



Студенттер мен жас ғалымдардың  
**«ҒЫЛЫМ ЖӘНЕ БІЛІМ - 2018»**  
XIII Халықаралық ғылыми конференциясы

**СБОРНИК МАТЕРИАЛОВ**

XIII Международная научная конференция  
студентов и молодых ученых  
**«НАУКА И ОБРАЗОВАНИЕ - 2018»**

The XIII International Scientific Conference  
for Students and Young Scientists  
**«SCIENCE AND EDUCATION - 2018»**



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Л.Н. ГУМИЛЕВ АТЫНДАҒЫ ЕУРАЗИЯ ҰЛТТЫҚ УНИВЕРСИТЕТІ**

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6) control over the implementation of the whole set of actions on the protection of national security.

The fundamental criterion for any concept of national security is the security of the individual, therefore the main objects of national security are, first of all, the person, his rights and freedoms; society - its material and spiritual values; the state is its constitutional system, independence and territorial integrity. It should be noted that in the process of the formation of civil society and the rule of law, with the democratization and humanization of all spheres of life, there is a recognition of the priority of the interests of the individual and society, which in the recent past were subordinated to the interests of the state. To vital personal interests in the scientific literature include: recognition as the highest values of human dignity, human life and human health; real provision of constitutional human rights and freedoms; equal rights to spiritual and intellectual development; reliable protection of personal and property security; providing the state with a worthy and guaranteed minimum of material conditions; creation of a favorable ecological situation.

Consequently, the ratio of the freedom of an individual to the security of the state is one of the central problems in the study of national security issues. The essence of this problem is how to combine ensuring the security and freedom of an individual with the security of society and the state, how to avoid, therefore, social conflicts, because this is a necessary condition for the formation of civil society and the rule of law. The conditions for the development of civil society are closely related to the nature of the official state policy in the field of security. This policy can counteract the development of civil society, perceiving it as a threat to the security of the state.

That's why, the entire historical experience of the development of human civilization convincingly shows that the security and welfare of citizens of any state depends, first of all, on the degree of security of the state in which it lives. At the same time, as stated in the Address of the President of the country to the people of Kazakhstan, it is very important that everybody understands this simple truth, because "when our collective security is ensured, each person wins much more than when only his personal interests are satisfied, and the security of society is on the verge risk. No matter how successful an individual citizen is, he is still defenseless if his country is in danger".

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## **STATUS OF CASPIAN SEA IN THE MODERN WORLD**

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The Caspian Sea is a reservoir of vital importance for the economy and navigation, in which many brave seafarers sailed a long time ago. It is absolutely closed, that is, it is separated from the waters of the world ocean, which makes it unique in its way. The shores of the Caspian Sea are very beautiful, and there are many excellent resorts on them. In the northern direction the lake is extended by more than 1000 kilometers, and in the eastern direction by 435 kilometers.

So far, scientists are arguing about whether to consider the Caspian Sea as the sea, or nevertheless to assign it the status of a lake. This ambiguity is caused by the fact that this sea is closed and closed (by the way, it is the largest of all closed water bodies), but at the same time it is larger than some other seas.

The waters of the Caspian Sea are washed by five states, and Russia owns the smallest part of its coastal line among other countries.

If we consider the Caspian Sea to be just a lake, not a sea, it will be the third deepest, giving way to the first two places to the lakes of Lake Baikal and Tanganyika.

Last week, information appeared on the readiness of the draft Convention on the Legal Status of the Caspian Sea. After a protracted discussion process, the document is expected to be signed at the Astana summit next year.

On December 5, a meeting of foreign ministers of the Caspian states was held in Moscow. During the briefing following the meeting, Foreign Minister Sergei Lavrov announced the readiness of the draft Convention on the Legal Status of the Caspian Sea. The document is expected to be signed during the summit of the Caspian littoral states in July 2018 in Astana, the Russian Foreign Minister said.

The process of determining the legal status of the Caspian Sea has dragged on for more than 20 years. Azattyk spoke about the status of the sea with an expert on international issues alkemargulan.

