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ASSEL NAZARBETOVA
Head of the Department of
International Studies of KazISS

Editor
ANASTASSIYA RESHETNYAK
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Responsible for publication:

Almas Arzikulov

Layout:

Pavel Romanenko

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Address:

Kazakhstan Institute
for Strategic Studies under the President
of the Republic of Kazakhstan
4, Beybitshilik St.
Nur-Sultan, 010000, Republic of Kazakhstan

Phone: (7172) 75 20 20

Fax: (7172) 75 20 21

E-mail: office@kisi.kz

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Басуға жауапты:
Алмас Арзықұлов
Беттеу:
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Мекен-жайы:
Қазақстан Республикасының Президенті
жанындағы Қазақстан стратегиялық
зерттеулер институты
010000, Қазақстан Республикасы,
Нұр-Сұлтан, Бейбітшілік көш, 4

Телефон: (7172) 75 20 20
Факс: (7172) 75 20 21
E-mail: office@kisi.kz
www.kisi.kz

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**KAZISS**Kazakhstan Institute
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Главный редактор
АСЕЛЬ НАЗАРБЕТОВА
Руководитель
Отдела международных
исследований КИСИ

Редактор
АНАСТАСИЯ РЕШЕТНЯК
Старший научный сотрудник КИСИ

Ответственный за публикацию:
Алмас Арзикулов
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Адрес:
Казахстанский институт стратегических
исследований при Президенте
Республики Казахстан
010000, Республика Казахстан, Нур-Султан
ул. Бейбитшилик 4
Телефон: (7172) 75 20 20
Факс: (7172) 75 20 21
E-mail: office@kisi.kz
www.kisi.kz

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ANALYSIS OF THE OPEN DIALOGUE PLATFORM: THE CASE OF ANTI- CORRUPTION AGENCY

Slyamzhar Akhmetzharov

Senior Research Fellow of the KazISS
under the President of the Republic of Kazakhstan,
Master of Political Science and International Relations

Abstract. Countries around the world are developing Open government or E-government online platforms, where citizens can directly participate in the elaboration of legal norms, budgeting as well as address the authorities on various matters. In this paper author conducts an analysis of the Open Dialogue platform that is available for the ordinary citizens within the framework of Kazakhstani E-government. The focus of the analysis is the appeals of citizens toward the Head of Anti-Corruption Agency of Kazakhstan. The various trends are identified: the main reasons for the appeals; the regions that most frequently appeal; government bodies that most often criticized by the public; the ways how anti-corruption agency resolves the issues of citizens.

Key words: *Anti-Corruption Agency, Open Dialogue, Appeal, Accountability, Open Government, Citizen Engagement*

АШЫҚ ДИАЛОГ ПЛАТФОРМАСЫН ТАЛДАУ: СЫБАЙЛАС ЖЕМҚОРЛЫҚҚА ҚАРСЫ АГЕНТТІК КЕЙСІ

Слямжар Ахметжаров

Аңдатпа. Бүкіл әлем бойынша елдер ашық үкіметтік немесе электрондық үкіметтік онлайн-платформаларды дамытады, онда азаматтар құқықтық нормаларды

әзірлеуге, бюджетті жасауға тікелей қатыса алады, сондай-ақ түрлі мәселелер бойынша билікке жүгіне алады. Бұл мақалада автор қазақстандық электрондық үкімет шеңберінде қатардағы азаматтар үшін қолжетімді ашық сұхбат алаңына талдау жүргізеді. Талдаудың басты мақсаты азаматтардың Қазақстанның сыбайлас жемқорлыққа қарсы агенттігінің басшысына өтініштері болып табылады. Әр түрлі бағыттар анықталды: өтініштердің негізгі себептері; жиі жүгінетін аймақтар; халық жиі сынайтын мемлекеттік органдар; сыбайлас жемқорлыққа қарсы агенттіктің азаматтардың мәселелерін қалай шешу жолдары.

