarked for social services, housing, and transportation, as well as for fostering public employment. This extended network of territorial and social clientelism, very much favored by the country's small population, at 15.5 million, increased the power stability. At the same time, the population felt the benefits of the oil boom through other channels, as export growth enabled increased imports of consumer goods. *(Daly, J., 2008).*

On the one hand, the Kazakh government's capacity for policy implementation has increased steadily since independence and was arguably at its greatest under the government of Prime Minister Karim Massimov. On the other hand, as government professionalism has increased, international oil companies have faced escalating pressure on their terms in increasingly sophisticated ways. It is important to build long-run international investors' confidence which can be done by protecting and safeguarding their interests against risk and uncertainty stemming from the oil market and by reducing their stock market's oil dependency.

As oil prices rose from the end of the 1990s, the government became gradually more assertive, most notably in 2002 when it alleged environmental damages at Chevron's Tengiz field. This resource nationalism came to its peak in 2007 when the Kazakh government accused the consortium developing the massive Kashagan field of failing to meet their obligations under the production sharing agreement (PSA) and threatened to nationalize the project. When it was initially drilled in 2000, Kashagan, the biggest oil field discovered worldwide in more than 20 years, was hailed as an unprecedented find that would revitalise interest in the Caspian and produce oil as early as 2005. While project delays and cost overruns have been endemic in the oil industry, Kashagan is, in the view of the International Energy Agency (IEA), a truly exceptional case, delaying roughly five times the aggregate oil volume of the next largest delay surveyed by the IEA. More importantly, the general global trend of cost overruns and project delays does not reduce the immediate pain the Kashagan delay has caused Kazakhstan. *(Gorst, I. & Crooks E. Financial times, July. 2007).*

Kazakh resource nationalism is best understood as essentially economic in character. The aim has been to improve economic terms and long-term economic benefit for the country. Kazakhstan has done this in three ways: first, by increasing the state share of ownership in major projects; second, by placing more of the burden of cost overruns and delays on the international oil companies; and third, by increasing the state's control of the project through Kaz Munai Gaz company (KMG).

Resource revenues are a source of public funds and, as is widely recommended, these can be used to fund public investments complementary to private investment, such as investment in human capital, in public infrastructure, and possibly also in utilities. *(Parra, F. 2004).*

At length, Kazakhstan arrived at a new economic and oil scenario, where the consolidation of the political elite and the opportunities offered by Russian and Chinese oil interest enabled Kazakhstan to propose new objectives. The weakness of the Kazakh government during the nineties did not prevent it from trying to revise oil contracts *(Olcott, M., 2007).,* but under the new scenario government goals became more ambitious, and qualitatively different. The new objectives were to develop a policy specifically oriented toward revision of oil agreements with TOCs, to strengthen national share in the oil sector, enhancing the role of KazMunaiGas (KMG)

as a stakeholder, and to obtain greater income from production and oil exports. (Campaner, N., Yenikeyeff, S., 2008).

Renegotiation of oil agreements. The government's attitude began to change in 2002, when Chevron was accused of environmental crimes. This set off increasing tensions in the major fields, some of which have given rise to intense conflicts that are motivated by three main issues.

Compliance with environmental legislation. Chevron agreed to pay a fine of $600 million, followed by another fine in 2007 for ignoring rules on sulfur storage. Another environmental conflict in 2005 with Canada's Hurricane led to that company's decision to sell Petro Kazakhstan, which was later acquired by China's CNPC.

The continuous amendment of tax laws. The new code adopted in 2004 altered the tax regimes of both Production Sharing Agreement (PSA) contracts and the Excess Profit Tax. At the same time, the government has introduced new taxes on natural resource exploitation and oil exports, with subsequent revisions that left open the option of applying the general tax regime to PSA contracts that had been initially exempt. Moreover, oil companies are now forced to fund social programs and other bonuses to local communities, beyond previous agreements.

Forcing the entry of the national company (KMG) into private oil projects. In 2004, a law was passed on PSA agreements which replaced the 1995 law and stated that KMG would thereafter take a 50% stake in future consortia.

Moreover, demands for goods and services by these consortia were to meet a minimum of local content. A year later, when British Gas (BG) decided to sell its share (16.7%) in Kashagan, the government claimed that KMG should obtain this quota, thereby ignoring the right of partners to first refusal, accorded by the contract. After a period of negotiation, agreement was reached on the purchase of 8.3% by KMG, with the other companies in the consortium permitted to buy the remaining 8.3%. But the controversy gained new force when in 2007 the leader of the consortium, Agip, announced that oil drilling in Kashagan would be again delayed due to technical difficulties. *(Jeffrey, D., Ossowski, R., Fedelino, A., 2003).*

After rejecting Agip's explanation, the Kazakh government demanded a payment to compensate the country for the negative effects of this new delay, also proposing to increase KMG's share in the consortium. After several months in which Kashagan activities remained stalled, an agreement was reached in January 2008 that included the main government demands. Above all, parties accepted a leading role in the consortium for KMG, which share rose to 16.81% (for an additional $1.8 billion), or just slightly above the shares held by the largest original partners: Agip, ExxonMobil, Shell, and Total (16.66%). Meanwhile, ConocoPhillips and Inpex reduced their shares to 8.28%. *(Philip, D., Keen, M., McPherson, Ch, 2010).*

Thus, the revision of TOC agreements has led to ensuring the primacy of Kazakh law, increasing government oil revenues and enhancing KMG's role as a player in Kashagan and other fields. This has called into question two basic principles that had initially attracted Western investors: property rights and the stability of the tax regime. The irony was that the bargaining position of said investors was now much weaker, merely because they were the owners of very high-value specific assets that had been invested in Kazakhstan in the 1990s.

Enhancing methods to collect oil rents to develop the rentier economy. The new government bargaining position and the reorganization of the national sector have expanded the state's capacity to collect oil revenues. On one side, royalties and other fees were replaced in 2008 by the Mineral Extraction Tax (MET) that taxes both domestic and foreign production by from 5% to 18% (in different steps ranging from 5,000 to more than 100,000 b/d). In turn, the VAT levies domestic transactions at a uniform 12%, while export duties have been converted (since 2008) into a tax ranging between 7% and 32% that becomes effective when international prices rise above $50/barrel. Finally, companies must pay a small fee for employees' social security, while the profit tax has fallen in recent years from 30% to 20%. To all these contributions must be added fines, bonuses, and advance payments from foreign companies.

