

# PROSPECTS OF APPLICATION OF THE EUROPEAN CHARTER OF LOCAL SELF-GOVERNANCE FOR KAZAKHSTAN: EXPERIENCE OF GERMANY AND POLAND

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**Abstract.** *The article aims to identify the shortcomings of local self-government in Kazakhstan and to create ways to overcome them based on the principles of the European Charter of Local Self-Government and the experience of individual states. The article highlights the main challenges faced by the state, namely financial constraints, overlapping powers, insufficient centralisation and low level of democratic participation. The author also examines the example of Poland and Germany in the context of the local self-government system and analyses the possibility of its application to the realities of Kazakhstan. The author's main focus in this study is on the steps that the government of Kazakhstan can take to bring its legislation in line with the standards and principles of the European Charter of Local Self-Government. Among them, the author identifies the following: legislative and institutional reforms; financial independence; changes in control and coordination mechanisms; decentralisation; and increased public participation.*

**Keywords:** *local self-government, Kazakhstan, European Charter of Local Self-Government, local authorities, administrative reforms.*

**Reikšminiai žodžiai:** *vietos savivalda, Kazachstanas, Europos vietos savivaldos chartija, vietos valdžia, administracinės reformos.*

## Introduction

The European Charter of Local Self-Government, adopted by the Council of Europe (1985), has been a cornerstone in shaping local governance systems across Europe. Its primary aim is to grant local authorities the political, administrative, and financial autonomy necessary for independent public administration. The Charter has profoundly influenced governance structures throughout the continent by emphasizing key principles such as subsidiarity, local autonomy, and financial sufficiency. Although Kazakhstan is not a member of the Council of Europe and, accordingly, has not signed the European Charter of Local Self-Government, this does not exclude the possibility of using its provisions as guidelines for reforming the local governance system (Consulate General of the Republic of Kazakhstan in Strasbourg, 2021). Such countries as Germany and Poland which have most successfully implemented the Charter's principles can stand out as exemplary cases for Kazakhstan (Komarov, 2016).

Thus, in Germany, a federal state with a long-standing tradition of municipal autonomy, local governments enjoy extensive decentralization and financial independence, making it a model of sustainable governance. This decentralization has allowed local governments to occupy key positions in public administration, with the necessary powers and resources to solve local problems independently (Asaubae, 2016). Poland also followed the path of decentralization after a series of reforms initiated in the 1990s. The reforms, largely driven by Poland's accession to the European Union, empowered local governments by devolving decision-making processes and financial independence (Chebotarev, 2023). Given these factors, Germany and Poland were singled out as exemplary cases for Kazakhstan; they show how effective the decentralized systems are and how local self-governance can be successfully reformed in a post-socialist context.

Kazakhstan faces a very different set of challenges in its local governance model. While the need for local government reform has become more evident in recent years, the road to modernization remains fraught with obstacles. Since taking office, President Kasym-Jomart Tokayev has placed decentralization at the center of his governance agenda, recognizing its potential to improve decision-making and increase popular participation (Cornell, Starr and Barro, 2021). This commitment was reinforced by the August 2021 adoption of the Local Self-Governance Development Concept 2025 (President of the Republic of Kazakhstan, 2021), which outlined key reforms to strengthen local government structures. However, despite this political will, the reality on the ground reveals a number of entrenched problems that hinder effective local governance.

One of the main obstacles is the highly centralized nature of decision-making. Local authorities, including *akims and maslikhats*<sup>1</sup>, are often limited in their ability to solve local problems because of their dependence on directives from higher government bodies. This centralization limits their ability to act independently, as they are often required to follow strict instructions and approval processes (Gladkova, 2013). In addition, local authorities lack financial autonomy as they are highly dependent on central government funding. This dependence limits their ability to invest in infrastructure, social services, and other important public projects, thereby reducing their effectiveness in meeting local needs (Fenenko, 2004).

The merging of local government functions with state administrative responsibilities, especially in the role of akims and maslikhats, further complicates the situation. This confusion of responsibilities leads to a governance structure in which local governments are more accountable to central government bodies than to the population they serve (Parliament of the Republic of Kazakhstan, 2001). In contrast, the European Charter advocates a clear separation of roles between the state and local governments, giving local authorities the independence to act in the interests of their citizens (Council of Europe, 1985).

<sup>1</sup> In Kazakhstan's local governance system, akims and maslikhats are local executive and representative bodies. Akims are the heads of local executive bodies, appointed by the president (at the regional level) or higher-level authorities (at district and city levels). They are responsible for implementing national policies, managing local administration, and overseeing economic and social development. Maslikhats are elected local representative bodies tasked with approving local budgets, overseeing the work of akims, and addressing community concerns.

In addition, Kazakhstan's rigid legal and regulatory framework further hinders the development of local self-governance. For example, public organizations must obtain permission from akims to hold basic meetings, which limits the ability of citizens to self-organize and participate in local governance (Asaubayev, 2016). Such regulatory control contradicts the principles set out in the European Charter, which encourages local communities to take the initiative in solving local problems with minimal state interference.

Despite these challenges, the potential for local government reform in Kazakhstan remains significant. Drawing on the experience of Germany and Poland, Kazakhstan can undertake similar reforms aimed at increasing the financial independence of local governments and enabling them to make decisions more autonomously (Chebotarev, 2023). A sustained commitment to decentralization, combined with the support of international organizations and the willingness of the local population to change, offers opportunities for effective modernization of local governance. Thus, the article put forward the hypothesis that the application of the European Charter of Local Self-Government is a key to a more effective system of local governance in Kazakhstan. A research question is as follows: what is the extent to which the principles of the European Charter of Local Self-Government can be applied in Kazakhstan and what reforms are needed to improve its local government system based on European experience? Consequently, the article seeks to assess the applicability of the European Charter of Local Self-Government to Kazakhstan and identify necessary reforms for improving the country's local government system based on European experiences. The research is framed as a comparative analysis of local governance models in Germany, Poland, and Kazakhstan, with Germany serving as a federal model of decentralization and Poland representing a post-socialist transformation similar to Kazakhstan.

