

The Research School for Public and Private International Law

ANNUAL REPORT



2025

2026



FOREWORD

This collection brings together, in two parts, the research work of the Research School for Public and Private International Law at Maqsut Narikbayev University in the 2025-2026 academic year. The two parts reflect the research priorities and professional activity that define the School's academic life outside the classroom, as well as the analytical skills, research discipline, and legal thinking that we aim to foster at our School.

Part 1 presents the publications, conference papers, moot court achievements, and research projects of the School's faculty and staff. This year's work spans articles published in academic journals, papers presented at international conferences, participation in moot court competitions including the Jessup International Law Moot, and research projects carried out individually or jointly by members of the School.

Part 2 presents Master's theses and graduation papers completed by the School's students. The works are organized into four areas: 1) Human Rights: Implementation of International Standards in Kazakhstan; 2) Civil and Political Rights and International Monitoring Mechanisms; 3) International Economic, Investment and Natural Resources Law; and 4) Private International Law and International Judicial Cooperation. Together, they cover a wide range of issues, from the rights of stateless persons, refugees, and children with disabilities to freedom of religion, peaceful assembly, and the work of UN treaty bodies; from bilateral investment treaties, trade remedies, and the Energy Charter Treaty to the application of the Hague Conventions in Kazakhstan's courts.

Thank you to my colleagues for the work gathered in Part 1, and for putting up with the process of collecting it. My sincere gratitude also goes to the graduates for the care and independence with which they carried out their research, and to their supervisors for guiding it. I hope this collection will give readers, inside the University and outside it, a sense of what the School has been doing this year; that it will be of use to legislators, judges, practising lawyers, and researchers; and that it will encourage further study of how international law takes effect in Kazakhstan.

Associate Professor Abay Abylaiuly
Research School for Public and Private International Law
Maqsut Narikbayev University

Report was prepared by:
Adilbayev Daryn – Research Assistant

Report was designed by:
Kurmanzhan Abdyrakhmanova – Research Assistant

CONTENT

PART 1. PUBLICATIONS AND RESULTS OF OUR RESEARCH SCHOOL.....	6
Chapter 1. Information about the Research School	6
GENERAL INFORMATION	6
MEMBERS OF OUR TEAM	7
Chapter 2. Publications of Our Research School	10
<i>Yeshniyazov, N.S. (2026)</i> . Where to Seek Enforcement of a Foreign Court Judgment in Kazakhstan: Shortcomings of Article 503 of the Civil Procedure Code of the Republic of Kazakhstan.	10
<i>Abylaiuly A. (2026)</i> . Constitutional Reform and Kazakhstan’s International Obligations: a Step Back?	11
<i>Alekbay Zh. K. (2025)</i> . Deficiencies in the Legal Regulation and Judicial Practice of Kazakhstan in the Domestic Application of Treaties: entry into Force and Provisional Application.....	12
<i>Smagulova A.S. (2025)</i> . Contesting Reservations: The Role of Treaty Monitoring Bodies in Safeguarding Human Rights.....	13
<i>Abylaiuly, A., & Arystanbek, A. (2026)</i> . MNU Treaty Collection: Concept, Structure and Advantages.....	14
<i>Abylaiuly, A., Medetbekova, D., & Abdyrakhmanova, K. (2026)</i> . Refugee Status Determination and Statelessness in Kazakhstan: Analysis of Court Practice.....	15
<i>Yeshniyazov, N.S. (2026)</i> . Ratification of the 2005 Hague Convention on Choice of Court Agreements and the 2019 Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters: Proposals and Prospects for Accession.	16
<i>Abylaiuly, A., Kokzhalov, R., Abenova, A., & Babajanyan, Y. (2026)</i> . Kazakhstan. International Encyclopaedia of Laws: Intellectual Property (IEL IP).	17
<i>Abylaiuly, A. (2026)</i> . On the Necessity of Responding to the Findings of the UN International Law Commission. Springer.	18
Chapter 3. Results of Our Research School	19
Philip.C Jessup International Law Moot Court Competition 2026	19
UN Regional Course in International Law for the Asia-Pacific Region, Bangkok, 2025	20
60th Anniversary UN International Law Seminar, ...	21
Geneva, 2026	21
Kazakhstan Branch of International Law Association (ILA).....	22
PART 2. PUBLICATIONS OF OUR STUDENTS.....	23
Chapter 1. Human Rights: Implementation of international standards in Kazakhstan	23
Relationship between international Legal Obligations and Legislation of the Republic of Kazakhstan in the Field of Protecting the Rights of Stateless Persons	23
<i>Kurmanzhan Abdyrakhmanova</i>	
Implementation of International Standards for the Protection of the Rights of Refugees and Asylum Seekers in the Republic of Kazakhstan.....	24
<i>Dana Medetbekova</i>	
Ensuring the Right to Inclusive School Education for Children with Disabilities in the Republic of Kazakhstan	25
<i>Makpal Rakhmatulla</i>	

Accession of the Republic of Kazakhstan to Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence: International Legal Analysis and Assessment of Legal Consequences.	26
<i>Ademi Sundetbayeva</i>	
International Legal and National Mechanisms for Ensuring Gender Balance in the Civil Service of the Republic of Kazakhstan.....	27
<i>Gulnar Dyussetay</i>	
Implementation of International Standards for the Protection of the Right of Peaceful Assembly	28
<i>Gulzhanat Uzdymbayeva</i>	
Chapter 2. Civil and Political Rights and International Monitoring Mechanisms	29
Freedom of Speech as Fundamental Element of Academic Freedom of Students in Kazakhstani Universities: International Legal Analysis	29
<i>Adel Baigarayeva</i>	
The Right to Freedom of Religion: Legal Analysis of the Practice of International Judicial and Quasi-Judicial Bodies.....	30
<i>Baktiyar Mukash</i>	
The Relationship between International Legal Obligations of the Republic of Kazakhstan in the Field of Protecting the Right to Liberty and Security of Person	31
<i>Ayazhan Serikova</i>	
Legal Analysis of Communications against the Republic of Kazakhstan before the UN Human Rights Committee.....	32
<i>Anel Bakebayeva</i>	
Legal Analysis of Communication against the Republic of Kazakhstan before UN Committee against Torture.....	33
<i>Azim Saparkhan</i>	
Legal Analysis of the Practice of Applying the International Covenant on Civil and Political Rights Norms by the Constitutional Court of the Republic of Kazakhstan	34
<i>Aiym Dyussenbayeva</i>	
Legal Analysis of Kazakhstan's Judicial Practice on the Application of International Law	35
<i>Zairbek Nurakhan</i>	
Aligning the Provisions on the Ombudsman Institution with the Paris Principles (UN General Assembly Resolution 48/134)	36
<i>Nursat Isimbay</i>	
Chapter 3. International Economic, Investment and Natural Resources Law	37
Legal Foundations for Developing a Model Bilateral Investment Treaty of the Republic of Kazakhstan: Analysis of Existing Risks and Proposals for Unifying the Treaty Framework	37
<i>Islam Amandykov</i>	
Incorporating International Investment Standards into the Legislation of the Republic of Kazakhstan: Analysis of Adaptation and Implementation.....	38
<i>Zarina Kenzhetayeva</i>	
On the Special Mechanism in Conducting Investigations and Deciding on the Application or Non-Application of Special Safeguard, Anti-Dumping and Countervailing Measures	39
<i>Aigerim Aukenova</i>	
Monitoring of the Republic of Kazakhstan's International Loan Agreements.....	40
<i>Saniya Kenzhebulatova</i>	
Implementation of International Environmental Standards for the Protection of the Right to a Favourable Environment under Climate Change.....	41

<i>Artur Mazhitov</i>	
Legal Problems of Implementing the Energy Charter Treaty in Kazakhstan	42
<i>Dimash Nurbekov</i>	
Interpretation and Application of the Convention on the Legal Status of the Caspian Sea.....	43
<i>Zhanar Kozhakhmetova</i>	
Chapter 4. Private International Law and International Judicial Cooperation	44
Effective Application of the 1970 Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters in the Republic of Kazakhstan	44
<i>Madina Orynbay</i>	
Effective Application of the Provisions of the 1980 Hague Convention on International Access to Justice in the Republic of Kazakhstan	45
<i>Marzhan Rustemova</i>	
Application of the Provisions of the 1965 Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters in the Republic of Kazakhstan ..	46
<i>Dilnaz Asainova</i>	
Application of the Provisions of the 2007 Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance in the Republic of Kazakhstan	47
<i>Dinmukhamed Arystanbek</i>	

PART 1. PUBLICATIONS AND RESULTS OF OUR RESEARCH SCHOOL

Chapter 1. Information about the Research School

GENERAL INFORMATION

The **Research School for Public and Private International Law** at Maqsut Narikbayev University serves as an international legal hub within the Law School. It was established to advance rigorous scholarly inquiry and practice-oriented engagement in international law, with particular attention to questions of interpretation and application in Kazakhstan and the wider Central Asian region.

The School works at the intersection of academic research and professional practice. Scholars and practitioners come together to carry out research projects, examine applied legal problems and develop practical approaches to resolving them. Our School's leadership and affiliated researchers teach, organize seminars and supervise research within the Law School, which keeps its work closely tied to the academic life of the University.

15 MEMBERS OF THE SCHOOL	5 INTERNATIONAL MOOT COMPETITIONS	3 ONGOING FLAGSHIP PROJECTS	KZ · RU · EN LANGUAGES OF PUBLICATION
------------------------------------	--	--	--

OUR MISSION

To build international legal expertise in Kazakhstan and Central Asia by combining doctrinal analysis, comparative legal methods and contemporary legal practice, and to turn that work into scholarly publications, expert policy discussions and legal reform initiatives that bridge theory and practice.

WHAT WE DO

- **Research and publishing.** Monographs, legislative commentaries, journal articles and book chapters on public and private international law, including projects with MIND, Springer and Wolters Kluwer.
- **Moot court training.** Structured coaching in legal writing, oral advocacy and case strategy for the Philip C. Jessup International Law Moot Court Competition, the Willem C. Vis International Commercial Arbitration Moot, the Pax Moot Court, the Jean-Pictet Competition and the AIFC Moot Court.
- **Expert and international engagement.** Members sit on national and international expert bodies, among them the International Law Council under the Ministry of Foreign Affairs and the Central Asia Regional Office (Antenna) of the Hague Conference on Private International Law, and the School hosts visiting researchers and joint projects.

Through its research, publications and international engagement, the School contributes to the development of international legal expertise and academic cooperation, and reinforces the University's role as a center of legal scholarship at the national, regional and global levels.