Түйін сөздер: *сыбайлас жемқорлыққа қарсы агенттік, ашық диалог, апелляция, есеп беру, ашық үкімет, азаматтық қатысу*

АНАЛИЗ ПЛАТФОРМЫ ОТКРЫТОГО ДИАЛОГА: КЕЙС АНТИКОРРУПЦИОННОГО АГЕНТСТВА

Слямжар Ахметжаров

Аннотация. Страны по всему миру разрабатывают онлайн-платформы открытого правительства или электронного правительства, где граждане могут принимать непосредственное участие в разработке правовых норм, формировании бюджетов, а также обращаться к властям по различным вопросам. В данной статье автор проводит анализ платформы «Открытый диалог», доступной для граждан Казахстана в рамках электронного правительства. Предметом анализа являются обращения граждан к руководителю Антикоррупционного агентства Казахстана. В ходе анализа были выявлены ряд тенденций: основные причины обращений; наиболее часто обращающиеся регионы, наиболее критикуемые государственные органы; пути решения антикоррупционным агентством запросов граждан.

Ключевые слова: *антикоррупционное агентство, открытый диалог, обращение, подотчетность, открытое правительство, гражданское участие*

Introduction: government and accountability

The concept of good governance has become the fashionable nowadays. Countries around the world try to incorporate the elements of good governance into their public administrative frameworks. The World Bank starting from the 1996 conducts regular assessment of countries in terms of various parameters, one of which is the voice and accountability. Generally, the accountability implies the situation when the actions of the particular body are the subject for the monitoring and inspection from the side of other institutions.

Taking broader perspective, there are different ways in which governments can be held accountable. From the perspective

of the Public Administration discipline accountability implies the responsibility of the civil servants to disclose the information regarding how public resources are being used as well as how the state bodies are achieving their objectives [1] [2]. Going further, there are different types of accountabilities indicated by scholars. For instance, Bovens points toward the political accountability, which is when the elected officials are obliged to account for their actions in front of the population [3]. This is because the elected officials are the representatives of the citizens, the latter literally delegated their power to the formers.

Another form of accountability is the social one. According to the Joshi

and Houtzager the application of social accountability requires from authorities the citizen-centered governance style [4]. The citizens are expected to participate in the decision-making process as well as the allocation of the budget resources into the various activities. However, Grandvoinet and Raha suggest that the notion of social accountability and consequent concept of citizens' participation is very context depended [5]. This is because societies in the different parts of the world diverge considerably in terms of the readiness and ambition to be involved into the decision-making process or the oversight of the political authorities.

Some scholars tried to investigate the notion of the accountability from the perspective of the principal-agent framework. Griffin et al consider citizens as the principals, who are supposed to set objectives and targets for the agents, which are the governments [6]. However, scholars indicate that in authoritarian regimes the principle-agent framework works in a different way in comparison to democracies. To be more precise, in autocracies citizens are excluded from any forms of participation in the decision-making process. Thus, the principal-agent relations purely occur within the governmental apparatus, where the political authorities take the role of principal, whereas the administrative servants are the agents. In contrast, in democratic countries citizens take the role of principals, which puts a pressure on the governments and makes the accountable in front of the population.

One of the recent trends in governance practices around the world is the introduction of the so-called online open platforms designed to make the governments more transparent in front of the society. In the international framework the Open Government initiative has been driven forward by the OECD. This organization gives credits to the Open Government since it provides the inclusivity of citizens into

the process of decision-making, maintains the system of checks and balances as well as speeds up the processes of acquiring the services [7]. According to the Linders and Wilson the widespread introduction of the open databases and provision of online services by governments are aimed to make the processes within the state's bureaucracy clear and transparent to the public [8].

O'Connor et al argue that Kazakhstani authorities are not truly committed to the objectives of the Open Government [9]. Scholars point out that state's bureaucratic apparatus resist against the top-down initiative of the implementation of this online platform. This is because Open Government requires from the civil servants the transparency and accountability, the very concepts that undermine the informal practices within the Kazakhstani civil service. Thus, O'Connor et al evaluate the adoption of the Open Government in Kazakhstan as a symbolic measure directed toward stimulation of the international image of the country.

Open Government in Kazakhstan

Kazakhstan has already taken steps to boosting its government's social accountability. In 2015 the First President of Kazakhstan Nursultan Nazarbayev has announced "100 concrete steps" policy. The purpose of this program is the implementation of systemic reforms in Kazakhstan in order to enter the 30 most competitive countries in the world. In this program in the 94th step the need for the launch of Open Government is specifically mentioned.

