

**RECOMMENDATIONS**  
**following the Forum “Administrative Justice and Its Role in Ensuring**  
**the Rule of Law” held on 5 June 2026**  
**and following the first meeting of the Eurasian Congress on**  
**Administrative Law held on 4-5 June 2026, Astana, Republic of Kazakhstan**

Following the Forum “Administrative Justice and Its Role in Ensuring the Rule of Law”, held on 5 June 2026, the following recommendations were developed.

***To the state bodies of the Republic of Kazakhstan:***

***1. Ensure implementation of the principle of uniformity of administrative acts and procedures at the central and local levels***

During the forum, the Head of State, President of the Republic of Kazakhstan Kassym-Jomart Tokayev, set the task of ensuring uniformity of administrative acts and procedures at the central and local levels. *“The same issues that previously gave rise to complaints and applications should not become the subject of repeated court disputes. It is necessary to ensure consistency and stability of administrative practice.”* In this regard, it would be advisable to:

**1.1.** ensure the proper functioning of state bodies, including by changing the KPIs of state bodies (assessing the quality of administrative acts, reducing the number of complaints, disputes and annulled administrative acts, etc.);

**1.2.** follow the practice of the principle of substance over form, thereby giving businesses the opportunity to remedy violations and not imposing penalties where only the form, rather than the substance, has been violated (*an administrative act that is correct in substance cannot be declared unlawful solely on formal grounds*);

**1.3.** require the legal services of state bodies to systematically check the quality of administrative acts and filter cases before they reach court; where the body’s position is clearly weak, the error should be acknowledged rather than appealed up to the final instance;

**1.4.** strictly comply with the Rules for the activities of administrative bodies in ensuring the uniformity of administrative procedures, adopted in implementation of Article 15-1 of the APPC by Resolution No. 111 of the Government of the Republic of Kazakhstan dated 28 February 2025;

**1.5.** require administrative bodies (officials), in their activities, to ensure uniform interpretation and application of the law when carrying out administrative procedures and adopting administrative acts, without allowing divergent interpretation or a selective approach;

**1.6.** consider the possibility of creating digital monitoring of investors’ applications and disputes in order to track problematic issues related to projects and respond to them promptly;

1.7. instruct the authorized body to prepare proposals for the uniform application of administrative procedures at the central and local levels so that similar issues do not become the subject of repeated complaints and court disputes, and to develop methodological recommendations on the proper preparation of administrative acts, compliance with deadlines, the reasoned nature of decisions and proper collection of evidence on the basis of relevant judicial acts.

*2. Intensify work on transferring public-law disputes into the sphere of administrative justice*

In his speech at the forum, the Head of State drew attention to the ongoing work on transferring public-law disputes into the sphere of administrative justice. In this regard, it is necessary to:

2.1. taking into account the Addresses of the Head of State and measures to create a favorable investment climate, continue work on implementing paragraph 94 of the National Action Plan for the implementation of President K.K. Tokayev's Address to the people of Kazakhstan of 1 September 2022, "A Just State. One Nation. A Prosperous Society", which provides for measures to expand the scope of administrative justice by transferring a broad range of administrative offences and civil-law disputes to the APPC, including with regard to paragraph 18 of the Action Plan for the implementation of the Concept of Legal Policy of the Republic of Kazakhstan until 2030;

2.2. the expansion of administrative justice, as well as the issue of excluding the remaining types of public-law disputes from the jurisdiction of courts of general jurisdiction with their subsequent transfer to the jurisdiction of specialized administrative courts, should be accompanied by adjustments to the relevant procedural laws;

2.3. it is proposed to elaborate in the APPC the concept of an "administrative contract" and its mechanism, which could subsequently help determine a unified procedure for resolving disputes related to an investor's investment activities (similar experience exists in many OECD countries).

*3. Strengthen mechanisms for mutually beneficial settlement of disputes with investors before and during court proceedings*

In his speech at the forum, the Head of State instructed "*officials in positions of authority, in any disputed situation, to seek compromises, while the search for a solution must not contradict the requirements of the legal system.*" Taking this into account, it is proposed to:

3.1. strengthen pre-trial mechanisms for settling disputes with investors, including mandatory legal analysis of disputed decisions of state bodies and the search for compromise solutions within the framework of the law;

**3.2.** legally establish the possibility of a mediation agreement in investment disputes; in cases where the investor agrees to such reconciliation, the official should have the right to correct an obvious error without fear of consequences;

**3.3.** expand the functions of appeal commissions and their composition by including independent members, namely representatives of public associations, simplify complaint review procedures, and at the same time introduce liability for them in the consideration of complaints on investment disputes, taking into account the inaction of state bodies in relation to knowingly obvious violations.

*4. Ensure preservation of the integrity of the scope of application of the APPC*

The purpose of adopting the APPC was to protect the constitutional rights of citizens in public-law disputes. The principles of the APPC, such as legality, fairness and others, contribute to the objective resolution of disputes. Courts applying the APPC have gained experience and knowledge in public-law disputes, which enables them to consider such cases more effectively. In this regard, it is important to note the principled position of the courts, business community and the deputy corps of the Majilis of Parliament, aimed at preserving the integrity of the APPC and further strengthening the institution of administrative justice.