MEMBERS OF OUR TEAM



Dr. Abay Abylaiuly

Associate Professor

*Public International Law · Law of Treaties ·
Competition Law*



Dr. Nurzhan Yeshniyazov

Associate Professor

Private International law · International Civil Procedure



Dr. Alberto Pecoraro

Associate Professor

*International Economic Law · Investment Law ·
Deep Seabed Regulation*



Aiman Smagulova

Teaching Professor

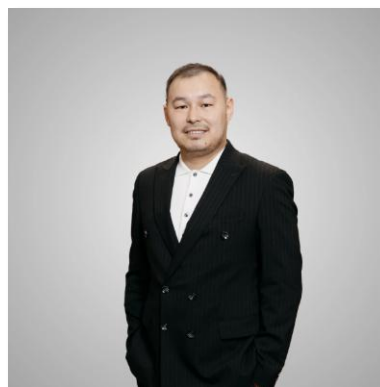
*Public International Law · Human Rights Law ·
Environmental Law*



Sauryk Abirbek

Senior Lecturer

Public International Law · Law of Treaties



Ramazan Kokzhalov

Senior Lecturer

*Intellectual Property · Corporate Law ·
International Investment Law*

MEMBERS OF OUR TEAM



Ulyana Ramazanova

Senior Lecturer

Public International Law · International Economic Law



Olga Lozovaya

Teaching Professor

Private International law · Human Rights Law · International Criminal Law



Tatyana Chekhovich

Teaching Professor

Public International Law · Human Rights Law



Mohammed Abdel Mottaleb

Senior Lecturer

Private International Law · International Civil Procedure



Zhambyl Alekbay

Senior Lecturer

Public International Law · Law of Treaties



Rakhimbek Konglimkos

Research Assistant

Public International Law · International Sanctions · Dispute Resolutions

MEMBERS OF OUR TEAM



Aizere Arystanbek

Senior Lecturer

Public International Law · Law of Treaties



Kurmanzhan Abdyrakhmanova

Research Assistant

Public International law · Law of Treaties



Daryn Adilbayev

Research Assistant

Public International Law · Law of Treaties

Chapter 2. Publications of Our Research School

Where to Seek Enforcement of a Foreign Court Judgment in Kazakhstan: Shortcomings of Article 503 of the Civil Procedure Code of the Republic of Kazakhstan.

Nurzhan Yeshniyazov

“The Law and State” journal № 2 (111), 2026, MNU:

[https://km.mnu.kz/pdf/release/2026/%E2%84%96%20%20\(111\),%202026.pdf](https://km.mnu.kz/pdf/release/2026/%E2%84%96%20%20(111),%202026.pdf)

ABSTRACT:

The article examines the provision of Article 503.1 of the Civil Procedure Code of the Republic of Kazakhstan concerning the court competent to consider applications for the enforcement of foreign judgments, specifically, the inability to consider an application at the location of the debtor's property when the debtor's place of residence or location is known to be abroad.

In the author's view, as confirmed by recent judicial practice, a literal interpretation of this provision results in a denial of access to justice, making it impossible to enforce foreign judgments against non-residents who hold assets in Kazakhstan. This position is substantiated through the application of historical, logical, systematic, comparative legal, and doctrinal methods of interpretation.

The study identifies an inappropriate transplantation of the provision in question from rules that were originally designed to govern judgments of domestic arbitral tribunals. It demonstrates the conflict between Article 503.1 and virtually the entire body of relevant domestic legislation and international treaties, as well as the general principles of international civil procedure. The article concludes by proposing an amendment to the provision and emphasizing the need for a fundamental reconsideration of the legislation governing this area.

Constitutional Reform and Kazakhstan's International Obligations: a Step Back?

Abay Abylaiuly

"The Law and State" journal № 1 (110), 2026, MNU:

<https://km.mnu.kz/pdf/release/2026/110.pdf>

ABSTRACT:

The paper analyses the amendments proposed in the draft Article 5 of the new Constitution of the Republic of Kazakhstan concerning the regulation of the place and role of international law within the domestic legal order. Particular attention is paid to the exclusion of the category of "other international obligations", the absence of constitutional entrenchment of the priority of ratified treaties, the narrowing of the normative framework governing their operation from "legislation" to "laws", as well as the limitation of the requirement of official publication solely to ratified treaties.

The purpose of the paper is to assess whether the proposed constitutional amendments constitute a regression in the existing model of interaction between international and national law and to determine their potential legal and reputational consequences for the Republic of Kazakhstan. On the basis of international legal norms the practice of the Constitutional Court of the Republic of Kazakhstan and the jurisprudence of international bodies, it is argued that these changes may result in legal uncertainty, a weakening of the existing model governing the relationship between international and domestic law, difficulties in the implementation of international obligations, and adverse reputational consequences for the State. The novelty of the paper lies in providing one of the first comprehensive doctrinal assessments of the 2026 draft constitutional reform from the perspective of international law and constitutional theory.

The paper demonstrates that the proposed amendments may generate constitutional uncertainty regarding customary international law and binding decisions of international organizations, weaken the monist orientation of Kazakhstan's legal system, create risks of legislative rollback of treaty priority, and negatively affect legal predictability and the international reputation of the State. The paper concludes that there is a need to preserve or clarify constitutional guarantees ensuring the good-faith performance of the international obligations of the Republic of Kazakhstan and the legal predictability of its national legal system.

Deficiencies in the Legal Regulation and Judicial Practice of Kazakhstan in the Domestic Application of Treaties: entry into Force and Provisional Application.

Zhambyl Alekbay

“The Law and State” journal № 4 (109), 2025, MNU:
[https://km.mnu.kz/pdf/release/%E2%84%96%204%20\(109\),%202025.pdf](https://km.mnu.kz/pdf/release/%E2%84%96%204%20(109),%202025.pdf)

ABSTRACT:

The relevance of this article arises from a range of research challenges linked to the legal regulation and judicial practice of Kazakhstan in the field of domestic application of treaties. In particular, the article highlights a deficiency in the Normative Resolution of the Supreme Court of Kazakhstan «On the Application of Provisions of Treaties of the Republic of Kazakhstan» dated 10 July 2008 No. 1 (hereinafter – the 2008 Normative Resolution). Specifically, it lacks one of the legal conditions necessary for the domestic application of treaty provisions by national actors – namely, the concept of provisional application of treaties. The article also identifies judicial errors in the application of the 2004 United Nations Convention on Jurisdictional Immunities of States and Their Property – a treaty which has not entered into force for Kazakhstan and therefore holds no binding legal status within its domestic legal system. The subject of the study encompasses the legal acts of Kazakhstan governing the application of treaty provisions by national actors, as well as the provisions of the 1969 Vienna Convention on the Law of Treaties (hereinafter – the 1969 VCLT).

The purpose of the research is to develop recommendations for improving legislation and judicial practice concerning the domestic application of treaties in Kazakhstan, through the analysis of relevant legal frameworks, case law, and doctrinal sources. To achieve this goal, the article employs several research methods: the case law analysis method, the formal-legal method, and the method of legal hermeneutics. The analysis of judicial practice proved useful in identifying errors made by courts when applying treaty provisions. The formal-legal method was used to assess certain provisions of the 2008 Normative Resolution for their compliance with the 1969 VCLT. Legal hermeneutics was applied to interpret the 1969 VCLT provisions using commentaries and academic doctrine. The novelty of the research lies in the results of the analysis of Kazakhstan’s legislation and case law on the domestic application of treaties, specifically in terms of their compliance with the provisions of the 1969 VCLT.

Based on the identified issues, the article offers the following recommendations: (a) amend the 2008 Normative Resolution by introducing a provision requiring verification of the possibility of a treaty’s provisional application as a condition for its domestic application; (b) to facilitate such verification, there is a practical need to establish a unified registry of provisionally applied treaties of Kazakhstan under the Ministry of Foreign Affairs; (c) Kazakhstani court decisions issued with reference to a non-binding treaty must be subject to reversal or revision; (d) to prevent future errors in the application of treaties, there is a need to develop a practical guide outlining the features of the domestic application of treaties that, by their nature, cannot be fully addressed through traditional legal instruments.

Contesting Reservations: The Role of Treaty Monitoring Bodies in Safeguarding Human Rights.

Aiman Smagulova

“The Law and State” journal № 4 (109), 2025, MNU:

[https://km.mnu.kz/pdf/release/%E2%84%96%20\(109\),%202025.pdf](https://km.mnu.kz/pdf/release/%E2%84%96%20(109),%202025.pdf)

ABSTRACT:

Reservations to international treaties have long been used to protect state sovereignty, yet in the sphere of human rights they generate complex legal and normative dilemmas that test the universality and integrity of core rights and freedoms.

The relevance of this study stems from this very tension, as it seeks to analyze how treaty monitoring bodies and regional courts interpret and assess reservations, and what implications this has for the effectiveness of international human rights protection. The methodology combines general scientific, dogmatic, statistical, and legal interpretation methods in analyzing the evolution of treaty bodies' approaches to reservations in human rights law.

This study is of particular importance for Kazakhstan, whose unusual treaty practice, marked by the absence of reservations, creates both opportunities to demonstrate visible adherence to international obligations and vulnerabilities to rigorous external oversight. The novelty of the article lies in its examination of this “strategic silence” and its implications for Kazakhstan's engagement with international oversight mechanisms. Ultimately, the study concludes that reservations simultaneously function as a safeguard of sovereignty and as a barrier to the universality of human rights, and severability of incompatible reservations by treaty monitoring bodies.

MNU Treaty Collection: Concept, Structure and Advantages.

Abay Abylaiuly; Aizere Arystanbek

MIND Analytical Reports, 2026, MNU:

<https://mind.mnu.kz/ru/reports/mnu-treaty-collection-konczepczyia-struktura-i-preimushhestva/>

ABSTRACT:

This report presents the findings of the research project MNU Treaty Collection, which is aimed at analyzing and systematizing the practice of concluding international treaties by the Republic of Kazakhstan. The research demonstrates that the absence of a unified and comprehensive database of international treaties creates legal uncertainty and may result in errors in the application of law. Furthermore, the study identified discrepancies between the actual number of international treaties to which the Republic of Kazakhstan is a party and the data published in official national sources. In particular, it was found that the official website of the Ministry of Foreign Affairs of the Republic of Kazakhstan does not contain information on 30 bilateral and 46 multilateral treaties to which Kazakhstan is a party. The fragmented nature of the information, distributed across various sources, significantly impedes access to data regarding the status of treaties, the existence of reservations, and the methods by which consent to be bound is expressed.

To address this issue, the research team of the MNU School of International Public and Private Law conducted a comprehensive collection and analysis of information on Kazakhstan's international treaties from various international and national sources. As a result, a database was created containing information on over 3,000 international treaties, systematized according to 18 search criteria, including the title of the treaty, type of agreement, parties thereto, method of expressing consent to be bound, dates of signature and entry into force, existence of reservations and declarations, and references to the treaty texts.

The creation of the MNU Treaty Collection database addresses the existing fragmentation of information and provides convenient access to systematized data on the Republic of Kazakhstan's international obligations. The database may be utilized by courts, governmental bodies, researchers, and students to verify the status of treaties, analyze treaty practice, and enhance the quality of the application of international law.

Refugee Status Determination and Statelessness in Kazakhstan: Analysis of Court Practice.

Abay Abylaiuly; Kurmanzhan Abdyrakhmanova; Dana Medetbekova

MIND Analytical Reports, 2026, MNU:

<https://mind.mnu.kz/en/reports/research-report-refugee-status-determination-and-statelessness-in-kazakhstan-analysis-of-court-practice/>

ABSTRACT:

This research report provides a comprehensive analysis of judicial practice in refugee status appeals and statelessness cases in Kazakhstan over an eleven-year period (2014-2025).