The Open Government platform has been introduced in Kazakhstan in the year of 2016. This platform functions within the framework of Electronic Government, which has been developing in the country smoothly since 2006. According on the provided information on the web-site the

mission of the Open Government is “to create a transparent accountable state, empower citizens to manage the state, strengthen the fight against corruption, and use new technologies to improve the effectiveness of public administration.”

There are different instruments through which citizens can monitor the actions of state bodies and engage into the decision-making process on the Open Government platform. Citizens can observe the relevant statistical data uploaded by state bodies through the *Open Data* component. By using the *Open Legal Acts* component citizens can learn the recent legal documents that have been adopted by the state. Another feature is the *Open Budget* component, where citizens can find out all the expenses initiated by state bodies. Also, citizens can evaluate the performance of state bodies through the component of *Assessment of the Effectiveness of Government Agencies*. Last but not least, citizens have the opportunity for directly addressing the heads of state bodies through the component of *Open Dialogue*.

The *Open Dialogue* tool allows citizens to make an appeal to the heads of central government bodies such as Ministers and heads of various agencies as well as to ask questions from the regional and local Akims. According to the “*Law on access to information*” the state bodies are obliged to provide the response for the requests during the 15 days.

There are several issues with the functioning of Open Government in Kazakhstan. Firstly, lack of wide coverage of Internet, especially in rural areas set obstacles for the inhabitants of these regions to fully access the service. Secondly, in order to access to the Open Government platform, individuals need to have the electronic signatures. This requirement serves as the sort of filter for ordinary citizens, since the procedure of obtaining the electronic

signatures requires from the citizens to visit the One-stop shop centres, which is time consuming. In addition, in order to use the Open Government platform, citizens need to have the certain level of computer literacy. As the procedure of entrance on the platform and online interaction with the governmental bodies demand the computer skills. Consequently, some categories of population due to low computer literacy levels are deprived of the opportunity to use the tools of the Open Government.

In this paper particular interest presents the communication process that takes place on the *Open Dialogue* service between the Head of Anti-Corruption Agency Alik Shpekbaev and the citizens. It should be mentioned that according to the Transparency International Kazakhstan’s report the Head of Anti-Corruption Agency along with the Ministers of Interior, Healthcare and Labour are among the top recipients of requests from the citizens [10].

Research questions and methodology

It worth considering in details how the state bodies interact with ordinary citizens through the *Open Dialogue* platform. For this paper, the Anti-Corruption agency is chosen as the unit of analysis. This is because, Anti-Corruption body has the legitimate authority and capacity to monitor the public authorities on their compliance with the ethical standards and anti-corruption regulation. Ordinary people appeal to Anti-Corruption agency in order to find justice. Thus, it would be interesting to find out the tendencies that emerge through the communication of this body with the society. The forthcoming **research questions are:**

1. What are the most common causes for the appeals to the Head of Anti-Corruption agency?
2. Which regions most frequently appeal to the Anti-corruption agency?

3. Which government bodies are most often criticized by applicants?

4. How does Anti-corruption agency resolve the issues of applicants?

In order to find the answers to the research questions, I have applied the content analysis of the online appeals to the Head of Anti-Corruption agency on the *Open Dialogue* platform.

I have analyzed 341 appeals over the period of August-October 2019. It should be mentioned that considered appeals were either in Russian and Kazakh languages. After the analysis of the appeals I was able to answer to the posed research questions and identify important trends that emerge during the communication process between the Head of Anti-Corruption Agency and the ordinary citizens.