It is difficult to measure the impact of the tax burden on businesses, since fiscal measures undergo continuous changes both in tax rates and in which companies are subject to tax payment. *(Angelier, J.-P., 2008).*

Often a general provision is followed by bilateral negotiations between the government and each company, giving rise to specific and diverse agreements and making the tax act discretionary. The information provided by government and businesses does not allow analysis of the tax impact on foreign companies. However, there is evidence that these obligations are not overly burdensome to TOCs, even despite late changes, as it is estimated that national actors (government, KMG, and local communities) will receive 60% and TOCs 40% of long-run cumulative profits from Karachaganak and Kashagan. This means that the Kazakh share will be significantly lower than in Middle Eastern and European countries. For example, the Norwegian ratio is 80%–20%.

It is easier to assess the impact of oil taxes on the state budget [4,5]. Public revenues from the oil sector rose from 2.2% of GDP in 1999 to 12,7% in 2015, and from 18% to 44% of the state budget. (Kalyuzhnova, Y., 2006).

In developing its oil and gas resources, Kazakhstan has had two key goals: avoiding reliance on Russia and ensuring that economic growth delivers tangible benefits to the growing middle class. In order for Kazakhstan to pursue an independent foreign policy that allowed it to balance Russian influence with the interest of other powers and to maximise its return on its oil and gas resources, Kazakhstan needed to ensure that it was not exclusively dependent on Russia for the key strategic oil and gas sector of its economy. In addition to its obvious concern to avoid extending Soviet-era reliance on Moscow by encouraging international investment and developing international political alliances, Kazakhstan is landlocked, leaving it reliant on international pipelines to reach international markets. In 2004, while Azerbaijan was completing the Baku–Tbilisi–Ceyhan pipeline, which gave it access to international markets without transiting Russia, Kazakhstan relied on Soviet-era pipelines and the new CPC pipeline that connected the Tengiz field with the Russian port of Novorossiisk. President Nazarbayev's strategy for Kazakhstan has been based on using natural resource wealth to fund improvements in standards of living, economic competitiveness, infrastructure and the functioning of government institutions.

The results. These twin goals of economic independence and development have driven Kazakhstan to encourage international competition both to produce and to export its oil and gas. In the first place, competition to produce oil and gas enables the Kazakh government to maximise its share of revenue and to force firms into adopting strict local content policies, which are seen to benefit economic development. In the second place, competition for exports ensures that, although Kazakhstan is landlocked, it is not forced by lack of substantial alternative export options to take a below-market price for its oil.

The focus on the energy sector as a springboard for Kazakhstan's economic development is particularly clear in value-added activities like equipment manufacture, financing and refining. Although these activities usually occur outside the borders of Kazakhstan, the government and its state companies are attempting to expand domestic activity and acquire equity participation in value-added activities abroad. This can be seen through local content requirement, the policy of establishing International Financial Centre in Astana, and the emphasis of KMG taking a leading role in future projects.

In addition to expanding its activities throughout the value chain, the Kazakh government appears to want domestic firms, most notably KMG, to take an active technical role in most energy projects to develop local expertise, similar to Saudi Arabia's prescription for 'participation, not nationalisation' in the late 1960s and 1970s.

Conclusion. This is shown in the policy of reserving new operatorships for Kazakh companies, while leaving open the option of foreign companies jointly participating with the Kazakh operator. This approach may be designed to help KMG gain the necessary technical and project-management capability to work in the shallow water Kazakh zone of the Caspian to

develop future projects. As such, this approach is consistent with Kazakhstan's policy of economic resource nationalism, as the goal is to capture a larger share of the value of its energy production.

However, this pressure on international oil companies was driven by primarily economic concerns enabling Kazakhstan's state companies to take a larger share in the industry. These changes did not represent a rejection of the multi-vector foreign policy that originally led Kazakhstan to welcome Western investment, but rather a rebalancing of the fiscal terms in view of oil prices and rising project costs.

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CASPIAN REGION ENERGY RESOURCES AND THEIR IMPACT ON

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Abstract: Energy security has emerged in recent years as one of the cornerstones of the European Union's foreign policy. The EU is highly dependent on imports of oil and gas, 35 per cent of which comes from Russia. Diversification of energy supplies is thus a key goal for the EU. The Caspian region contains some of the largest undeveloped oil and gas reserves in the world. The intense interest shown by the major international oil and gas companies testifies to its potential, it could become a major oil supplier in the future. Development of the region's resources still faces with obstacles. These include lack of export pipelines and the fact that most new pipeline proposals face difficulties due to security of supply considerations, transit complications, political and legal considerations and market uncertainties. There are also questions regarding ownership of resources, as well as incomplete and often contradictory investment regimes. This study focuses on the countries along the southern rim of the former Soviet Union that are endowed with significant oil and gas resources: Kazakhstan, Turkmenistan and Uzbekistan in Central Asia, and Azerbaijan in Transcaucasia. Several neighboring states are also covered in the discussions of oil and gas transportation and markets. The Southern Energy Corridor (SEC), which aims to link Caspian Basin and potentially Middle East gas supplies to Europe, is one of the EU's six priority axes of energy infrastructures. The article provides an analysis of the EU's efforts in the wider Black Sea area to increase its energy security.

Keywords: Caspian countries, European Union, hydrocarbons, Southern Corridor, pipeline, energy security

Introduction. The dissolution of Soviet Union in 1991 bore three states in Central Asia: Kazakhstan, Turkmenistan and Uzbekistan. Their proven conventional natural gas reserves amount to 27.8 tcm (trillion cubic meters), 13.3% of the world's total. According to the International Energy Agency (IEA), their total production will increase from 143 bcm (billion cubic meters) in 2009 to 265 bcm in 2035, and the region will become an important gas exporter. (Statistical Review of World Energy. 2012).