The study examines 467 court decisions challenging administrative refusals to grant refugee status, as well as 111 decisions directly relevant to questions of statelessness and the legal status of stateless persons. Kazakhstan acceded to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol in 1999 and has established a multi-tiered legal framework for refugee protection, including the Law "On Refugees". While these instruments formally align with international standards, the practical implementation of refugee protection faces persistent challenges, including limited duration of granted status, restricted access to social benefits, and a lack of comprehensive migration statistics. Kazakhstan is not a State Party to the 1954 Convention relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness.

The study employs a doctrinal, qualitative, and descriptive quantitative approach, analysing judicial reasoning across first-instance, appellate, and cassation courts. With regard to refugee status determination, the findings reveal a highly uniform judicial trend: courts upheld administrative refusals in 464 of 467 cases, granting refugee status in two instances only. Judicial reasoning places strong emphasis on documentary evidence and the applicant's burden of proof, while the use of international sources such as UNHCR guidance and country-of-origin information remains minimal. Courts rarely apply the principle of the benefit of the doubt, and judicial review appears to function primarily as confirmation of administrative decisions rather than as an independent reassessment of protection needs.

The analysis of statelessness cases draws on a review of over 3,200 judicial acts, from which 111 decisions were selected, covering the period from November 2009 to January 2025. In contrast to refugee status determination, judicial practice in statelessness cases is considerably more heterogeneous, with an overall rate of decisions in favour of applicants of 50.5%, reaching 88.9% in certain categories. Across both areas of analysis, the findings suggest that although Kazakhstan's legal framework formally incorporates international standards, their practical application remains constrained by strict evidentiary requirements. Future scholarship should explore the interaction between judicial and administrative practices in greater detail, including the internal decision-making processes of migration authorities and the extent to which courts engage in substantive rather than formal review. Comparative research with other jurisdictions, particularly within Central Asia and other post-Soviet legal systems, would also be valuable in assessing whether the patterns identified are country-specific or reflect broader regional trends.

Ratification of the 2005 Hague Convention on Choice of Court Agreements and the 2019 Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters: Proposals and Prospects for Accession.

Nurzhan Yeshniyazov

MIND Analytical Reports, 2026, MNU:

<https://mind.mnu.kz/ru/reports/ratifikacziya-gaagskih-konvenczij-2005-g-o-soglasheniyah-o-vybore-suda-i-2019-g-o-priznanii-i-privedenii-v-ispolnenie-inostrannyh-sudebnyh-reshenij-po-grazhdanskim-i-kommercheskim-delam-predlozheni/>

ABSTRACT:

This report examines the prospects of the Republic of Kazakhstan acceding to two key instruments of the Hague Conference on Private International Law: the 2005 Convention on Choice of Court Agreements and the 2019 Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters. The study focuses on the potential legal and practical implications of Kazakhstan's participation in these conventions for the recognition and enforcement of foreign judgments, the effectiveness of exclusive choice-of-court agreements, and the development of a more predictable framework for cross-border civil and commercial disputes.

The report analyses the existing legal framework of Kazakhstan governing jurisdiction, choice-of-court agreements, and the recognition and enforcement of foreign judicial decisions, and identifies the principal gaps and challenges that may arise in the absence of broader multilateral mechanisms. Particular attention is given to the compatibility of the Hague Conventions with Kazakhstan's national legislation and international treaty obligations, as well as to the potential effects of accession on judicial cooperation, legal certainty, and the investment and business environment.

Based on a comparative analysis of international practice and the approaches adopted by other states, the report formulates recommendations concerning the feasibility and conditions of Kazakhstan's accession to the two conventions. The study concludes that participation in these instruments could strengthen Kazakhstan's framework for cross-border dispute resolution, facilitate the circulation of judgments, enhance predictability for businesses and investors, and contribute to Kazakhstan's integration into the international system of judicial cooperation in civil and commercial matters. At the same time, effective implementation would require appropriate adjustments to national legislation and judicial practice.

Kazakhstan. International Encyclopaedia of Laws: Intellectual Property (IEL IP).

Abay Abylaiuly; Ramazan Kokzhalov; Assemgul Abenova; Yester Babajanyan

Kluwer Law International BV, Hendrik Vanhees (ed.), 2026, Wolter Kluwers:

<https://kluwerlawonline.com/EncyclopediaChapter/IEL+Intellectual+Property/IPRO20260001>

ABSTRACT:

This chapter provides a comprehensive overview of the intellectual property law framework of the Republic of Kazakhstan, examining its principal legal institutions, regulatory mechanisms, and international foundations. It analyses the development and current structure of Kazakhstan's intellectual property regime, with particular attention to the protection, use, and enforcement of intellectual property rights within the national legal system.

The chapter considers the relevant legislation and institutional framework governing intellectual property, including the protection of copyright and related rights, industrial property, trademarks, patents, and other forms of intellectual property. Particular attention is given to the practical application of intellectual property rules, including enforcement mechanisms and the role of relevant state institutions and judicial practice. The analysis also places Kazakhstan's domestic framework within the broader context of its international commitments and participation in the international intellectual property system.

By combining an analysis of legislation, case law, institutional practice, and international obligations, the chapter presents Kazakhstan's intellectual property system from both theoretical and practical perspectives. It further situates the national framework within a comparative international context, making Kazakhstan's legal regulation accessible to foreign lawyers, researchers, policymakers, businesses, and other practitioners dealing with intellectual property matters in the country.

The chapter contributes to a systematic understanding of the development and operation of intellectual property law in Kazakhstan and highlights the interaction between domestic regulation and international intellectual property standards.

On the Necessity of Responding to the Findings of the UN International Law Commission. Springer.

Abay Abylaiuly

International Law, Politics and Security in Central Asia (pp.171-200), 2026, Springer:

<https://link.springer.com/book/10.1007/978-3-032-17818-3#toc>

ABSTRACT:

This section is devoted to substantiating the necessity of responding to the work of the United Nations International Law Commission (ILC). The rationale is fourfold.

First, the conclusions of the ILC are increasingly invoked as a subsidiary means for the determination of rules of international law under Article 38(1)(d) of the Statute of the International Court of Justice (ICJ). Second, in the Jurisdictional Immunities of the State case, the ICJ emphasized that States are expected to respond to the ILC's work, and failure to do so may be interpreted as evidence of *opinio juris*. Third, over the past decade, the ILC has accelerated its activities, producing outcomes three times faster than during its previous sixty years. Fourth, the ILC's recent outputs address particularly significant issues such as *jus cogens* norms, subsequent agreements, subsequent practice in the interpretation of treaties, subsidiary means for the determination of international law, and other matters.

In many of these works, the ILC pursues an excessively progressive approach that may run counter to the traditional understanding of international law and the interests of States. The section further highlights the absence of any formal reaction by the Republic of Kazakhstan to the ILC's work and, in this regard, calls for Kazakhstan's active engagement.

Chapter 3. Results of Our Research School

Philip.C Jessup International Law Moot Court Competition 2026

In 2026, MNU Law School competed in the White & Case International Rounds of the Philip C. Jessup International Law Moot Court Competition, held in Washington, D.C. from 28 March to 4 April 2026. The Jessup is the world's largest moot court competition. This year it brought together 731 teams from 94 countries, and 164 teams from 89 countries qualified for the International Rounds. MNU was represented by Rakhimbek Konglimkos, Anel Sapargaliyeva, Shynar Baiton and Dana Kumargazy, who argued The Case Concerning the Gordian Gorge (Alekostria v. Restovia). Their participation produced the best result in the University's history at the Jessup.

The team's written submissions were among the strongest in the competition. MNU Law School won the Alona E. Evans Award for Best Memorial in the International Rounds (1st place), with a total memorial score of 177.67, ahead of 163 other teams. The team was also awarded 2nd place in the Richard R. Baxter Awards for Best Applicant Memorial.

In the oral rounds, the team won three of its four preliminary matches and finished 35th among the 164 teams. It then won the run-off round against the University of the Philippines and, in the Round of 32, defeated Singapore Management University School of Law, which had gone through the preliminary rounds unbeaten. At the end, MNU reached the Octo-Finals (top 16 in the world).

This is a record achievement for Maqsut Narikbayev University, and it makes the 2026 results especially significant for the School. Winning the world's top memorial award and reaching the Octo-Finals in the same year puts MNU among the leading law schools in the competition.



UN Regional Course in International Law for the Asia-Pacific Region, Bangkok, 2025

Sauryk Abirbek, Senior Lecturer at the Department of International Law of the Law School of Maqsut Narikbayev University, took part in the United Nations Regional Course in International Law for Asia-Pacific, held in Bangkok, Thailand. He was selected from 174 applications from across the Asia-Pacific region as one of 25 participants and received a UN fellowship to attend. He is the third representative of Kazakhstan in the history of the programme and the only participant from Central Asia in 2025.

The course is organised by the Codification Division of the United Nations Office of Legal Affairs as part of the UN Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. The three-week programme covered the law of treaties, State responsibility, human rights law, international humanitarian law, international environmental and economic law, the law of the sea and international dispute settlement. It also gave participants the chance to learn from leading international experts and to build academic contacts with colleagues from other countries.

His participation strengthens MNU's international academic presence and supports scientific cooperation. The knowledge and experience he gained will be used in teaching at the Law School.



60th Anniversary UN International Law Seminar, Geneva, 2026

Mr. Abirbek's international engagement continued in 2026 with the 60th anniversary United Nations International Law Seminar in Geneva, held during the session of the UN International Law Commission. He was selected from 379 applications as one of 24 participants, and he was the only participant from Central Asia.

The programme included meetings of the Commission, lectures by its members, a simulation of the Commission's work and a round table on climate change before international courts and tribunals. During the session, UN Secretary-General António Guterres visited the Commission and delivered remarks.

He also presented his doctoral research, "The Law of Territories with Unrecognized International Title in Private International Law", at the International Law Research Forum. This gave him the chance to discuss his findings with international scholars.

Taken together with his participation in the UN Regional Course in Bangkok, this makes him one of the few lawyers to complete two UN international law programmes within a year. It enhances MNU's academic presence and international research cooperation, and the experience gained will be used in the University's teaching and research.



Kazakhstan Branch of International Law Association (ILA)

On 10 September 2026, the Kazakhstan Branch of the International Law Association (ILA) was officially presented at Maqsut Narikbayev University in Astana. The ILA is the leading international organisation in its field, founded in 1873, and it works through national branches around the world. The presentation brought together the founding members of the Branch, representatives of state institutions, academia and the legal community. It included the ILA's official announcement of the new Branch, a presentation of its mission and priorities, and a discussion of its activities for 2026–2027. On the same day, the General Meeting approved the Branch's Statute, and MNU's Law School was designated as its permanent seat.

Members of our Research School took leading roles in founding the Branch. Abay Abylaiuly was elected Vice President of the Branch, and Sauryk Abirbek was elected Secretary. Aiman Smagulova, Alberto Pecoraro, Nurzhan Yeshniyazov and Olga Lozovaya are among the founding members, who form the Branch's Council for its first three years. Five of the fifteen founding members are therefore members of the Research School.

The Branch aims to promote the study and progressive development of international law. It brings together scholars, practitioners, public-sector professionals, researchers and students. It also facilitates the participation of its members in the work of the ILA, including its committees and study groups. Through the Branch, Kazakhstan gains a formal channel into the ILA's global network. The leading roles of its Research School members show their standing in the national legal community and strengthen the School's international connections.