## Literature Review

The development of local self-governance in Kazakhstan has attracted considerable academic interest, especially with regard to the problems associated with centralization and the potential for decentralization reforms. The need for greater autonomy and financial independence of local governments is a recurring theme in the literature. Many scholars point to the European Charter of Local Self-Government as a vital framework for reforms in Kazakhstan to bring the governance structure in line with more established European models (Duisenov et al., 2015; Zhumagulov et al., 2022; Maksat et al., 2024). Duisenov et al. (2015) analyzed Kazakhstan's local governance approach. The researchers note that a governmental approach is typical for Kazakhstan, whereas a more societal approach prevails in neighboring Kyrgyzstan. This distinction underscores the necessity for Kazakhstan to delineate clearly between state governance and local self-governance functions. Moving further, Maksat et al. (2024) analyze international experiences in reforming local self-government and decentralization mechanisms, highlighting the significance of the European Charter of Local Self-Government as a foundational framework for these reforms.

Beisembayeva, Musina, and Sartova (2014) argue that although the Constitution of Kazakhstan formally establishes the principle of local self-government, the practical implementation of this structure is hindered by deep-rooted centralization. Local authorities, despite their legal basis, remain largely dependent on the central authorities both in terms of administrative decisions and financial resources. This centralization, they argue, does not allow local governments to fully meet the needs of local communities effectively and independently. Without greater decentralization, the system is likely to continue to struggle to fulfill its role as a mechanism for citizen engagement and local problem solving (Beisembayeva, Musina and Sartova, 2014).

Chebotarev (2023) explores the structural barriers to genuine local autonomy in Kazakhstan. He argues that local governments often function as mere extensions of the central government, with neither financial independence nor decision-making authority. Chebotarev (2023) compares Kazakhstan's system to those of Poland and Germany, where decentralization and legal protections have allowed local governments to better serve their communities. He supports the adoption of a similar system in Kazakhstan, where municipalities should be given both the legal authority and financial resources necessary for effective governance.

The Concept of Local Self-Governance Development in the Republic of Kazakhstan until 2025, adopted by Presidential Decree in 2021, recognizes many of the problems discussed in the literature. The document outlines reforms to increase the autonomy of local governments, in particular through the creation of independent local budgets. However, it also recognizes the persistent inequalities between richer and poorer regions that can undermine the effectiveness of these reforms. The Concept emphasizes that without a more equitable distribution of financial resources, poorer regions will continue to struggle to provide adequate public services even if they are granted greater autonomy (President of the Republic of Kazakhstan, 2021).

The European Charter of Local Self-Government is often cited as a reference point for decentralization reforms in Kazakhstan. Asaubaev (2016) examines how the principles of the Charter such as subsidiarity, financial independence and clear division of responsibilities between local and central governments - have been successfully implemented in countries such as Germany. He claims that the application of these principles in Kazakhstan can significantly improve the efficiency of local governance by giving municipalities the necessary tools to operate autonomously. Asaubaev (2016) also emphasizes the crucial role of financial independence, noting that local governments in Kazakhstan often lack the financial resources to function effectively under the existing centralized governance model.

The introduction of direct elections of rural akims is an important step towards decentralization in Kazakhstan. Ahmetov and Ospanova (2021) analyze this reform, arguing that while it represents progress, it does not go far enough to ensure accountability and transparency. They call for further reforms to strengthen electoral processes and create mechanisms for greater public scrutiny. Without these improvements, they argue, direct elections of akims will have limited impact on improving local governance.

In the study of European models of local governance, Fenenko (2004) examines how local governments in various European countries are able to generate their own revenues through local taxes, allowing them to operate independently. Fenenko (2004) notes that financial dependence on central government transfers severely limits the ability of local governments to plan and implement projects based on local needs, thereby limiting their autonomy. He emphasizes that without financial independence, local governments will find it difficult to make decisions tailored to the specific needs of their communities. Although Fenenko (2004) focuses mainly on European countries, the principles of financial autonomy he discusses are highly relevant to Kazakhstan, where similar problems of centralization prevail. This argument is echoed in the work of Asaubaev (2016), who argues that without such reforms, local governments in Kazakhstan will continue to face challenges in providing effective services and autonomously meeting local needs.

Bergström et al. (2021) emphasize that innovative approaches to local government are increasingly being introduced in European countries. These innovations aim to expand autonomy and increase transparency. Particular attention is paid to electronic platforms, which are designed to involve citizens in decision-making processes at the local level. Karim (2023) emphasizes the importance of administrative-territorial reform for improving the efficiency of local governance in Kazakhstan. He argues that the current administrative division does not always meet the practical needs of local communities, resulting in inefficiencies in service delivery. Karim (2023) advocates a reassessment of territorial boundaries to ensure that local governments are both geographically and administratively adapted to meet the needs of their populations. This, he argues, is an essential element of any successful decentralization reform.

Muzaparov (2023) is critical of the pace of decentralization in Kazakhstan. While he recognizes the government's commitment to reform, he argues that implementation has been slow and inconsistent. Muzaparov (2023) emphasizes the need for a clearer institutional framework delineating the responsibilities of local and central authorities and creating mechanisms for resolving conflicts between them. Without such a framework, he warns, Kazakhstan's decentralization efforts may remain superficial, lacking the depth necessary for genuine local autonomy.

