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## FEATURES OF DIVERSITY OF SUBJECTS OF THE RUSSIAN FEDERATION AND SUBJECTS OF THE RUSSIAN FEDERATION REGARDING THE REGULATION OF THE ORGANIZATION AND ACTIVITIES OF LOCAL SELF-GOVERNMENT

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**Annotation.** The article analyzes the legal regulation of the transfer of certain state powers to municipalities, identifies problems that arise in this case, including legal regulation of this area. It is stated that there are no clear, uniform, consistent legal approaches, the scope of powers of local authorities is expanding. It has been analyzed and revealed that the practice of transferring the relevant powers indicates the imperfection of the legislation, the lack of mechanisms for the selection of state powers and their transfer to municipalities, which leads to a number of problems and contradictions in this area.

**Keywords:** state authorities, local governments, delineation of subjects of jurisdiction, federal law, public relations, citizens' rights, financial control, powers of local self-government.

Before proceeding to the essence of the issue, we need to determine what is meant by the separation of subjects of competence and authority. According to A. N. Kokotov and A. V. Bezrukov, the delineation of responsibilities is "meaningful concretization of the provisions of articles 71-73 of the Constitution, which allows the jurisdiction of the Russian Federation and subjects of the Russian Federation to transform the powers of bodies of state power, clearly nazmieva last among themselves and determine the source of their material and financial provision "[4, c. 284].

The establishment of common principles of organization of bodies of state power and local self-government is under the joint jurisdiction of the Russian Federation and subjects of the Russian Federation (clause "h" of part 1 of article 72 of the Constitution). This constitutional provision is detailed in Federal legislation. Previously, the Federal law "on General principles of local self-government organization " No. 154-FZ outlined the powers of state authorities of the Russian Federation and subjects of the Russian Federation in the field of local self-government in a structured manner (articles 4 and 5). The implementation of each of the powers specified in the list was carried out mainly by means of bylaws. This rather logical and extremely clear scheme was replaced by abstract formulations contained in the Federal law "on General principles of local self-government organization" dated 06.10.2003, No. 131-FZ (articles 5 and 6).

In accordance with the law the powers of Federal state authorities in the field of local self government include:

1. Definition of the General principles of the organization of local self-government in the Russian Federation. Thus, the Federal legislator independently establishes the General principles of the organization of local self-government in Russia through the adoption of relevant legal acts (article 76 of the Constitution of the Russian Federation). It is worth paying attention to the fact that the practice of establishing General principles or adopting legislative bases by the Federal

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center in certain branches of national law is not new, it is successfully implemented in many Federal States (used in the USSR, Germany) and allows you to determine the boundaries of Federal participation within the subjects of joint jurisdiction of the Federation and subjects. We will also note that today the concept of General principles is interpreted very broadly by the legislator, who actually goes into the detailed regulation of a large group of public relations in the field of local government – we will discuss this later [6, c. 78].

2. Legal regulation in subjects of conducting the Russian Federation and within the powers of the Russian Federation in subjects of joint conducting the Russian Federation and the constituent entities of the Russian Federation of the rights, duties and responsibilities of Federal bodies of state power and their officials, bodies of state power of subjects of the Russian Federation and their officials in the sphere of local self-government. It would be useful to analyze this provision by mentioning that the General principles of the division of powers between Federal state authorities and state authorities of the subjects of the Russian Federation are established by the Federal law of 04.06.2003. "On amendments and additions to the Federal law" on General principles of organization of legislative (representative) and Executive bodies of state power of the subjects of the Russian Federation". The law stipulates that the powers exercised by bodies of state power of subjects of the Russian Federation in subjects of conducting subjects of the Russian Federation, the Constitution (Charter), laws and adopted in accordance with them other normative legal acts of the Federation. The powers exercised by the state authorities of a subject on subjects of joint jurisdiction are defined by the Constitution of the Russian Federation, Federal laws, agreements on the division of powers and agreements.

3. Legal regulation of the rights, duties and responsibilities of citizens, local self-government bodies and local government officials to resolve issues of local significance. By establishing at the Federal level a list of issues of local significance for each type of municipality, the Federal legislator reserves the right to carry out legal regulation of the rights, duties and responsibilities of the above-mentioned subjects in resolving these issues. As in other items of this list, the legislator has fixed a fairly wide range of subjects (citizens, bodies and officials of local self-government) and areas of legal regulation (establishing rights, duties and responsibilities). This provision is implemented in the Federal law and other legislative acts of the Russian Land code, the Water code of the Russian Federation, Federal law "On basic guarantees of electoral rights and the right to participate in referendum of citizens of the Russian Federation", FZ "About the state registration of charters of municipal formations", etc.

4. Legal regulation of the rights, duties and responsibilities of local self-government bodies and local self-government officials in the exercise of certain state powers vested in local self-government bodies by Federal laws. It is clear that this fundamental provision of the Law implies further specification (for example, article 72 of this Federal law). In accordance with part 2 of article 19 Federal law of 06.10.2003 "local self-government bodies are vested with separate state powers of the Russian Federation by Federal laws and laws of subjects of the Russian Federation, and separate state powers of subjects – by laws of subjects of the Russian Federation". This norm defines the General principle basis for differentiating the subjects of the Russian Federation and its subjects on the issues of delegating certain state powers: in other words, control in this area is exercised by the level of state power that delegates these same powers, in our case – the Russian Federation.

The powers of state authorities of the subjects of the Russian Federation in the field of local self government include:

1. Legal regulation of the organization of local self-government in the subjects of the Russian Federation in the cases and procedure established by the Law of October 6, 2003. Such a framework norm is, in fact, the basis for limiting the participation of the Russian Federation's subjects in the legal regulation of issues related to local self-government. Subjects of the Russian Federation have the freedom of law-making in this area only to the extent provided by the

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Federal center, and, therefore, this volume can only change at the will of the Federal legislator. If the center is interested in regulating a number of issues in detail, the legislator at the level of the constituent entities of the Russian Federation is actually deprived of any serious levers of legal regulation in this area. Regions are engaged in law-making and exercise their powers through legislative and Bylaw regulation. An example is the laws of subjects on the borders and status of municipalities.

2. Legal regulation of the rights, duties and responsibilities of state authorities of the subjects of the Russian Federation and their officials in the field of local self-government in cases and in accordance with the procedure established by Federal laws. In accordance with this norm, the state authorities of the subjects of the Russian Federation are empowered to regulate their own rights, duties and responsibilities within the limits established by the Federal legislator. Thus, the local legislator (at the level of the subject) is only called upon to specify the provisions of Federal laws.

3. Legal regulation of the rights, duties and responsibilities of local governments and officials of local self-government in subjects of conducting subjects of the Russian Federation and within the powers of public authorities of constituent entities of the Russian Federation in subjects of joint conducting the Russian Federation and the constituent entities of the Russian Federation.

4. Legal regulation of the rights, duties and responsibilities of local governments and officials of local self-government in the implementation of separate state powers with which local authorities are endowed with laws of subjects of the Russian Federation in the order established by the Law of 6 October 2003. We have already provided a comment on paragraph 4 of part 1 of article 5 of the Federal law of October 6, 2003. The same content has paragraph 4 of part 1 of article 6 of the same Law. The difference is that in the case of granting local self-government bodies separate state powers of the subjects of the Russian Federation, control over their implementation is carried out by the state authorities of the subjects of the Russian Federation in accordance with Federal legislation.

From the point of view of philosophy, control should be understood as "a system for monitoring and verifying the functioning of an object in order to eliminate deviations from the set parameters" [7, c. 40]. Control as a way of ensuring legality consists in the fact that authorized state (public) bodies (officials), using certain techniques and methods, find out whether the controlled bodies (and their officials) have not committed violations of legality or expediency [5, c. 268].

Based on the General meaning of the norms contained in articles 5 and 6 of the Federal law of October 6, 2003, the state authorities of the Russian Federation and the state authorities of the subjects of the Russian Federation have the authority to exercise control over the activities of local government bodies and officials.

Within the framework of this Law, the regulatory framework for local government control is limited only to articles 21 and 77. The legislator distinguishes between two distinct types of monitoring: monitoring by local governments of separate state powers (and this control is of a purely public character) and the control over activity of bodies and officials of local self-government (here, the Supervisory entity other than state authorities, are the local authorities).

In fact, the classification of types of control is much broader, but we will focus on some of the most important reasons for division. E. S. Shugrina suggests dividing control into Federal, regional (carried out by the subjects of the Federation) and municipal by the form of state structure and territorial limits [7, c. 46]. This division assumes the wording of the topic of this paragraph. We will offer our own, extremely General classification and highlight financial control, as well as control in the field of rule-making.

Financial control. Financial control is the activity of state authorities and local self-government bodies carried out using specific organizational and legal forms in order to ensure

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the legality, validity and reliability of financial transactions, an objective assessment of the economic efficiency of financial and economic activities and to identify reserves for increasing it, increasing revenue receipts to budgets of all levels, and preserving state and municipal property [8, c. 108-109].

Local self-government within the limits of its powers independently, which means that the need to exercise control over the activities of local self-government bodies arises mainly when in their activities they go beyond issues of local significance. This happens if local self-government bodies exercise state powers transferred to them in accordance with the procedure established by Federal law. The exercise of certain state powers by local self-government bodies implies the allocation of additional material resources by the state to municipalities. Reasonable and appropriate spending of these funds becomes the object of state financial control. According to which level of state power (Federal or regional) transfers certain state powers to local self-government bodies, and state control is exercised. This is directly indicated by art. 20 of Federal law No. 131-FZ: "concerning the exercise by local self-government bodies of certain state powers, Federal Executive authorities and Executive authorities of constituent entities of the Russian Federation... have the right to issue binding normative legal acts and exercise control over their implementation."

The article 77 of the Law of October 6, 2003, mentioned above, introduces the concept of supervision of the activities of local self-government bodies. Supervision, and control, is one way of enforcing the law, and differs from the latter in that the regulators and the regulated objects are not in relations subordination, except supervisors supervised only reveal the violations of the law, but not of expediency [5, c. 268]. The text of the Law indicates that supervision is carried out by the Prosecutor's office of the Russian Federation and other bodies authorized by Federal law.

Practice indicates that the Prosecutor's office uncovers numerous violations of the laws governing financial relations by municipal authorities. In accordance with article 1 of the Federal law "On the procuracy of the Russian Federation Prosecutor's office - unified Federal centralized system of bodies exercising on behalf of the Russian Federation supervision of observance of the RF Constitution and the execution of the laws in force in the Russian Federation". Moreover, the Prosecutor's office is under the jurisdiction of the Russian Federation on the basis of clause "o" of article 71 of the Constitution of the Russian Federation. If the supervision of the activities of local self-government bodies is carried out by the Federal system, then the division of control (Supervisory) functions between the Federation and its subjects is out of the question. The recommendation of the Prosecutor General's office to facilitate the implementation of joint control measures in its territory by the Prosecutor General's office and the accounts chamber, addressed to the prosecutors of the Russian Federation's constituent entities, is intended to externally decentralize the Supervisory activities of the Prosecutor's office. Can this state of Affairs be called a trend towards improving forms of financial control by regional public authorities? Hardly, at least, until elements of real Federal relations begin to be seen in this sphere.