Findings

1. Most common causes for the appeals

The core reasons for the making of appeals to the Head of Anti-Corruption Agency have emerged gradually as the main bulk of requests have been analyzed. There is a variation in the causes for the appeals. For the most part citizens address the Head of Anti-Corruption agency when they directly or indirectly encounter with the cases of corruption. Another popular reason for the appeal is dissatisfaction of citizens with the level of service provided by state bodies as well as the incompetence of civil servants. Besides, people complain about the red tape in the governmental apparatus that set obstacles for the solution of the issues of applicants. It follows that those who are disagree with the courts decisions also appeal to the Heads of Anti-Corruption Agency. In addition, citizens make complaints about the abuse of authority. To make it clearer, the list of the most popular topics in requests looks as follows:

Table 1. – The most popular reasons to appeal to the Head of Anti-Corruption Agency

Reason for the request	Frequency
Applicants' encounter with corruption	18,6 %
Poor-quality work of state bodies and incompetence of civil servants	16,3 %
Red tape	15,7 %
Disagreement with the courts decisions	12,5 %
Abuse of authority	9,8 %

As it can be noticed abovementioned five most popular reasons of the appeals constitute more than 70% of all the requests made to the Head of Anti-Corruption Agency. It worth considering in details each of the reasons of the appeals.

Applicants' encounter with the corruption

According to the analysis of the requests on the Open Dialogue platform, corrupt related practices are most salient in the next institutional bodies:

- Police
- Hospitals
- Tax department
- Bailiffs
- Quasi-governmental organizations

Within the police department, citizens point toward the money extortion practices from the side of road police:

“Dear Alik Zhatkambaevich (the Head of Anti-Corruption agency). On the Almaty-Talgar highway, police officers do not issue fine tickets for the exceed of speed limit instead they threaten the car drivers with deprivation of driver license. Many drivers solve this problem informally. They pay about 10,000 - 15,000 tenge directly to the pockets of police officers. Police officers stop hundreds of cars each day. I ask you to conduct an investigation and undertake necessary measures in order to stop such practices on the road Almaty-Talgar.”

The complaints regarding the corrupt practices in hospitals indicate that doctors are bribed by patients in order to

circumvent the queues, receive the quotas for surgeries, obtain the medicine that is already subsidized by the government.

In regards to Tax department, citizens complain about the regular inspection conducted by tax officers, who are inclined toward the extortion of money from the small enterprises.

According to the requests of the applicants, they faced the corruption from the bailiffs. These agents required the bribes for the removal of the seizure of the bank accounts.

The citizens encountered with the corruption from the side of quasi-governmental organizations. Mainly these were the monopolist bodies, which provide the water, energy, and other goods for the consumers. The corruption activities usually occur when the employees of such monopolist organizations connect the citizens to these services.

Poor-quality work of state bodies and incompetence of civil servants

Complainants point toward the incompetence of police officers in investigation the criminal cases. Usually, citizens refer to the inability of policemen to investigate adequately the home theft and robbery cases.

Requests regarding the improper work of hospitals contained the information about severe consequences of the medical errors that resulted in the deterioration of the health of patients and in some cases to the unexpected deaths of the relatives of complainants.

Also, complainants indicate the reluctance of the tax department employees to provide the comprehensive information about the order and technicalities of tax payments. The formal answers to the requests of complainants lead to the repetition of the requests.

Going further, the complaints regarding the bailiffs indicate the issues that arise during the process of collection of alimonies. Women claim that bailiffs are ineffective in

the enforcement of the court decisions to extract the money transfers from their ex-husbands.

In addition, citizens by and large make the complaints about the interruptions in the supply of gas, water, electricity and heating provided by the monopolists. Also, citizens indicate that monthly bills do not correspond with the actual amount of the services received.

Red tape

The citizens complain about the red tape that takes place within the police department. The various appeals demonstrate the ineffectiveness of the government bureaucracy in dealing with the problems of citizens. For instance, the appeal below shows how the representatives of the Ministry of Interior slow down the investigation process:

We sent several letters through the e-government portal to the address of Minister of the Interior E.Z. Turgumbaev. Despite our repeated appeals to him and other higher officials, no effective measures have been taken by the Turksib Department of Internal Affairs in Almaty! There are only formal replies and excuses! The deputy head of the Turksib police department, Reshetnikov, and senior operative Asanov N., were from the very beginning aware of the suspects in our theft, but they did not take any action to speed up the disclosure! We also believe that these law enforcement officers delayed the detection of the crime for two (2) years! For all these two years, we have seen the investigator in our case only once. It seems that we, the citizens of the Republic of Kazakhstan, who are in a difficult life situation, hoping for the help of our state and the justice of the authorities, are writing to nowhere. Before us a long time ago a wall of indifference hypocrisy and falsehood arose! Tell me, where else can we address?! At the UN? To international human rights organizations? Should we start really the public outcry in social media in order to attract the attention from

the governing bodies and law enforcement bodies?