In conclusion, the literature on local self-governance in Kazakhstan consistently highlights several critical problems, including centralization of power, financial dependence, and limited public participation.

The European Charter of Local Self-Government offers a valuable framework for addressing these problems, as evidenced by successful reforms in countries such as Germany and Poland. However, implementing these principles in Kazakhstan will require not only legal reforms, but also a broader institutional and cultural commitment to decentralization and local autonomy.

## Methodology

This study employs a qualitative approach to examine the feasibility of applying the European Charter of Local Self-Government to Kazakhstan's local governance system. The research focuses on the cases of Germany and Poland, which serve as models due to their successful implementation of the Charter's principles. The study's methodological framework is based on general scientific and special scientific methods, including comparative, historical-legal, formal-legal, and modeling methods and predictive assessment.

The formal-legal method was one of the key methods in the methodological framework since it helped interpret legislative texts and regulatory frameworks regulating local self-government in Germany, Kazakhstan, and Poland, namely: Basic Law for the Federal Republic of Germany, Constitution of the Republic of Kazakhstan, Law on Local Governance and Self-Governance in the Republic of Kazakhstan, President's Decree "On Approval of the Concept of Development of Local Self-Governance in the Republic of Kazakhstan until 2025", Constitution of the Republic of Poland, the Act on the Municipal Government of Poland. This method was critical to include because it ensured a precise evaluation of how Kazakhstan's domestic legislation aligns with the European governance standards, outlined above.

The key legislative acts and policy reforms in Kazakhstan were also analyzed within the context of the evolution of local self-governance. This became possible with the application of a historical-legal method. The Constitution of the Republic of Kazakhstan and the Law on Local Self-Governance were examined by this method, which helped to determine the extent to which legislative frameworks supported or hindered local self-government. The historical-legal method identified whether Kazakhstan's reforms align more with European models or retain characteristics of its post-socialist governance legacy. The trajectory of decentralization efforts in Kazakhstan and the influence of European vs. post-socialist governance models were determined by this method. Thus, this method was crucial for determining whether Kazakhstan's decentralization was a structural transformation or merely a procedural adjustment within a centralized system.

The comparative method provided a structured framework for assessing governance models and their applicability to Kazakhstan. It allowed to identify key similarities and differences between the local governance systems of Kazakhstan, Germany, and Poland. By applying this method, the study also determined structural and institutional barriers, preventing decentralization in Kazakhstan. Legislative and financial adjustments necessary to align Kazakhstan's local governance system with the European Charter's principles were examined within the framework of this method.

This study also employed predictive assessment, a method used to forecast the impact of adopting the European Charter's principles in Kazakhstan. The method drew upon Germany's and Poland's decentralization experiences to predict potential benefits and risks for Kazakhstan. It outlined different reform scenarios, assessing their feasibility based on Kazakhstan's political, economic, and institutional realities. A risk analysis was conducted to anticipate barriers to reform implementation, such as political resistance, financial constraints, and administrative capacity gaps.

The modeling method served as the core analytical tool for formulating recommendations in this study. Constructing an adaptive governance model, it simulated how Kazakhstan's local self-government system could align with the European Charter's principles. This model integrated findings from formal-legal, comparative, and historical-legal methods and predictive assessment, ensuring contextually relevant and practically feasible recommendations. It outlined institutional, financial, and legislative adjustments, predicting their impact on decentralization. Supporting methods provided empirical and theoretical

foundations, but modeling enabled a structured policy framework, demonstrating the necessary reforms for enhancing local governance while addressing potential implementation challenges.

The conceptual framework of this study is based on international legal principles and political science theories on decentralization and local autonomy. Local self-government is generally defined as the right and ability of local governments to regulate and manage local affairs under their own responsibility and in the interests of the local population (Shah and Shah, 2006). This concept is closely related to theories of decentralization that distinguish between administrative, political, and financial decentralization (Rondinelli, 1981). Administrative decentralization implies the delegation of authority in decision-making to lower levels of government. Political decentralization involves electing local representatives, while financial decentralization provides for financial independence and the ability to form local budgets (Martinez-Vazquez and McNab, 2003).

## Results

### *Analysis of the current state of local self-governance in Kazakhstan*

According to the European Charter of Local Self-Government (Council of Europe, 1985), full-fledged self-government implies that local authorities have sufficient rights and resources to address public issues under their own responsibility. This model is based on the following principles: subsidiarity (transfer of decisions to the lowest level where they can be implemented effectively); local democracy (direct participation of citizens through elections, public hearings, etc.); transparency and accountability (creation of mechanisms for control and reporting to the community). In addition to the European context, the idea of strengthening the role of local authorities is reflected in broader global studies. Thus, Crook and Manor (1998) emphasize the importance of effective interaction between central and local authorities in developing countries; the researchers also highlight the need to ensure the economic capacity of communities. Excessive centralization leads to a slowdown in the initiative of local authorities and decreases the quality of public services. The counterbalance is the expanded autonomy of local authorities, but it requires adequate financial resources and transparent accountability mechanisms (Bergström et al, 2021). Other scholars expressed a similar opinion. Fleurke & Willemse (2006) note that excessive dependence on central resources and excessive control from above offset any formal mechanisms of autonomy. In addition, the researchers successfully emphasize the need for an appropriate scope of delegated competencies. As well as the possibility of their full practical implementation (Fleurke & Willemse, 2006).