Control in the field of rulemaking. The exercise of control can be expressed in the exercise of powers related, in particular, to the state registration of legal acts of municipalities. This form of control applies to a special category of municipal legal acts-charters of municipalities. State authorities, in fact, conducting legal expertise of charters, fulfill the constitutional duty of the state to protect human and civil rights and freedoms, as well as to ensure the rule of law and order [7, c. 71].

I. V. Zakharov defines the Charter of a municipality as "a municipal legal act of the highest legal force in the system of other municipal legal acts, adopted by the representative body of the municipality or the population of the municipality, which has direct effect and is applied throughout the territory of a particular municipality" [3, c. 25]. D.G. Zharoniskikh, giving the

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definition of the Charter of the municipality, shifts the emphasis towards its content component: "the main normative legal act of the municipality, regulating the activities of the population and local self-government bodies to address issues of local significance" [2, c. 97].

Federal law "On General principles of organization of local self-government" № 154-FZ, determining the order of registration of the Charter attributed to the competence of the Russian Federation, therefore, the definition of public authorities responsible for registration of charters of municipal entities was only possible on the basis of legislation of constituent entities of the Russian Federation [2, c. 97]. The current Law of 6 October 2003 contains a reference rule: "The Charter of a municipal formation, a municipal legal act on making amendments and additions to the Charter of a municipal formation shall be subject to state registration with the judicial authorities in accordance with the procedure established by Federal law."

On July 8, 2005, the Federal law "on state registration of municipal charters" was adopted, establishing the procedure for state registration of charters and referring this activity to the competence of Federal state bodies (part 1, 3 of article 1): "State registration of municipal charters is organized by the authorized Federal Executive body in the field of registration of municipal charters in accordance with this Federal law. State registration of municipal charters is carried out by the territorial bodies of the authorized Federal Executive authority in the field of registration of municipal charters."

It becomes obvious that the control of municipal rulemaking in terms of registration of municipal charters for a short period of time has passed into the exclusive competence of Federal authorities. The registering body (territorial bodies of the authorized Federal body) in accordance with paragraph 1 of part 4 of article 1 of the Federal law "On state registration of charters of municipal formations" verifies that the Charter of the municipal formation of the Constitution of the Russian Federation, Federal laws, Constitution (Charter) of the subject of the Russian Federation, laws of subjects of the Russian Federation. This norm, as we can see, is not aimed at implementing one of the fundamental principles of the Federal structure – the differentiation of subjects of competence and powers between the state authorities of the Russian Federation and the state authorities of the subjects of the Russian Federation. It only indirectly indicates the existence of certain principles of decentralization, illustrating a quasi-Federal relationship in the sphere of control over local self-government.

In the modern Russian legislation already has quite clear rules for the distribution of powers and responsibilities in local governance between the two levels of government: state, control mechanisms over the activities of local self-government, the functioning of state structures at Federal and regional levels of government based on the principles of healthy coordination.

Accordingly, analyzing the theoretical research scientists in the field of constitutional and municipal law on this issue, we came to several conclusions:

1. Federal legislation of the Russian Federation in the development of constitutional guarantees of local self-government divides the powers of state authorities of the Russian Federation and state bodies of constituent entities of the Russian Federation, however, makes it very heterogeneous, going into detailed regulation of certain groups of public relations.

2. in some cases, the implementation of the principles of the Federal structure in the field of local self-government organization is limited only by a set of external attributes.

3. the Delegation of authority from one level of public authority to another appears to be poorly regulated from a technical point of view. In this area, there are quite significant gaps in legal regulation, as well as inconsistencies in certain provisions of the law.

4. Permanent cardinal changes in Federal legislation in the sphere of local self-government organization reveal the absence of deep traditions of self-government in Russia.

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**DECISIONS OF THE CONSTITUTIONAL COURT OF THE RUSSIAN FEDERATION  
AS A MEANS OF IMPROVING THE EFFICIENCY OF LEGAL PROCEEDINGS IN  
COURTS OF GENERAL JURISDICTION**

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**Annotation.** The article deals with the decisions of the constitutional Court of the Russian Federation. The distinctive features of these judicial acts are noted and analyzed. The article considers the significance of decisions of the constitutional Court of the Russian Federation in ensuring uniformity of judicial practice and their implementation by courts of all instances and all jurisdictions. Based on the research, the influence of decisions of the constitutional Court of the Russian Federation on legal proceedings in courts of General jurisdiction is revealed. The article highlights the features of this type of decision and their impact on ensuring legal certainty of legal norms and adjusting the current legislation.

**Keywords:** decisions of the constitutional Court of the Russian Federation, legal proceedings, judicial protection, court, law.

Judicial acts of the constitutional Court, as decisions that have a special legal status in the system of current legal regulation and law enforcement, constantly arouse interest in the scientific community. Many scientists, both theorists and those directly involved in the practice of constitutional judicial control, have devoted their works to highlighting the theory and practice of constitutional judicial control. Among them are: S. A. Avakyan, G. G. Arutyunyan, M. A. Baglaya, N. S. Bondar, N. V. Vitruk, G. A. hajieva, N. A. Zhilin, V. D. Zorkina, N. M. Kropacheva, V. A. Kryazhkova, L. V. Lazareva, A. A. Liverovskii, Luchina V. O., S. E. Nesmeyanova, L. A. Tkhabisimova etc. The constitutional court of the Russian Federation in its decisions makes a deep understanding, interpretation and adjustment of the current legislation taking into account the actual socio-political situation, which undoubtedly has an impact on the consideration of various cases in courts of General jurisdiction. The purpose of this work is to study the decisions of the constitutional Court of the Russian Federation and identify their impact on improving the efficiency of legal proceedings in courts of General jurisdiction.

The constitutional Court of Russia as a body of judicial constitutional control is designed to ensure the supremacy and direct effect of the Constitution of the Russian Federation in this regard, it makes its decisions in the form of resolutions. The decision of the constitutional Court of the Russian Federation according to the current legislation are not appealable and are final come into force after the Declaration (if the case was heard with the hearing) or from the date of publication (if the case was heard without a hearing) (article 79 FKZ "On the constitutional Court of the Russian Federation").

These judicial acts occupy a special place in the legal system of the state, both in terms of content and regulatory significance, and in terms of legal consequences. The decision of the constitutional Court of the Russian Federation, as a result of which unconstitutional regulations lose their force, have the same scope in time, space and people as the decisions of the legislative body, and therefore, the same as regulations, the total value that is not inherent in law enforcement by its nature, acts of courts of General jurisdiction. The constitutional Court of

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Russia, deciding on the case, gives an estimate of the position of the legislator, and its understanding of the law enforcers, based on the interpretation of the provisions of the Constitution, therefore its rulings are final and cannot be revised by other bodies or overcome by re-enacting unconstitutional statutes, and oblige all citizens, including other courts, to act in accordance with the legal positions set out in the decision. According to Professor G. G. Harutyunyan, the decisions of the constitutional court should not have legal force lower than the legal force of laws, taking a place in the system of legal acts that will contribute to the effective implementation of the protection of the constitutional system, human rights and freedoms [16, p. 6]. According to V. A. Kryazhkov, the decisions of the constitutional court as legal acts of a special kind are characterized by generality, binding and normative-interpretative nature [17, p. 207]. The relations regulated by them concern all subjects of legal relations and all spheres of society. Resolutions of the constitutional Court of the Russian Federation are universal in that they cover the spheres of various branches of law.

With regard to the current legislation, the constitutional Court of the Russian Federation has made a significant contribution to improving both substantive and procedural law, which could not but affect the judicial process as a whole. Since the resolution in hearings of various cases (judicial proceedings) shall occur in full compliance with the requirements of procedural law, but also rely on the substantive law identified in the decisions of the judicial constitutional control Russia, the new meaning of certain provisions of the current legislation or the recognition of some norms of the Constitution of the Russian Federation, made the courts of General jurisdiction in new to consider civil, administrative and criminal cases.

So, in the Resolution No. 7-P of 07.04.2015 [3] the Institute of compensation for property damage in the system of current legal regulation was subjected to legal analysis, as a result of which the possibilities of judicial protection of the rights of victims of crimes were expanded. The essence of the stated legal positions is that if the owner (in this case, the owner of the car) lost control of his property as a result of its theft (in this connection, objective conditions may be created for its subsequent theft by third parties), then the person responsible for the theft of the vehicle ipso facto assumes responsibility for the subsequent fate of this property, unless he proves that as a result of his actions, conditions were not created for the subsequent loss of his car by the owner. In the current system of legal regulation and in the sense given by judicial interpretation, the conditions that determine compensation for damage in the case of two consecutive, but at the same time independent criminal acts – theft and theft, do not provide an opportunity to provide compensation for property damage to the owner of the car by a person found guilty of car theft in connection with its theft and subsequent theft committed by another person, whose identity is not established. As a result, paragraphs 1 and 2 of article 1064 of the Civil code and paragraph "a" of part 2 of article 166 of the Criminal code were recognized as not corresponding to the Constitution of the Russian Federation, and legislative regulation in this area, respectively, must be consistent with the legal positions set forth in this Resolution. Within the meaning of this Decree, citizens who have suffered from such crimes now have an objective opportunity to receive compensation for damages under certain circumstances defined by these legal positions, which in turn also affects judicial practice when considering similar cases.

In another Resolution No. 10-P of 27.02.2020 [5], article 324 of the Criminal code of the Russian Federation was analyzed, which includes among the objects of criminal legal protection the order of management in the award sphere, protecting it from encroachments committed through illegal acquisition or sale of state awards. In determining the wrongfulness of such acts, the constitutional Court has pointed out that account should be taken of the legal nature of the state awards in their constitutional, legal and industry value, distinguishing, on the one hand, a state award as a legal act premium rights, reflecting the fact that the official promotion of specific citizen (intangible benefit), and, on the other hand, the sign of this award (e.g., medal or award), who plays her material embodiment and proof of legal status awarded. Also, the Court

noted that in law enforcement practice, it is necessary to establish both the formal criminal wrongfulness of the act provided for in this article, and the real degree of its public danger, determined taking into account the study of the entire set of factual circumstances of the case. The constitutional and legal meaning of this article of the Criminal Code of the Russian Federation, revealed in this Resolution, excludes any other interpretation of it in law enforcement practice. Thus, article 324 of the criminal code of the Russian Federation should be applied by the courts, from the moment of making this decision, only taking into account the legal positions set out in it, which makes a certain adjustment to law enforcement practice.

In its Decision No. 35-P of 23 July 2018 [6], the constitutional Court of Russia orders the Federal legislator to establish a legal mechanism for compensating expenses caused by inflation during the execution of the court decision, in view of the absence of such a mechanism in the current legislation. At the same time, noting that part 1 of article 208 of the civil code of the Russian Federation does not contain criteria for the implementation of indexing provided for in this provision. The decree of December 13, 2016 28-P [7] recognizing provisions certain provisions of the Civil code, the relevant Basic law said that the restrictions imposed by Federal law should not be excessive and to ensure the constitutional meaningful goals, in this connection, the Court pointed out the necessity of relevant amendments to the civil law.