Abuse of authority

Complainants report about the extensive pressure from the police in regard to the applicants or their relatives. There are cases when police forced applicants to withdraw the statements or plead guilty for committing crime:

“Good afternoon, Alik Zhatkambaevich. My name is Sergey Alekseyevich Snitsarenko. This is a complaint against police officers. On November 17, 2019, at about 4 p.m.-5 p.m., near the tax building in Kostanay St. Maulenova 21, I was approached by 2 police officers in civilian clothes, without presenting an official certificate and without introducing themselves, without explaining my rights and obligations, they asked me to go with them to the police station. They said that received a statement in regards to my name. They, talked rudely to me and prevented me from using the mobile phone. Although my identity was established and I had an identity card with me, they kept in the department for 6 hours, They put pressure on me, the detention protocol was not drawn up. They prevented me from contacting a lawyer and relatives. Two mobile phones of the Samsung and LG brand were seized in the department without my consent. I kindly request that appropriate measures be taken with respect to the unlawful actions of police officers. My rights and freedoms were violated, I intend to appeal to all the relevant authorities.”

Other reasons for appeals

Apart from complaining on the poor performance of government bodies and the related corruption cases, citizens propose the various suggestions in order to improve the provision of the public services as well as combat the corruption. For instance, there is a suggestion to oblige all the civil servants, including the political and administrative ones to declare the earnings. According to the complainant this will

stimulate the principles of transparency and accountability among the civil servants:

“Currently, state employees are divided into 2 categories: civil and public servants. Salaries of civil servants are regulated by the Decree of the Government of the Republic of Kazakhstan dated December 31, 2015 No. 1193 “On the system of remuneration of civil servants, employees of organizations supported by the state budget, employees of state enterprises” where everything is transparent and you can find out what the monetary content of certain employees of state institutions and state treasury enterprises. However, the salaries of administrative and political civil servants are still kept secret, although their material support comes from taxpayers. Thus, I recommend you in order to implement the principles of transparency and accountability to introduce an open access regarding salaries of administrative and political public servants.”

It is interesting to note, how citizens, particularly businesspeople report about the ineffectiveness of the various state programs, which are directed toward supporting the small and medium enterprises. For instance, number of citizens indicate the difficulties in acquiring the low interest rate loans distributed through the Entrepreneurship development fund “Damu” or the National Chamber of Entrepreneurs “Atameken”. Also, entrepreneurs encourage the Anti-Corruption agency to initiate the audit of the national holdings “Samuryk-Kazyna” and “Baiterek” as these bodies in the eyes of public do not provide the level playing field in the procurement process for all the entrepreneurs.

2. Level of engagement of regions

Generally, in terms of the number of appeals to the Head of Anti-Corruption Agency, regions could be divided into the three groups. The first group is the regions with high appeal rate that is between 10-20%. Citizens from Almaty city, Astana city and Almaty region appeal at a considerably

higher rate in comparison with other regions. Partly this can be explained by the higher population densities in these regions. However, weak performance of governmental bodies accompanied by the widespread corruption are another reasons for the higher rate of appeals from these regions.

The appeal rate in another group of regions constitutes around 6-10%. While in the third group the proportion of appeals out of total number of analyzed appeals constitutes less than 5%. It is evident that the regions with low population densities appeal less as opposed to regions with the high populations. The full list of regions with the appeal rates is presented below:

Table 2. – The ranking of regions in terms of the appeals to the Head of Anti-Corruption Agency

Region	Number of appeals	Proportion out of total number of analysed appeals
Almaty city	61	17,9%
Astana city	47	13,8%
Almaty region	44	12,9%
Shymkent city	29	8,5%
East Kazakhstan region	22	6,4%
Turkestan region	22	6,4%
Kyzylorda region	21	6,2%
Karaganda region	17	4,9%
Pavlodar region	15	4,4%
North Kazakhstan region	14	4,2%
Atyrau region	9	2,6%
Zhambyl region	8	2,4%
Aktobe region	8	2,4%
Kostanay region	7	2,1%
Mangistau region	6	1,7%
West Kazakhstan region	6	1,7%
Akmola region	5	1,5%

3. Governmental bodies with high rate of appeals

According to the analysis of the citizens' complaints Ministry of Interior and Ministry of Health are the general recipients of the

criticism in the appeals. The poor work performance as well as extensive corruption practices in the police and hospitals motivate people to complain through the Open Dialogue platform. Almost half of analyzed appeals to the Head of Anti-Corruption Agency (158 out 341) contain the complaints in regard to the Ministry of Interior and Ministry of Health.