Since key aspects of the analysis of local self-government primarily cover the institutional dimension, a clear demarcation of powers between central and local authorities is crucial. Legal consolidation of the status of municipalities in regulatory acts, such as the European Charter of Local Self-Government (Council of Europe, 1985), the Basic Law for the Federal Republic of Germany (Parlamentarischer Rat, 1949), and the Law on Local Governance and Self-Governance in Kazakhstan (Parliament of the Republic of Kazakhstan, 2001), determines the basis for interaction between different levels of government by ensuring clear legal frameworks for local authorities and their functions. This creates the prerequisites for a transparent system of governance. In addition, it allows local authorities to make decisions with regard to the specifics of each community. No less important is the issue of financial security. The presence of their own tax base or guaranteed transfers from the central government ensures the real autonomy of local authorities. In countries with developed traditions of local self-government, such as Germany, Poland, and France, municipalities have more opportunities to form budgets in accordance with local needs. Germany, for example, follows the principle of subsidiarity, granting local governments significant financial independence (Parlamentarischer Rat, 1949). Similarly, Poland's decentralization reforms, particularly the Act on the Municipal Government (Sejm of the Republic of Poland, 1990), allow municipalities to raise and manage their own revenue sources. France also provides strong financial autonomy to municipalities, as outlined in its Local Government Code, enabling them to levy local taxes and allocate funds based on



community priorities (Sharavara and Nekriach, 2023). This leads to an increase in efficiency in solving social and economic problems.

Another determining factor is the level of public participation. It contributes to the accountability and transparency of management. Tools of direct and representative democracy if used strengthen trust in local governments and ensure active interaction between the authorities and the community (Sharavara and Nekriach, 2023). The effectiveness of the implementation of powers plays perhaps the most important role in the indicators of the maturity of local self-government. The ability of municipalities to provide quality public services while maintaining autonomy from the central government indicates the viability of such a model. Taken together, these aspects allow a comprehensive assessment of the level of development of local self-government. Thus, the analysis of the key factors of local self-government provides insight into how different aspects interact to shape the level of local autonomy.

With this in mind, it is useful to consider how these concepts are illustrated in specific national contexts. In the case of the current study, the study focuses on Kazakhstan. Local self-governance in Kazakhstan still has significant problematic issues despite numerous legislative reforms aimed at increasing its effectiveness. The foundation of self-government is laid in the Constitution of the Republic of Kazakhstan (Parliament of the Republic of Kazakhstan, 1995), which legally enshrines the right to self-government. However, the framework laid down in this Constitution, as well as in the Law “On Local State Administration and Self-Governance”, has not fully empowered local authorities to act autonomously (Parliament of the Republic of Kazakhstan, 2001). Key problems such as overlapping powers of local and central authorities, lack of resources, and fiscal dependence continue to prevent the full realization of the potential of local self-governance (Kemelbekov, 2019). The main aspect that determines the effectiveness of local self-government is the participation of the population. Local self-government committees are an effective tool for realizing the constitutional rights of citizens and solving social problems of the local population (Zhumagulov et al., 2022).

One of the most acute problems is the financial dependence of local authorities on central government transfers. The lack of fiscal autonomy limits their ability to independently generate revenues and control local budgets. Although reforms such as the introduction of independent local budgets in 2018 aim to address this problem, rural areas still face a lack of financial resources (Gladkova, 2013). Chebotarev (2023) asserts that such dependence limits the ability of local authorities to respond effectively to the specific needs of local communities, significantly reducing their ability to promote regional development. In practice, fiscal independence remains largely theoretical, as local authorities are highly dependent on central funding and cannot generate sufficient revenues on their own.

In addition to fiscal problems, unclear delineation of responsibilities between local and central governments exacerbates administrative inefficiencies. The Law “On Local State Administration and Self-Governance” lacks clear definitions of roles and responsibilities for each level of government, leading to duplication of functions and reduced accountability (Parliament of the Republic of Kazakhstan, 2001). As a result, even elected local leaders are often limited in their decision-making capacity, as central authorities retain significant control over key issues (Asaubayev, 2016).

Reforms aimed at democratizing local governance, such as the introduction of direct elections of village akims in 2007, were intended to increase accountability and political participation. However, these efforts have not led to significant changes in power dynamics (Karim, 2023). Central authorities continue to dominate decision-making processes, especially in wealthier regions such as Almaty and Atyrau, which enjoy significant natural resources such as oil and gas. These regions have benefited more from local government reforms, while economically disadvantaged rural areas remain heavily dependent on the central government (Asaubayev, 2016).

The lack of resources in rural areas further undermines the effectiveness of local self-governance. For example, that rural areas struggle to provide basic public services such as health care, infrastructure, and

utilities due to insufficient and inconsistent transfers from the central government. Growing inequalities between richer and less developed regions create additional obstacles to infrastructure development and effective local governance in rural areas (Balabiev, 2014). Without improved resource allocation and fiscal independence, local governments in these regions will continue to face serious challenges in meeting the specific needs of their communities.

Despite the government's efforts to implement initiatives such as the Concept for the Development of Local Self-Governance in Kazakhstan until 2025 (President of the Republic of Kazakhstan, 2021), the uneven distribution of resources continues to limit the success of these reforms. The introduction of independent local budgets and increased fiscal decentralization has not yet sufficiently addressed resource constraints. While richer regions have more opportunities for independent local governance, poorer rural areas remain dependent on non-permanent transfers from the central government (Shalbolova and Kenzheliyeva, 2018). Such inequalities exacerbate regional disparities, limiting the impact of reforms on rural development (Karabin et al., 2021).

The current state of local self-governance in Kazakhstan emphasizes the need for further reforms to address systemic problems such as financial dependence, resource constraints, and overlapping responsibilities between local and central governments. Achieving true decentralization will require not only a redistribution of budgetary resources, but also increased autonomy for local governments, both financially and politically. This goal is critical to improving the effectiveness of local government and enabling local authorities to better serve their communities. In the next section, we look at the broader implications of fiscal and resource inequality and how these issues affect the sustainability and outcomes of local government reforms in Kazakhstan.