PART 2. PUBLICATIONS OF OUR STUDENTS

Chapter 1. Human Rights: Implementation of international standards in Kazakhstan

Relationship between international Legal Obligations and Legislation of the Republic of Kazakhstan in the Field of Protecting the Rights of Stateless Persons

Kurmanzhan Abdyrakhmanova

Supervisor: Abay Abylaiuly

SUMMARY

This thesis assesses how far Kazakhstan's legislation and practice meet international standards on the protection of stateless persons, even though the country has not ratified the 1954 and 1961 Statelessness Conventions. Combining doctrinal, comparative, and institutional analysis with an original empirical database of 111 court decisions selected from over 3,200 judicial acts (2009–2025), the author also compares approaches in Central Asia and Moldova. The findings show that protection fails not because norms are missing but because of how they are constructed: stateless persons are treated as foreigners in expulsion proceedings, the Statelessness Determination Procedure places the burden of proof on applicants and sets no time limits, and the lack of administrative remedies pushes routine cases into the courts. In none of the 111 decisions did courts refer to the 1954 and 1961 Conventions, whereas the substantive application of the Convention on the Rights of the Child led to favourable outcomes in every case where it occurred.

KEY FINDINGS

- Kazakhstan's law does not contradict international standards, but its structure prevents them from working: the Law on the Legal Status of Foreigners extends the foreigners' regime to stateless persons by default, so the two categories are the same.
- Courts never cited the 1954 and 1961 Conventions in the 111 decisions analysed, and protection of children in expulsion cases is inconsistent, while the Convention on the Rights of the Child produced favourable outcomes whenever it was applied.
- The Statelessness Determination Procedure has structural gaps, including a documentary requirement with no maximum period for suspending proceedings, and no administrative route for correcting errors, which shifts protection functions onto the courts.

RECOMMENDATIONS

- Amend Articles 28 and 29 of the Law on the Legal Status of Foreigners to introduce a differentiated expulsion regime, and revise Supreme Court Normative Decree No. 4 so that courts apply the «best interests of the child standard» as mandatory.
- Amend Ministry of Internal Affairs Order No. 607 to set a six-month maximum for status determination, a shared burden of proof, and judicial review of security-based refusals, as legislative prerequisites for ratifying the 1954 and 1961 Conventions.
- Introduce a three-part administrative model: official initiation of the procedure with mobile identification groups, correction of documentary errors through Public Service Centres, and permanent interagency coordination of official databases.

Implementation of International Standards for the Protection of the Rights of Refugees and Asylum Seekers in the Republic of Kazakhstan

Dana Medetbekova

Supervisor: Abay Abylaiuly

SUMMARY

This thesis checks whether Kazakhstan's rules on refugees meet international standards and looks for the gaps that make protection weak in practice. The author studies the laws and compares them with Central Asian countries, several EU countries, Canada, and Australia. The main part of the study is an analysis of 467 court decisions from 2014 to 2025, in which people challenged refusals to grant or extend refugee status. The results show that Kazakhstan's laws follow the 1951 Refugee Convention on paper, but in practice they work poorly. Applicants must provide official documents from the country they fled, security concerns often outweigh protection, courts mostly defend refusals, and people fleeing war or violence have no other form of protection. Even recognised refugees must renew their status every year, which makes their lives uncertain and limits their access to health insurance, social benefits, and jobs. The study suggests reforms so that Kazakhstan's practice matches the commitments it has accepted.

KEY FINDINGS

- **Courts do not check refugee decisions carefully: they usually confirm refusals, rely on formal reasons, rarely use UNHCR guidance, and do not give applicants the benefit of the doubt.**
- **The Rules require official documents from the applicant's home country, which many refugees cannot get. Security concerns often come first, and courts accept the claims of other states without checking the real risks for the person.**
- **People fleeing war or violence have no other form of protection. Refugee status must be renewed every year, so even recognised refugees have limited access to social rights and little chance of getting permanent residence.**

RECOMMENDATIONS

- **Reformulate Paragraph 18 so that documents from the country of origin count as evidence rather than a precondition, codify the benefit of the doubt with defined triggers, and move appeals toward merits-based review, supported by a Supreme Court normative resolution.**
- **Formalise UNHCR's supervisory role in extradition-related cases through mandatory notification of detentions and greater evidentiary weight for its advisory opinions.**
- **Introduce a subsidiary protection mechanism modelled on the EU framework, and extend the validity of refugee status, grant permanent residence on recognition, and give refugees full access to health insurance, social security, and the labour market.**

Ensuring the Right to Inclusive School Education for Children with Disabilities in the Republic of Kazakhstan

Makpal Rakhamatulla

Supervisor: Abay Abylaiuly, Nazym Sayrankyzy

SUMMARY

This thesis examines whether Kazakhstan's legal framework for inclusive school education complies with international standards developed by UN treaty bodies, in particular Article 24 of the Convention on the Rights of Persons with Disabilities (CRPD) and General Comment No. 4. Combining doctrinal, empirical, and comparative legal analysis, including case law, reports of the Commissioner for Human Rights, and the practice of jurisdictions closer to CRPD requirements, the author finds that Kazakhstan's legislation reflects only formal compliance. The Law on Education does not define reasonable accommodation, so no school carries a binding duty to provide individual support, and children can be denied support without any breach of domestic law. The Psychological-Medical-Pedagogical Consultation combines assessment and placement functions in a single body, effectively deciding where a child will study, while the Social Code still allocates support according to diagnosis rather than the barriers a child faces at school. Segregated education remains a standard, legally recognised option, at odds with the CRPD's treatment of segregation as incompatible with the right to inclusion. Drawing on comparative practice, including South Korea's reform experience, the thesis proposes a coordinated set of legislative and institutional changes.

KEY FINDINGS

- Kazakhstan's Law on Education does not say what schools must do to support a child with disabilities. So no school is legally required to give this support, and a child can be refused to be protected without breaking any law.
- One body, the Psychological-Medical-Pedagogical Consultation, assesses children and decides where they will study. International standards say these should be two separate jobs.
- The Social Code gives support based on a child's medical diagnosis, not on the real problems they face at school. Also, sending children with disabilities to separate schools is still a normal legal option, when it should be the exception.

RECOMMENDATIONS

- Amend the Law on Education to define reasonable accommodation as an enforceable individual right, with concrete duties for schools and a complaint procedure for families whose children are denied support..
- Separate the assessment and placement functions currently combined in the Psychological-Medical-Pedagogical Consultation, in line with Article 24 of the CRPD and General Comment No. 4.
- Reform the Social Code to link support to the barriers a child faces rather than diagnosis, and combine reasonable accommodation, mainstream placement, individualised education plans, and complaint mechanisms into a single coordinated framework, drawing on South Korea's reform experience.

Accession of the Republic of Kazakhstan to Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence: International Legal Analysis and Assessment of Legal Consequences.

Ademi Sundetbayeva

Supervisor: Gulnaz Ospanova

SUMMARY

This thesis asks whether Kazakhstan's laws on domestic and gender-based violence match the standards of the Istanbul Convention, and what the country would need to change to join it. The author studies Kazakhstani law and court cases, and compares them with Germany, France, Italy, Ukraine, and Turkey. The study finds that Kazakhstan already punishes many forms of violence, but has no single system built around prevention. Kazakhstani law usually reacts only after harm has already happened, while the Convention lets the state step in earlier, when there is a threat or repeated pressure. "Coercive control", meaning isolation, surveillance, and ongoing psychological pressure, is not defined as a separate crime and falls outside laws built around single violent acts. Protection orders exist, but they are short and not connected to risk checks, victim support, or cooperation between agencies. Turkey joined the Convention and later left it, which shows that changing the law is not enough on its own. The thesis proposes a two-level reform of the Criminal Code and the Code of Administrative Offences, based on how Germany, France, and Ukraine handle this problem.

KEY FINDINGS

- Kazakhstan's legal framework reacts to violence after it happens, while the Istanbul Convention requires the state to act at the stage of threat or repeated pressure, even without physical harm.
- Coercive control, that is, a pattern of isolation and control over movement, finances, or communication, is not defined as a separate offence in the Criminal Code, so systematic psychological pressure that falls short of a single violent act generally escapes legal response.
- Protection orders under Kazakhstani law are short-term and are not combined with risk assessment, victim support, or coordination between police, courts, and social services, unlike in states that have implemented the Convention.

RECOMMENDATIONS

- Add a new crime called "coercive control" to the Criminal Code (proposed Article 110-1) for cases of ongoing psychological pressure and control. Less serious cases should be covered as an administrative offence instead.
- Treat domestic violence as a reason for a harsher sentence in health-harm crimes, as Ukraine already does. Also make clear that the crime of forced marriage (Article 125-1) covers psychological pressure, not just physical force or threats.
- Before joining the Istanbul Convention, there is a need to reform all related legal norms together, not one by one. This should come with risk assessment, cooperation between agencies, and one shared system of statistics, following the example of Germany, France, and Italy.

International Legal and National Mechanisms for Ensuring Gender Balance in the Civil Service of the Republic of Kazakhstan

Gulnar Dyussetay

Supervisor: Aziza Marasulova

SUMMARY

This diploma project examines how international standards on gender equality, in particular Article 7 of CEDAW and the related General Recommendations of the CEDAW Committee, are reflected in Kazakhstan's legislation and practice on access to the civil service. Drawing on international instruments, comparative material from Sweden and Norway, and an analysis of the Constitution and the Laws on the Civil Service and on State Guarantees of Equal Rights, the author finds that Kazakhstan's legal framework guarantees formal, procedural equality but does not address unequal outcomes. Women make up 55.8% of civil servants, yet remain a minority in the Senate, in Government, and in leadership positions across state bodies, a pattern the author identifies as vertical segregation produced by indirect discrimination. Existing law defines equal access to the civil service but contains no mechanism for identifying or correcting hidden barriers to career advancement. The thesis proposes a package of legislative amendments to the Law "On the Civil Service", covering definitions, personnel procedures, and institutional responsibilities, moving from a declaration of equality toward a system that actively addresses it.

KEY FINDINGS

- Kazakhstan's legal framework for gender equality in the civil service is formally established but remains formal-legal in nature. It secures equal access, but leaves indirect and structural barriers to advancement largely unaddressed.
- Women make up 55.8% of Kazakhstan's civil servants, but remain a minority in the Senate, in Government, and in leadership positions in individual state bodies, showing that numerical presence does not translate into equal participation in decision-making..
- The Law "On the Civil Service" guarantees equal entry into the system through neutral, merit-based procedures, but contains no requirement to assess the gender impact of personnel decisions, so formally neutral procedures can still reproduce unequal outcomes.

RECOMMENDATIONS

- Amend Article 1 of the Law "On the Civil Service" to define discrimination on the basis of sex, expressly covering cases of indirect discrimination where formally neutral rules or decisions produce unequal outcomes in practice.
- Amend Article 56 to guarantee civil servants on childcare leave or otherwise temporarily absent for socially significant reasons the right to be transferred to an equivalent position, with their status, pay, and service conditions preserved, in the event of reorganisation.
- Add a duty for personnel departments to monitor the gender composition of staff, assess the gender impact of personnel decisions, and work toward balanced representation of men and women in leadership positions, including through target indicators, following the example of the quota system used in Norway.

