

CONSTITUTIONAL REFORM AND KAZAKHSTAN'S INTERNATIONAL OBLIGATIONS: A STEP BACK?

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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.

Keywords: international law; Constitution of the Republic of Kazakhstan; treaties; other international obligations; priority of treaties; implementation of international law; international custom; publication of treaties; legal certainty; international reputation of the State.

Introduction

The constitutional entrenchment of the place and role of treaties in domestic law is one of the key indicators of a State's commitment to the good-faith performance of its international obligations. Relevant constitutional provisions perform not only an internal regulatory function, but also serve as an important signal to the international community, foreign States, international organisations, and investors.

In the Republic of Kazakhstan, the current version of Article 4 of the Constitution¹ has, for a long

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¹ Article 4 of the Constitution of the Republic of Kazakhstan (1995)

1. The law in force in the Republic of Kazakhstan shall consist of the norms of the Constitution, laws corresponding thereto, other normative legal acts, treaty and other obligations of the Republic, as well as normative resolutions of the Constitutional Court and the Supreme Court of the Republic.

period of time, formed a stable legal foundation for interaction between international and domestic law, enshrining a monist approach, the priority of ratified treaties, the binding nature of other international obligations, as well as the principle of universal publicity of treaties. On the basis of these constitutional provisions, a consistent judicial and law-enforcement practice has been developed, ensuring the integration of international norms into the domestic legal order and their direct application by national courts and State authorities.

On 31 January 2026 the draft of a new Constitution of the Republic of Kazakhstan was published [1]. Draft Article 5 of the new Constitution proposes a number of conceptual changes affecting the fundamental elements of this model.² In particular, references to “other international obligations” are excluded, there is no direct constitutional entrenchment of the priority of ratified treaties, the normative basis regulating the operation of treaties is narrowed from “legislation” to “laws”, and the requirement of their official publication is limited solely to ratified treaties. Taken together, these changes are capable of significantly affecting the mechanism for the implementation of international law within the domestic legal system of Kazakhstan.

Therefore, the purpose of this article is to analyse the proposed amendments from the perspective of international law, as well as to assess their possible consequences for the Republic of Kazakhstan.

Materials and methods

The material of the research includes the current Constitution of the Republic of Kazakhstan, the draft of the new Constitution (31 January 2026), national legislation, normative resolutions of the Constitutional Court, treaties (including the UN Charter and the VCLT), advisory opinions of the ICJ, documents of the ILC, and relevant judicial practice. The methodology is based on formal legal analysis, comparative constitutional analysis, interpretation of international legal norms, and doctrinal analysis of monist and dualist models of interaction between international and domestic law.

Discussion and Results

1. Other international obligations

It should be noted that “other international obligations” of the Republic of Kazakhstan are generally understood to include norms of international customary law. Kazakhstan, as a Member State of the United Nations (UN), is bound by the Statute of the International Court of Justice (ICJ). Pursuant to Article 38 of that Statute, “1. The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply: ... (b) international custom, as evidence of a general practice accepted as law. [2]” Furthermore, as a party to the Vienna Convention on the Law of Treaties of 1969,

2. The Constitution shall have supreme legal force and shall be directly applicable throughout the entire territory of the Republic.

3. Treaties ratified by the Republic shall have priority over its laws. The procedure and conditions for the operation within the territory of the Republic of Kazakhstan of treaties to which Kazakhstan is a party shall be determined by the legislation of the Republic.

4. All laws and treaties to which the Republic is a party shall be published. Official publication of normative legal acts affecting the rights, freedoms, and duties of citizens shall be a mandatory condition for their application.

² The Draft Article 5 of the new Constitution of the Republic of Kazakhstan

1. The applicable law of the Republic of Kazakhstan comprises the norms of the Constitution, the laws corresponding thereto, the normative rulings of the Constitutional Court of the Republic of Kazakhstan and the Supreme Court of the Republic of Kazakhstan, other normative legal acts, and the treaty obligations of the Republic of Kazakhstan.

2. The Constitution possesses the highest legal force and direct effect throughout the entire territory of the Republic of Kazakhstan.