### *Comparative analysis of local self-government in Kazakhstan and selected European countries*

When considering local self-government in Kazakhstan in the broader context of European models of governance, it becomes clear that there are significant differences in both the implementation of decentralisation principles and the financing of local government. The European Charter of Local Self-Government has served as a model for promoting democratic governance at the local level. Many European countries have successfully implemented the principles set out in this Charter, creating robust and autonomous local governments (Council of Europe, 1985). In contrast, Kazakhstan, although making progress towards decentralisation, still faces challenges in fully implementing these principles. Several European countries provide compelling examples of how effectively local government systems can function if they are guided by the principles of decentralisation and financial independence.

Germany and Poland, in particular, stand out as countries where the principles of the Charter have been successfully implemented (Kaczperczyk, 2021). In Germany, the basis of the local government system is the principle of subsidiarity, according to which local authorities are responsible for the management of affairs closest to their constituents (Urda, 2024). This decentralized structure allowed municipalities to manage essential public services such as education, public transportation, and housing with minimal central intervention. Similarly, in Poland, decentralization reforms in 1999 created a powerful system that allows local governments to perform important functions, including infrastructure and social services (Sauer, 2013).

We have chosen Poland and Germany for comparative analysis with Kazakhstan because their experience of decentralization and local self-government development can be useful for Kazakhstan. Poland went through a post-socialist transformation, like Kazakhstan, but successfully implemented the principles of the European Charter of Local Self-Government, ensuring a high level of autonomy for local authorities. Germany, with its deep-rooted traditions of local self-government and the principle of subsidiarity, shows a successful example of decentralized governance with strong financial independence of municipalities. Both of these examples can serve as models for improving the Kazakh system.



Models of decentralization in Kazakhstan and Europe differ significantly. In European countries such as Germany and Poland, decentralization is characterized by the gradual transfer of both administrative and financial powers to local governments. German municipalities, for example, are able to generate revenues through local taxes, such as property taxes, which provides them with the necessary resources for effective governance (Fenenko, 2004). Poland also allocates a significant portion of the national budget directly to local governments to finance local projects. It is worth emphasizing that in Kazakhstan local self-government is regulated by the Constitution and a number of legislative acts. However, the local self-government system is in its infancy, facing some problems that require solutions (Parliament of the Republic of Kazakhstan, 1995).

If we take Poland as an example, this country has gone through a process of large-scale decentralization after the fall of the socialist regime, which was made possible by the adoption of the Constitution (Sejm of the Republic of Poland, 1997) and the The Act On the Municipal Government (Sejm of the Republic of Poland, 1990). Poland was one of the first post-socialist countries to integrate the principles of the European Charter of Local Self-Government, which ensured a high level of legal and administrative autonomy for gminas (municipalities), powiats (districts) and voivodeships (regions). Local authorities have clearly delineated powers and independence in decision-making (Sharavara and Nekriach, 2023).

In turn, in Germany local self-government has deep historical roots and is regulated at both the federal and state levels. The Basic Law of Germany (Parlamentarischer Rat, 1949) guarantees the right to local self-government. Each federal state has its own laws regulating the activities of municipalities, which ensures a high level of decentralization. In Germany, the principle of subsidiarity is actively used, which means that decisions are made at the lowest level of government, which is able to implement them effectively (Schneider, 2023).

Analyzing the levels of local government, in Kazakhstan it is still in the process of reform. The legislation provides for a clear division into akimats (state executive bodies) and maslikhats (representative bodies), however, the functions of local bodies are often duplicated by state authorities, which reduces their independence and effectiveness (Pitulko, 2023). As already noted regarding Poland, the local government system is divided into three levels. Each level has its own competence and funding, which ensures a clear division of powers and responsibilities. Gminas play a key role in local governance and enjoy significant financial and administrative autonomy (Sauer, 2013).

In turn, Germany has several levels of local government: communities (Kommunen), districts (Landkreise) and cities with special status (kreisfreie Städte) (Schefold, 2013). Each of them has certain autonomy in matters of local importance, such as planning, budget management and the provision of social services. Local authorities have the right to make decisions that directly affect their territory, which is an important aspect of local democracy (Ruge and Ritgen, 2021).

The issue of financing local government bodies is of particular importance to us. Models of decentralization in Kazakhstan and Europe differ significantly. In Germany and Poland, decentralization is characterized by the gradual transfer of administrative and financial powers to local governments. For example, German municipalities have the opportunity to generate revenues through local taxes, which provides them with the necessary financial resources for effective management (Fenenko, 2004). It should be noted that Poland also allocates a significant part of the state budget directly to local governments to finance local projects. Communities and counties have their own budgets, which are formed from local taxes, subsidies and grants from the central government. However, the key aspect is the ability of local authorities to decide how to effectively allocate funds to solve local problems (Chyrkin, 2022).

However, in Kazakhstan, local governments remain heavily dependent on central government transfers, and independent local budgets introduced in 2018 have proven insufficient to meet local needs. Many rural regions continue to experience financial deficits, especially in areas requiring significant investment in public services and infrastructure. Unlike in European countries, where local governments are key decision-makers with financial resources at their disposal, local governments in Kazakhstan often act as administrative bodies implementing central decisions, without the autonomy to address specific local issues (Kemelbekov, 2019).

Local governments in Kazakhstan remain dependent on central government transfers, and fiscal equalization mechanisms that exist in Europe are lacking. Independent local budgets are insufficient, and central government transfers are often inconsistent, exacerbating regional disparities. Richer regions such as Almaty and Atyrau, with access to natural resources, are able to generate more revenue, while poorer rural regions continue to struggle with limited resources (Chebotarev, 2023). The lack of a transparent and predictable system of fiscal transfers not only increases the gap between richer and poorer regions, but also limits the ability of local governments to implement meaningful development projects.