Table, presents the Central Asian states proven reserves, production, consumption and net exports in detail. The Central Asian states seek to derive maximum benefit from their rich natural gas reserves. Inheriting the Soviet pipeline network, they have relied on Russia for the bulk of their west-bound gas exports (see Table, for Central Asian exports by destination). *(Review of World Energy 2012).*

The Russian dominance on gas transit and the poor access to alternative markets have set value on Central Asian gas. In order to increase revenues from their gas exports, the Central Asian states search for alternative pipeline projects which will diversify their transit routes as well as export markets. However, pipelines carrying Central Asian gas to distant markets have to pass through multiple countries which have their own strategic interests. There are four major powers striving for potency in Central Asia: Europe and Turkey, led by the USA in the West, Russia in the North, rapidly growing China in the East and Iran seeking to become a regional power in the South. The Russian reaction to political events in Ukraine in 2014, and specifically its annexation of Crimea, military involvement in the separatist movements in eastern Ukraine, and the Malaysian airlines MH17 disaster, has generated a great deal of commentary about European dependence on Russian energy in general and natural gas in particular. The price dispute which led to termination of Russian supplies to Ukraine in June 2014, and the possibility of interruptions of gas supplies to Europe, led to renewed calls for diversification of European gas supplies and reduction of Russian imports. The Caspian is of central interest for European energy security, although the supply chain from the region has been traditionally kept under Russian Federation control. However, for the past decade, the EU is becoming increasingly ambitious in planning Caspian pipelines that exclude Russian Federation's territory and the Nabucco Pipeline project was in the center of these strategic

efforts for a considerable amount of time. The Caspian is therefore also at a crossroads between grand and conflicting energy interests of the Russian Federation and Europe.

Table 1 - Natural gas in Central Asia and Caspian Basin.

Country	Production Bcm	Consumtion Bcm	Net exports bcm	Proven reserves	
				bcm	%
Azerbaijan	14.8	8.2	6.6	1.3	0.6
Kazakhstan	19.3	9.2	10.1	1.9	0.9
Turkmenistan	59.5	25.0	24.5	24.3	11.7
Uzbekistan	57.0	49.1	7.9	1.6	0.8
Total	135.8	83.3	42.5	27.8	13.4

Source:British Petroleum, 2012.Statistical Review of World energy

Table 2 - Natural gas exports from Central Asia and Caspian Basin

Exports to	Azerbaijan	Kazakhstan	Turkmenistan	Uzbekistan
Russia	1.4	11.5	10.1	2.2
Iran	0.4	-	10.2	-
China	-	-	14.3	-
Turkey	3.8	-	-	-
Others	1.7	0.1	-	2.0

Source:British Petroleum, 2012. Statistical Review of World energy

By concentrating on the EU's aims of achieving greater diversification of energy supplies by importing gas from the Caspian Basin through the Southern Energy Corridor (SEC), the article argues that although there is an underlying tension between the geopolitical realities of the region, the EU has been able to become an important player in the energy security of the region, pushing forward its agenda including the geopolitical Nabucco pipeline, the flagship of the SEC. EU-supported SEC builds upon the oil and gas pipelines in order to prevent Russian monopoly over the Caspian Basin supplies. If the SEC is possible then it is mainly because of the path-dependent processes set off by the east-west corridor, which inextricably connected the international position of Azerbaijan and especially Georgia and Turkey transit role between the Caspian Sea and Europe. Iran is the largest country in the Middle East with the capacity to pursue a serious international agenda. Consequently, an amicable relationship with Tehran, who could be convinced to act in the common interest of the region, would be highly beneficial for all parties involved. Iran has gone from being a consumer of foreign technology and a pure exporter of oil to being an exporter of oil, gas and petroleum products, a manufacturer of petroleum sector equipment as well as a hub for energy connectivity in the region. The country has pipelines that are connected with Turkmenistan and Turkey. The EU's demand of Caspian gas could be supplied through Iran. This paper has two major aims: first to determine potential and importance of the countries. Second, to examine the realistic options for reducing European dependence on Russian gas. Further, examines the alternative gas options for reducing dependence on Russian gas; it also provides some idea of the possible supplies through the pipelines and the likely competitiveness of Russian versus alternative gas supplies. The analysis will be based on a mixture of documentary analysis and a review of previous literature. The documents are published by relevant factors, such as the US Energy Information Administration (EIA) and the International Energy Agency (IEA). These documents provide necessary statistical information. This statistical data, in combination with previous literature on the different countries' energy policies will be instrumental to gain a full understanding of the Caspian region's energy security dynamics.

International relations theory and energy security. In the field of energy security and the study of energy resources it is not customary to employ a theoretically focused approach.

Instead, most academics have opted for a descriptive or historical methodology, wherein a full description of the case at hand informs the reader of a specific situation. Given the fact that energy security is becoming an ever more important aspect of international relations, it is worthwhile to consider integrating theories of international relations (IR) within the energy security field. *(M.S. Crandall, 2006).* The question then remains which theory would be best suited to analyze matters of energy security. This is quite a complex matter, given the rather vast amount of theoretical perspectives within international relations. It would require a thorough discussion of each of these theories in the energy security context to provide a solid answer to that question. For the purposes of this paper, such a discussion is not feasible. However, we can present some initial reflections on arguably the two most dominant IR theories: realism and liberalism.

Realism is the oldest theory in international relations. Realists argue that the international system is defined by anarchy, and there is no central authority. *(G.Cenaks, 2010).*

Within that system states are sovereign and autonomous of each other. By consequence, realist scholars have little faith in the effectiveness of international institutions to contain the power of sovereign states. The realist vision on the world then rests upon four assumptions. Firstly, survival is the principle goal of every state. This means that states will always primarily make sure they can defend themselves from attacks, be they of militarily (primarily) or economical nature. Secondly, states are considered to be rational actors. They will always rationally consider the best way to maximize their survival potential. Thirdly, states all have some kind of military capacity and they do not know exactly how their neighbors would behave, thus making the world unpredictable and dangerous. Fourthly and lastly, the Great Powers, which are the states with the most military and economic might that dominate the international arena.

Liberalism (and its predecessor idealism) is the classical contender of realism in IR. Its core assumption is that national characteristics of states matter in international politics. This is completely different from realism, which assumes that all states have similar goals in the international arena. Instead liberalism claims that a state's ideological focus has a strong influence on its goals. Traditionally this argument has been used to differentiate between liberal states and others. The democratic peace theory, which claims that liberal states do not go to war with each other is a prime example of this differentiation. *(K.N. Waltz, 1979).*

Moravcsik has developed the liberal theory and claims it is based upon three assumptions. (M. Doyle,1997). Firstly, individuals and private groups, not states, are the most important actors in the international arena. Secondly, states represent a part of the domestic society, serving its interest. Thirdly, the combination of those preferences in the international system determines the behavior of states. The realist focus on balance of power and hegemony plays a secondary role at best. Furthermore, even though survival may still be an important goal, a state's economic and ideological interests can be equally important. Regarding the matter which theory is best suited to analyze energy security issues, A. *(Moravcsik,1997)*, provide an interesting perspective, that will largely be adopted in this paper as well. They have attempted to integrate IR theory in matters of energy security and argue in favor of realism over liberalism. Political actors that belong to the liberal tradition (they mention former U.S. president Jimmy Carter as a prime example) claim that actors in the international arena are primarily interested in profit maximization in the energy market. However, realists argue that energy resources are not merely economic commodities, but are key elements in state power. More energy resources equal more state power. That power is naturally affected both by the state's ability to extract and transport the resources, and their global demand. As such, Luft and Korin claim that resources such as oil and gas cannot be treated as merely economic commodities, as long as those have key strategic value. (G. Luft, A. Korin, 2009).