3. The procedure for the application of treaties within the territory of the Republic of Kazakhstan is determined by law.

4. All laws and treaties ratified by the Republic of Kazakhstan shall be published. The official publication of normative legal acts concerning the rights, freedoms, and duties of citizens constitutes a mandatory condition for their application.

Kazakhstan recognises the existence of a higher category of customary international law norms – norms of *jus cogens* (Article 53).³ As acknowledged by the UN International Law Commission, norms of *jus cogens* currently include: the prohibition of aggression, the prohibition of genocide, the prohibition of crimes against humanity, the fundamental norms of international humanitarian law, the prohibition of racial discrimination and apartheid, the prohibition of slavery, and the prohibition of torture [3]. Accordingly, the importance of international custom lies in the fact that it fills gaps in treaty-based regulation and ensures the fulfilment by all States of universal obligations of special importance.

Furthermore, the Constitutional Council (now the Constitutional Court, hereinafter – the CC RK) noted the following in its normative resolution: “4. Alongside treaties, the applicable law of Kazakhstan also includes the norms of ‘*other obligations of the Republic*’ (Article 4(1) of the Constitution). The CC RK considers that other obligations may arise either within the framework of treaties that generate them, acting as their constituent parts or as their logical substantive (material) or organisational (procedural) continuations, or independently, outside treaties. The former, subject to compliance with the conditions set out in this normative resolution, may acquire the legal properties of a ratified treaty. The latter do not possess such properties. Therefore, in relation to the present application, the exercise of rights and performance of obligations of Kazakhstan arising from the decisions of the Commission established pursuant to a Treaty ratified by Kazakhstan should be understood as the fulfilment of other obligations of the Republic referred to in Article 4(1) of the Basic Law [4].” This interpretation was adopted in response to an application concerning the interpretation of Article 4 of the Constitution with regard to the binding nature of decisions of the former Customs Union Commission (now the Eurasian Economic Union). Consequently, it follows from this provision that binding decisions of international organisations of which Kazakhstan is a member fall within the concept of “other obligations.”

In turn such an interpretation of Article 4 of the Constitution is also applicable to binding resolutions of the UN Security Council (UNSC). Thus, pursuant to Article 25 of the UN Charter, “The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter [5].” It should be noted that, notwithstanding the existence of this legal framework, three Kazakhstani airlines violated the UNSC arms embargo on Libya: in February 2020, the UNSC reported instances of transportation by aircraft registered in Kazakhstan, which were operated abroad in the interests of foreign customers, were predominantly based in the United Arab Emirates, and carried out flights from third countries [6]. Although the aircraft were owned by foreign companies and cargo control was exercised by the States of departure, following inspections the Aviation Administration of Kazakhstan suspended the operators’ certificates [6]. The Ministry of Foreign Affairs of Kazakhstan submitted the relevant report to the UNSC Committee on Libya, and UN experts expressed their gratitude to the Kazakhstani authorities for their cooperation and transparency in the investigation [6].

Thus, retaining the wording “other obligations” in the Constitution is of fundamental importance for ensuring the completeness and continuity of the international legal obligations of the Republic of Kazakhstan, as it encompasses not only treaty norms, but also binding decisions of international organisations and norms of international customary law, including resolutions of the UNSC. The exclusion of this wording may lead to constitutional uncertainty regarding the binding nature of such decisions within the domestic legal order, a weakening of the legal basis for their implementation by national authorities, the risk of delayed or selective compliance with international obligations, and potential claims from other parties to Kazakhstan’s international agreements.

2. Priority of ratified treaties

The primacy of international law over domestic law is a widely recognised principle in the contemporary legal order. It has been observed that international law derives its legitimacy from its

³ Article 53 VCLT: “A treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general international law. For the purposes of the present Convention, a peremptory norm of general international law is a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character.”

moral foundation and from its role in establishing just international institutions, such as the UN and the ICJ [7, 1751-1752]. This moral legitimacy confers upon international law a superior status, as it is aimed at upholding justice that transcends purely national interests [7, 1756-1758]. Therefore, it is a well-established position that international law has priority over domestic law [8, 71]. The ICJ has noted in its advisory opinion: “It is sufficient to recall the fundamental principle of international law according to which international law prevails over domestic law [9, para 57].”