In its Decision of 11 July 2017 No. 20-P [8] recognizing the provisions of article 111, part 5 of article 247 and of paragraph 2 of part 1 of article 248 of the Code of administrative procedure of the Russian Federation not corresponding to the Constitution of the Russian Federation, the constitutional Court established that continue to make necessary legislative changes to the relevant provisions of the administrative procedure Code of the Russian Federation are subject to application taking into account legal positions of the constitutional Court, set out in this Regulation (See also the Decision of the constitutional court of the Russian Federation №11-P/2017 from 13.04.2017) [9].

Thus, the decisions of the constitutional Court of the Russian Federation, as well as the legal positions expressed in them, have a direct impact on civil, criminal and administrative proceedings, since by adjusting the current legislation, they determine the law enforcement practice in courts of General jurisdiction when considering various cases.

In addition, it should be noted that the positive developments of the proceedings that occurred in the law of the state originated due to the work of the constitutional Court of the Russian Federation, which analyzed, improved and brought in line with constitutional regulations, legal acts, and continues to do so in the future, the number of erroneous judicial decisions had decreased considerably.

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**TO THE QUESTION OF THE CONSTITUTIONAL-LEGAL STATUS OF THE  
PROCUREMENT BODIES IN THE NORM-CONTROL SYSTEM**

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**Annotation.** The article is devoted to the study of the constitutional and legal status of the prosecution authorities, the analysis of the conceptual apparatus. A comparison is made with other types of control activities in the state that have a common subject - legal acts. It is noted that the normative control activity of the prosecution authorities makes a significant contribution to ensuring the supremacy of the Russian Constitution, the adoption of the principles of the rule of law and the rule of law in the state, ensuring stability and continuing state building. The conclusion about the independence and independence of the Prosecutor's Office as a state body, carrying out normative control over compliance with the Constitution of Russia and the implementation of laws in force on the territory of the Russian Federation, is substantiated.

**Key words:** state power, the status of the prosecutor's office, normative control, rule-making, prosecutorial supervision, public authority, legal relations, public authority, parliamentary control, constitutional reform.

The most important aspect of the activities of prosecution bodies, especially in the constituent entities of the Russian Federation, is the ensuring of the unity of the legal space, the struggle for the quality of standard-setting activities of public authorities. Despite the enormous work of the courts and the prosecutor's office in this direction, the problem is far from the final successful solution.

«Restoring order" in the existing system of legal acts that is still not fully effective, as «... abound with collisions, ambiguities, and gaps» [4], remains relevant. In this regard, of particular interest is the analysis of the normative control activity of the prosecution authorities, as well as the understanding of its constitutional and legal status as a normative control body.

We turn to the question of analyzing the category of «constitutional legal status». It is necessary to pay attention to a comprehensive encyclopedic definition: «the position of a body, organization, association, official, person drawn up by a regulatory act. Status characterizes their nature, place in the system of public relations and subjects of law, the most important rights and obligations, forms (order) of their implementation and the acts or actions taken at the same time» [2].

We note in the context of the problem of the uncertainty of the category and elemental composition of the constitutional legal status of a public authority, the point of view of I.V. Mukhacheva and M.I. Tsapko, who, analyzing the approaches and features of the study of the category of constitutional-legal status, stated: «Despite a significant number of works devoted to the analysis of the concept and content of the phenomenon of constitutional-legal status, including those performed at the general theoretical level, the range of theoretical questions considered in them is rare goes beyond the following three: formulating a definition, in the framework of an approach that is impressive to the author; resolution of the issue of the abstract and the concrete, the general and the individual in the phenomenon under consideration;

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determination of the structure and list of status elements with their subsequent description. At the same time, despite sufficient attention to the question of the relationship between the abstract and the concrete in the constitutional legal status, even a confident and unambiguous answer to it remains beyond the framework of the determination of the status structure. Often there is not only a mixture of elements that reflect the abstract and the concrete, but also the inclusion in the composition of the elements of independent legal phenomena that are not correlated with the constitutional status as a part and whole, but are a condition for the status to arise (this statement concerns, first of all, the discussion correlation of constitutional legal status and legal personality)» [3].

Thus, the problems of the constitutional-legal status of a public authority continues to be a debatable topic in state studies.

The term itself can mean quite diverse phenomena, or, on the contrary, can be considered as a single complex structural phenomenon.

It seems that it is necessary to agree with the argument of L.B. Soboleva, showing the conventionality of such a distinction, especially in connection with the etymological identity of the Latin term “status” and the Russian term «position», which, in general, is unconditionally recognized by all researchers considering these categories. We agree with L.B. Soboleva, in the following: «... giving different meanings to the same term in different languages can hardly be considered appropriate» [6, p. 19].

We believe it possible to agree with the assertion that «... with the legal characteristics of the subject of law, in any case, the contents of both the legal status and legal status are disclosed» [6, p. 19]. Thus, in the case of a category of status (position), it is more correct to carry out contamination rather than demarcation of concepts.

Thus, in the science of constitutional law, this category of «status» was initially interpreted as a complex and complex, sometimes a dichotomous phenomenon that went beyond the framework of the summarized system of legal rights and freedoms and legal duties and implemented a set of structural elements, for the list and grouping of which, a lot of controversy arose and arises. So, as an example of disputed elements, we point out, including, such as legal capacity, legal capacity, tort, guarantees of the exercise of rights and powers, etc.

Subsequently, a demarcation of the terminological meaning between the categories of «legal status» and «legal status» was proposed. At the same time, within the meaning of this proposal, the category of «legal status» was a simple conjunction of the rights and obligations of the subject, on the contrary, the «legal status» was a broader category and combined «all existing legal features and qualities of the subject of law», while status was a kind of core of the legal status of the subject of legal relations. Nevertheless, a certain convention of such a categorical distinction was further shown, especially in connection with the etymological identity of the Latin term «status» and the Russian term «position», which, in general, is unconditionally recognized by all researchers considering these categories.

So, the legal status of a state body essentially represents the normative and actual position of the body in the public law sphere, its role in fulfilling the functions of the state, its place and appointment in the state apparatus, its competence, which acts as a complex entity, combining objects of competence, authority and responsibility of a state body; as well as guarantees for the activities of a state body.

The constitutional and legal status of a state body, therefore, is a normative provision established by the norms of constitutional legislation and realized through participation in constitutional and legal relations, the actual position of a state body in the public law sphere, its role and place in the power relations system, its competence, which acts in as a complex education, combining the objects of competence, authority and responsibility of a state body; as well as guarantees for the activities of a state body.

Among the elements of the constitutional and legal status of a public authority that we have listed, with regard to the prosecution authorities, the most controversy is the place in the public authority system.

Numerous publications have been devoted to this issue, where the prosecutor's affiliation to various branches of government is proved very reasonably: the executive, the legislative, the judiciary, and the special, fourth, control.

Also, it is argued arguably: not belonging to any branch and even the conclusion that the very existence of «... bodies that do not fit into the separation of powers into legislative, executive and judicial, indicates that in these countries there is no separation of powers at all, either it is fundamentally violated» and there is a «insufficiently developed statehood» [6].

In this case, the traditionally debatable issue is the determination of the nature of the prosecutor's power and the position of the prosecutor's office in the system of separation of powers, since the Russian Constitution does not give an unambiguous answer to this question.

As a result, the point of view that the prosecution authorities can not be attributed either to the legislative, to the executive, or to the judicial branch of power prevailed in a relative degree [7, p. 589].

This situation sometimes gets a sharply negative assessment: «the existence in countries with underdeveloped statehood of such bodies that do not fit into the separation of powers into legislative, executive and judicial, indicate that in these countries there is no separation of powers at all, or it is fundamentally violated» [5].

However, such a harsh conclusion about «underdeveloped statehood», for example, of Russia is far from fair in everything. A certain discussion and specificity of the prosecutor's office in the system of separation of powers is a feature not only of the Russian state.

It is quite difficult to determine exactly the position of the prosecutor's office in the system of separation of powers in Russia at this stage. The most radical solutions to this problem in general may require the adoption of a new Constitution of Russia. Thus, taking into account the importance of the functions of the prosecutor's office in the future during the constitutional reform, it is necessary to clarify the position of the prosecutor's office in the system of separation of powers and the nature of the prosecutorial authority. It seems that this will necessitate a certain correction of the interpretation of the principle of separation of powers (Locke Montesquieu), which is reflected in the current Constitution of Russia.

Thus, we can talk about the presence of a full range of points of view on the prosecutor's office belonging to one of the branches, or not one of the branches of government. However, in the context of examining the constitutional legal status of the prosecutor's office as a whole, and in particular the place of the prosecutor's office in the public authority system, it's much more important, it seems, to determine not «network» affiliation, but to strictly observe the principle of independence of the prosecutor's office from any other public authorities.

Moreover, the ongoing controversy about the place of the prosecutor's office in the public authority system indicates, albeit indirectly, that the prosecution authorities are sufficiently independent in the exercise of their powers.

In this situation, consideration of the functions, place in the public authority system, competence, nuances of the order of establishment (appointment), transformation, liquidation (release) within the framework of the cumbersome legal structure of unspecialized constitutional and legal status will be formally true, but from a research point of view it is uninformative.

We believe that it will be much more efficient to isolate functional subsystems from a single system of constitutional and legal status in relation to those public authorities that carry out several significant functions. For example, for a legislative body it can be lawmaking, parliamentary control, etc., and thus, one could study the constitutional legal status of the legislative body as a legislative body, constitutional legal status of a legislative body as a parliamentary control body, and so on.

Of course, it is obvious that we are talking about the separation of the legal structure based on the function, but this is justified and only makes sense when the function is co-scaled in complexity, value, implementation of a large group or system of functions. In the above example, the legislative function or the function of parliamentary control is just that.

The hypothesis of this study is the adoption and further argumentation of the thesis that the normative control function of the prosecutor's bodies is significant in terms of the volume of its corresponding powers and the place in the system of functions of prosecutorial activity, which suggests that it is possible to distinguish between the constitutional legal status of the prosecutor's functional and normative subsystems. The basis for constructing a theoretical model for the analysis of normative control activities of the prosecutor's office will be the allocation of normative control from the general array of supervision over the implementation of legislation.

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Law is a living organism, and life is always more diverse than schemes. Moreover, the ongoing controversy about the place of the prosecutor's office in the public authority system indicates, albeit indirectly, that the prosecution authorities are sufficiently independent in the exercise of their powers.

The constitutional and legal status of a state body is its normative established by the norms of constitutional legislation and realized through participation in constitutional and legal relations the actual situation in the public law sphere. Note that, depending on the nature of the activities of the public authority, the analysis of its constitutional and legal status can be carried out either as a functionally unified, or with the allocation of certain aspects of the activity, if the activity has a multifaceted nature.

Of course, in the latter it is possible to carry out a comprehensive study that has its advantages, but the benefits of a distributed analysis of the function, especially if the specified function refers to a functionally complex system that includes other significant subjects of legal relations (for example, courts will act as such for normative control).

In this situation, consideration of the functions, place in the public authority system, competence, nuances of the order of establishment (appointment), transformation, liquidation (release) within the framework of the cumbersome legal structure of unspecialized constitutional and legal status will be formally true, but from a research point of view it is uninformative.