Another key difference is the ability of local governments in Europe to borrow funds to implement large-scale infrastructure projects, which gives them greater flexibility in managing local development. In contrast, local governments in Kazakhstan lack the financial independence or legal framework to undertake such borrowing, which further limits their ability to implement long-term development strategies (Kemelbekov, 2019). When comparing Kazakhstan with the selected European countries, it becomes clear that financial and political autonomy are crucial for effective local self-government. European countries such as Germany and Poland have demonstrated that strong local governments can play a key role in regional development if they have the necessary financial resources and political power (Frintrup and Hilgers, 2024). Kazakhstan has made progress in developing a legal framework for local self-government, but the lack of genuine autonomy, both financial and political, continues to hinder the effectiveness of local self-government.

It is also worth noting some differences that are inherent in issues of civic participation. Thus, in Kazakhstan, civic participation in local government processes is limited. Although there are formal mechanisms for citizen participation through elections of maslikhats, the low level of involvement of the local population and the lack of authority of local authorities reduces trust in these structures. In contrast, in Poland and Germany, local government plays an important role in strengthening democratic processes. Citizens can participate in decision-making through public initiatives, referendums, and direct elections of mayors and municipal councils. A high level of public participation contributes to more transparent and effective governance (Urda, 2024; Sauer, 2013).

Comparing the local government system in Kazakhstan with the systems of Poland and Germany, several key differences can be identified: more developed legal and financial autonomy in European countries, better distribution of powers between levels of government and a high level of civic participation. We have clearly demonstrated the differences between local governments below in Table 1. The introduction of best practices from these countries, such as decentralization and financial autonomy, can contribute to the development of local government in Kazakhstan and increase its effectiveness.

**Table 1.** Comparative analysis of local government systems in Kazakhstan, Poland and Germany

Criteria	Kazakhstan	Poland	Germany
Legal basis	Constitution (Article 89), 1995, the system in the reform process	Constitution 1997, The Act On <i>The Municipal Government</i> , 1990	Constitution, 1949, laws at the land level
Levels of self-government	Akimats and maslikhats, duplication of functions	Gminas, povets, voivodeships, clear division of powers	Communities, districts, cities with special status, high autonomy
Financial independence	Dependence on the central budget	High level of autonomy, own taxes and subsidies	High financial independence, local taxes, share of national taxes
Civic participation	Low level of public involvement	High level of participation through elections and public hearings	High level of participation through elections, referendums, initiatives

Source: Prepared by Authors

A comparative analysis of local government systems in Kazakhstan, Poland and Germany shows significant differences in the level of decentralization and autonomy of local governments. While Poland and Germany provide their municipalities with a high degree of financial and administrative independence, the local government system in Kazakhstan is still in the development stage. Poland and Germany demonstrate successful examples of clear division of powers and active involvement of citizens in local governance, which contributes to increased trust and efficiency of local governments. Kazakhstan should pay attention to the European experience to improve its local governance, especially in matters of financial decentralization and involvement of the population in decision-making.

### *Prospects for the adaptation of the European Charter of Local Self-Government in Kazakhstan and its impact on regional development*

Adaptation of the principles and provisions of the European Charter of Local Self-Government is an important step for improving local governance and ensuring greater regional autonomy. This process may open up new opportunities for reforming local self-government, but significant obstacles need to be overcome. As Chebotarev (2023) emphasizes, the centralized system of governance in Kazakhstan creates barriers to the transfer of powers to the local level, hindering the implementation of the principles enshrined in the Charter. The absence of a clear legal framework and a shortage of local resources exacerbate this situation. Key opportunities for implementing the Charter's principles in Kazakhstan include support from international organizations and the willingness of local authorities to implement reforms. Existing legislative initiatives can serve as a basis for creating an effective system of local self-government.

The Charter's principles of subsidiarity and financial autonomy should be the focus of the new reforms. For example, Article 4 of the Charter states that local authorities shall be provided with the necessary resources to carry out their functions, emphasizing the importance of funding to ensure autonomy (Council of Europe, 1985). However, significant obstacles remain, such as the lack of transparency in the allocation of financial resources and weak public involvement in local governance processes. Without active citizen participation and community involvement, the success of the new principles may be limited (Rakymbayev, 2023).

The principles of the Charter, including financial independence and subsidiarity, can be adapted to the conditions of Kazakhstan by creating a clearer legal basis for local authorities. Asaubayev (2016) emphasizes the need to develop legal mechanisms that allow local authorities to effectively and independently manage resources. The implementation of the principles set out in the Charter, such as the need to hold open elections and ensure the representation of local communities, can significantly enhance the legitimacy of local authorities. The introduction of independent local budgets, as outlined in the Concept of Local Self-Government Development until 2025 (President of the Republic of Kazakhstan, 2021), can be a decisive step in this direction.

Adaptation of the Charter principles will also require significant changes in the legislative and administrative frameworks of Kazakhstan. It is worth emphasizing the need to amend the legislation on local self-government to ensure clear mechanisms for the distribution of powers between central and local authorities. The principles of the Charter, such as the need for adequate financial support for local authorities, may lead to a revision of existing financing models. According to Article 9 of the Charter, the financing of local self-government must be guaranteed by laws establishing adequate resources (Council of Europe, 1985). As practice shows, without a clear mechanism for financial support for local authorities, such as local taxes and grants, the effectiveness of local self-government may suffer (Muzapar and Rakimbayev, 2023).

The potential impact of implementing the principles of the Charter can be seen in improving the quality of services at the local level. Research shows that financial independence of local authorities can lead to improvements in education, health care and infrastructure, which ultimately improves the quality

of life of citizens (Karim, 2023). The successful implementation of the principles of the Charter in Europe demonstrates that local authorities with access to financial resources can respond more effectively to the needs of their communities, adapting the services provided to real demands.