The absence of the priority of ratified treaties in the new version of the Constitution contradicts to the legal practice and foundations of the legal system. In 2006, the CC RK held that “Pursuant to Article 4(1) of the Constitution, treaties and other obligations of the Republic that comply with its norms constitute an integral part of the applicable law of the Republic. At the same time, Kazakhstan attaches special importance to ratified treaties, establishing in Article 4(3) of the Constitution that treaties ratified by the Republic have priority over its laws [10].” This position is also confirmed by an extensive body of Kazakhstani judicial practice applying the norms of ratified treaties where they establish rules different from those contained in Kazakhstan’s legislation [11] [12]. Moreover, Kazakhstan is generally regarded as belonging to monist States (within the Romano-Germanic legal family) in matters concerning the relationship between international and domestic law. In monist States, ratified treaties may be applied without the adoption of a special implementing law, since the legal systems of monist States automatically integrate treaties whose obligations have been accepted [13, 314]. By contrast, in dualist legal systems (for example, in common law jurisdictions) [14, 255-257], it is considered that, in order to confer legal force on a treaty norm within domestic law, an “act of transformation” is required – an act of government through which the relevant norm is incorporated into national legislation [14, 255-257].

At the same time, it should be acknowledged that the priority of ratified treaties is recognised by Article 20-1 of the Law of the Republic of Kazakhstan “On Treaties of the Republic of Kazakhstan” [15]. However, the absence of a constitutional guarantee may allow a departure from this approach and, accordingly, the complete abolition of such priority. Legislative amendments to the special law could thus affect the good-faith performance of international obligations. In this regard, it should be noted that, under international law, a State may not invoke its internal law as justification for failure to perform its obligations.⁴ Otherwise, States would be able to circumvent international law by adopting conflicting domestic legislation [16, 278].

Accordingly, the constitutional entrenchment of the priority of ratified treaties is of key importance for preserving the monist nature of Kazakhstan’s legal system and ensuring the good-faith performance of its international obligations. The absence of such a guarantee creates a risk of undermining established judicial and law-enforcement practice, allows for a subsequent legislative rejection of the priority of treaties, and generates legal uncertainty for State authorities, courts, and participants in legal relations. This may lead to conflicts between domestic legislation and international obligations and to an increase in international claims against Kazakhstan.

3. “Legislation” and “laws” of the Republic

The current Article 4(3) of the Constitution entrusts national “legislation” with regulating the procedure and conditions of their operation.⁵ The Law “On Legal Acts” defines legislation as the aggregate of all normative legal acts, including the Constitution, laws, and other acts, as well as normative resolutions of the Constitutional Court and the Supreme Court (Article 1(16)) [17]. In this context, the reference to “legislation” implies the need to take into account the entire body of normative legal acts of the Republic of Kazakhstan when concluding, implementing, amending, suspending, and terminating treaties. This includes not only laws, but also subordinate legislation and judicial acts of a normative

⁴Article 27 VCLT: “A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty.”

⁵Article 4(3) of the Constitution of the Republic of Kazakhstan (1995): “The procedure and conditions for the operation within the territory of the Republic of Kazakhstan of treaties to which Kazakhstan is a party shall be determined by the legislation of the Republic.”

nature, which form the legislative system and ensure the application of international obligations within the domestic legal order.⁶

Compared with the wording of Article 4(3) of the current Constitution, Article 5(3) of the draft new Constitution⁷ limits the range of normative acts determining the procedure and conditions for the operation of treaties. Replacing the term “legislation” with “laws” in the new Constitution objectively narrows the range of normative legal acts governing the procedure and conditions for the operation of treaties, since the term “law” covers only acts adopted by Parliament and excludes subordinate legislation, as well as normative resolutions of the Constitutional Court and the Supreme Court, which in the existing legal system ensure interpretation, specification, and practical implementation of international obligations. As a result, there arises a risk of legal uncertainty, since a significant part of procedural, organisational, and enforcement issues in the field of treaties is traditionally regulated precisely by subordinate acts of the Government and ministries, as well as by judicial acts of a normative character. At the same time, the role of constitutional and judicial interpretation in ensuring the coherence of treaties with the Constitution and the domestic legal order is weakened, which may lead to fragmentation of practice and an increase in conflicts. In addition, such a change in terminology may lead to excessive formalisation of regulation, since filling the resulting normative gaps would require the adoption of additional laws or constant amendments to existing legislation, thereby reducing the flexibility of the legal system and potentially negatively affecting the timely and effective performance by the Republic of Kazakhstan of its international obligations.