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The basis for constructing a theoretical model for the analysis of normative control activities of the prosecutor's office will be the allocation of normative control from the general array of supervision over the implementation of legislation.

As indicated by Yu.G. Arzamasov, there is internal normative control, interdepartmental, intraorganizational control, self-control in the rule-making sphere and external, «... which is carried out by control bodies and certain interested institutions of civil society» [1, p. 20-27].

Normative control itself can be defined as a system of constitutional and legal relations regarding the bringing of normative legal acts in accordance with the Constitution, as well as other normative acts having the highest legal force, improvement of normative legal acts, elimination of conflicts, elimination of legal and technical defects and, as a result, improving enforcement.

The specified normative control activity is carried out both by judicial contestation of the regulatory legal acts brought into conformity, by protesting by the prosecution authorities, by proposals to improve legislation, including in the framework of legislative activities.

The main conclusion of this study is the adoption and further argumentation of the thesis that the normative control function of the prosecution authorities is significant precisely in terms of the volume of its corresponding powers and the importance of the place in the system of functions of prosecutorial activity, and, therefore, it is possible to distinguish functional and constitutional status of the prosecutor's office in the system - normative control subsystem.

Based on the foregoing, it can be stated that when analyzing the constitutional and legal status of the prosecutor's office as a body carrying out normative control activities, a group of functions corresponding to the indicated activity is determined, the position of the prosecutor's office in the system of regulatory control bodies, the corresponding part of competence, the list of competencies and powers, guarantees for the implementation of regulatory control and liability for violation of standards on regulatory control.

The above elements will form the system of the functional constitutional and legal status of the prosecutor's office as an organ of normative control. Similarly, for research activities, a model of another group of functions related to the general (generic) supervisory function and so on can be formed.

Determining the position of the prosecutor's office in the system of separation of powers in Russia at this stage is quite difficult. The most radical solutions to this problem in general may require the adoption of a new Constitution of Russia. Thus, taking into account the importance of the functions of the prosecutor's office in the future during the constitutional reform, it is necessary to clarify the position of the prosecutor's office in the system of separation of powers and the nature of the prosecutorial authority. It seems that this will necessitate a certain correction of the interpretation of the principle of separation of powers (Locke Montesquieu), which is reflected in the current Constitution of Russia. However, the ongoing controversy about the place of the prosecutor's office in the public authority system indicates, albeit indirectly, that the prosecution authorities are sufficiently independent in the exercise of their powers.

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## MULTICULTURALISM AND NATION-BUILDING IN CONTEMPORARY KAZAKHSTAN

*Punit Gaur*

### **Introduction**

The complexity of multiculturalism has always been central to the political concerns of European countries since 19<sup>th</sup> century. It enfolds various different concerns like language, migration, ethnicity, citizenship and religion. All these dimensions preponderate with conflicting political circumstances. It reproduced anxiety in different countries and its peoples. After the break-up of Soviet Union in 1991, and the revival of ethnic nationalism in the East, revealed the questions of transference of power from central national governments to regional based sub-national groups and the possibilities of power-sharing at the centre. On the other hand, in the era of globalization where East meets West and South meets North, creates another complex dimension

of multiculturalism based on continuity and discontinuity. Multiculturalism also deals with the growing numbers of geopolitical situation in the context of Eurasian integration. Most recently, in the wake of religious extremism in the world and the ensuing contention of super powers like U.S.A., China and Russia at large, created another debate on multiculturalism. It is also concerned with the hazards posed by different countries on border issues. Most often under the concept of multiculturalism questions of ethnicity, religion and nationality are addressed. Although it is also important to take into account cultural differences through such measures as gender, age, disability, and other aspects of identity and social equality. The concept of multiculturalism comes into complex and ambiguous relationship with the ideology of nationalism. The issue of nationalism is associated with aspects of ethnic and national identity, particularly acute in the era of social transformation. The purpose of the present research is the implementation of a sociological conceptualization of multiculturalism as a policy concept and to understand the social practices of intercultural interaction in a transformed society.

It was mid of 20<sup>th</sup> century when in developed countries a new dimension of relationship between citizens and the state was formed primarily based on value and legal system, and it created another form of interaction between citizen, the state and society. In this context protection of the constitutional rights and freedom of citizen irrespective of their nationality, civil unity of the society, peace, nonviolence and tolerance are some of the attributes of this new dynamics. On the other hand it also created a situation where the political and ideological discussion of diversity in negative sense also took place which is the part of demographic deviance, migration policy, matter of citizenship, language differentiations and economic and territorial-political conflict.

Multiculturalism being a social phenomenon is based on intercultural communication, as its ideological platform and the end result. The problems of multicultural interactions must be considered in conjunction of a number of approaches. Evolutionist, functionalist and interpretative model, reveals the laws and principles of intercultural communication in the

dynamics of socio-cultural changes on the macro level and in everyday interactions, enriched by the prospect of social criticism, which sharpens the problems of inter-ethnic conflict, inequality and discrimination. The conceptual framework of critical social theory not only reveals the causes and characteristics of conflicts at the level of the institutions of power, employment, education, social support, but also at the level of hierarchy of ethnic differences and ethnic groups in everyday situations and the systems of everyday social practices.

The domestic experience of managing a multiethnic state, the concept of nation-building and national policies contain both achievements and shortcomings that need to be assessed in the context of modern migration processes, issues of citizenship and new forms of ethnic inequality. Awareness of the multiplicity of contemporary identities should be supported by the ideology and practice of positive cross-cultural interaction. The policy of multiculturalism, concerning all aspects of public life in the first place and culture can alleviate social inequalities and prevent conflict. Multiculturalism as a policy and practice is formed at various levels: the individual experiences in daily life, culture, media, institutions and organizations, law and public policy.

International theory and practice of multiculturalism has a number of contradictions, caused by political differences and the complex nature of social reality that is difficult to take into account when planning the legal conditions for social integration. Multiculturalism as a new principle in the field of culture, ethnic relations, and public policy is contrary to the ideology of the nation-state, speaking of post-national strategy. In the modern democratic state there is a crisis of traditional views on human rights with the attempts to use universalistic norms in multiethnic communities leading to conflict.

The concept of "multiculturalism" is generally used in three perspectives. One is political, in which the opinions are "for" or "against" the policy of multiculturalism and the corresponding control method, and followers and challengers use the phrase. It is in this context in Canada in 1960 the concept originated. Second context is empirical, descriptive or analytical in nature. It takes place in scientific works and in the public debate, involving the various manifestations of cultural heterogeneity of society, and is most closely associated with the emergence of "multicultural society." The third relates to the context of social and political philosophy, to social and political order and human rights in the heterogeneity of the culture of a society (Therborn, 2001).

In terms of origin, and social dynamics there are four main types of multicultural societies. The first form includes pre-modern empire. Pre-modern empires were only by mishap, if ever aspired to be in cultural amalgamation of their topics. These empires were shaped as a result of invasion; imperial rule demanded from its subjects only acquiescence and reception of its rule, the tribute and / or taxes. As a rule, these empires were highly religious, linguistic and authoritarian in nature. This type of society existed in Eastern and Central-Eastern Europe in the framework of Polish-Lithuanian Union, Habsburg and Romanov, the Ottoman Empire, which included most of the Arab world, in the Persian Empire, the Mughal Empire in northern India and had larger and more unified core in the Chinese Celestial Empire. The previous pre-modern empires were abandoned during the First World War. Communist Soviet Union and communist Yugoslavia started mono-cultural multinational state after the Second World War (Therborn, 2001).

The second type of multicultural societies is - the settlement of the New World. As both America and Australia suffered depopulation as a result of the genocide that occurred mainly due to the European invasions and spread of germs and infectious diseases, but also as a result of deliberate violence, and were re-settled as a result of large-scale immigration from Europe. With the exception of Guatemala and Bolivia the majority of present inhabitants of the New World are from Europe. But there was exceptions like Ecuador and Peru which was located in the Andes, and in New Zealand aborigines and make up more than 10 percent of the population. The

Europeans went to America for, developing the idea of the "melting pot" in which representatives of various ethnic groups remelted into a single American identity.

The third type is countries in the former colonial zone. It was the province stretching from West Africa across the Indian sub-continent and the archipelago of Southeast Asia to what is nowadays called Papua New Guinea. This region was dominated and subjugated by the European authorities, but has not undergone such a strong depopulation and moved similar to what was in the New World.

The fourth, the modern type of multicultural societies concerns the post-national multiculturalism. The modern concept of multiculturalism is generated by a cultural dynamics, which was neither pre-national, as in the pre-modern empires, nor creates the nation as in the New World. It is a post-national scenario as occurred after the successful creation of the nations, and takes place in the borders of nation-states. Its development is due to the massive spread of higher education in the 1960s and the new audio-visual and musical popular culture.

Post-national multiculturalism is sporadic and variable and is often the consequence of self-affirmation of ethnic groups, while other types of multicultural societies, especially the pre-modern empires were in this respect more static. Multiculturalism was in such societies more inherited than re-emerging. At present, mass communication and the capacity for mass engagements create conditions for novel arrangements of "cultural hybridization".

In this context the debate between diverging and converging narratives, against and in support of the applicability multiculturalism, has produced almost opposing trends in academia, government policies and societies. Where amalgamation, assimilation, inclusion or incorporation are some of the words illustrating the converging narratives; inequality, segregation, exclusion or religious extremism emphasise the diverging narratives counter to the ethos of multiculturalism.

This debate becomes imperative given that most modern states today are, at least to some degree, culturally diverse. Such deliberations gain further significance in societies and states with established variability in terms of cultural traditions, language, migration patterns, citizenship and religion, with multiple ethnic groups residing there. These multiple identity defining notions become more vital not only for personal and group identity formation but also for the larger project of nation building.

One of the Central Asia's most pregnant lineaments, in this context, is its ethnic and cultural diversity. Complex historical processes have created ethnically diverse states, which have had an enormous influence on the current shape of the region. Human beings invent their identity through the culture which socialized them. The concept 'civilization' refers to a collective, plural and non-hierarchical phenomenon, since every civilization has been enriched by contacts and exchange with the other. History is a shared experience. Historical relationship exists between nomadic and sedentary peoples, existing in pretty diverse environments-steppes and oases- played a significant part in determining the cultural diversity of Central Asia and made an important contribution to its originality. On the territory of Central Asia for thousands of years thrived various civilizations that have left unique master pieces of material and spiritual culture.

Thirty years have passed since the Central Asian republics received their independence. This 30<sup>th</sup> anniversary is an excellent occasion to stare at how these states are organizing the state-building practices and in particular what symbolic or ideological defenses they are extending for their action.

The dynamics and apparatus of ethno-political courses in post-Soviet Kazakhstan raise questions of ideology and politics of social stability of multi-ethnic societies. In justifying the new strategies of multiculturalism, the researchers argue that political decisions for the Prohibition of extremism cause new global risks and challenges to the culture of peace and tolerance (Agamirov, 2004).