This paper is set clearly within the realist tradition. As such it will focus primarily on the action of states within the Caspian region and the power dynamics that come with energy security. Energy resources are material objects that have a clear political significance, which means that

they belong very well in a materialistic ontology and a positivistic epistemology. The analysis that will follow is firmly based upon these assumptions.

A profile of the Caspian Basin, the Caspian water plateau. The Caspian is the world's largest enclosed or landlocked body of (salty) water – approximately of the size of Germany and the Netherlands combined. Geographical literature refers to this water plateau as the sea, or world's largest lake that covers an area of 386,400 km. The Caspian coastline shared by five riparian (or littoral) states. Table below is described about proved reserves of natural gas in the Caspian countries and it shows average of barrels increasing by each year. Central Asian countries and Azerbaijan proved oil reserves is increased from 1994 till 2014. (BP Statistical Review of World Energy)

Table 3 - Oil- Total proved reserves

Country	At end 1994 Thousand million barrels	At end 2004 Thousand million barrels	At end 2013 Thousand million barrels	At end 2014 Thousand million Tones	Thousand million barrels	Share of total	R/P ratio
Azerbaijan	1.2	7.0	7.0	1.0	7.0	0.4%	22.6
Kazakhstan	5.3	9.0	30.0	3.9	30.0	1.8%	48.3
Turkmenistan	0.5	0.6	0.5	0.1	0.6		6.9
Uzbekistan	0.3	0.6	**0.6**	0.1	0.6		24.3
Central Asia total:	7.3	17.2	42.6	5.1	38.2	2.2%	102.1

Source: BP Statistical Review of World Energy

Table 4 - Natural gas- Total proved reserves

Country	At end 1994 Thousand million barrels	At end 2004 Thousand million barrels	At end 2013 Thousand million barrels	At end 2014 Thousand million Tones	Thousand Million barrels	Share of total	R/P ratio
Azerbaijan	n/a	0.9	0.9	41.2	1.2	0.6%	68.8
Kazakhstan	n/a	1.3	1.5	53.2	1.5	0.8%	78.2
Turkmenistan	n/a	2.3	17.5	617.3	17.5	9.3%	
Uzbekistan	n/a	1.2	1.1	38.3	1.1	0.6%	19.0
Central Asia total:		5.7	21	750	21.3	11.3%	166

Source: BP Statistical Review of World Energy

The "Inner Circle" of the Caspian Basin consists of the five littoral (riparian) states, Russian Federation, Islamic Republic of Iran, Azerbaijan, Kazakhstan, and Turkmenistan. They are could be roughly divided the traditional (Russian Federation and Iran), and the three newcomers (Azerbaijan, Kazakhstan and Turkmenistan).

Russian Federation. The Russian Federation controls the north-western shore of the Caspian Sea and only a negligible part of its extensive energy reserves appear to be located in the Caspian Basin. Therefore, the Russian Federation has adopted a strategy of involvement in the energy business of the other, better-endowed riparian states by means of joint resource development (production revenues) and granting access to the Russian oil and gas pipeline system

(transport revenues). The main players in this field are state-owned companies Gazprom, Rosneft, and Transneft as well as other large private energy enterprises like Lukoil, Sibneft or Yukos *(G. Cesnakas 2010).* From the 2000s the Russian Federation turned to bilateral and plurilateral agreements with Caspian littoral countries to secure its economic interests in the basin. Due to these efforts agreed upon the division of the Northern part of the Caspian with Azerbaijan and Kazakhstan, while still strongly the five-party. Although this agreement presents a good sign for the future, its major downside is that it is completely dependent on the good relations between littoral states and therefore dependent on the current geopolitical realities of the Caspian.

The top priority task in Russia's fuel and energy expansion is to create an integrated water and fuel-energy complex in Central Asia (under Russian management). One of the possible ways to carry out this task is to include Tajikistan in the water-energy consortium being created. Russia's goal is clear: it wants to strengthen its position as Turkmenistan's main partner in the energy sector and, in so doing, maintain control over the export of Turkmen gas. Today, the growth rates of production, including those of gas export, from the Central Asian countries is much higher than the rates of modernizing and developing their gas transportation systems. But the main gas artery from the region's states to Russia-the major gas Central Asia-Center pipeline – is currently operating to its limit. This relates to all three gas transportation countries: Turkmenistan, Uzbekistan and Kazakhstan. Regarding intra-regional relations in general, Russia's concerns about the influence of the EU and the US in the Caspian Basin have increased. As for Iran, the historically adverse relations have improved in some areas as the two powers still share a number of mutual interests in the Caspian Basin, for instance their joint opposition to growing Western interference in regional affairs.

Islamic Republic of Iran. Iran holds 16% of global proven gas reserve. *(Anis H. Bajrektarevic, 2015).* Total gas production in 2014 was 172.6 bcm, while domestic consumption stood at 117.6 bcm. More than a third of domestic consumption is used for boosting oil production by pumping gas into maturing oil fields. In 2009, natural gas had a share of 57.9% of total energy supplies; oil was down at 40.8%. Foreign investment is all blocked due to US bilateral sanctions based on the Iran sanctions Act (1996), sanctions imposed by the UN and the EU. (BP Statistical Review of World Energy, 2015). It is in Russia's vital interest that Iran does not turn into a competitor on the EU gas markets. Iran is considered an attractive export route for oil and gas between Central Asia and Europe, and for oil from both Central Asia and Transcaucasia to the Persian Gulf. It already has a well-developed oil and gas infrastructure, including portions of pipeline that could be used for the routes mentioned above or for swaps. By some estimates, an Iranian route could prove significantly cheaper than other proposed pipelines. Foreign policy priorities have been affected by its past dominance as well as the religious ties with Azerbaijan, Kazakhstan and Turkmenistan. Of the most concern are the Islamic Republic of Iran´ s relations with Azerbaijan, hampered due to Azerbaijan´s westward cooperation on energy matters.