⁶These include: the Resolution of the Constitutional Council of the Republic of Kazakhstan dated 20 January 1993 in the case “On the review of the constitutionality of the Law of the Republic of Kazakhstan ‘On the Procedure for Conclusion, Implementation and Denunciation of Treaties of the Republic of Kazakhstan’”; the Resolution of the Constitutional Council of the Republic of Kazakhstan dated 6 March 1997 No. 3 “On the official interpretation of para. 1 of Article 4, para. 1 of Article 14, subpara. 3) of para. 3 of Article 77, para. 1 of Article 79, and para. 1 of Article 83 of the Constitution of the Republic of Kazakhstan”; the Resolution of the Constitutional Council of the Republic of Kazakhstan dated 11 October 2000 No. 18/2 “On the official interpretation of para. 3 of Article 4 of the Constitution of the Republic of Kazakhstan”; the Resolution of the Constitutional Council of the Republic of Kazakhstan dated 7 May 2001 No. 6/2 “On the submission of the Kyzylorda Regional Court regarding the recognition as unconstitutional of part two of para. 6.12 of Article 6 of the Baikonur Complex Lease Agreement, Articles 5 and 11 of the Agreement on the Cooperation of Law Enforcement Agencies in Ensuring Public Order within the Baikonur Complex”; the Resolution of the Constitutional Council of the Republic of Kazakhstan dated 18 May 2006 No. 2 “On the official interpretation of subpara. 7) of Article 54 of the Constitution of the Republic of Kazakhstan”; the Normative Resolution of the Constitutional Council of the Republic of Kazakhstan dated 5 November 2009 No. 6 “On the official interpretation of the norms of Article 4 of the Constitution of the Republic of Kazakhstan with regard to the procedure for implementing the decisions of international organisations and their bodies”; the Additional Resolution of the Constitutional Council of the Republic of Kazakhstan dated 22 May 2023 No. 17NP “On the interpretation of paragraphs 2 and 4 of the operative part of Normative Resolution No. 6 of the Constitutional Council of the Republic of Kazakhstan dated 5 November 2009 ‘On the official interpretation of the norms of Article 4 of the Constitution of the Republic of Kazakhstan with regard to the procedure for implementing the decisions of international organisations and their bodies’”; the Normative Resolution of the Supreme Court of the Republic of Kazakhstan dated 10 July 2008 No. 1 “On the application of the norms of treaties of the Republic of Kazakhstan”; the Resolution of the Government of the Republic of Kazakhstan dated 28 March 2019 No. 149 “On certain issues of legislative activity in the Republic of Kazakhstan”; the Resolution of the Government of the Republic of Kazakhstan dated 30 April 2013 No. 436 “On the establishment of the Interdepartmental Commission on Treaties of the Republic of Kazakhstan”; the Joint Order of the Ministry of Justice of the Republic of Kazakhstan dated 11 July 2023 No. 473, the Acting Minister of National Economy of the Republic of Kazakhstan dated 12 July 2023 No. 135, and the Chairperson of the Agency of the Republic of Kazakhstan for Combating Corruption (Anti-Corruption Service) dated 11 July 2023 No. 223 “On the approval of the Rules for Organising and Conducting Scientific Expertise, as well as the Selection of Scientific Experts”; and the Order of the Ministry of Foreign Affairs of the Republic of Kazakhstan dated 31 March 2022 No. 1114/136 “On the approval of the Rules for Maintaining the State Register of Treaties of the Republic of Kazakhstan”.

⁷“The procedure for the application of treaties within the territory of the Republic of Kazakhstan is determined by law.”