Implementation of International Standards for the Protection of the Right of Peaceful Assembly

Gulzhanat Uzdymbayeva

Supervisor: Abay Abylaiuly

SUMMARY

This thesis assesses how far Kazakhstan's law and practice on peaceful assembly comply with Article 21 of the ICCPR, General Comment No. 37 of the UN Human Rights Committee, and OSCE/ODIHR and Venice Commission guidelines, and proposes reforms to close the gap. Combining doctrinal, comparative, and case-based analysis, including a review of Kazakhstani court decisions and a comparison with Germany and other jurisdictions, the author finds that the 2020 Law "On the Procedure for Organising and Holding Peaceful Assemblies", despite replacing the openly permissive 1995 Law, still operates as a de facto authorisation regime rather than the notification-based system international standards require. Local executive bodies must approve the location, time, and format of an assembly, spontaneous assemblies are not legally recognised at all, and the right to assemble is limited to citizens of Kazakhstan, excluding foreigners, stateless persons, and refugees. The grounds for refusing an assembly were expanded from one under the 1995 Law to ten under the 2020 Law, and a monitoring group recorded 589 refusals between July 2023 and January 2024. The thesis proposes specific amendments to bring the law in line with international standards.

KEY FINDINGS

- The 2020 Law uses the language of "coordination" rather than "permission", but in substance still requires prior approval from local executive bodies before an assembly can be held, making it a controlled authorisation regime rather than the notification system required by international standards.
- Kazakhstani law does not recognise spontaneous assemblies held in response to sudden events, even though General Comment No. 37 confirms they are protected under Article 21 of the ICCPR, and the mandatory prior notification and approval procedures make such assemblies effectively impossible to hold lawfully.
- The right to peaceful assembly is limited to citizens of Kazakhstan, excluding foreigners, stateless persons, and refugees, contrary to the principle of universality and non-discrimination in Article 21 of the ICCPR; the grounds for refusing an assembly were also expanded from one to ten under the 2020 Law, and 589 refusals were recorded between July 2023 and January 2024.

RECOMMENDATIONS

- Reform Article 12 of the 2020 Law to replace the current approval-based procedure with a genuine notification system, removing the requirement that local executive bodies approve the location, time, and format of an assembly in advance.
- Introduce legal recognition of spontaneous assemblies that cannot comply with prior notification requirements because they respond to sudden events, in line with General Comment No. 37.
- Provide that checklists define only a mandatory minimum scope of inspection without limiting inspectors' authority to act on violations found outside the checklist, ban quantitative KPIs for inspectors based on the number of violations or fines issued, and require the Ministry of Labour to publish the detailed annual report required by the Conventions.

Chapter 2. Civil and Political Rights and International Monitoring Mechanisms

Freedom of Speech as Fundamental Element of Academic Freedom of Students in Kazakhstani Universities: International Legal Analysis

Adel Baigarayeva

Supervisor: Alberto Pecoraro

SUMMARY

This thesis examines whether Kazakhstan's legal and institutional framework adequately protects students' freedom of expression as a core element of academic freedom, and compares it with Germany, the United States, and France. Using doctrinal and comparative legal analysis, the author finds that Kazakhstan's legislation contains no explicit definition of academic freedom, so students' rights are protected only indirectly, through general procedural safeguards and the right to education, rather than through a clear substantive framework. This leaves the scope of lawful restrictions on student expression unpredictable and places significant discretion in the hands of university administrations. The comparative analysis shows that effective protection requires explicit recognition, whether constitutional, as in Germany, where Article 5(3) of the Basic Law expressly guarantees academic freedom, or judicial, as in the United States, where First Amendment case law has built up robust protection for student expression through precedent. The thesis concludes that Kazakhstan's formal commitments under the ICCPR, ICESCR, and UNESCO standards have not been adequately translated into domestic law, and proposes legislative and institutional measures to close this gap.

KEY FINDINGS

- Universities in Kazakhstan have wide, largely unchecked discretion over what students may say, because no law sets out clear rules or limits for this.
- This gap means Kazakhstan does not fully meet its obligations under the ICCPR, ICESCR, and UNESCO standards, which require any restriction on student speech to follow clear, predictable rules.
- Countries that protect academic freedom either through the constitution, as in Germany, or through court rulings, as in the United States. Kazakhstan currently has neither.

RECOMMENDATIONS

- Revise the Law on Education to explicitly recognise academic freedom, including students' rights to publish scholarly or critical work, express opinions and require universities to adopt clear internal rules defining and protecting students' freedom of expression.
- Establish ombudsperson offices or academic freedom committees within universities to provide independent review of alleged violations, and introduce training for administrators on international standards of academic freedom.
- Align university policies with international best practice, including the UNESCO Recommendation (1997), and ensure students have access to legal remedies, including the right to appeal disciplinary decisions, with courts recognising the special legal status of academic freedom.

The Right to Freedom of Religion: Legal Analysis of the Practice of International Judicial and Quasi-Judicial Bodies

Baktiyar Mukash

Supervisor: Abay Abylaiuly

SUMMARY

This dissertation compares how the European Court of Human Rights (ECtHR) and the UN Human Rights Committee (HRC) interpret restrictions on freedom of religion, and asks which approach better serves Kazakhstan's legal system, given that Kazakhstan is bound by the ICCPR but is not a Council of Europe member and falls outside ECtHR jurisdiction. Using doctrinal, comparative, historical, and case-study methods, the author shows that although both bodies apply the same three-part test, legality, legitimate aim, and necessity, the ECtHR's margin of appreciation doctrine allows states to justify restrictions on religious practice, as in *Dogru v France* and *Leyla Şahin v Turkey*, with general references to secularism or inter-faith harmony, without proof of concrete threat, an inconsistency the Court does not apply to restrictions on freedom of expression. The HRC, by contrast, consistently requires evidence of real, specific threat. Reviewing all HRC communications against Kazakhstan (*Bekzhan and others*, *Leven*, *Sergey Geller*, and *Mukhlisov*), the author finds the state relied only on formal legality without demonstrating concrete harm in any of the four cases, and that Kazakhstan's Law "On Religious Activity and Religious Associations" (2011) and Article 490 of the Code of Administrative Offences use undefined evaluative terms that invite arbitrary interpretation. The thesis concludes that the HRC's approach is the one Kazakhstan is legally bound to follow, and proposes specific legislative amendments.

KEY FINDINGS

- The European Court accepts vague reasons like "secularism" to justify limits on religion, without asking for real proof of harm. The UN Committee always asks for proof of a real, specific danger.
- In all four UN cases against Kazakhstan, the government never proved a real threat, whether the issue was a prisoner's beard, worship outside a registered building, a foreigner joining a service, or religious books.
- Kazakhstan's religion law and related rules use vague terms like "negative influence" that are never clearly defined, leaving too much room for officials to decide cases as they wish.

RECOMMENDATIONS

- Make clear that publishing one social media post or interview is not "distribution" of religious material, and lower the minimum number of founders needed to register a local religious group from 50 back to 10.
- Remove vague terms from the rules on religious expert review, limit such review to real calls for violence or hatred, and allow courts to review bans on religious materials.
- Require real proof of harm in court, not assumptions. Also update prison rules to respect religious practice, such as allowing beards and time for prayer, and let people appeal expert review decisions.

The Relationship between International Legal Obligations of the Republic of Kazakhstan in the Field of Protecting the Right to Liberty and Security of Person

Ayazhan Serikova

Supervisor: Olga Lozovaya

SUMMARY

Commissioned as part of the Research School of International Law's research agenda, this thesis focuses on preventing arbitrary detention, using the events of January 2022 as its central case, when, according to Human Rights Watch, more than 10,000 people were detained during the protests, many without lawful grounds. Combining doctrinal, comparative, and historical legal analysis, and drawing on the UN Human Rights Committee's General Comment No. 35, the author finds that Kazakhstan's Criminal Procedure Code has no definition of "arbitrary detention" and effectively treats it as identical to "unlawful detention", a narrower concept. International standards, by contrast, treat detention as arbitrary not only when it lacks legal grounds but also when it is formally lawful yet disproportionate or unnecessary. Comparing Kazakhstan's framework with Germany, Turkey, and Italy, the thesis finds that Kazakhstani law secures basic procedural guarantees for detention but provides no real mechanism for courts to review the necessity and proportionality of depriving someone of liberty, and that existing compensation mechanisms for unlawful detention exist on paper but are slow and rarely used in practice. The thesis proposes a definition of arbitrary detention for national law and a set of procedural reforms.

KEY FINDINGS

- Kazakhstan's law does not define "arbitrary detention" and treats it the same as "unlawful detention". International law says detention can be arbitrary even when it is technically legal, if it is unfair or excessive.
- During the January 2022 events, Human Rights Watch reported over 10,000 detentions, many without legal grounds, along with poor holding conditions and mistreatment. The UN also raised concerns about this.
- People rarely get compensation for unlawful detention, and when they do, it takes a long time.

RECOMMENDATIONS

- Add a clear definition of "arbitrary detention" to the Criminal Procedure Code, covering both detention with no legal basis and detention that is technically legal but unfair or excessive.
- Require courts to check not just whether detention was legal, but also whether it was necessary and reasonable.
- Create a faster, simpler mechanism for people to get compensation after unlawful detention.

Legal Analysis of Communications against the Republic of Kazakhstan before the UN Human Rights Committee

Anel Bakebayeva

Supervisor: Olga Lozovaya

SUMMARY

Written as part of the Research School's larger project on human rights in Kazakhstan, this thesis looks at how the UN Human Rights Committee handles complaints against Kazakhstan, and why so few of them lead to real change at home. Studying cases from 2023–2024 and landmark examples such as *Koshkarbayev and Insenova*, *Akhmedyarov and others*, *N.S. v Kazakhstan*, and *Nina Erkaeva v Kazakhstan*, the author finds that most complaints are rejected on technical grounds, usually because people did not first use all available options in Kazakhstani courts. This points to weak legal help and limited resources for people trying to file a complaint. Even when the Committee does find a violation, most often involving the right to a fair trial, free speech, or the right to assembly, Kazakhstan has no clear institution in charge of acting on the decision, and existing tools for review or compensation are mostly symbolic. Looking at Norway, where courts can reopen a case after a Committee decision, and Cameroon, which moved this responsibility from the Foreign Ministry to a joint committee, the thesis proposes concrete reforms.

KEY FINDINGS

- Out of the individual cases studied from 2023–2024, only two out of five resulted in a finding of violation, while three were rejected without the Committee even examining the substance of the complaint.
- The Committee's Views are not formally binding under the ICCPR, unlike judgments of the European Court of Human Rights, yet the Committee itself has described its own practice as functioning like "subsequent practice" that helps define how the treaty should be interpreted.
- State practice varies widely even among reluctant states: Australia has repeatedly refused to act on Committee findings in one long-running case, yet in another case it issued a formal apology, paid compensation, and opened disciplinary proceedings against the officials involved.

RECOMMENDATIONS

- Assign clear responsibility for implementing the Committee's Views to the Prosecutor General's Office, given its supervisory powers, and require official publication and formal procedure for taking them into account when cases are reviewed.
- Amend Normative Resolution No. 4 of the Supreme Court (25 June 2010) to require courts to actively prevent unlawful restriction of rights in criminal proceedings and take timely measures to restore them, including compensation.
- Introduce a monitoring mechanism, modelled on Norway's and Cameroon's institutional coordination, that tracks implementation of the Committee's Views and makes this information publicly available, so both the state and civil society can assess compliance with Kazakhstan's international obligations.