This study focuses particularly on Kazakhstan which is going to celebrate its 29<sup>th</sup> anniversary of the state independence and sovereignty. The regaining of Kazakh national statehood coincided with disintegration of Soviet Union, which resulted in the formation of fifteen new independent states. Cummings (2005) states that Kazakhstan was born by default as the republic's independence from the Soviet Union in 1991 was neither the result of secessionist demands by its leadership, nor a national liberation movement; it resulted from the decision by Moscow to withdraw its maintenance of the Soviet edifice. But historically, present day Kazakhstan is the result of centuries-long emerging and fading of tribes in the vast steppe between the Altai and Volga. In this context the development of separate statehood was prolonged, due to the nomadic lifestyle of the tribes living on the territory and to numerous penetrations from outside, ethnic migration movements and, last but not the least, due to everlasting inner struggles for power among various Kazakh tribal groups.

Historically part of the Russian Empire, Kazakhstan, as its margin to the early twentieth century existed under the pre-modern empire; the USSR began to create in the republic another reality, which is called mono-cultural multi-ethnic state. After independence, the type of society that is generated in Kazakhstan can be attributed to the fourth type of multicultural society - a post-national. However, this is not the post-national multiculturalism in its purest form. However, the experience of interaction between different cultures in the Republic of Kazakhstan has its own characteristics. The first is connected with the presence of a republic within the Soviet Union, which Western analysts refer to as mono-cultural multi-ethnic state. In the Soviet period, multi-ethnic composition of the republic was finally formed. Although expansion was intended on the pattern of monoculture in Kazakhstan, But there was a further stripe of development, which, performing on the "informal" domestic echelon has been directed on interface and common enrichment of cultures. Examples of this can be found in cultural life of modern Kazakhstan.

Inter-ethnic collaboration in the Kazakhstan has undergone noteworthy changes in recent past. In the course of economic and political reforms, new social groups generated in society approved by free-thinking and tolerance. The democratization of society has created conditions for the restoration and advancement of culture and languages of Kazakhstan's peoples. This expansion is supported by the people of all ethnic groups in Kazakhstan, which is the sign of the coordination of interethnic associations.

It raises two pertinent challenges: the degree to which cultural diversity could be 'accepted or tolerated' and how well cultural diversity could be accommodated. Aside to the state efforts, there is needed to explore the experiences in everyday life of these societies and people living there, through the lens of multiculturalism. In this context this study deliberates on a demographic depiction, an ideology, a set of policies and principals and a political theory of modern society to explore the nuances of multiculturalism in Kazakhstan.

#### **Multiculturalism and ethnic identities in Kazakhstan**

Contemporary Kazakhstan has more than 130 ethnic groups and 17 religions hence the issue of inter-ethnic relation and social cohesion gains more significance and can be understood with the historical demographic settlement in Kazakhstan. Kazakhstan, situated in the heart of the Eurasia, has very rich cultural diversity which can be described in the context of different ethnic identities. It is also a known fact that before it became the part of first the Russian empire and then Soviet Union, Kazakhstan was almost homogenous, there was only Kazakh nation or dominance of Kazakh tribes which were nomadic in nature.

According to first census in 1897, Kazakhs were almost 82 percent of whole population. The demographic composition of the population living on the territory of today's Kazakhstan changed radically since the end of the nineteenth century. According to the census of 1897 (by this time many Russians had migrated to the Kazakh steppe), Kazakhs still comprised 81.8 percent of the total population of 4.1 million. Russians accounted for 11 percent of the

inhabitants, and other ethnic groups 7.2 percent. Continued massive immigration of settlers raised the Russian share to 29.6 percent by 1917, by this time Kazakhs had fallen to 58.5 percent (and “others” had increased to about 12 percent). A key event that shaped Kazakhstan’s demography in the twentieth century was the collectivization of agriculture, which in the case of Kazakhstan also meant massive forced sedentarization. In the period from 1929 to 1936 alone, famine and other causes reduced the number of Kazakh households from 1,233,000 to 565,000.

The major cause of the famine was the precipitous drop (almost 80 percent) in the number of livestock in Kazakhstan. This was especially serious as animal husbandry was the core of the Kazakhs’ livelihood and source of food. Out-migration from Kazakhstan, some of it to China, also contributed to loss of population. During the Soviet period, the ethnic composition of Kazakhstan’s population also changed due to number of factors many of which were brought by presence of large numbers of non-Kazakhs into the republic.

Most significant amid these migrations included the deportation of “penalized peoples” to Kazakhstan in the 1930s and early 1940s, with Kazakhstan as a site for prison labour camps, the Virgin Lands program of the late 1950s, and a long-standing policy of All-Union ministries’ dispatching workers from other regions of the USSR to Kazakhstan. By around 1960, the Kazakh share of the republic’s population reached its low, about 30 percent. By this time the Russian share had grown to almost 43 percent, and the total Slavic share (including Ukrainians, Belarusians, and Poles) was around 52 percent. In addition, the German population, mostly deported to the region during World War II, had grown to 7 percent. Primarily due to their relatively high birth-rate, by the time of the last Soviet census 1989, the percentage of Kazakhs had substantially recovered, to around 40 percent. By this time, the Russian share (over 37 percent) had fallen to less than the Kazakh, and other ethnic groups – including about 7 percent non-Russian Slavs (mostly Ukrainians) and almost 6 percent Germans – accounted for the remaining approximately 22 percent. No other individual ethnic group accounted for more than about 2 percent of the total.

One of the most important facts about Kazakhstan’s demography at the end of the Soviet era is that while Kazakhs accounted for over 57 percent of the republic’s total rural inhabitants, in urban locales they barely exceeded 27 percent. Taking the republic’s urban areas as a whole, Russians (almost 51 percent) outnumbered Kazakhs by a ratio of almost 2:1. On the other hand, in rural areas, the Kazakh share of about 57 percent meant that they outnumbered Russians (under 20 percent) by almost 3:1. The combined Ukrainian and German share of the urban population was about 11 percent, with the remaining approximately 11 percent split among many other ethnic groups.

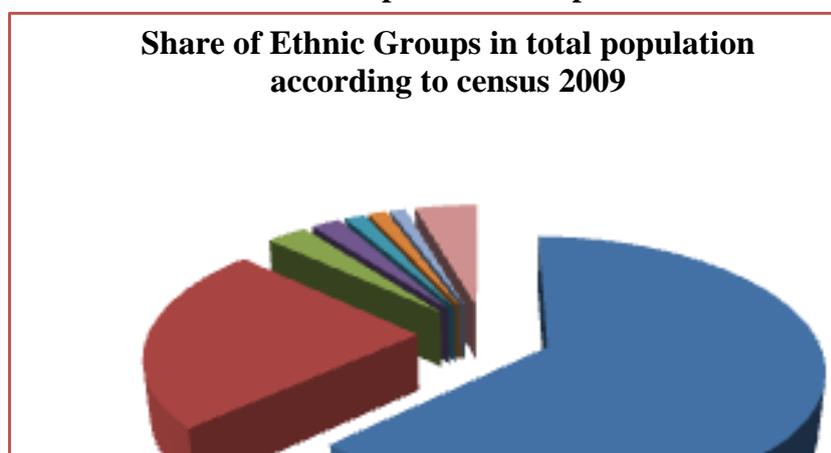
**Ethnic Composition from 1897 to 1989**

| <b>Nationality</b> | <b>1897</b> | <b>1911</b> | <b>1926</b> | <b>1939</b> | <b>1959</b> | <b>1970</b> | <b>1979</b> | <b>1989</b> |
|--------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
|                    | <b>%</b>    |
| Kazakh             | 73.9        | 60.8        | 59.5        | 38.0        | 30.0        | 32.6        | 36.0        | 39.7        |
| Russian            | 12.8        | 27.0        | 18.0        | 40.2        | 42.7        | 42.4        | 40.8        | 37.4        |
| Ukrainian          | *           | *           | 12.4        | 10.8        | 8.2         | 7.2         | 6.1         | 5.4         |
| German             | -           | -           | 0.7         | 1.5         | 7.1         | 6.6         | 6.1         | 5.8         |
| Tatar              | 1.1         | 1.1         | 0.7         | 1.6         | 1.5         | 2.2         | 2.1         | 2.0         |
| Uzbek              | 1.3         | 1.1         | 3.2         | 1.7         | 1.1         | 1.7         | 1.8         | 2.0         |
| Belarusian         | *           | *           | -           | 0.5         | 1.2         | 1.5         | 1.2         | 1.1         |
| Uyghur             | -           | -           | -           | -           | 0.6         | 0.9         | 1.0         | 1.1         |
| Korean             | -           | -           | -           | -           | 0.8         | 0.6         | 0.6         | 0.6         |

**Source:** The Agency on the Statistic of the Republic of Kazakhstan

After the demise of Soviet Union, there have been two censuses in Kazakhstan in 1999 and 2009. Between these two censuses the population of the republic increased by 1028.3000 people, population growth in comparison with the previous census in 1999 was 6.9 percent.

### Share of Ethnic Groups in Total Population-2009



**Source:** the Agency on the Statistic of the Republic of Kazakhstan.

According to 2009 census, Kazakhstan as a multi-ethnic state, hosts over 130 ethnic groups and nationalities. Numerically larger (exceeding 1 % of the total population) ethnic groups are: Kazakhs, Russians, Uzbeks, Ukrainians, Uyghurs, Tatars and Germans, which account for 95.6 % of the total population. Kazakhs (63.1 %) and Russians (23.7 %) account for the largest shares of the total population with Uzbeks (2.9 %), Ukrainians (2.1 %), Uyghur (1.4 %), Tatars (1.3 %), Germans (1.1 %) and other ethnic groups accounting for 4.4 % of the population.

Ethnic identities in the context of multiculturalism are significant tools to understand the relation between ethnic minorities and dominant ethnic group. The settlement of ethnic groups and status of their language, religion and relation with each other are important factors to understand the relation between ethnic identities and multiculturalism.

Various ethnic groups and their relation with each other and particularly with Kazakh ethnic group would be important to understand whether multiculturalism contributes constructive or deconstructive elements in today's Kazakhstan. Thus it can be said that discussion of multiculturalism cannot be separated from issues of nationhood and national identity which is particularly based on ethnic identity in Kazakhstan. To maintain democracy and social cohesion in today's Kazakhstan it is important to understand the main challenges of multiculturalism in Kazakh society. The aim in Kazakhstan is to develop a kind of policy related to nation and ethnic groups which is conducive to the concept of multiculturalism.

#### **Challenges of multiculturalism in Kazakhstan**

In today's world there are many multicultural states. Question is that how these states can achieve peaceful coexistence and harmony? It has become more significant when every ethnic group and religion has their own interests and it has become a challenge for the nations to ensure coexistence of all these various groups integrated with the processes of nationalism.

It is believed that in the twenty five years of independence, Kazakhstan has formed a special way of interethnic relation. Kazakhstan model of ethnic and religious tolerance provides a ground where it could be understood how a nation with different ethnic groups could be multiculturalist in nature and what challenges it faces to maintain independence and territorial integrity. It depicts a picture on how to maintain inter-ethnic and inter-religious peace with economic and political stability along with these challenges.