4. *Publication of treaties*

Compared with Article 4(4) of the current Constitution, Article 5(4) of the draft new Constitution requires the publication only of ratified treaties: “All laws and *treaties ratified* by the Republic of Kazakhstan shall be published. The official publication of normative legal acts concerning the rights, freedoms, and duties of citizens constitutes a mandatory condition for their application.”

The obligation to publish treaties is based on Article 102 of the UN Charter, pursuant to which “Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it. [5]” Although this provision directly establishes the obligation of registration and publication within the UN framework, its significance goes beyond the purely international level, as it has played a substantial role in shaping and strengthening the principle of transparency of treaty obligations, including the practice of their publication and accessibility within national legal systems.

Thus, Article 24 of the Law “On Treaties” requires the publication of all treaties, that is, those entering into force not only by ratification. As research has shown, of 2,100 bilateral treaties of Kazakhstan, 785 were ratified (approximately 37.4%), 441 treaties were approved (21.0%), and 691 treaties entered into force by final signature (32.9%), while the remaining portion (approximately 8.7%) relates to other forms or stages of formalisation [18, 186]. In the sphere of multilateral treaties, the total number amounts to 875 agreements, of which consent to be bound by 291 treaties was expressed through ratification (33.3%), 274 through final signature (31.3%), 162 through accession (18.5%), and 148 treaties were approved (16.9%), reflecting the diversity of international legal mechanisms used by Kazakhstan to assume treaty obligations [18, 203]. This demonstrates that more than 60% of Kazakhstan’s treaties enter into force not by ratification. It appears that a constitutional requirement to publish only ratified treaties may also affect the Law “On Treaties” by abolishing the requirement to publish all treaties, as a result of which more than 60% of Kazakhstan’s treaties may become inaccessible to the public.

Ultimately, the requirement for the mandatory publication of all treaties that have entered into force, and not only those ratified, is of fundamental importance for ensuring transparency, legal certainty, and predictability of legal regulation, as well as for the implementation of the principle of openness in State activity. Limiting the constitutional requirement solely to ratified treaties creates a risk of excluding more than half of Kazakhstan’s international obligations (those entering into force by other means) from public access. This may weaken public and judicial oversight, hinder the good-faith performance of international obligations, cause conflicts in law enforcement, and undermine trust in the national legal system.

5. *Impact on reputation*

The cumulative effect of the proposed amendments in draft Article 5 of the new Constitution may have adverse reputational consequences for the Republic of Kazakhstan on the international stage. For foreign States, international organisations, investors, and international business, the Constitution serves as a key indicator of legal predictability, adherence to the rule of law, and commitment to the good-faith performance of international obligations. The weakening or dilution of constitutional guarantees in the field of international law may be perceived as a departure from the previously declared monist model and as a signal of possible selectivity or conditionality in the implementation of international obligations within the domestic legal order. This, in turn, may increase caution on the part of international partners, raise legal and political risks in relations with Kazakhstan, and complicate the State’s participation in international integration processes and dispute settlement mechanisms.

In the long term, such signals may negatively affect the investment climate, since foreign investors largely rely on the stability of constitutional guarantees, the priority of treaties, and the transparency of the legal regime; a reduction in the level of legal certainty and predictability may become a factor in reduced investment and even the withdrawal of certain investors from the Kazakhstani market.

Conclusion

The analysis of draft Article 5 of the new Constitution of the Republic of Kazakhstan allows the conclusion that the proposed amendments affect the fundamental foundations of constitutional regulation of the relationship between international and domestic law and, taken together, create a risk of weakening

