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SEPARATE ISSUES OF OIL THEFT IN KAZAKHSTAN

Resume. The article deals with individual issues of oil theft in Kazakhstan and the activities of law enforcement agencies in suppressing this type of crime.

Key words: oil, crime prevention, crime investigation, oil theft, organized criminal groups.

Резюме. В статье рассматриваются отдельные вопросы кражи нефти в Казахстане и деятельности правоохранительных органов по пресечению этого вида преступлений.

Ключевые слова: нефть, предупреждение преступности, расследование преступлений, кража нефти, организованные преступные группы.

Түйін. Мақалада Қазақстанда мұнай ұрлаудың кейбір мәселелері және құқық қорғау органдарының осы қылмысты болдырмау жөніндегі қызметі қарастырылады.

Түйін сөздер: мұнай, қылмыстың алдын алу, қылмыстарды тергеу, мұнай ұрлау, ұйымдасқан қылмыстық топтар.

In his Message to the people of Kazakhstan "Strategy Kazakhstan-2050" New political course of the state" President of the Republic of Kazakhstan - Leader of the Nation NA. Nazarbayev noted that Kazakhstan oil and gas complex is a locomotive for the entire economy, contributes to the development of other industries and this sector should retain its strategic importance for the sustainability of economic growth. [1]

Kazakhstan's oil production ranks second among CIS (Commonwealth of Independent States) countries and is instrumental in developing the nation's economy. The development of the oil and gas industry is considered the most important factor in the development of the national economy. The Republic of Kazakhstan's geographic location and large oil reserves present it as an oil producing and transporting country.

The high profitability and payback of capital investments from oil and gas make it extremely attractive for organized criminals to actively seek out and steal oil products from pipelines.

In order to paint a picture of the crisis, the following numbers illustrate the realization of the problem.

According to OPEC, Kazakhstan places 15th as one of the top oil-producing countries and over the past 3 years, Kazakhstan has produced 189 million tons of oil.

The industry forms the largest part of the assets of the National Fund and is a strategic branch of the

country's economy. Accordingly, the greater the shadow turnover, the less the state treasury gets.

This problem is not only prevalent in Republic of Kazakhstan but it rains prevalent across the world.

Ernst & Young estimate that annual oil theft of the world oil market exceeds 100 billion US dollars. According to Transnet, more than 5 million tons of oil is abducted annually in Russia.

In Kazakhstan over a 3 year span oil theft has amount to 1 million tons. With damages amounting to 104 billion tenge. 732 cases were initiated over four years (11 organized criminal groups). Criminal cases have also been prevalent among government officials who have covered up the theft of oil.

Reports also state illegal exports of hydrocarbons to Russia, Uzbekistan, Caucasus region, with the subsequent transfer to Europe. [2]

We can cite the successful project “Intellectual field UAZ”, launched in JSC “EmbaMunaiGas” within which there is an automatic processing of data in real time and factor analysis of the balance of production from the field.

Within the project “Intellectual deposits” the Akshabulak, Aksai and Nuraly fields of the joint venture “KazGerMunay”, work is underway to introduce a centralized system for remote control wells, control and management of production equipment, including metering units.

This branch is strategic, as it forms the lion's share of the assets of the national fund. Oil theft leads to significant losses in revenue, outflow of money, a decrease in the well-being of the population, and the deterioration of national investment.

In addition, it can become a source of financing for the activities of certain organized criminal groups, including radical religious movements. All these factors jeopardize the implementation of state and government programs.

It is necessary to introduce modern standards for oil decommissioning, proper well protection, control over the movement of oil carriers, suppression of manipulation with the composition of oil and its subsequent export under the guise of other petroleum products abroad.

The “Law of the Republic of Kazakhstan «On Subsoil and Subsoil Use» (No. 219-IV LRK July 7 th 2010)” [3] states, oil is a hydrocarbon chemical with a high caloric content. Mineral extracted, processed and transported in certain areas of the globe; property that has price and other specific properties. The products of oil refining include gasoline, diesel fuels, oils, additives, fuel oil, bitumen, lubricants. Summarized, all these items can be called oil products.

The issues of counteracting the theft of oil and oil products in Kazakhstan are within the competence of law enforcement agencies (MIA and EIS). According to the analysis of law enforcement practice, there are currently the following areas of occurrence, acquisition and sale of illegal oil volumes:

- production of oil directly without the presence of metering devices (on deposits in trial operation, unaccounted, conserved wells);
- oil production, bypassing the installed meters (various types of illegal tie-ins to the installed meter);
- legalization of such oil through its transportation and delivery to oil terminals and storage facilities, followed by its implementation under the guise of legal oil refineries;
- realization of illegal oil using fictitious documents under the guise of oil products;
- export of legally produced oil under the guise of products of its processing, with evasion from payment of taxes and customs payments to the budget.

Significant damage to the economy in terms of the amount of illegal oil and the probability of creating organized criminal groups involving a wide range of people (for example, employees of subsoil users and controlling bodies) is inflicted in the first five categories.

At the same time, according to them, measures of counteraction to fiscal nature are not applicable due to the fact that all this volume does not pass through the documentation of subsoil users and falls out of legal turnover.

So, from 2015 to 2017, according to the fact of transportation, sale, storage of oil products without documents confirming the legality of their origin (art. 97 CC of the RK) there were 611 criminal cases, of them in 2012 - 212 criminal cases, in 2016 - 208 , in 2017 - 191. The amount of the established damage for this category amounted to 722.8 million tenge, the amount of the reimbursed damage - 51 million tenge or 7.1%. [4]

The figures do not reflect the real criminogenic situation in this area, given that Kazakhstan is an oil producing state.

In the western regions of the country, as practice shows, oil was mostly stolen by organizing an illegal collection point (purchase), directly from terminals in fields, from suspended or inoperative wells, or when transporting it from a deposit for storage in oil terminals, that it, as a rule, is committed by organized criminal groups.

Law enforcement agencies have taking measures on an ongoing basis to counter illegal theft of oil and oil products.

A joint plan with the Ministry of Internal Affairs and the State Revenue Committee of the Ministry of Finance has been developed and is updated every two years. Similar plans are being implemented in the regions where the fields are located and oil pipeline sanctioned (Aktyubinsk, Atyrau, Karaganda, Kyzylorda, Mangystau and South-Kazakhstan oblasts). The security services of oil companies are also involved in such activities.

In the Departments of internal affairs of these regions, permanent investigative and operational groups have been established, specializing in these types of crimes.

Thus, the prevention and suppression of crimes in the oil and gas sector depends on the timely response of law enforcement agencies to the operational situation in the oil and gas industry and the strengthening of interaction with local executive and authorized bodies.

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