4. Response strategies of Anti-Corruption agency

In response to the complaints of citizens Anti-corruption agency usually exercises the two options. Firstly, in case the described violations fall under the competence of the Anti-corruption body, the investigation is initiated. Consequently, the disciplinary measures can be undertaken in regards to the employees of governmental bodies, who violated the ethical standards or demonstrated poor performance. Also, when the citizens provide enough evidence of public servants engagement into the corruption activities, the prosecution measures can be undertaken and those cases can be brought to the trials.

Another popular method of response is the redirection of the appeals to other governmental bodies. As a rule, Anti-Corruption body refers to the law, where General Prosecution office conducts supreme supervision over the legislature. Thus, the responses, which do not fall under the competence of Anti-Corruption agency are redirected to the General Prosecution office. Typically, the redirection statement is presented in the following way:

“We clarify that according to the Regulation on the Anti-Corruption Agency of the Republic of Kazakhstan approved by Decree of the President of the Republic of Kazakhstan dated July 22, 2019 No. 74, this issue is not the responsibility of the Agency. According to Article 5 of the Law of the Republic of Kazakhstan “On the Prosecutor’s Office”, the prosecutor’s office exercises supreme supervision over the legality of the activities of law enforcement

agencies in the field of pre-trial investigation. That is why your complaint was sent to the General Prosecutor's Office of the Republic of Kazakhstan and the Ministry of Internal Affairs of the Republic of Kazakhstan in order for further investigation. In case of disagreement with this answer, you have the right to appeal it"

Concluding remarks: open dialogue's assessment issues

Taking everything into consideration, Anti-Corruption agency most of the time explain the nuances of the legislature to the citizens and responsibilities and scope of the functioning of each governmental body. The Anti-Corruption body explains to applicants which body is responsible for their particular question.

It could be noticed that the individuals consider the Anti-Corruption agency as the ultimate authority, which is capable of resolving the issues of citizens. This is especially evident during the analysis of the complaints that come from the regions. Individuals could not solve their problems at the regional level, thus they are forced to appeal to the central level, where Anti-Corruption agency has the special role.

It should be indicated that according to the decree N45 of the Minister of the Information of Kazakhstan dated 6th of February 2017 all the state bodies are assessed in terms of the management of the Open Government platform. To be more precise, state bodies are evaluated in terms of the number of documents they uploaded into the portals of *Open Data*, *Open Legal Acts*, *Open Budget*. As for the *Open Dialogue* portal the state bodies are assessed in terms of the response

rate to the appeals. In the assessment process the points on the scale from 1 to 10 are given for the fulfilment of each component of the Open Government platform.

The major drawback of the evaluation process conducted by the Ministry of Information is that it does not include the assessment of the quality of the data uploaded by the state bodies into the portal. In the similar way, the responses of the state officials to the appeals of the citizens on the *Open Dialogue* portal are not evaluated in terms of the resolution of the issues. So, there is no direct incentive for state bodies to resolve the problems of citizens, instead it is enough to provide some explanation to the citizen or redirect his or her appeal for other state bodies.

As a result, such a drawback in the assessment process set obstacles for the further development of the *Open Dialogue* portal in the process of communication between state officials and ordinary citizens. The responses of the state bodies to the appeals do not provide them legitimacy in the eyes of the public. Thus, the Open Government platform and particularly *Open Dialogue* portal still remain the symbolic initiatives of the Kazakhstani authorities implemented in order to build the positive image of the country on the international arena. So, there is an urgent need for the modification of the assessment process in Open Government platform with the emphasis on the quality of the information provided by the state bodies as well as the resolution of the appeals of citizens. Such modification in near future will make the state more transparent and accountable in front of the Kazakhstani population.

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