Additionally, the ethnic Azeri minority makes up a quarter of Iran´s population. An economically strong and independent Azerbaijan, could potentially incite the Azeri population in Iran to start its own nationalistic movement and threaten its territorial integrity. Azerbaijan to rise any further as a global oil player might as well be seen as Iran's strategic goal. *(M.S. Crandall 2006).*

There are serious doubts about the viability of the proposed Armenia–Georgia–Ukraine pipeline on economic and – following Russia's annexation of Crimea – geographical grounds. Aside from these options, gas exports to Europe via Turkey using existing infrastructure, seems the most feasible option prior to 2020.

Irrespective of the technical and geopolitical feasibility of these proposed routes, the second major uncertainty over the export of Iranian gas to Europe is the availability of sufficient gas for export markets over and above Iran's domestic requirements. With the required investment and technology, Iran could increase production capacity to around 210–230 bcm/year by 2018, but

this is expected to be mainly allocated to domestic and regional export markets. After meeting growing domestic demand – expected to reach 200–220 bcm/year before 2020 – and supplying gas to the already contracted export markets of the neighboring countries of Turkey (10 bcm/year), Iraq (10 bcm/year), and Oman (5–10 bcm/year), any gas available for export to the rest of Europe is expected to remain marginal prior to 2020.(Statistical Review of World Energy 2009).

Beyond 2020, depending on how fast Iran can develop the remaining phases of the South Pars and other major discovered gas fields, the country's total production capacity could reach around 350 bcm/year by 2030. (Gerhard Mangott 2010). It is only then that significant exports to Europe can be envisaged, provided that the required infrastructure can be made available. Exports of around 10–20 bcm/year to Europe through Turkey via the existing infrastructure are possible in the 2020s, but it is unrealistic to imagine more substantial volumes becoming a reality until after 2030.

Azerbaijan. Azerbaijan's total energy production has increased almost three-fold from 27.9 million to 74.9 million oil equivalent mainly due to oil and gas production. The country's total energy consumption in 2009 was about 15.7 million tons, which means that a significant part of its production is exported.

Controlling the western side of the Caspian Sea, Azerbaijan holds a crucial position between Central Asia and Europe. Azerbaijan produced 41.7 million tons of oil in 2007. Heavily dependent on the oil sector, the State Oil Company of Azerbaijan Republic (SOCAR) was created to efficiently benefit from the abundance of hydrocarbon resources in the respective sector of the Caspian Sea. (Scalability as Drawn', *Azerbaijan 2012).*

The Shah Deniz Phase 2 project is expected to go into production in late 2018, and to start exporting to Europe in late 2019. In addition to Shah Deniz, there are several offshore Caspian fields and exploration prospects that could increase Azerbaijan's gas production in the 2020s. One field, Absheron, has been declared commercial under a PSA (with Total as operator, GDF Suez, and SOCAR); production is expected to start in 2021. SOCAR officials have projected an increase in production to 40–45 bcm of sales gas by 2025; this assumes 9–14 bcm/year of gas from new offshore projects. We estimate that 3–8 bcm/year of additional gas could become available for export to Europe at some point in the 2020s.

Kazakhstan and Uzbekistan. Holding the greatest share of Caspian oil in its national sector, Kazakhstan´s foreign policy is influenced by its dependence on Russian Federation as a primary energy transit route. Additionally, the growing inflow of FDI from China signals the rising importance of cooperation with the east.

Uzbekistan is a major gas producer (50–60 bcm/year in recent years), and Kazakhstan an expanding one (about 12 bcm/year in recent years, likely to rise to 20–25 bcm/year in the 2020s). Most Uzbek and Kazakh gas is consumed domestically; small quantities (7–10 bcm/year from each) are exported to Russia; and both countries have concluded framework agreements, and some contracts, with China, providing for exports via the Turkmenistan–China pipeline, which started in 2013 from Uzbekistan. It is possible that Uzbek and Kazakh exports to Russia will fall in the 2020s, but there will be calls on this gas from China and from their domestic markets. *(Dekmejian, H.H.Simonian 2003).*

There are essentially just two viable way that Uzbek and Kazakh gas could reach the European market. Namely, Kazakh gas could be transported by pipeline across the Caspian Sea to Azerbaijan, and thence to Europe.

Via Russia, via existing pipelines, to European destinations. (Such sales were conducted, with the gas bought and resold by Gazprom and other Russian companies, from the mid 1990 s to 2009.) *(M.P.Croissant, B. Aras, 1999).*

Turkmenistan. The European Southern Corridor strategy, Turkmen gas could come from Trans-Caspian pipeline, envisioned to transfer Turkmeni gas to Azerbaijan via the Caspian sea, where it could easily connect to the pipelines heading for Europe. These plans also effectively

bypass both Russian Federation and Islamic Republic of Iran, but their major are the bad relations between Turkmenistan and Azerbaijan over the demarcation of the Caspian basin.

For Iran, a closer relationship with Turkmenistan promised useful oil swap agreements and access to the potentially lucrative Turkish natural gas market. The related further step of reaching Europe through Turkey would have put both Iran and Turkmenistan on the map as competitors to Gazprom. Iran considered, therefore, the 6 BCM Korpedzhe (on the Caspian shore of Turkmenistan) to Kurt-Kui line as a useful first step. The line was funded by Iran, with Turkmen debt to be repaid through gas deliveries. Still, the line had immediate advantages for Iran. A new domestic line linking gas fields in the south to the populous and industrial north-west would have cost far more than the Korpedzhe to Kurt-Kui pipeline. Since then Beijing has emerged as Turkmenistan's near monopolistic buyer-about 80 percent of Turkmen gas exports are now directed toward China. If the Turkmen authorities want to avoid total dependency on China, they will have to reopen discussion with Europe, but such a push does not appear likely to come either from Ashgabat or from Brussels in short term. I assume, that the only likely Central Asian source for significant gas exports to Europe is Turkmenistan. With only Turkmenistan contributing significantly to any gas transport towards the EU, additional gas from Azerbaijan will most likely have to ensure the necessary capacity utilization and economies of scale in order to make the EU's tapping of Caspian resources economically viable.