Legal Analysis of Communication against the Republic of Kazakhstan before UN Committee against Torture

Saparkhan Azim

Supervisor: Abai Abylaiuly

SUMMARY

This thesis analyses how the UN Committee Against Torture (CAT) has considered individual communications and periodic reviews of the situation in Kazakhstan since the ratification of the Convention Against Torture in 1998, and what these decisions reveal about the country's compliance with its obligations under Articles 1, 2, 12, 13, and 14. Employing doctrinal, comparative, and thematic methods, including the landmark case of *Rasim Bayramov v. Kazakhstan*, and analyzing the Committee's concluding observations from 2008, 2014, and 2023, the author concludes that Article 146 of the Criminal Code still does not fully align with the definition of torture provided in Article 1 of the Convention, particularly regarding the elements of "severe suffering," psychological harm, and actions in an official capacity. Allegations of torture continue to be investigated by the same law enforcement agencies implicated in the complaints, which undermines independence, and detainees frequently lack prompt access to a lawyer and independent medical examination. Despite the establishment of the National Preventive Mechanism (NPM) in Kazakhstan and the expansion of the Ombudsman's mandate, most complaints still do not lead to prosecution or conviction, and Kazakhstani courts continue to admit confessions obtained under duress as evidence. The dissertation proposes institutional reforms aimed at ensuring independence, verifiability, and procedural safeguards.

KEY FINDINGS

- **Article 146 of the Criminal Code falls short of the UN's definition of torture, allowing authorities to downgrade severe abuses to minor charges like "abuse of office."**
- **Law enforcement agencies investigate themselves regarding torture claims, while detainees lack critical early access to lawyers and independent doctors.**
- **UN reports from 2008, 2014, and 2023 show a 15-year failure to resolve these core issues, with courts still routinely accepting forced confessions.**

RECOMMENDATIONS

- **Create a specialized investigative body completely separate from the police and prosecutors to exclusively handle torture claims and protect victims.**
- **Mandate continuous audio-video recording of detainees from the exact moment of arrest, automatically saved to secure external servers to prevent secret detentions.**
- **Ban all interrogations or identification procedures without a lawyer physically present, and strictly exclude any evidence obtained in violation of this rule from court.**

Legal Analysis of the Practice of Applying the International Covenant on Civil and Political Rights Norms by the Constitutional Court of the Republic of Kazakhstan

Aiym Dyussenbayeva

Supervisor: Alberto Pecoraro

SUMMARY

This thesis looks at how the Constitutional Court of Kazakhstan, which started working again in January 2023, uses the ICCPR when it checks whether limits on people's rights are lawful. The author compares this practice with the constitutional courts of France and Spain. In 2023, the Court received over 5,000 complaints from citizens but only looked closely at 182 of them. Of these, 51 were about whether a law matched the Constitution, and in 8 cases the Court said the law did not. The study finds that the Court uses the ICCPR to help explain the Constitution in about half of its decisions, but it has no fixed method for doing this, so the results are not always consistent. The Court usually follows a four-step test to check if a limit on rights is fair, but how deeply it looks at each step changes from case to case. In several decisions, the Court does not properly explain why a limit was "necessary" and does not compare it with other options. Terms like "public order" and "public morality" are often used without real explanation. The thesis suggests a clearer method for using international law and this four-step test, based on how Germany's Constitutional Court does it.

KEY FINDINGS

- The ICCPR is applied as an interpretive tool in roughly half of the Constitutional Court's normative resolutions, but there is no unified methodology for doing so, creating a risk of fragmented protection and inconsistency with Kazakhstan's international obligations.
- The Court usually follows a four-step test to check limits on rights, but it has five recurring problems: the steps are not always done in the same order or depth, "necessity" is often not properly explained, the test is sometimes just repeated as a formality rather than really applied, some rights get closer review than others, and there is not much writing in Kazakhstan on how this test should work.
- In its first year, the Court received over 5,000 complaints but fully reviewed only 182. Of these, 51 were about whether a law matched the Constitution, and only 8 led to a finding that the law was unconstitutional. This shows that most complaints get filtered out before they are even reviewed.

RECOMMENDATIONS

- Establish one clear method for using international human rights law, especially the ICCPR, when checking limits on constitutional rights, so it is used the same way in every case.
- Use a step-by-step version of the four-part test, where if one step fails, the analysis stops there, following the German Constitutional Court's approach.
- Have the Court rely more on the UN Human Rights Committee's guidance and European Court of Human Rights cases when explaining what constitutional rights mean, especially when two rights seem to conflict.

Legal Analysis of Kazakhstan's Judicial Practice on the Application of International Law

Zairbek Nurakhan

Supervisor: Alberto Pecoraro

SUMMARY

This master's thesis examines how Kazakhstani courts actually apply international treaties in practice, and whether this matches what the Constitution requires. Drawing on decisions from the Supreme Court and lower courts, and comparing Kazakhstan's approach with France, the United States, Germany, and the Netherlands, the author finds a clear gap between different levels of the judiciary. The Supreme Court often treats international treaties as a genuine legal basis for its rulings, particularly in tax, customs, and cross-border disputes. Courts of first instance and appeal, however, tend to mention a treaty in passing and then decide the case using national law alone, without real analysis of the international provisions involved. The thesis also flags a coming shift: while the current Constitution gives ratified treaties priority over domestic laws, the new Constitution, taking effect on 1 July 2026, drops this rule entirely, leaving the question of priority to be settled in individual laws instead. The author traces these problems to gaps in judicial training, the absence of clear guidance on how to apply international law, and limited access to treaty texts and international case law. The thesis proposes practical measures to close these gaps.

KEY FINDINGS

- The clear division exists between levels of the judiciary. The Supreme Court often applies international treaties as genuine grounds for its decisions, while lower courts usually mention a treaty briefly and then rule based on national law alone.
- The current Constitution gives ratified treaties priority over domestic laws, but the new Constitution, effective 1 July 2026, removes this rule, leaving the question of legal priority to be resolved separately in each area of law.
- Judges receive little specialised training in international law, no clear official guidance explains how to apply it, and access to treaty texts, official translations, and international case law remains limited.

RECOMMENDATIONS

- Make a training standard in accordance with international law, ongoing part of professional development for judges, prosecutors, and lawyers, rather than an occasional or optional subject.
- Have the Supreme Court issue clear guidance on when and how courts must apply international treaties, to reduce inconsistency and make outcomes more predictable.
- Invest in a proper information system giving judges reliable access to treaty texts, official translations, and rulings from international courts.

Aligning the Provisions on the Ombudsman Institution with the Paris Principles (UN General Assembly Resolution 48/134)

Nursat Isimbay

Supervisor: Tatyana Chekhovich

SUMMARY

This dissertation examines whether Kazakhstan's Human Rights Ombudsman meets the Paris Principles, the international standard for national human rights institutions, and why the office still holds only "B" status from the Global Alliance of National Human Rights Institutions (GANHRI) rather than the top "A" status held by countries such as Georgia and Ukraine. Comparing Kazakhstan's legal framework with Sweden, France, and Georgia, and taking into account the new Constitution adopted in March 2026, which replaced the two-chamber Parliament with a single-chamber Kurultai, the author finds that recent reforms have actually weakened the Ombudsman's independence rather than strengthened it. Since March 2026, the President appoints the Ombudsman alone, with no role for parliament or civil society in the selection process, reversing earlier progress toward a more pluralistic system. The Ombudsman's National Preventive Mechanism covers only 15% of institutions under its watch, showing a serious lack of resources, and the fines for ignoring the Ombudsman's requests are over five times lower than in Sweden. The Ombudsman also has no authority to investigate discrimination or review police conduct, unlike counterparts in France and Georgia. The thesis proposes a reform package to help Kazakhstan close these gaps and move toward "A" status.

KEY FINDINGS

- Since the March 2026 constitutional reform, the President appoints the Ombudsman alone, with no involvement from parliament or civil society, reversing the country's earlier progress toward a more pluralistic and independent selection process.
- The Ombudsman's National Preventive Mechanism, which monitors places of detention, covers only 15% of the institutions it is meant to oversee, and its budget remains dependent on the Ministry of Finance, which has proposed cutting it further.
- Fines for ignoring the Ombudsman's requests in Kazakhstan are over five times lower than in Sweden, and Kazakhstani law gives the Ombudsman no power to investigate discrimination or review police conduct, unlike the equivalent institutions in France and Georgia.

RECOMMENDATIONS

- Replace the President's sole authority to appoint the Ombudsman with a selection process involving a commission of NGO and academic representatives, followed by a vote in the Kurultai requiring a 3/5 majority, to restore genuine independence from the executive branch.
- Expand the Code of Administrative Offences to punish state bodies for failing to respond to the Ombudsman's requests, giving false or incomplete information, or ignoring recommendations without justification, and raise the fines so that breaking the law becomes costly rather than routine.
- Give the Ombudsman the power to submit written opinions in court cases of public importance, following Georgia's model, and expand the Ombudsman's mandate to include investigating discrimination and reviewing the ethical conduct of law enforcement officers, following France's example.

Chapter 3. International Economic, Investment and Natural Resources Law

Legal Foundations for Developing a Model Bilateral Investment Treaty of the Republic of Kazakhstan: Analysis of Existing Risks and Proposals for Unifying the Treaty Framework

Islam Amandykov

Supervisor: Gulnaz Ospanova

SUMMARY

This thesis argues that Kazakhstan needs its own model bilateral investment treaty (BIT), since its current network of around 50 treaties was built up over different decades, under different political and economic conditions, with no shared template to guide it. Comparing Kazakhstan's treaties with China, Russia, Austria, Singapore, and others, and analysing real arbitration cases brought against Kazakhstan, the author shows how this patchwork creates legal risk. In *Rumeli v Kazakhstan*, an arbitral tribunal used a most-favoured-nation clause to apply more investor-friendly terms from Kazakhstan's treaty with the UK, while in *Caratube (II) v Kazakhstan*, a similarly worded clause was read more narrowly by a different tribunal, showing how much outcomes can shift depending on wording alone. Reviewing the model treaties used by the United States, the European Union, and Canada, along with UNCTAD's investment policy reform framework, the author finds that modern practice favours precise, narrow definitions over broad, vague ones, particularly for standards like "fair and equitable treatment" and the line between indirect expropriation and legitimate government regulation. The thesis proposes a structure for a Kazakhstani model treaty designed to balance investor protection with the state's right to regulate in the public interest.

KEY FINDINGS

- Kazakhstan's roughly 50 bilateral investment treaties differ significantly from one another in their protection standards, expropriation rules, and dispute settlement provisions, since each was negotiated separately with no shared national template
- Two real arbitration cases against Kazakhstan, *Rumeli v Kazakhstan* and *Caratube (II) v Kazakhstan*, show that similarly worded most-favoured-nation clauses can be read very differently by different tribunals, and that the precision of treaty language directly affects how much liability the state faces
- International practice, including the US, EU, and Canadian model treaties, is moving toward narrower, more precise wording, especially for "fair and equitable treatment" and indirect expropriation.