*5. Consider developing a package-based approach to investment matters*

We consider it possible for both state bodies and courts to consider the development of a package-based approach to investment matters. This includes the following areas.

**5.1.** establish the need for a comprehensive assessment of the circumstances of an investment dispute, whereby the court assesses not only the specific challenged refusal, notification or administrative act, but also the entire set of actions and omissions of state bodies that affected the possibility of implementing the investment project;

**5.2.** before the authorized body applies sanctions to an investor, verify the investor's real ability to fulfil its obligations, including determining whether fulfilment of the obligations depended on timely and proper actions by state bodies;

**5.3.** develop interdepartmental coordination in supporting investment projects on a "one-stop shop" basis, so that the investor does not bear negative consequences arising from a lack of coordination between authorized bodies. This includes appointing, for each significant investment project, a single state coordinator, a responsible road map and a clear system of responsibility of state bodies for the timely adoption of necessary decisions;

**5.4.** exclude the practice of isolated consideration of interrelated administrative procedures, where one body requires fulfilment of investment obligations, another delays the provision of a land plot, and a third refuses to issue a permit due to the absence of documents dependent on the actions of other bodies;

5.5. develop methodological recommendations for courts and state bodies on applying the package-based approach in investment disputes, including criteria for assessing the good faith of the investor, the existence of administrative barriers, interdepartmental inconsistency and the causal link between actions of the state and the impossibility of fulfilling obligations;

5.6. introduce a mechanism of mandatory preliminary legal analysis of disputed situations before terminating investment contracts, charging penalties or applying other measures of liability, where non-fulfilment of the investor's obligations may have been related to actions or omissions of state bodies;

5.7. use the package-based approach not as a basis for automatically satisfying the investor's claims, but as an instrument for an objective and comprehensive assessment of the dispute, making it possible to determine whether the violation was caused by the investor's conduct or by administrative barriers on the part of the state.

*6. Organize thematic seminars and round tables on the protection of investors' rights, the application of administrative procedures and the prevention of investment disputes*

6.1. state bodies involved in the consideration of investment disputes should ensure the holding of seminars and round tables with the participation of judges, representatives of state bodies, prosecution authorities, local executive bodies, AIFC institutions, the business community and investors;

6.2. in turn, the Judicial Administration of the Republic of Kazakhstan is recommended to continue the practice of annual analysis of administrative and investment disputes with the participation of state bodies, especially in cases where decisions were rendered in favor of businesses and investors, with identification of the systemic causes of violations.

***To the member states of the Eurasian Congress on Administrative Law:***

1. Periodically hold meetings of the Eurasian Congress on Administrative Law on a rotating basis, at the request of the participating countries, but at least once every two years;

2. Develop administrative law as a modern field of legal science, based on respect for the legal traditions of each state;

3. Develop administrative law in higher educational institutions as an independent scientific and educational field, including by encouraging the preparation of academic courses, scientific research, dissertations and specialized programs in administrative law and administrative procedure;

4. Strengthen cooperation with ministries and other executive state bodies of national states in order to identify systemic problems of law enforcement and develop recommendations aimed not only at the development of judicial practice,

but also at improving administrative procedures, legislation and administrative culture as a whole;

5. Develop the Congress library as a continuously updated scientific and practical resource that includes current sources of national administrative law of the member states, judicial practice, analytical reviews, scientific publications, comparative legal studies, translations of key acts and materials for the purpose of creating a unified information base for judges, researchers, state bodies and practicing lawyers;

6. Within the framework of the Congress, systematize information on models of administrative proceedings, types of administrative claims, standards of proof, powers of the court, mechanisms of pre-trial appeal and the specific features of enforcement of judicial acts in different countries;

7. Pay attention to the continuous professional training and advanced training of judges, as well as to the development of legal education in the field of administrative law;

8. Make every effort to increase the accessibility of administrative proceedings for individuals and legal entities, including through simplified procedures and the use of modern information technologies;

9. Continue joint work on improving administrative justice, law enforcement practice and judicial procedures, taking into account best international practices;

10. Develop mutually beneficial cooperation between courts of administrative jurisdiction of the member states of the Eurasian Congress on Administrative Law, including the exchange of experience, information and best practices in order to strengthen the rule of law and promote administrative justice;

11. Develop academic and professional exchange programs among the participating countries of the Congress, including through the organization of internships, lectures, summer schools, seminars and research programs for judges, lecturers, young scholars, doctoral students and master's students specializing in administrative law;

12. Ensure the continuous updating of the Congress agenda in light of modern challenges.

***To the state chairing the Eurasian Congress on Administrative Law:***

1. Establish a permanent Secretariat of the Eurasian Congress on Administrative Law. The task of the Secretariat is to keep a systematic record of proposals received from participants of the Eurasian Congress on Administrative Law, form the agenda of future meetings, summarize current issues of judicial practice, prepare analytical materials and maintain regular communication between participants;

2. Establish and maintain the library of the Eurasian Congress on Administrative Law, which may accumulate national laws, judicial acts, reviews of practice, scientific articles, reports, translations, methodological materials and best international practices;

3. Organize the development of the website of the Eurasian Congress on Administrative Law as the official international portal of the new institutional platform.