2. The EU's Energy Import Dependency. In 2011, the EU-27 imported about 83 per cent of its crude oil, 64 per cent of natural gas and 47 per cent of its coal demand. Fossil fuel projections towards 2030 indicate that gas demand is most likely to rise while oil consumption will stagnate at the current high level. So far, Russia is the EU's most important energy supplier. Russia's share of EU gas oil, and coal imports amount 34 per cent, 33 per cent and 26,2 per cent respectively. Norway and Libya, the EU's second and third largest supplier of oil, account for about 15 and 10 per cent of imports. In the field of gas, Norway and Algeria contribute 31 and 14 per cent to the EU's demand. Though EU energy imports are likely to further diversify as a consequence of increasing liquefied natural gas imports from Africa and Middle East, additional political steps towards diversification are necessary.

In the analysis on energy Import Dependency, which is made by European commission, *(OIES PAPER 2014),* we can see and make comparison, how it is increased from 1995 until 2014, it means that European Union seeks the way to diversify its energy demand.

Table 5 - Import Dependency-All Fuels- %

Import from extra EU	1995	2000	2005	2010	2013	2014
EU -28	43.1	46.7	52.2	52.6	53.1	53.5
Index 1995	100.0	108.3	121.1	122.2	123.3	124.1
Intra and Extra-EU imports						
BE	80.8	78.1	80.1	77.9	77.4	80.1
BG	55.9	46.0	46.7	39.6	37.7	34.5
CZ	20.6	22.9	28.0	25.6	27.9	30.4
DK	33.4	-35.0	-49.8	-15.7	13.3	12.8
DE	56.8	59.4	60.4	60.1	62.66	61.6
EE	32.3	32.2	26.1	13.6	11.9	8.9
IE	69.5	84.8	89.6	86.6	89.3	85.3
EL	66.7	69.5	68.6	69.2	62.2	66.2
ES	71.7	76.6	81.4	76.7	70.4	72.9
FR	48.0	51.5	51.6	49.1	48.0	46.1

HR	36.1	48.4	52.5	46.6	47.0	43.8
IT	81.9	86.5	83.4	82.6	76.8	75.9
CY	100.5	98.6	100.7	100.8	96.4	93.4
LV	70.4	61.0	63.9	45.5	55.8	40.6
LT	63.1	59.4	56.8	81.8	78.3	77.9
LU	97.7	99.6	97.4	97.1	97.0	96.6
HU	47.9	55.2	63.1	58.2	52.1	61.7
MT	104.8	100.3	100.1	99.0	104.1	97.7
NL	20.0	38.1	38.0	30.3	26.1	33.8
AT	66.4	65.4	71.6	62.8	61.6	65.9
PL	-1.2	9.9	17.2	31.3	25.6	28.6
PT	85.3	85.1	88.6	75.1	72.9	71.6
RO	30.3	21.8	27.6	21.9	18.5	17.0
SI	50.9	52.8	52.5	48.6	46.9	44.6
SK	68.5	65.6	65.3	63.1	59.2	60.9
FI	53.6	55.1	54.2	47.8	48.5	48.8
SE	38.9	40.7	36.8	36.6	31.6	32.1
UK	-16.4	-16.9	13.4	28.4	46.4	45.5

Source: EU Commission. EU energy in figures, statistical pocketbook 2016.

Table 6. shows gas demand scenarios for those countries which are – and are likely to continue to be – highly dependent on Russian gas (with an SCI exceeding 30) up to 2030.

	Gas demand in 2013	Russian gas imports in 2013	Gas demand projections			
Central European countries			2015	2020	2025	2030
Austria	8.53	4.79	8.53	7.54	7.60	7.11
Czech Republic	8.47	7.27	8.08	8.69	8.68	9.94
Slovakia	5.81	5.06	4.72	4.86	6.19	7.66
Poland	18.31	11.87	15.73	17.08	19.49	21.07
Hungary	9.28	5.52	10.65	11.12	10.37	9.79
Total	50.4	34.51	47.70	49.30	52.33	55.57
Baltic countries						
Estonia	0.68	0.64	0.34	0.38	0.41	0.43
Latvia	1.73	1.01	1.83	1.93	2.05	2.13
Lithuania	2.71	2.21	3.24	3.47	3.75	4.03
Finland	3.48	3.22	2.33	2.35	2.72	3.06
Total	8.6	7.08	7.74	8.13	8.92	9.65
South east European countries						
FYROM	0.16	0.09	0.12	0.12	0.12	0.12
Bosnia/Herzegovina	0.19	0.18	0.26	0.27	0.29	0.30
Bulgaria	2.59	2.67	2.89	3.03	3.14	3.29
Serbia	2.52	1.84	2.30	2.30	2.30	2.30
Greece	3.84	2.39	4.32	4.10	3.85	3.64
Total	9.3	7.17	9.89	9.82	9.69	9.65
Grand Total	68.3	48.76	65.33	67.25	70.95	74.86

An important conclusion from those Table, is that for the three groups of countries which are highly dependent on Russian gas, demand is expected to increase by less than 7 bcm during the period 2013–2030: in Central Europe by 5.2 bcm, in the Baltic countries by 1.05 bcm, and in south-east Europe by 0.4 bcm. In 2030, total demand for gas in countries highly dependent on Russian gas in the Baltics and south-east Europe will be 19.3 bcm. In Central Europe, demand is much larger, particularly in Poland (which has significant domestic gas production and an SCI which is significantly lower than other countries in the region).

2.1. Alternative Sources of Gas Supply to Europe

In the early 1970s, European indigenous production covered most of the region's gas demand. By 2013, due to faster growth rates of consumption and a decline in gas production since the early 2000s, it only accounted for around 57 per cent of demand. European production is falling everywhere apart from Norway, and as a result, despite slow demand growth expected up to 2030, Europe will become sharply dependent on imports. Two countries represented 70 per cent of the indigenous production in 2013 – Norway: 109 bcm and the Netherlands: 86 bcm. These countries are also the two main sources of indigenous gas for the other European countries. Production from the UK continental shelf (UKCS) is still crucial, at about 38 bcm, but it only represents about half of the national needs. Another 19 countries produced gas in 2013; this was used by their national markets, except for Denmark which exported small quantities. Table above, shows scenarios for indigenous gas production in Europe for 2015, 2020, and 2030. Production is expected to decline from 282 bcm in 2013 to about 266 bcm in 2015, mostly due to the limit imposed on production from the Groningen field in the Netherlands. By 2020, indigenous production could decline by another 20 bcm as a result of sharper decline in the Netherlands, UK, and Germany. By 2030, European conventional gas production is expected to be about 172 bcm, a reduction of 110 bcm compared with 2013. Table shows, that the total is deeply dependent on the three largest producers, which account for 82–84 per cent of the total throughout the period. Table 7 shows, indigenous conventional gas production in European markets 2013–2030 (bcm). (S. Pirani, S, 2012).