RECOMMENDATIONS

- Develop a Kazakhstani model bilateral investment treaty with clear, precise definitions of "investor" and "investment," and a fair and equitable treatment standard tied explicitly to customary international law, to prevent overly broad interpretation in arbitration
- Include a detailed, factor-based definition of indirect expropriation in the model treaty, clearly separating it from legitimate, good-faith government regulation.
- Use the model treaty as a mandatory benchmark whenever Kazakhstan negotiates a new investment treaty.

Incorporating International Investment Standards into the Legislation of the Republic of Kazakhstan: Analysis of Adaptation and Implementation

Zarina Kenzhetayeva

Supervisor: Gulnaz Ospanova

SUMMARY

This dissertation checks how well Kazakhstan's Entrepreneurial Code lines up with two core international investment standards, fair and equitable treatment and protection against unlawful expropriation, and why this matters at a time when the state has pledged to attract \$150 billion in foreign investment by 2029 while its external debt has already reached \$181.8 billion. By reviewing arbitration cases brought against Kazakhstan, and comparing the Entrepreneurial Code with the investment laws of China and the United Arab Emirates, the author identifies four specific gaps. The Code has no legal definition of "foreign investor," letting arbitration tribunals decide the question case by case and opening the door to shell companies claiming investor status. It gives investors no real protection for their legitimate expectations, and recent amendments to Chapter 25 even allow tax obligations and promised investment incentives to be revisited after the fact. It has no definition of indirect expropriation, despite this being a central issue in international arbitration and covered in only a single article of the Code. And it sets out no mandatory pre-trial procedure or timeframe for settling investment disputes before they go to court or arbitration. The dissertation argues these gaps are not just theoretical, but a direct and traceable cause of past cases where Kazakhstan has been held liable under international law.

KEY FINDINGS

- **Kazakhstan's Entrepreneurial Code has no legal definition of "foreign investor," which leaves this question to be decided case by case in arbitration and creates room for shell companies to claim investor status they may not genuinely hold.**
- **The Code does not protect what investors were reasonably promised, and recent changes even let the state revisit tax deals and incentives after they were granted.**
- **The Code says nothing about indirect expropriation, one of the most disputed issues in investment arbitration, and sets no required timeline for settling disputes before they reach court or arbitration.**

RECOMMENDATIONS

- **Add a clear legal definition of "foreign investor" to close this gap and stop misuse by shell companies..**
- **Require the state to justify any regulatory change that significantly affects conditions investors relied on, and to act with consistency and good-faith.**
- **Define indirect expropriation in law, with clear criteria to tell it apart from normal regulation, and set a mandatory six-month period for settling disputes before going to court or arbitration.**

On the Special Mechanism in Conducting Investigations and Deciding on the Application or Non-Application of Special Safeguard, Anti-Dumping and Countervailing Measures

Aigerim Aukenova

Supervisor: Abay Abylaiuly

SUMMARY

This dissertation investigates a new "Special Mechanism" added to the Treaty on the Eurasian Economic Union (EAEU) in late 2024, designed to handle disputes over trade defence measures (safeguards, anti-dumping, and countervailing duties), the area where member states most often block decisions of the Eurasian Economic Commission (EEC). Because the mechanism has not yet been tested in practice, the author evaluates it before it is used, analysing 60 cases from the EAEU Court and reviewing how the mechanism was adopted without the Court's own expert opinion being sought in advance, a concern the Court's Chairman himself raised as risky. The study finds that under the Special Mechanism, the EAEU Court gains a new role: advising on whether a suspended EEC decision meets a "balance of interests" principle, something that goes beyond the Court's traditional role of checking legality and instead pulls it into weighing economic risks. Kazakhstan is the only EAEU member that has not yet ratified the amendment; four of five member states have. The author also finds that the mechanism does not guarantee a dispute actually gets resolved: it simply moves the conflict through several stages without removing the risk of a political deadlock or a second suspension. The dissertation concludes that Kazakhstan should not ratify the mechanism in its current form without first requiring clearer rules.

KEY FINDINGS

- The Special Mechanism gives the EAEU Court a new role, advising on whether a suspended decision meets a "balance of interests" test, which pulls the Court beyond its traditional job of checking legality and into weighing economic interests, creating a risk that this stage of the process becomes politicised.
- Out of 60 EAEU Court cases challenging EEC decisions, member states themselves rarely go to the Court over sensitive disputes, preferring political negotiation instead, showing that judicial review was never the real solution to the blocking problem.
- The Special Mechanism does not guarantee that a dispute is actually resolved, due to the fact that even after all its stages are completed, the mechanism spreads the conflict across several stages rather than settling it.

RECOMMENDATIONS

- Before ratifying the amendment, it requires a clear legal rules for what counts as sufficient economic justification when a member state suspends an EEC decision.
- Add an explicit rule that a suspended EEC decision cannot take effect until the dispute has been fully reviewed at the level of the Supreme Eurasian Economic Council.
- Any future changes to the mechanism should clarify and enhance the member states' right to block decisions that harm their national interests, rather than quietly weakening it, since Kazakhstan's own Constitutional Court has confirmed this protection has constitutional weight.

Monitoring of the Republic of Kazakhstan's International Loan Agreements

Saniya Kenzhebulatova

Supervisor: Nurzhan Yeshniyazov

SUMMARY

This dissertation studies how Kazakhstan monitors its international loan agreements, at a time when the country's state debt has roughly tripled over the past decade and lawmakers have repeatedly criticised the government for weak oversight of how borrowed funds are used. As of October 2025, Kazakhstan's outside lenders, including the IMF, World Bank, and Asian Development Bank, had provided a combined \$14.1 billion in loans. The author finds that Kazakhstan has no legal definition of "monitoring" in this context, and the rules that do exist are spread across several separate regulations rather than gathered in one place. Coordination between the Ministry of Finance, the Ministry of Foreign Affairs, and the National Bank is weak, information about how loan money is actually spent is not made public in any real detail, and current monitoring mostly checks whether reports were filed on time rather than whether the money achieved anything. Comparing Kazakhstan's practice with international financial institutions such as the World Bank and EBRD, which track projects from design through to final evaluation, the dissertation proposes a more complete monitoring system built around clear rules, better coordination, and real performance measurement.

KEY FINDINGS

- Kazakhstan has no legal definition of "monitoring" for loan agreements, and the rules that exist are scattered across several separate regulations instead of one clear framework.
- Government bodies do not coordinate well with each other, and the public gets very little detailed information about how borrowed money is actually spent.
- Current monitoring mostly checks paperwork and deadlines, not whether loan-funded projects actually worked or delivered real results.

RECOMMENDATIONS

- Create one official definition of "monitoring" and combine the scattered rules into a single, clear regulation.
- Build one shared information system where all loan and repayment data is tracked and made public.
- Set real performance targets (KPIs) for loan-funded projects, not just financial reporting, so results can be properly judged.

Implementation of International Environmental Standards for the Protection of the Right to a Favourable Environment under Climate Change

Artur Mazhitov

Supervisor: Aiman Smagulova

SUMMARY

This dissertation looks at how international environmental and climate standards, such as the Paris Agreement, the UN Framework Convention on Climate Change, and the Aarhus Convention, are reflected in Kazakhstan's law and practice on the right to a favourable environment. Drawing on recent advisory opinions from the International Court of Justice and the Inter-American Court of Human Rights, both of which found that a healthy environment is necessary for the rights to life and health and that climate obligations bind all states (*erga omnes*), the author argues that this right is changing under the pressure of climate change: it is no longer just about pollution control, but increasingly about protecting people's social and economic wellbeing. The dissertation traces how Kazakhstan's own legal treatment of this right has shifted, from a personal right guaranteed to citizens under the 1993 Constitution to a state duty under the 1995 Constitution, and now, under the new Constitution taking effect 1 July 2026, to a shared responsibility between the state and citizens. The study finds a persistent gap between Kazakhstan's formal environmental commitments and their practical effect, driven by the country's heavy reliance on carbon-intensive industries, by public participation rights that exist on paper but rarely shape real decisions, and by the practical difficulty of proving a direct legal link between environmental harm and a specific rights violation, especially with problems like desertification, water shortages, and Caspian Sea degradation that build up slowly across whole regions.

KEY FINDINGS

- International courts increasingly treat the right to a healthy environment as tied to the right to life itself, and as an obligation owed to the international community as a whole, not just to a state's own citizens.
- Kazakhstan's constitutional treatment of this right has shifted over time, from a personal right in 1993, to a state duty in 1995, to a shared responsibility between the state and citizens under the new Constitution effective 1 July 2026.
- Kazakhstan's heavy reliance on carbon-intensive industries, combined with weak public participation in environmental decisions and the practical difficulty of proving a direct link between environmental harm and a rights violation, limits how effectively international climate commitments translate into real protection.

RECOMMENDATIONS

- Strengthen public access to environmental information and give citizens a real role in environmental decision-making, rather than treating these Aarhus Convention rights as a formality.
- Build a stronger national system for adapting to climate risks, including a full National Adaptation Plan that accounts for regional differences such as water scarcity, desertification, and risks to the Caspian Sea.
- Move from reacting to environmental harm after it happens toward preventing it, by weighing climate risk more seriously in state policy and industrial decisions.

Legal Problems of Implementing the Energy Charter Treaty in Kazakhstan

Dimash Nurbekov

Supervisor: Gulnaz Ospanova

SUMMARY

This dissertation shows what Kazakhstan's membership in the Energy Charter Treaty (ECT) means in practice, at a time when the treaty faces growing criticism and the EU and several of its member states have left it. Kazakhstan has been a party since 1995. The ECT gives foreign energy investors strong protection, including fair and equitable treatment (FET), protection against direct and indirect expropriation, and direct access to international arbitration under Article 26. The author argues that these guarantees cut both ways: they help attract capital, but they also limit the state's freedom to change tariffs, licences, and environmental or climate rules, because any such change can be challenged by an investor. Drawing on arbitration practice, including *Yukos*, *Rockhopper v Italy*, *Khan Resources v Mongolia*, *Petrobart v Kyrgyzstan*, and Kazakhstan cases *AES*, *Rumeli*, *AS Windoor*, and *World Wide Minerals*, the dissertation shows that the risk does not disappear even when a state withdraws, because Article 47(3) keeps protection for existing investments for another 20 years. The study also finds that Kazakhstan's outcomes in arbitration depend heavily on how well the state prepares: in *AES* the tribunal found a breach but refused the full lost profits claimed, and in *World Wide Minerals* the 2024 award was set aside by the London High Court in February 2025, whereas in *AS Windoor* the state lost because its own courts refused to enforce a commercial award.

KEY FINDINGS

- The ECT brings Kazakhstan both investment and long-term arbitration risk. Even a decision to withdraw does not remove that risk because of the 20-year sunset clause in Article 47(3), as the *Rockhopper* and *Khan Resources* awards show.
- The most dangerous provisions for the state are the vague FET standard, the doctrine of the investor's "legitimate expectations", and indirect expropriation, which together allow ordinary regulatory, tariff, and environmental reforms to be turned into arbitration claims.
- Kazakhstan's own cases show that results depend on the quality of the state's preparation, including its evidence, its economic arguments, and the conduct of its national courts, rather than on the treaty text alone.