Does the readiness of the draft Convention on the legal status of the Caspian Sea mean that the countries have reached a certain agreement? Who will benefit from this and what will it give?

During the previous meetings, technical, environmental, political and security issues were mainly discussed. However, the geo-economic and geopolitical interest in energy resources has increased only in the last three years. In the 1990s, we saw the interest of transnational corporations of Western countries [to the resources] of the Caspian Sea, now we are seeing the interest of the companies of China, India and the countries of Asia. Settlement of the legal status will give the Caspian Sea a new definition in accordance with international legal norms. The definition of the legal status of the Caspian Sea is important for conducting safety assessments, biological diversity of the sea, developing the Caspian seabed, forming a transport and logistics hub. The Convention is going to be signed in July 2018 in Astana.

Why did the settlement of the legal status of the Caspian Sea last? At one time, Iran, Russia and Turkmenistan held different positions on issues of delimitation of the Caspian Sea. What to say about the legal status of the sea, when even the geographic division of the Caspian is disputable. The successful conclusion of the meeting of foreign ministers of the Caspian states on December 5 seems to mark the beginning of a new era.

Until 2003, many countries viewed the Caspian as a pool with rich energy resources. However, after 2003, states and researchers who attach importance to geopolitics began to look at the Caspian Sea as a zone where security interests collide. At the same time, the countries of the Caspian region began to implement transport and logistics projects. In a new way, they began to provide water security at sea. I believe that all this contributed to the acceleration of the terms for determining the legal status of the Caspian Sea.

Read on this topic: Who and how does the status of the Caspian Sea?

If we do not take into account the Almaty Declaration, which confirmed the adherence of the former Soviet Caspian states to the international legal documents of the Soviet era, in dividing the northern part of the sea between Kazakhstan and Russia, Kazakhstan and Azerbaijan, Kazakhstan and Turkmenistan and in determining the legal status, the position of Astana remains unchanged. Can we say that Kazakhstan has won something from this?

This shows that the priority in the foreign policy of Kazakhstan due to the legal status of the Caspian Sea remains unchanged. Among the Caspian countries, the largest share of the coastline belongs to Kazakhstan. Here we can say that for Kazakhstan there are profitable moments from the point of view of economics, communications.

It seems that the signing of the Convention will not solve all the existing doubts conclusively and simultaneously. For example, are there still disagreements among the Caspian countries regarding the seabed separation?

In international relations, disagreements are not uncommon. However, the signing of the document on the settlement of the status of the Caspian Sea will show that the countries of the region are able to solve common problems together and can find common ground. The definition of the legal status of the sea does not mean that the problems are over. The future will show how the possible disagreements between the five countries will be resolved.

Let's say the Convention will be approved and the status of the Caspian Sea will be determined. How will this affect the work of transnational corporations in the Caspian Sea? Will there be an "influx of investment," as some experts believe?

The Caspian for transnational companies will become a platform with certain rules of the game. The status will enable them to obtain legal guarantees guaranteed by law for the development of reserves and investments. At the same time, we should not forget about the existence of companies that entered the oil production market even before determining the legal status. In my opinion, the Caspian Sea will now attract not only the oil and gas sector corporations, but also logistics companies engaged in cargo transportation.

The draft convention on the legal status of the Caspian Sea is actually ready. Deputy Foreign Minister of Azerbaijan, member of the Working Group on the legal status of the Caspian Sea khalafkhalafov told a news conference following the Moscow meeting of the foreign ministers of the Caspian states.

For more details on the outcome of the 20-year talks, see the next story.

The drafting of a convention on the legal status of the Caspian Sea is coming to an end. It is already possible to declare the successful completion of the 20-year talks. Thus, Deputy Foreign Minister of Azerbaijan, member of the Working Group of the country on the legal status of the Caspian, khalafkhalafov summed up the Moscow meeting of the foreign ministers of the Caspian states. According to him, the convention will reflect the principle of compliance by the countries of the Caspian basin with mutual security. The Deputy Minister stressed that the Caspian Sea is a water basin within which the rights and jurisdictions of five states - Azerbaijan, Russia, Kazakhstan, Iran and Turkmenistan - operate.