The implementation of the Charter's principles is particularly important for rural areas, which often face resource constraints and inadequate services. The application of the Charter's principles can lead to improved infrastructure and the quality of social services. For example, in Poland, the introduction of local self-government has significantly improved service delivery in rural areas, which, as Kaczperczyk (2014) notes, has increased citizens' trust in local authorities and their willingness to participate in governance. Kazakhstan can use similar experiences to improve the quality of life in its regions.

Decentralization and empowerment of local authorities can contribute to more active citizen involvement in decision-making processes and improved interaction between local authorities and the population. Creating conditions for open meetings and direct elections of local leaders can significantly increase trust in local self-government (Muzapar, 2023). Successful examples of decentralization in Europe show that active citizen participation in governance allows for more accurate identification and resolution of local problems, which leads to an improvement in the quality of life and social stability.

We agree with the opinion of Alibekov (2014), who insists on the necessity of ratification by the Parliament of the Republic of Kazakhstan of the European Charter of Local Self-Government, the main provisions of which should be taken into account in the State Program On Local Self-Government in the Republic of Kazakhstan, which should be submitted for public discussion. Based on the results of such discussion, it seems appropriate for the Parliament of the Republic to develop and adopt a separate Law "On Local Self-Government in the Republic of Kazakhstan", which should replace the law in force since 2001.

We believe that decentralization and empowerment of local authorities play a key role in the development of local communities. Delegation of powers to the local level allows authorities to make decisions that better meet the needs and interests of a particular region. Local authorities, being closer to citizens, can respond faster to emerging problems and allocate resources more accurately. In addition, financial independence allows municipalities to independently determine priorities in budget allocation, which leads to improved infrastructure, the creation of new jobs and the development of necessary socio-economic programs.

## **Discussion**

The adaptation of the European Charter of Local Self-Government in Kazakhstan represents a significant opportunity to improve local governance and empower regional authorities. Implementing the principles of the Charter can pave the way for transformative reforms in local self-government, but significant obstacles need to be overcome. Kazakhstan's highly centralized system of governance creates challenges for devolving powers to the local level, which hinders the implementation of the principles of the Charter. The lack of a clear legal framework and a lack of resources at the local level exacerbate this situation (Chebotarev, 2023). Key opportunities for implementing the principles of the Charter in Kazakhstan are the support of international organizations and the willingness of local authorities to implement reforms. Cooperation with international organizations and foreign countries can not only contribute to the development of local self-government, but also attract additional resources and experience that will strengthen regional reforms.

We believe that the successful implementation of the principles of the European Charter of Local Self-Government in Kazakhstan requires a consistent and structured approach that includes several key steps aimed at reforming the legal and administrative framework, creating a sustainable financial system and involving citizens in governance. The first stage should be a comprehensive assessment of the existing local self-government system (Komarov, 2016). At this stage, it is important to identify weaknesses, such as duplication of functions between state and local authorities, lack of financial resources and unclear

distribution of powers. This will allow for a better understanding of which aspects need to be reformed in order to create an effective system of self-governance.

Based on the results of the assessment, it is necessary to proceed to the development of legislative changes. This will require amendments to legal acts and the adoption of a new Law on Local Self-Governance, which will ensure the legal autonomy of local authorities. The principles of the Charter should be enshrined in legislation to clearly delineate the powers between state and local bodies, and to consolidate the financial independence of municipalities (Alibekov, 2014).

The financial base plays a key role in successful decentralisation, so establishing a financial and economic base for local self-governance is an important step. It is necessary to develop mechanisms for the introduction of local taxes and fees, as well as redistribution of part of national taxes in favour of municipalities (Sadyrbaev, 2017). For less developed regions, grants and subsidies can be envisaged to ensure equal opportunities for all municipalities.

An important element of the reforms is the establishment of control and monitoring mechanisms. This is necessary to ensure transparency and accountability of local authorities. The introduction of internal and external audit systems, as well as the creation of public councils and committees that will monitor the activities of municipalities will increase public confidence and improve the quality of governance.

Involvement of citizens in the governance process is also an important element of successful implementation of the Charter principles. Mechanisms of public hearings, referendums and petitions can significantly increase public participation in decision-making at the local level, which will strengthen democracy and the accountability of local bodies to citizens (Nurlanova et al., 2015).

It is necessary to launch pilot projects in selected regions to successfully test the reforms. Selecting several regions for experimentation will allow testing new governance mechanisms, assessing their effectiveness and making adjustments before full-scale implementation of the reforms. After successful pilot projects, the reforms can be gradually introduced throughout the country, adapting them to the specifics of each region. Regional peculiarities may require additional adjustments to make the local self-governance system fit local conditions. At the last stage, it is important to regularly evaluate the results of reforms and adjust the strategy as necessary. Assessing the successes and challenges of reforms based on monitoring data and feedback from the population will allow for timely changes in legislation and practices.

We believe that the step-by-step plan we have developed will help Kazakhstan to implement the principles of the European Charter of Local Self-Government, ensuring the creation of an effective and decentralised system of local governance that will contribute to sustainable socio-economic development of the regions.

We should also not ignore the fact that successful adaptation of the European Charter of Local Self-Government in Kazakhstan requires a number of reforms at the state level aimed at creating favourable conditions for the functioning of the decentralised system of governance. These reforms should address both structural changes in governance and the provision of central government support.

First, institutional reforms are needed to delineate the division of powers between central and local government. It is important to clearly define the functions and areas of responsibility of local authorities to avoid duplication of tasks. This will require a revision of existing management models and the creation of new legal and regulatory frameworks that will enshrine the autonomy of local authorities in decision-making on socio-economic issues.