RECOMMENDATIONS

- Use treaty interpretation tools, such as interpretative and joint statements under Article 31 of the Vienna Convention, to narrow FET, legitimate expectations, and indirect expropriation, and to make clear that good-faith climate and environmental regulation is part of the state's right to regulate.
- Build a domestic pre-arbitration system with early warning inside government bodies and a structured settlement stage, so that disputes like *Petrobart* are resolved before they become costly international cases.
- Improve the state's evidence and regulatory discipline by documenting public interest, proportionality, and non-discrimination for every energy measure, and align national investment, environmental, and energy legislation with the Paris Agreement and the carbon neutrality strategy.

Interpretation and Application of the Convention on the Legal Status of the Caspian Sea

Zhanar Kozhakhmetova

Supervisor: Alberto Pecoraro

SUMMARY

This dissertation looks at how Article 8 of the 2018 Convention on the Legal Status of the Caspian Sea should be interpreted and applied, at a time when the Convention has left one of its central questions open: how the seabed and subsoil are to be divided. Article 8 says only that delimitation is carried out by agreement between adjacent and opposite states, taking into account generally recognised principles and norms of international law, and it names no method and sets no mechanism. The author shows that the northern Caspian is already fully divided by bilateral and trilateral agreements among Kazakhstan, Russia and Azerbaijan, but that these agreements use different approaches: a modified median line in some cases and an unmodified median line in others, while the Convention itself never mentions the modified line. Iran and Turkmenistan do not recognise this approach and are not bound by those agreements under Article 34 VCLT, and the southern Caspian remains undivided. The Convention also leaves unresolved the question of baselines, which must be agreed by all five states, and without which the median line cannot be reliably measured. Using formal-legal interpretation, comparison with the practice of the coastal states, and international case law on maritime delimitation, the author concludes that delimitation of the Caspian seabed is shaped as much by politics and competition for hydrocarbon resources as by law. The study also finds that the Convention's main practical problem is that it has not entered into force because Iran has not ratified it, and that it remains unclear whether the law of the sea applies to a body of water with the special status of neither a sea nor a lake.

KEY FINDINGS

- **Article 8 of the Convention is a framework provision that leaves the method of seabed delimitation to future agreement, so the Convention itself does not settle the question. Previous case law and practice can indicate the factors and approaches to use, but cannot produce an exact boundary**
- **The existing delimitation is uneven. The northern Caspian is divided using different methods, the southern part (Iran, Turkmenistan and Azerbaijan) is not, and the baselines that would make the median line measurable have not been agreed by the five states.**
- **The Convention's main weakness is the absence of juridical force, as Iran has not ratified it. There are currently no open disputes over the seabed, but the legal uncertainty creates a risk of future ones.**

RECOMMENDATIONS

- **Consider amending and supplementing the Convention so that seabed and subsoil delimitation is regulated more clearly, treating the Caspian as a "special body of water" rather than forcing it into the categories of either sea or lake.**
- **Draw on the extensive international practice of maritime delimitation, including the principles of equidistance and equity and the consideration of relevant circumstances, while adapting it to the specific legal regime of the Caspian.**
- **Begin now to work out agreed approaches among all five coastal states, including on baselines, and encourage Iran to ratify the Convention, so that risks of future disputes are reduced before they arise.**

Chapter 4. Private International Law and International Judicial Cooperation

Effective Application of the 1970 Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters in the Republic of Kazakhstan

Madina Orynbay

Supervisor: Nurzhan Yeshniyazov

SUMMARY

This dissertation looks at why the 1970 Hague Evidence Convention, which Kazakhstan ratified on 6 April 2016, is used so rarely in practice, even though cross-border civil and commercial disputes are growing. The starting point is the official figures for 2017 to 2022: Kazakhstan received between zero and two incoming requests a year under Chapter I, sent between zero and four outgoing requests a year, and there was no recorded use of Chapter II at all. The author treats this as a sign that the Convention's aim of simplifying judicial cooperation is not being met. Combining analysis and synthesis, historical-legal, comparative-legal, formal-legal and legal forecasting methods, the study examines the limits of the Convention's scope, the national rules and institutions that implement it, and the practice of other states, and looks at how new technology could widen its use. The work was carried out as part of a joint project between the Asia-Pacific/Central Asia Hague Conference (HCCH) regional office and the Judicial Administration of Kazakhstan, aimed at a national guide on applying Hague conventions.

KEY FINDINGS

- Kazakhstan's response to the HCCH questionnaire for the 2023 Special Commission describes the Convention's functioning as "good". The author argues this is not supported by the very limited practice, such as saying excessive discovery requests are not refused while maintaining an Article 23 reservation.
- The causes of low use are: no detailed rules on the status of consuls and authorised persons, outdated or incomplete information about the central authority, no electronic way to send requests, and poorly prepared letters of request.
- Courts sometimes choose the wrong treaty. The author found a case where the Evidence Convention was used to serve documents instead of the 1965 Hague Service Convention.

RECOMMENDATIONS

- Revise Kazakhstan's reservations: drop or narrow the ones on Articles 16 and 17, and replace the blanket Article 23 exclusion of pre-trial discovery with a qualified approach on the Swiss model.
- Update the public information on the central authority and add practical guidance, including a table of other states' declarations, so courts can check what each partner state accepts.
- Expand the use of electronic requests and video links for taking evidence, and improve the quality of letters of request.

Effective Application of the Provisions of the 1980 Hague Convention on International Access to Justice in the Republic of Kazakhstan

Marzhan Rustemova

Supervisor: Nurzhan Yeshniyazov

SUMMARY

This dissertation studies how effectively Kazakhstan applies the 1980 Hague Convention on International Access to Justice, which it ratified by law in December 2014, and why the Convention has so far had almost no visible effect in practice. The starting point is that no Kazakh court cases have been decided under the Convention, which the author links to low awareness, few cross-border cases, the use of alternative mechanisms, and weakly developed institutional procedures. The work focuses on Article 14, which forbids requiring security for costs from a party solely because they are foreign, and tests it against the Civil Procedure Code and the rules of the Astana International Financial Centre (AIFC) Court, which allow security for costs where the claimant is a non-resident. It also asks how the new 2026 Constitution changes the way non-discrimination of foreign persons should be understood. Using dogmatic, comparative-legal, systemic and case-practice methods, and drawing on the reservations made by other states, the dissertation concludes that Kazakhstan's compliance with the Convention is largely formal: the rules are mostly in place, but the procedures needed to make them work are not.

KEY FINDINGS

- The Civil Procedure Code does not require foreign claimants to give security for costs, which is consistent with Article 14, but the AIFC Court's non-residency rule needs to be assessed against Kazakhstan's international obligations.
- Other states' reservations, such as reciprocity conditions, translation requirements, and central-authority-only channels, show how conditional access to justice can be for foreign parties.
- Kazakhstan handles international requests mostly on paper, with no single tracking platform, no standard forms, and no consequences for missed deadlines, so execution can take months.

RECOMMENDATIONS

- Amend the Civil Procedure Code to detail how legal assistance requests are handled and to state that security for costs cannot be required solely because a person is foreign.
- Introduce standard procedural forms and methodological guidance for judges.
- Create an electronic system for filing and tracking international requests, and publish practical guides on official judicial websites.

Application of the Provisions of the 1965 Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters in the Republic of Kazakhstan

Dilnaz Asainova

Supervisor: Nurzhan Yeshniyazov

SUMMARY

This diploma project examines how the 1965 Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters works in Kazakhstan, which ratified it in July 2015 with entry into force on 1 June 2016. The author asks whether Kazakhstan's domestic rules, including Articles 127 and 476 of the Civil Procedure Code and the 2016 Instruction on legal assistance, fit the Convention, and looks at the main and alternative channels of service, the option of contacting foreign central authorities directly, and the protection of defendants who were never notified. Using systemic and comparative-legal methods, and comparing Kazakhstan's central authority with those of other states, the author concludes that Kazakhstan's framework broadly meets the Convention's requirements, but that several inconsistencies in the national rules and gaps in practice remain.

KEY FINDINGS

- The Instruction conflicts with the Convention in two places. Article 3 lets a court send documents directly to a foreign central authority, while Article 26 of the Instruction requires them to go through the Judicial Administration, and Article 7 still names the old Supreme Court department as central authority instead of the Judicial Administration.
- Kazakhstan has not objected to the alternative channels under Article 10, and electronic service is allowed under Article 127 of the Civil Procedure Code. In practice, however, the Judicial Administration still prefers paper.
- Notaries are not recognised as judicial officials, so extrajudicial documents such as inheritance notices or consent to adoption cannot be sent abroad through them.

RECOMMENDATIONS

- Amend Articles 7 and 26 of the Instruction to match the Convention. Article 26 requires all requests to go through the Judicial Administration, although Article 3 of the Convention allows direct contact with a foreign central authority, and Article 7 still names the old Supreme Court department as central authority.
- Clarify, and possibly widen, the powers of extrajudicial authorities such as notaries. Notaries are not recognised as judicial officials, so they cannot send extrajudicial documents abroad.
- Adopt electronic service and a single digital system for handling foreign requests. Article 127 of the Civil Procedure Code already allows electronic delivery, but in practice paper is still preferred, and one platform would speed up service and make requests easier to track.

Application of the Provisions of the 2007 Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance in the Republic of Kazakhstan

Dinmukhamed Arystanbek

Supervisor: Nurzhan Yeshniyazov

SUMMARY

This diploma project studies the application in Kazakhstan of the 2007 Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, which Kazakhstan ratified in 2017 and brought into force in 2019. The author identifies legal, procedural and terminological conflicts between the Convention and Kazakh law that make it harder to collect support across borders. Chief among them is that Kazakh courts usually set alimony as a percentage of income, which, given the rule that enforcement follows the law of the requested state, can prevent such decisions from being recognised or enforced abroad. The study also examines translation problems in the official Kazakh and Russian texts, the role of Kazakhstan's central authority (the Ministry of Justice), and how the Convention fits with the Civil Procedure Code. Using general scientific, comparative-legal and systemic methods, and drawing on German and Russian practice, the author argues that Kazakhstan should make fixed-sum alimony a realistic option.

KEY FINDINGS

- Under Article 139 of the Marriage and Family Code, alimony is mainly a share of income, and the 2022 Special Commission recommendations urge states to fix support as a specific money amount. Germany does this using a standard calculation table, the Düsseldorf table.
- The official Kazakh and Russian translations of the Convention contain inconsistencies, including for "maintenance", "child support", "spousal support" and "habitual residence". The author warns that these can lead courts and the central authority into errors.
- Articles 466 and 503 of the Civil Procedure Code do not line up with Articles 6, 20 and 23 of the Convention. For example, the *lis alibi pendens* principle is not reflected, and the central authority's functions are not spelled out in the Code.

RECOMMENDATIONS

- Introduce fixed-sum alimony into Kazakh law, ideally with a single calculation scale. Kazakh courts mostly set alimony as a share of income, which can make orders hard to enforce abroad, while Germany uses fixed amounts calculated with the Düsseldorf table.
- Bring the official Kazakh and Russian translations into line with the original text. Inconsistent translation of terms such as "maintenance" and "habitual residence" can lead to errors in recognising and enforcing foreign decisions.
- WExpand the central authority's powers and set out the recognition and enforcement of foreign decisions clearly in procedural law, since Articles 466 and 503 of the Civil Procedure Code do not fully match the Convention