"From time to time, there were great differences in the approaches of many countries to this issue, and as a result of the impulses given by the heads of state, we achieved such an important achievement in 21 years, this will be a permanent document regulating the activities of countries in the Caspian Sea. One state has a priority right and guarantees equal rights, from this point of view, this agreement is of great importance both from a legal, economic and historical point of view, "khalafkhalafov stressed.

According to the draft convention, the bottom of the Caspian Sea is divided into sectors. 15 coastal miles in the Caspian Sea are defined as a zone of territorial waters, 10 miles - a fishing zone, and the rest is intended for general use. Five Caspian littoral states also agreed on the principles of the safety of navigation and the preservation of the military balance. According to khalafkhalafov, the draft convention defines the principles of cooperation between the Caspian countries. At the same time, it fully meets the national interests of Azerbaijan. Thus, the draft convention on the legal status of the Caspian Sea also includes the issue of construction of trans-Caspian pipelines. According to him, the construction of the trans-Caspian pipelines will be coordinated with the countries on whose territory these pipelines will pass.

The draft convention also reflects the rights of the Caspian countries to use commercial and military ships on the Caspian Sea, and to access the World Ocean and other seas and the right to return. This is very important from a transit point of view, as well as vehicles.

The deputy minister also noted that this document is unlimited. According to khalafkhalafov, at the moment the draft convention will be held by the internal procedures in the countries that have agreed this document. Finally, it can be adopted at the fifth summit of the heads of the Caspian states, which will be held in Kazakhstan next year.

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## NON-IMPLEMENTATION ISSUES OF UN HUMAN RIGHTS COMMITTEE DECISIONS BY THE REPUBLIC OF KAZAKHSTAN

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### Abstract

The adoption of International Covenant on Civil and Political Rights (ICCPR) created a set of norms in relation to human rights that should be protected and guaranteed by the member States. However, by only accession, ratification, acceptance or by expressing any other way of consent to be bound by a treaty is not enough for the purposes and proper functioning of the latter Covenant. For this reason, a treaty monitoring body is foreseen in Article 28 of the Covenant to establish a committee which would regulate and observe the utilization of the treaty provisions in domestic affairs, and if the State fails to do so, allow the individuals to bring claims against the State. It was available by the enactment of two Optional Protocols to the ICCPR, which gives the right for individuals under the jurisdiction of the member States, who claim to have exhausted all the domestic remedies and the State's failure to protect his or her rights *ratione materiae* and *ratione personae*. Although the forming of quasi-judicial organ increases the competence of the treaty monitoring body, its decisions are solely designated to have a recommendational character. Nevertheless, since the Committee's Concluding Observations in 2011, the rights of human rights defenders (hrds), civil society, journalists and the media in Kazakhstan guaranteed under the ICCPR continue to be eroded. This Article explores the cases brought to the committee, factors behind the non-implementation of these decisions and suggest solutions to cope with Kazakhstan's obligations under ICCPR instruments.

*Key words: ICCPR, treaty monitoring body, human rights, claims by individuals, United Nations, domestic remedies, international remedies, Optional Protocols, quasi-judicial organ, non-implementation.*

The ICCPR is the most comprehensive and well-established UN treaty on civil and political rights; it has yielded the lion's share of UN jurisprudence in this area [1, p.8]. The Covenant is concerned with the fundamental human rights and freedoms that should be granted to individuals, such as the inherent right to life (Art. 6), the freedom to have or adopt a religion (Art. 18), freedom of movement and settlement (Art. 12) etc. Although these are regarded as only "fundamental" rights and freedoms, the provisions of the latter Covenant should be given the right interpretation and shall be carried out in good faith in the domestic legislation of the member states, regardless whether there is a legislation devoted to these provisions or legal norms which "violate" these provisions. This is because the Covenant serves a legitimate purpose, and, thus, any type of derogation from this rule of law shall be considered an act of failing to carry out international obligations incumbent upon the State by the treaty.