the existing model governing the interaction between international and Kazakhstani law. The exclusion of the wording “other international obligations” from the constitutional text may call into question the domestic legal basis for the binding force of norms of international customary law, including *jus cogens*, as well as binding decisions of international organisations, primarily resolutions of the UNSC. The absence of direct constitutional entrenchment of the priority of ratified treaties creates the possibility of a subsequent legislative rejection of this principle and undermines established judicial practice. The narrowing of regulation of the procedure and conditions for the operation of treaties from “legislation” to “laws” objectively limits the normative basis for their implementation, weakens the role of subordinate legislation and normative resolutions of the Constitutional Court and the Supreme Court, and increases the risk of fragmentation of law-enforcement practice and regulatory conflicts. Limiting the constitutional requirement of official publication solely to ratified treaties, given that a significant portion of Kazakhstan’s international obligations enters into force by other means, may result in the loss of public access to a substantial body of existing treaties. Taken together, these changes may negatively affect the international reputation of the Republic of Kazakhstan as a State consistently adhering to the principles of the rule of law and the good-faith performance of international obligations, and may increase caution on the part of international partners and investors. In this regard, it appears justified to preserve the current wording of Article 4 of the Constitution or to refine draft Article 5 of the new Constitution so as to ensure the priority, completeness, and transparency of the operation of international law within the domestic legal order.

A. Абылайұлы, PhD, Associate Professor, Maqсут Narikbayev University (Қазақстан Республикасы, Астана қ.): Қазақстанның конституциялық реформасы және халықаралық міндеттемелері: кері шегіну ме?

Мақалада Қазақстан Республикасының жаңа Конституциясының 5-бабы жобасында ұсынылған халықаралық құқықтың ішкі құқық жүйесіндегі орны мен рөлін реттеуге қатысты өзгерістер талданады. Ерекше назар «басқа халықаралық міндеттемелер» категориясын алып тастауға, ратификацияланған халықаралық шарттардың басымдылығының конституциялық бекітудің жоқтығына, олардың әрекет ету тәртібін реттейтін нормативтік базаның «заңнамадан» «заңдарға» өзгеруіне, сондай-ақ ресми жариялау талабын тек ратификацияланған халықаралық шарттарға шектеуге аударылады. Халықаралық құқық нормаларына, Қазақстан Республикасы Конституциялық Сотының практикасына және халықаралық орган тәжірибесіне сүйене отырып, бұл өзгерістер құқықтық белгісіздікке, халықаралық және ішкі құқық арасындағы қалыптасқан қатынастар моделінің әлсіреуіне, халықаралық міндеттемелерді іске асырудағы қиындықтарға және мемлекеттің беделіне жағымсыз әсер етуге әкелуі мүмкін деп қорытындыланады. Мақалада Қазақстан Республикасының халықаралық міндеттемелерін адал орындауды және ұлттық құқық жүйесінің құқықтық болашақтығын қамтамасыз ететін конституциялық кепілдіктерді сақтау немесе нақтылау қажеттігі көрсетіледі.

Түйінді сөздер: халықаралық құқық; Қазақстан Республикасының Конституциясы; халықаралық шарттар; басқа халықаралық міндеттемелер; халықаралық шарттардың басымдығы; халықаралық құқықты іске асыру; халықаралық әдет гүріттар; халықаралық шарттарды жариялау; құқықтық айқындық; мемлекеттің халықаралық беделі.

A. Абылайұлы, PhD, Associate Professor, Maqсут Narikbayev University (Республика Казахстан, г. Астана): Конституционная реформа и международные обязательства Казахстана: шаг назад?

В статье анализируются изменения, предложенные в проекте статьи 5 новой Конституции Республики Казахстан, касающиеся регулирования места и роли международного права во внутреннем правопорядке. Особое внимание уделяется исключению категории «иные международные обязательства», отсутствию конституционного закрепления приоритетности ратифицированных международных договоров, сужению нормативной базы, регулирующей порядок их действия, с «законодательства» до «законов», а также ограничению требования об официальном опубликовании только ратифицированными договорами. На основе норм международного права, практики Конституционного Суда Республики Казахстан и практики международных органов обосновывается, что эти изменения могут привести к правовой неопределенности, ослаблению существующей модели

соотношения международного и внутреннего права, затруднениям в имплементации международных обязательств и негативным репутационным последствиям для государства. Делается вывод о необходимости сохранения или уточнения конституционных гарантий, обеспечивающих добросовестное выполнение международных обязательств Республики Казахстан и правовую предсказуемость национальной правовой системы.

Ключевые слова: международное право; Конституция Республики Казахстан; международные договоры; иные международные обязательства; приоритет международных договоров; имплементация международного права; международные обычаи; опубликование международных договоров; правовая определённость; международная репутация государства.

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