Country	2013	2015	2020	2030
Norway	109	109	110	100
UK	38	38	34	20
Netherlands	86	71	63	26
Other	49	48	39	27
TOTAL	282	266	246	172
Norway/UK/ Netherlands as a % of total	83	82	84	84

3. The EU's South European gas corridor: options for gas supplies. The EU has been an active outside its borders in attempting to diversify its import supply routes and strengthen its ties with non-Russian suppliers in its neighborhood. This had led to a nascent 'energy diplomacy'. Already in 2008 the EU had announced a strategy to open up new gas import routes from Central Asia, the Caucasus and the Middle East – a project known as the Southern Corridor. In June 2013, the Shah Deniz consortium and its leading stakeholders (the State Oil Company of Azerbaijan (SOCAR), BP, Statoil, Total, Lukoil, NICO and TPAO, Turkey's national energy company) concluded negotiations that have lasted over a decade, approving the Trans-Adriatic Pipeline (TAP) for the final leg of a pipeline bringing gas from the Shah Deniz field in the Caspian Sea to European markets. The consortium made a Final Investment Decision (FID) for stage 2 development of the Shah Deniz field, triggering plans to expand the South Caucasus Pipeline

through Azerbaijan and Georgia, construct the Trans-Anatolian Gas Pipeline (TANAP) across Turkey and construct the TAP across Greece and Albania and into Italy. The first gas delivery to Europe (10 bcm/y) is scheduled for 2019 while plans to double this capacity are on the books. Another 6 bcm/y will go to Turkey. *(R. Kandiyoti, 2008).*

In order to diversify EU gas supply, and to provide Caspian suppliers with new export routes, several projects have been studied, re-evaluated, scrapped and resurfaced for the Southern Gas Corridor. The European Commission's declared objective remains to eventually supply 10% of European gas demand via an enhanced Southern Gas Corridor, but the current scenario would see the Corridor initially supply about 2% or 3% of Europe's demand. This may seem minor, but the countries receiving the gas – from Bulgaria to Greece – are those that have the biggest energy security concerns due to reliance on Russian gas. With British petrol committing its Shah Deniz resources to the EU's Southern Gas Corridor 10 billion cubic meters of Azerbaijani gas will eventually find its way to Europe by 2018.

The source diversification provided by the Southern Gas Corridor is not a panacea for European energy security but represents an important step in expanding Europe's energy frontiers towards the Caucasus and potential future partners in Iraq, Turkmenistan or Azerbaijan.

The Caspian and the Central Asian countries have a number of options to diversify their transport routes as well as export markets. While there is only the Turkmenistan–China pipeline to reach eastwards, three routes extend from Central Asia to the West: via the Caspian Sea, via Iran, and via Russia.

Nabucco-West vs.TAP: After years of fierce competition among Europe's energy giants, the developers of a major Azerbaijani natural gas field in the Caspian Sea recently picked the Trans-Adriatic Pipeline (TAP) project over the Nabucco West project to transport Caspian natural gas to Europe. According to the estimated cost of the project is around $5 billion. (S. Pirani, S, 2012). If constructed, TAP, developed by Norway's Statoil, Switzerland's EGL and Germany's E.ON, will ship 10 bcm of gas per year, with the option to increase the capacity up to 20 bcm. It will run through Greece and Albania, under the Adriatic Sea to southern Italy. The construction of TAP would provide the countries involved in this project, such as Greece and Albania, with a large inflow of foreign direct investment (FDI) and foster economic growth. West is the shortened form of the "Nabucco" put forward a few years ago. "Nabucco", one branch of which started from Georgian-Turkish border and was more than 3 thousand km in length, was planned for the transportation of 31 billion m^3 of gas from Central Asia, South Caucuses and Middle East regions. The geopolitical situation in the above-mentioned regions, and the absence of export routes from these regions Europe put the realization of that project under question. (R. Kandiyoti, 2008). Considering the gains accruing to Azerbaijan and Continental Europe from TAP and Nabucco-West would favor TAP over Nabucco-West in 2013. TAP is based on a 2013 intergovernmental agreement between Albania, Italy and Greece. The advantage of the TAP project is that it links the Caspian Sea and Turkey on one side and the European market on the other. Apart from its main route to Italy, which is the biggest European gas market after Germany, interconnectors can be built to Bulgaria from Greece, as well as a new pipeline to Montenegro and Croatia along the Adriatic coast from the tie-in in Albania, the Ionian Adriatic Pipeline (IAP).

Via the Caspian Sea (TCP). TCP carries Central Asian gas via an offshore pipeline under the Caspian Sea to its western coast, and from there the Southern Corridor (TANAP and TAP) delivers the gas to the Turkish and European markets. Turkmenistan benefits by 0.5 bn € since TCP bypasses the current transit countries, i.e., Russia and Iran, and introduces a new transport route for westbound Central Asian gas. Turkmenistan's spare production capacity is enough to fill up the offshore pipeline's capacity. Turkey enjoys supply competition in its market as well as it strains it position on the route (0.bn €). However, Azerbaijan benefits from Turkmenistan's access to its export markets (0.5bn €) since it is the transit country on the route and controls Turkmenistan's access to the Southern Corridor. Although the EC supports TCP, Turkmen gas via

TCP returns the European players (the Balkans, Continental Europe and UK) only 0.3bn €due to the transit countries on the route, and the European companies show little interest in the project. Costing 0.5bn€, is strategically viable for the non- European countries Turkmenistan, Azerbaijan and Turkey (1.5bn € in total). However, continuing opposition from Russia and Iran currently appears likely to prevent any submarine gas pipeline across the Caspian from moving beyond a hypothesis.