In addition, it is impossible to ignore the fact that approaching its 25<sup>th</sup> year of independence; the ethnic structure of Kazakhstan's society has changed significantly. In the census of 2009, the share of Kazakhs in the population reached 60.4 percent (9.5 mln. people); the share of Russian is 24.5 percent (3.8 mln. People), the other ethnic groups accounted for 15.1 percent. Over these years the number of representatives of European ethnic groups almost doubly reduced at the same time the number of representatives of Asian ethnic groups increased by almost doubling. All these changes, continuing to this day, inevitably impact interethnic relations in the country and require continuous monitoring of various challenges of multiculturalism like language, migration, citizenship, education, religion and etc.

#### **Language Policy:**

The President of Republic of Kazakhstan N. Nazarbayev asked Kazakhstanis to speak at least three languages, Kazakh, Russian and English. He emphasized on '*Knowledge of the three languages is our future. The world becomes more globalized, and future generations need to be able to adjust to a multilingual environment*', at a meeting with journalists from Kazakhstan's leading mass media.

He also stated in his Address to the people of Kazakhstan:

*'Kazakhstanis have started to learn the state Kazakh language with respect and dignity. We will keep developing the Russian and other languages of ethnic groups living in Kazakhstan. For a citizen of the modern Kazakhstan, knowing three languages is essential to his prosperity. Therefore, I believe that by 2020 the number of people speaking English should reach at least 20percent of the population.'*

As 2009 census data shows that 14,965,600 people (93.5 percent) selected their ethnic language as their native language; 1,044,000 thousand people (6.5 percent) chose another ethnic group's language as their native language. 98.9 percent of Kazakhs, 98.8 percent of Russians, 96.3 percent of Dungans, 95.4 percent of Uzbeks, 92.8 percent of Turks, 92.4 percent of Tajiks, 85.0 percent of Uyghurs, 77. 8 percent of Chechens, 73.7 percent of Kyrgyz and 73.4 percent of Azerbaijanis selected their ethnic language as their mother tongue. Only 51.0 percent of Tatars, 36.0 percent of Koreans, 17.0 percent of Germans, 15.8 percent of Ukrainians, 13.0 percent of Belarusians and 9.3 percent of Poles selected their ethnic language as their mother tongue. During the census, special attention was paid to Kazakh, Russian and English language skills to identify the extent of knowledge of each of these languages.

**Population by ethnic group and native language**

| Country wise Population | Population size of this ethnic group, thousand persons | Marked the native language, thousand persons |                   | Share, in %                 |                               |
|-------------------------|--|--|-------------------|-----------------------------|-------------------------------|
|                         |  | own nationality                              | other nationality | language of own nationality | language of other nationality |
| <b>All population</b>   | <b>16009.6</b>   | <b>14963.0</b>                               | <b>1046.6</b>     | <b>93.5</b>                 | <b>6.5</b>                    |
| Kazakhs                 | 10096.8  | 9982.3                                       | 114.5             | 98.9                        | 1.1                           |
| Russians                | 3793.8   | 3748.3                                       | 45.5              | 98.8                        | 1.2                           |
| Uzbeks                  | 457.0  | 435.8  | 21.2              | 95.4                        | 4.6                           |
| Ukrainians              | 333.0  | 52.5   | 280.5             | 15.8                        | 84.2                          |
| Uigurs                  | 224.7  | 190.9  | 33.8              | 85.0                        | 15.0                          |
| Tatars                  | 204.2  | 104.2  | 100.0             | 51.0                        | 49.0                          |
| Germans                 | 178.4  | 30.4   | 148.0             | 17.0                        | 83.0                          |
| Korean                  | 100.4  | 36.1   | 64.3              | 36.0                        | 64.0                          |

**Source:** the Agency on Statistics of the Republic of Kazakhstan

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8,992,200 people (74.0 percent) of population aged 15 and above know Kazakh language, including 4,320,200 men or 75.3 percent of all men and 4,672,000 women or 72.8 percent of all women. Kazakhs in the age group 15 years and above (7,320,418) selected the following extent of the Kazakh language skills: 7,198,880 (98.3 percent) people understand spoken language, 6,986,634 (95.4 percent) read well and 6,819,898 (93.2 percent) write well. Along with the state language, the Russian language is used widely, as evidenced by the following data: 11,471,000 (94.4 percent) people aged 15 and above understand spoken language, 10,724,900 people (88.2 percent) read well, 10,309,500 people (84.8 percent) write well. In urban areas, the level of Russian language skills is higher than in rural areas.

Western scholars always point out the collapse of any political activities which would protect ethnic minority interests in Kazakhstan, excluding those which are under state support. In this context Peyrose also avers that any alteration in the status of ethnic Russians in Kazakhstan would effect in a diverse response to their minority status: “passive allegiance to a new state, elucidated by the establishment of the linguistic or cultural integration and the progress of a double Russian-Kazakh identity”. The latter entail unforeseen practices of building inter-ethnic relations (S. Peyrose, 2007).

Few works on the challenges of language implementation in Kazakhstan have dwelt upon the quintessence of Kazakh as well as Russian nationalisms as “language of ethnic continuity and also of radical change” (Hutchinson 2004). J. Hutchinson persists that nationalists are capable to rationalize innovation because of the “layered” nature of the ethnic history and at the same time because of their mobility to craft a new identity on the foundation of previous one and to legitimize new national ventures. The state itself is unable to build a new ideology but the state can use creative perspectives of political and cultural identities for its own objectives and thus propose more attractive thoughts to the country’s population.

The language which offers a prospect to be a part of the society and entrance to better living values is one of them. In the same way, before the breakdown of the Soviet Union, the Russian language had been the “key to the door” that guides to extensive opportunities for a brighter prospect. Subsequently the collapse of the USSR, the shift of the Russian language dominance to that of Kazakh in a new independent republic appeared to be unavoidable. The state and the society thrived in supporting this process comparatively peacefully. The post-Soviet Kazakhstan changed from the publicly entrenched Russian as a lingua franca to the linguistically “less developed” native Kazakh during the first decade of Kazakhstan’s independence.

There are copious matters that would be addressed in this context such as what were the political plans (particularly, the dilemma of the status of Kazakh as the state language) of Kazakh leadership in terms of nation building processes in Kazakhstan? To what level, given that these agendas were practical, was the state eager to admit some of the Kazakh nationalists’ stress to make their own program more striking? Lastly, is it possible to estimate the position of the state in the execution of the Kazakh language and single out the key reasons that have determined the procedure?

In this context according to the Language Law (1989) and Constitution of Kazakhstan, Kazakh is the state language, while Russian is declared to be the language of interethnic communication - a term which the Russians of Kazakhstan are not pleased with. President N. Nazarbayev, who deeds to hold the multi- ethnic country together, has proposed that Russian be made an “official” language, although still mediocre in status to Kazakh. Only 2 percent of Russians and 40 percent of ethnic Kazakhs in Kazakhstan maintained to be convinced in Kazakh in 1992.

While some Slavic movements, such as LAD, campaign for making Russian the second state language, more moderate Slavic activists protest not so much against the law as such, but about its violation by administrative bodies resulting in the reduction of job opportunities for Russian-speakers, especially in regions where Russians constitute a minority. In December 1992,

15,000 demonstrators in Northern Kazakhstan demanded that Russian should be recognised as a second state language. In December 1994, the Parliament of Kazakhstan refused to discuss the status of Russian as a second state language. This issue remains an important political issue in Kazakhstan.

### **Migrations:**

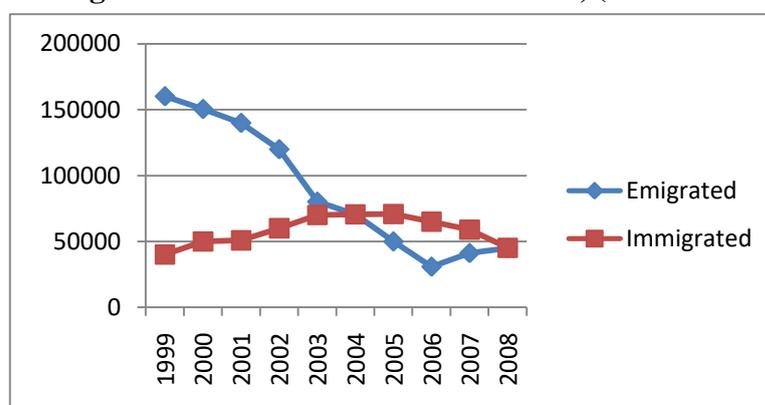
Analysis of inter-ethnic situation shows, that in Kazakhstan the main cause of adverse demographic and migratory trends are of socio-economic nature. In addition, the elimination of previously existing cultural symbols (crumbling of internationalism, a sense of a unified country in the former Soviet Union and the dominance of Russian language and culture, etc.), approval of new cultural values (growth of Kazakh ethnic consciousness, the expansion of the scope of the national language, renaming settlements), brought a deep sense of dissatisfaction among the majority of the Slavic population. Psychological distress was one of the important factors of emigration of Russian-speaking population.

Despite this inter-ethnic situation, the country remained relatively stable. According to the expert survey, among the factors that can destabilize the social life, ethnic relations took only eighth place (Arinova, 2001). The consequence of migration and demographic processes reduced the number of non-Kazakh nationalities and increased the number of Turkic peoples, which stimulated the ethnic and demographic polarization between the largest ethnic groups of Kazakhstan's society, Kazakhs and Slavs.

In this context, the ethnic composition of Kazakhstan's population is divided into major groups such as Kazakhs, Russian and ethnic minorities. Each group has specific relevance to the Kazakh nation-state identity. The Kazakhs have identified themselves with Kazakhstan, as they considered it as the only country where they can achieve the national and state identity. The Russian population in their identification strategy went for a compromise between Kazakhstan and Russia. They are less integrated into the public-political life, as well as distant from the political, economic and socio-cultural resources of power. In the sphere of interethnic relations, they are more worried about the problems of language, education, representation in government (Kurganskaya, 2001:29).

Substantial changes in migration patterns in Kazakhstan took place during 1999-2008 but it was in contrast to the previous one in many ways. For example, there was a shift in the emigration trend in 2007, when evacuation started to cultivate. Migration dynamics upturned in 2005, when inflows of people started to fall. Migration of educated and younger population happened in 2007-2008. Immigration - especially of Kazakh ethnicity – started to decline significantly from about 2005.

**External Migration in Kazakhstan in 1999-2008, (Number of People)**



Source: Agency on statistics of the Republic of Kazakhstan

Large outflow of Russian and other ethnic groups took place in 1999-2006. Huge inflow of ethnic Kazakhs to Kazakhstan took place in the same period. However, the process of gradual lowering of emigration from Kazakhstan reversed in 2007, as the most educated (with higher education) and young population groups emigrated. Increase in the outflow of the most mobile part of population occurred in 2007. This fact proves the point that people in Kazakhstan adjust rapidly to economic incentives by migrating to country with relatively higher wages and better employment.