Second, to successfully implement the principles of the Charter, Kazakhstan will need financial reform aimed at redistributing budgetary powers. An important step will be to increase the share of local budgets in the overall system of state financing. It is necessary to ensure that municipalities have sufficient financial resources to fulfil their tasks, as well as the ability to generate their own revenues through local taxes and fees. This will require a revision of the system of inter-budget transfers so that central authorities can provide regions with flexible financial instruments for their development (Sadyrbaev, 2017).

A third important aspect will be the reform of state control and coordination. While local authorities should be given more powers, centralised oversight should be maintained to ensure that local actions are in line with national strategic objectives (Cornell, Starr and Barro, 2021). This will require the establishment of coordination and feedback mechanisms between central and local governments. It will also be necessary to improve the system of control over the use of budgetary funds and ensuring their targeted use.

Thus, reforms at the state level should cover not only legislative changes, but also financial, institutional and technical aspects. This will ensure the successful adaptation of the principles of the European Charter of Local Self-Government and the creation in Kazakhstan of a sustainable, decentralized system of governance that will effectively respond to the needs of the regions and promote their development.

We also believe that international cooperation is a key element in accelerating the process of adapting the European Charter of Local Self-Government and modernising the governance system as a whole. International organisations, partner countries and financial institutions can provide significant assistance to Kazakhstan in implementing the necessary reforms.

First of all, international financial organisations such as the World Bank, the International Monetary Fund and the European Bank for Reconstruction and Development can provide Kazakhstan with both financial support and expertise (Karybaev, Saimova and Irzhanov, 2023). These institutions have extensive experience in financing decentralisation programmes and supporting local self-governance, and their involvement will help Kazakhstan attract the necessary resources for reforms aimed at the financial sustainability of local authorities (Dosmagambetova, 2014). In particular, international loans and grants can be used to finance infrastructure projects in the regions, modernise municipal services and strengthen the financial independence of local governments (Balabiev, 2014).

Equally important is Kazakhstan's participation in international platforms for sharing knowledge and experience (Karybaev, Saimova and Irzhanov, 2023). Kazakhstan can benefit from cooperation with organisations such as the Council of Europe, the International Association of Cities and Local Authorities, as well as cooperation with other countries on the basis of bilateral agreements. This will enable it to utilise the experience of international colleagues to develop its own models and solutions appropriate to local conditions. Ultimately, international cooperation can play an important role in monitoring and evaluating ongoing reforms, which will allow Kazakhstan not only to implement successful decentralisation practices, but also to verify the effectiveness of the reforms

## **Conclusions**

To summarise, the adaptation of the European Charter of Local Self-Government in Kazakhstan represents an important step towards strengthening local self-governance and ensuring regional autonomy in the broader context of democratic development. Although Kazakhstan is not a member of the Council of Europe and has not signed the Charter, its provisions can serve as a valuable resource for the development and reform of the local self-government system in the country. For example, the principles enshrined in the Charter promote transparency, accountability and citizen involvement in governance processes. Thus, by adopting the Charter, Kazakhstan will be able to strengthen the role of local authorities, which will allow them to respond more effectively to regional problems and improve the quality of services provided. The Charter also stipulates that local governments should have the necessary resources to fulfil their functions, thereby promoting financial independence.

However, there are obstacles to the full realisation of these principles that need to be overcome. The deeply entrenched centralised governance structure in Kazakhstan creates significant challenges for the devolution of powers to local authorities. The current legislative framework lacks clarity in the allocation of responsibilities between central and local government, creating confusion and inefficiency in governance. To address this problem, legislative reforms are needed to create clear mechanisms for the division of powers and resource allocation. In addition, a culture of public participation needs to be developed for



the successful adaptation of the Charter. Involving citizens in decision-making increases the legitimacy of local governments and ensures that policies reflect the priorities of the communities they serve. Mechanisms for open dialogue and consultation should be established to promote civic engagement and trust in local governance.

The potential consequences of introducing the Charter principles in Kazakhstan are significant. Improved quality of public services, greater responsiveness to local needs and increased public engagement are just some of the expected benefits. The experience of European countries that have successfully implemented these principles, such as Germany and Poland, serves as a valuable example for Kazakhstan. Thus, it can be argued that the adaptation of the European Charter of Local Self-Government in Kazakhstan is a strategic imperative to promote democratic governance and regional development.

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## EUROPOS VIETOS SAVIVALDOS CHARTIJOS TAIKIMO KAZACHSTANUI PERSPEKTYVOS: VOKIETIJOS IR LENKIJOS PATIRTIS

**Anotacija.** *Straipsnyje, remiantis Europos vietos savivaldos chartijos principais ir atskirų valstybių patirtimi, siekiama nustatyti Kazachstano vietos savivaldos trūkumus ir sukurti būdus jiems įveikti. Straipsnyje akcentuojami pagrindiniai iššūkiai, su kuriais susiduria valstybė – finansiniai suvaržymai, sutampančios galios, nepakankama centralizacija ir žemas demokratinio dalyvavimo lygis. Autorius taip pat nagrinėja Lenkijos ir Vokietijos pavyzdį vietos savivaldos sistemos kontekste ir analizuoja jos pritaikymo galimybę Kazachstano realybėms. Šiame tyrime autorė daugiausia dėmesio skiria žingsniams, kurių gali imtis Kazachstano vyriausybė, kad jos teisės aktai atitiktų Europos vietos savivaldos chartijos standartus ir principus. Tarp jų autorius išskiria: teisėkūros ir institucines reformas; finansinę nepriklausomybę; kontrolės ir koordinavimo mechanizmų pokyčiai; decentralizacija; padidėjęs visuomenės dalyvavimas.*

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