Via Iran (TTP) Linking Turkmenistan via Iran to the Southern Corridor. Turkmenistan benefits 0.3bn €. Again, the transit countries, in this case Turkey and Iran, collect most of the gains from the project. While Turkey enjoys supply competition in its market, Iran benefits from better access to the markets. TTP affects the rest of the players in an analogous manner to TCP. In the nearest time, Turkmenistan intends to initiate gas extraction in the world's second gas field Galkynysh, whose reserves are evaluated from 13.1 to 21.2 tcm of natural gas. In view of starting the development of such giant gas field, Ashkhabad is concerned about seeking new exports routes. *(L.Maruelle, J. Mankoff, 2016).* Iran has the world's biggest proven gas reserves, and Turkmenistan is ranked number four globally in terms of gas reserves. Together, the two neighboring countries, located in the richest swathe of land in the world in terms of energy resources, between the Caspian Sea and the Persian Gulf, have some 25% of the world's gas. With the European Union and the United States lifting sanctions against Iran on 16thJanuary 2016, the EU will gain access to a second major gas market in the world, beside Russia, and combined with the soaring LNG imports envisaged in the next few years, the EU's Energy Union's strategic goal to diversify Europe's energy supply could be reached. After raising sanctions and normalizing the Tehran-US relationships and the extension of the new gas pipeline presently, supplying gas only to Iran as far as Turkey and further on to Europe could become soon reality.

Via Russia: from South Stream to Turkish Stream. The south stream project is Russia's response to Nabucco. It was first launched in June 2007 when the Italian energy company Eni and Gazprom of Russia signed a memorandum of understanding (MOU) which push the construction of 900 km submarine pipeline from Druzhba on the Russian Black sea coast to the Bulgarian city of Varna. In Bulgaria, the pipeline will divide into two. The southern side will run through Greece and under the Ionic sea to Italy, while the northwestern part will run through Serbia and Hungary to the Baumgarten gas hub in Austria. On December 1, 2014, following a meeting between the Russian and Turkish presidents, president Putin and Gazprom CEO A. Miller announced that South Stream had been cancelled. The South Stream cancellation was accompanied by a Russian announcement that it would be replaced with pipelines of the same capacity to deliver gas across the Black Sea directly to Turkey. Of the 63 bcm/year of capacity, 14 bcm/year would replace the volume currently delivered to Turkey via Ukraine and the trans-Balkan pipeline, while the part (approximately 50 bcm/year) would be delivered to the Turkish-Greek border where Gazprom would set up a natural gas "hub" for Southern European customers. Turkish Stream proposals – both of which would create a new route in bringing (the same) Russian gas to Europe. For the EU, the energy security benefits of South Stream and Turkish Stream involving avoiding gas transit through Ukraine. Both routes diversify supply routes although not supply sources.

Russians officials have stated that if the negotiations progress, gas could be delivered by the end of 2018. Turkish authorities, on the other hand, expect the project to continue for at least two and half years.

Conclusion. The five Caspian littoral states differ in terms of size, power projection capabilities and wealth in on- and offshore natural resources. The two main Caspian littoral powers are Russia and Iran, both endowed with huge natural gas and oil resources on shore, and both not very well endowed with natural gas resources offshore in the Caspian sea. The other three Caspian littoral states lack power projection capabilities, lack a diverse export market for natural resources (especially Turkmenistan and Kazakhstan). As such, the vision of importing large quantities of natural gas or oil from the eastern side of the Caspian (Central Asia) to the Western

side of the Caspian (Europe), is a task and will require a shift in EU foreign policy or alliances vis a vis third countries. The EU's energy security policy revolved around primarily two objectives: integration and diversification. The former of these meant expanding the internal EU market structures, this way also including external actors. This focus on transparent market rules and networks would strengthen Brussels, as it would increase access and availability of energy resources to the EU. Moreover, by interlinking energy infrastructure the Union would become more resilient to possible supply disruptions. In terms of the EU's diversification efforts, these were mainly related to attempts to establish new routes, seek to include new energy suppliers and finally to promote different energy types. All these three factors can be seen as having the same fundament in the EU energy thinking; as too large dependence on any one of these would constitute an energy security risk. Caspian basin and Central Asian countries played a role in both of the EU concerns. The EU-Caspian energy structure could become a counterweight to Russia.

As things stand now, the geographical limits dictate three possible or already realized options of shipping Eastern Caspian energy resources to the Western Caspian. The first one is a legacy of the Soviet Union: Central Asian and Caspian energy resources being shipped through Russian territory and pipelines, to Europe. This is the status quo. The second option is to build trans-Caspian pipelines, pipelines for the transport of gas and oil, from the Eastern sea beds of the Caspian, to the Western sea beds of the Caspian, to ship the onwards to Europe. Thirdly, the 'southern route', piping Eastern Caspian natural gas and oil through over land pipelines, via Iran, to Turkey and onwards to Europe. All three options have pitfalls, drawbacks and rewards. In this conclusion, I will focus on the 'path of least resistance'.

As mentioned above the EU policy push towards supply diversification is to lessen the dependence and power of Russia. Chiefly because of that reason, the first option (piping more Caspian and Central Asian energy to Europe through Russia) is not plausible and not a viable option. The second option, building under sea pipelines, cutting through the Caspian Sea, from East to West, has great challenges of a different nature. The biggest problem with this option, is the tandem opposition of Russia and Iran. Would be deprived of a very large potential future market, the EU. Russia would not only be deprived of a 'potential future market', but it would also undermine current gas delivery volumes.

The third and final option is the southern route, piping the energy overland, from the Eastern Caspian, through Iran, to Turkey and onwards to the EU. This is the path of least resistance.

There are already pipelines between Turkmenistan and Iran and between Iran and Turkey. Although those pipelines don't have nearly enough capacity, parallel lines can be built. Routing through Iran solves two crucial problems. Firstly, it lessens dependence on Russian energy supplies. As such, it gives the captive Turkmen and Kazakh export markets a big breather. Their oil and gas can even be sold through the Persian Gulf ports. Secondly, it solves the insurmountable problem of double/tandem Russian-Iranian opposition to Caspian Sea pipelines.

The EU has enough power to deal with Iran (mostly economically), but less with Russia. Iran has a population of 80 million and cultural, historical links to the other Caspian littoral nations. Also, it give those small countries a viable alternative vis a vis Russia, in order to balance their foreign relations. As such, this EU policy, if executed well, could two birds with one stone: not only lessen dependence on Russian gas/oil (transit), but also to lessen Russia's influence in the littoral nations. That will force Russia to negotiate better prices in the future. As a side-bonus: Iran would be invested in behaving itself in the region and even in the middle east. Because being a reliable transit country for the first few years, would make EU policy heads open toward purchasing large quantities of Iranian gas, running along parallel lines, in the future. If executed well, this solution will catch three birds with one stone for the EU.

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