#### **Dual Citizenship:**

With regard to the issue of citizenship, another interesting policy of the Kazakh government has been the call for immigration of ethnic Kazakhs living outside the country to Kazakhstan. After gaining independence, the Kazakh government adopted a policy to welcome Kazakh residents in other countries 'back to the homeland'. It has been estimated that there are more than 3.5 million Kazakhs living outside Kazakhstan in 30 countries worldwide. In 1992 alone, more than 60,000 Kazakhs migrated from Mongolia and other CIS states and resettled in Kazakhstan with the financial aid of the Kazakh government. As Liu argues, "... such policies certainly have serious consequences for inter-ethnic relations. Excessive assertion of ethno-nationalism of the titular nationality is at odds with the goal of ethnic harmony", Liu further states that:

*"Ethnic Kazakh immigrants are known as oralmans – a term essence "people who came back." They come from athwart Asia – largely from former Soviet republics, but also from countries such as Afghanistan and Mongolia. The Kazakh government has encouraged the Kazakh Diaspora to come back since 1993. Many of today's oralmans are descendants of expatriates who fled Soviet collectivization makes in the 1920s and 30s. Others, such as most Kazakhs in Uzbekistan, basically found themselves outside the Kazakh SSR as a consequence of Moscow's infrequent shifting of Central Asian borders during the Soviet era."*

Compared to the Kazakhs living in Kazakhstan, as Zardykhan argues, the repatriated Kazakhs are believed to have stronger nationalistic feelings. He states:

*"In particular, those who came from non-USSR countries such as China, Mongolia and Turkey are bound strongly to Kazakh language and traditions. As a means of Kazakh nation building and to balance out the heavy population of Russians in northern districts, many of the newly repatriated Kazakh families were distributed in northern and eastern districts and to big cities with large Russian populations. For instance, almost no Kazakh family from Mongolia was settled in Shymkent, one of the most Kazakh-populated cities."*

In Kazakhstan, the 1995 constitution granted citizenship to anyone residing in Kazakhstan at the time of the collapse of the Soviet Union. This is a civic and inclusive form of action. However, Kazakh government's call for immigration of ethnic Kazakhs residing in neighbouring and other countries of the world 'back to the homeland' is a policy based on 'assumed blood ties' a crucial sign of a primordial approach in politics which inevitably leads to the strengthening of ethnic fragmentation in terms of the insiders and outsiders in the republic (Geertz, 1973).

#### **Education:**

After its independence, Kazakhstan had to build a basis for a common identity for its citizens, and among other things, this required implementation of policies related to promotion of the culture of Kazakhs and other nationalities by education. Thus, education has been an important instrument in shaping the new generations of the country. The policies chosen and followed by the government give clues about the type of nation-building in Kazakhstan, since it determines the long-term intentions of the state apparatus.

In Kazakhstan, the education system consists of Kazakh-medium and Russian-medium schools, besides 3.3 percent minority language schools which Uzbek, Uygur, Tajik, German, Tatar etc. that school children attend. Parents have the freedom to determine the language of their children's education. The curricula in these schools are identical and it is only the medium

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which is different. Second by languages - Kazakh in Russian-medium schools and Russian in Kazakh-medium schools - are educated as obligatory school subjects from grade one. Furthermore, school alumnae have the choice of enduring their education in universities in Kazakhstan or of going to Russia to study. These efforts of encouraging Kazakh language are accompanied by 'Kazakhization' policies. New school textbooks are written in line with the new ideology and teachers are required to use the Kazakhistani books (although of course many schools still use the Russian and old Soviet texts alongside the new ones) (Smagulova, 2005: 6-7).

However, Russian language has been dominant in Kazakhstan and its public life. According to 2009 census, more people still know Russian well than any other language. To illustrate, 75 percent of all population are fluent in Russian. The number of Kazakh language schools is rising, while the number of Russian schools is declining. The number of Kazakh schools was 2,768 in 1991 (34.1 percent of all), which increased to 3,357 in 1999, and the number of Russian schools decreased from 3,641 to 2,412 in the same period (Olcott, 2002: 178). On the other hand, difficulties in the education system of the country increased due to the new language policy. Since there is a lack of Kazakh textbooks, and there are fewer competent people to teach technical subjects in Kazakh as the curriculum requires. As a result, there is need for competent staff and translating and writing textbooks, manuals in Kazakh language.

It is not uncommon that the people who are fluent in Kazakh lack the technical vocabulary necessary to change their instruction language, because most Kazakhs received their higher education in Russian. Besides, in rural places, lack of staff is the main problem, as the rural areas are unattractive especially to younger teachers (UN Development Report, 2004). Russian is also still the dominant language of higher education. For example in 1999, 72 percent of the college students attended higher education in Russian while 27 percent in Kazakh and 1 percent in Uzbek, English and German (Olcott, 2002: 179). This shows that even if the higher education in Kazakh language is available in a broad range of disciplines today, the quality of higher education in Russian is higher than in the Kazakh language and the variety of available subjects in Russian is broader than in Kazakh. What is more, even Kazakh groups use Russian textbooks, especially in technical subjects such that in 2003, only 15percent of the textbooks were in Kazakh (Fierman, 2006: 112-113).

However, despite such difficulties, share of Kazakh medium classes in total class enrollment increased from 34.1 percent in 1991 to 52.1 percent in 2001 and to 56.0 percent in 2004 in Kazakhstan. One of the reasons of the increase in Kazakh-medium schools is naturally the growing percentage of the Kazakhs in the population, in other words, demographic change is in favor of Kazakhs. The share of the ethnic Kazakh students in Kazakh-Medium Schools rather than Russian-Medium Classes has greatly increased in Kazakhstan, from about 66 percent to about 80 percent. Hence, the proportion of ethnic Kazakh children attending Russian classes declined from about 34 percent in 1990 to about 20 percent in 1995 and remained so thereafter. It is clear that the majority of the Kazakhs attend the Kazakh Medium schools in Kazakhstan (Fierman, 2006: 106).

In this context research findings suggest that those students who study with Kazakh as a language of instruction have lower achievements than those with Russian as a language of instruction (Fierman, 2006). It may seem ironic, but the language law was supported by a major commercial crusade - "It is a responsibility of each resident of Kazakhstan to expertise in the state language". One can ask how? To a great amount it imitates the regime's approach - practical ways have been introduced for a wider use of Kazakh language and there is a clear ideological policy direction in this regard.

While according to the Article 14 of the Constitution it is forbidden to discriminate on the basis of language that no one shall be subject to any discrimination for reason of language, the actual policies in practice are the reverse. To illustrate, the Russians believe that there is

discrimination against them which is evident from their downsizing from government positions and even from private enterprises, while there are no formal legislative restrictions on Russian language usage. For instance, more than half of Russian students said that ethnic origin would determine their career chances (Olcott, 2002: 182). Furthermore, a package containing legislative acts and implementation documents about education has been enacted, including a document of the State Conception of Education in the Republic of Kazakhstan, which seems supporting the ethnic nation-building process.

Therefore, the educational policies in Kazakhstan should be evaluated with language policies and employment policies, because as Roy (2000) has indicated, at the level of education local students are systematically favoured due to the application of language laws. When the increasing number of Kazakh Medium schools and a simultaneous decrease in Russian ones, is considered with the language policy, it can be stated that the educational policies of Kazakhstan are rather ethnic than civic.

#### **Religion:**

It was for the first time in 2009 that the census programme included a question about religion. The census data showed that 70.2 percent of the populations are Muslims and 26.3 percent are Christians. Islam is practiced by 98.3 percent of Kazakhs, 99.1 percent of Uzbeks, 98.4 percent of Uyghurs, 99.1 percent of Turks, 94.8 percent of Azerbaijanis, 98.9 percent of Dungans, 98.3 percent of Kurds, 97.8 percent of Tajiks, 93.7 percent of Chechens and 96.7 percent of Kyrgyz.

Representatives of Slavic ethnic groups account for a large group of Christians: 91.6 percent of Russians, 90.7 percent of Ukrainians and 90.2 percent of Belarusians. 90.1 percent of Poles and 81.6 percent of Germans also follow Christianity. Judaism is not widespread in the country; the share of population practicing Buddhism is also small.

#### **Registered Religious Associations in Kazakhstan as of June 2007**

| <b>Religion/Denomination</b> | <b>Number of associations</b> |
|------------------------------|-------------------------------|
| Islam                        | 2,144                         |
| Russian Orthodox Church      | 270                           |
| Roman Catholic Church        | 95                            |
| Protestant associations      | 1,147                         |
| Judaism                      | 27                            |
| Buddhism                     | 4                             |
| non-traditional religions    | 49                            |

**Source:** [http://www.osce.org/documents/cio/2007/06/25050\\_en.pdf](http://www.osce.org/documents/cio/2007/06/25050_en.pdf)

The majority of population practicing Islam lives in South Kazakhstan Oblast, 2,307,300 people (93.4 percent of total population) and Almaty Oblast, 1,458,800 people (80.7percent). Christianity is more prevalent among people living in Karaganda Oblast, 607,200 people (45.3 percent), East-Kazakhstan Oblast, 520,900 people (37.3 percent) and Kostanai Oblast, 474,400 people (53.6 percent).

There are more than 40 different religious confessions and denominations represented in the Kazakhstan today. According to official statistics, there were 3,855 religious associations registered as in June 2007.

Islam and the Russian Orthodox Church have the largest number of adherents although the number of Protestant Christian congregations is about four times higher than Russian Orthodox churches. The large number of Protestant Christian organizations is explained by the efforts of Protestant Christian missionary organizations which receive funds from the West to recruit local ethnic Russians and Kazakhs.

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In 2008 Kazakhstan adopted the law on religion which has lessened the legal security of religious autonomy provided in the Constitution of Kazakhstan. Moreover the amendments done in this law in 2005 also strengthen registration necessities. It also explains that religious groups should index with both the central and local Government of every regions in which they have parishioners. The rule is defined in this law is for registration, a religious association should have minimum ten members and propose an application to the Ministry of Justice (MOJ). Religious legislation persists that all persons are free to perform their religion "alone or together with others."

The Government may eliminate registration based upon an inadequate number of supporters or inconsistencies amid the requirements of a religious organization's contract and the law. Under the Law on Public Associations, a registered association, including a religious cluster, can have all activities suspended by court order for a period of 3 to 6 months for disobedience of the Constitution or laws or for methodical quest of activities that oppose the charter and bylaws of the organization as registered. For the duration of a deferral, the organization concerned is banned from dialogue with the media on behalf of the organization; holding meetings, assemblies, or services; and undertaking pecuniary dealings other than meeting ongoing contractual compulsions as paying salaries (Dave, 2005).

#### **Participation in parliament:**

Statistics shows that the representation of major ethnic groups of Kazakhstan in government agencies is quite disproportionate to their share in the population. Therefore the claim of ownership by all the inhabitants in the construction of the state, and more shared responsibility for its future is questionable.

By the time of independence, the Kazakh (39.7 percent) and Russian share (37.8 percent) of the population in Kazakhstan was almost equal (1989), and together with the Ukrainians and Belorussians, Russian citizens held majority in the republic, (43.9 percent). Moreover, majority of Russians were also employed in Kazakhstan, ensuring the functioning of its economy, and accounting for most of the skilled engineers and technicians. Kazakhs at the same time occupied a dominant position in the government and the majority of intelligentsia, which determined the rapid concentration of power in their hands. Kazakhstan's parliamentary history shows a constant increase in the proportion of the titular ethnic group among the deputies of both chambers. As a result of March elections in 1994, in the Supreme Soviet (common name for legislative bodies), percentage of Russians was 21 percent, while the Kazakh was 58 percent of the seats.

In the election in 1995 the situation improved somewhat – in the lower chamber there were 43 Kazakhs, 20 Russians and 4 members of other nationalities were elected. The share of Russian deputies was about 30 percent, which seems to have been somewhat lower than their proportion in the total population, but much better than the results of previous elections. Similar were the results of elections to the upper chamber of parliament which in 1995 had 32 Kazakhs, 13 Russian (30percent), one Uighur and one Ukrainian. But the level of representation of Russians in the Kazakhstan's parliament has declined markedly. In the elections of 1999 in the upper chamber of parliament 14 Kazakhs, no Russians and two representatives of other ethnic groups were elected. At the same time, two Russians were among the seven senators specifically designated by the President in accordance with the constitution. In the lower chamber elections of 1999 Kazakhs were 58 and there were 19 Russian. In general, the share of Kazakhs, who formed in 1999 53.4 percent of the total population, accounted for 75.3 percent, and Russians, whose share reached 30 percent had only 24.7 percent of the deputies of the Majilis.

In the new list of members of the lower chamber of Kazakh Parliament, elected in August 2007, 82 Kazakhs, 17 Russians (15.9 percent) were elected, two German and one Belorussian, Balkar, Koreans, Ukrainians, Uzbeks and Uighurs. As per the data on January 1, 2006 Russians comprised 26.1 percent of the population, their share of the lower chamber was 1.6 times less. As a kind of compensation one of the two elected Vice-Chairman of the Majilis, was an ethnic

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Russian S.A Dyachenko, who has big experience in politics, and the other representative of the Russian ethnicity A.S Sudin- the deputy chairman of the Senate.

According to Deputy Minister of Information of Kazakhstan A. Ryabchenko who submitted the August 14, 2007 report of the Committee on the Elimination of All Forms of Racial Discrimination, there were 79 percent of Kazakh statesmen, 14.5 percent Russian, 0.9 percent Ukrainians. Thus, the Russian public officials were 1.8 times less, and the Kazakhs - 1.3 times greater than their proportion in the population of the republic. Among the ministers of K. Massimov's government there are almost no Russians, as well as representatives of other European ethnic groups. This is one of the important challenges for Kazakhstan in future to reduce the disproportionate representation of each ethnic identity in parliament and other governmental organizations.

#### **Administrative and Territorial distributions:**

Kazakhs have a prevailing share (of total population) in Kyzylorda (95.3 percent), Atyrau (91.1 percent) and Mangystau (88.3 percent) Oblasts, as well as in Aktobe, South Kazakhstan, West Kazakhstan and Zhambyl Oblasts where their share is over 70 percent. The share of Kazakhs does not exceed 50 percent of total population in Pavlodar, Akmola, Karaganda, Kostanai and North Kazakhstan Oblasts.

Ethnic differentiation is most obvious in urban and rural areas. Urban/rural distribution of population by ethnicity is as follows: 47.9 percent of Kazakhs, 72.8 percent of Russians, 74.6 percent of Tatars, 55.8 percent of Ukrainians, 50.1 percent of Germans, 42.7 percent of Uyghur, 83.8 percent of Koreans, 27.8 percent of Turks, 48.8 percent of Azerbaijanis, 52.8 percent of Belarusians, 17.0 percent of Dungans, 20.8 percent of Kurds, 49.8 percent of Chechens, 68.3 percent of Kyrgyz and 43.6 percent of other ethnic populations live in urban areas. The remaining part of these ethnic groups lives in rural areas.

#### **Political Parties:**

There are three types of Political parties in Kazakhstan first, those that support the President, second, those parties which are formed especially by members of the elite, and third, those that are separated from the political system. In this context Nazarbayev's Nur Otan is the most significant and only party represented in parliament. A highly preventive "Law on Political Parties" forbids to creation of new party on basis of ethnic and religious support thus averting the enlistment of two potentially influential causes of opposition- Russian based parties which would be a challenge for Nazarbayev's nation-building efforts or may even be a spotlight for secessionism in Kazakhstan, and Islamist parties which would be repeal Kazakhstan's secular practice and excel the President by the religious card. A resilient section is the obligation that wants parties to have minimum 50,000 members representing all regions and the major cities of Kazakhstan, ruling out the prospect of provincial parties which would act as a medium for ethnic interests.

An interesting fact is that despite limitations on forming an Islamic political party, Islam remains a prospective point for anti-Nazarbayev opponent. All other Central Asian leaders - politically cultured and approved during the Soviet era - Nazarbayev has been cautious to differentiate between Islam as a private religion and a political vigor. The collapse of communism also left an ideological void that many western observers feared would be filled by Islamic fundamentalism. As on 15 January 2012 usual election of maslikhat and extraordinary elections of Majilis were held where according to Central Election Commission, People's Democratic Party "Nur Otan" got 80.99 percent of votes; Democratic Party of Kazakhstan "Ak Zhol" got only 7.47 percent; Communist People's Party of Kazakhstan also got 7.19 percent; where Kazakhstani Social-Democratic Party "Aul" got 1.19 percent; All-National Social Democratic Party got 1.68 percent; Democratic Party "Adilet" got 0.66 percent; and Party of Patriots of Kazakhstan got merely 0.83 percent. This difference between main party "Nur Otan" and other is one of the challenges for Kazakhstan government for forming a multicultural state.

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Though, there are many objective aspects which would act as foremost challenges of interethnic relationships and multiculturalism in Kazakhstan like low living standards, joblessness and the occurrence of crime, lack of authorized culture, and manifestation of the tendency of ethnic alienation.

In recent times there are new and external aspects which are upsetting the state of interethnic relations, as a chance of geopolitical division especially on ethno-religious foundation, and reduced tolerance of people's consciousness; the materialization of the menace of military-political insecurity in the region, the prospect of humanitarian adversities and the arrival of refugees, unlawful activities of radicals, terrorist and fundamentalist groups under the justification of religious thoughts, the increase of mass culture, alien to the state of mind of Kazakh civilization through western media, religious groups, non-compliance of legislation in the country, the growth of intercontinental crime; politicization of religions and ethnically oriented associations. These factors would be a destabilizing cause on the state of interethnic relations. Thus, these factors are the focus of civic authorities and policy makers on how policy regarding multiculturalism and inter-ethnic relation would be created and implemented in Kazakhstan society.

### **Prospects and policies of multiculturalism in Kazakhstan**

The priority of ethnic policy allowed the state to quickly form the foundations of national statehood, to mobilize spiritual and other resources of the Kazakh population. Integration of intra-Kazakh population turned out to be a decisive factor in the survival of the young nation in its transition period.

The constitutional/ legal documents accord the Kazakhs the status of state-nation, and the nation's core. It is reflected in the Declaration of State Sovereignty of the Kazakh SSR dated October 25, 1990, which recognized that the Kazakhs are the state-nation and ethnic and cultural core of Kazakhstan's statehood. Constitutional Law "On State Independence of the Republic of Kazakhstan" dated December 16, 1991 highlights "the right of the Kazakh nation to self-determination." The Constitution of the Republic of Kazakhstan dated January 28, 1993 also focuses on the national character of Kazakh statehood, presenting it as a form of self-determined state of Kazakh nation (Sultanov, 2001).

The first stage of the state ethno-multiculturalism was organically fit into the logic of national and spiritual revival of the Kazakh nation. However, this process within this period has not been adequately and fully disclosed due to several factors.

Firstly, ethno-cultural weakness of the Kazakh population and its unwillingness to be an independent engine of national processes in the country. The initiative came primarily from "above", the driving force behind national processes was the Kazakh elite that put forward the national problem at the level of public policy. Non-expression of the natural aspirations of the majority of the Kazakhs for national spiritual revival became one of the main obstacles to the full development of national processes in mind of the Kazakh people.

Secondly, the potential of the national elite has been limited. This was manifested in the fact that, the actions of the elite were limited to the priority use of administrative resources, and the internal contradiction of the elite in connection with a narrow understanding of the basic essence of national processes in the country. The result was an artificial limitation of these processes by the achievement of specific, short-term goals.

Thirdly, inadequate understanding of the nature of ethnic problem from the side of general population. This was the cause of the problem of politicization of ethnicity. Unilateral prioritization of indigenous population and its identification in national-ethnic and religious basis led to ethnic polarization in society. Ethnicity as a collective means of pressure became one of the most acute political problems under the current phase.

The end of the formal approval process, the foundation of national statehood, strengthening the national power elite led to ethnic nationalism by the end of the first phase, and exhausted its

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potential for mobilization. The dominance of ethnic principles of general civil values led to disintegration of attitudes in society. This is partly reflected in the fact that the ethnicization of social consciousness spurred the process of "alienation" between the two largest ethnic groups, Kazakhs and Russians in Kazakhstan (Arinova, 2001).

The Second stage starts with the adoption of the Constitution (1995) which enshrined the civil principles of general statehood with territorial model of the nation. In the document there is no division of Kazakhstan among the representatives of the titular and non-titular nation, which stimulated the integration processes in society. This step was dictated by the fact that the state ethno-nationalism, which gave special status to the Kazakh nation, found no support from a large proportion of the population.

In this context, ethnic policy was aimed at the formation of the Kazakh nation as a political community of citizens, based on the principles of civil society. This means the formation of Kazakhstan's state-based model of modernist nation-building was based on the principles of citizenship. Thereupon, the strategic goal of the state was to conduct a deliberate policy within the framework of nation-building. The need to achieve a stable inter-ethnic situation in the long term, overcoming ethnic separatism by the formation of a single nation needed to go to a new, supra-ethnic level of integration.

Such integration is possible only on the basis of a sound economic base, lack of which causes the disintegration processes. It should be noted that economic difficulties in Kazakhstan stimulated departure of 10percent of Kazakh citizens and provoked inter-ethnic tensions in some regions. Today, Kazakhstan's economy has sufficient integrative potential to consolidate the Kazakh society. Full usage of the economic potential depends on the ability of society and national bourgeoisie, designed to overcome ethnic tensions in order to resolve the priority problems of the society. Independent political organizations would promote the integration of population policy into a single nation, and the different regions of the country - into a single economic space (Kadyrzhanov, 1999).

In this context, the relatively common cultural values and philosophical orientation of the vast majority of the population is the main resource of Kazakh society in achieving this strategic goal. It promotes the integration of society in the supra-ethnic level, reduces the conflicts.

Along with the resources, there is a fact of deterrent development of ethno-political processes in a given direction. Kazakh society is inherent in its low ability to perceive the modernist values. The reforms "from above" did not cause activation of civil positions in society. Cultural rejection of Western values in their formal recognition is a fundamental contradiction in Kazakh society. In this context, the concentration of public policy in addressing the challenges to stabilize the inter-ethnic situation in the short term seems inappropriate. Today there is need to conduct basic research to develop its own model of nation-building, designed to meet the challenges of the situation in the medium and long term.

Ethnic division of Kazakh society was the result of ethno-political processes in Kazakhstan in the post-Soviet period. Mobilization of Kazakhs stimulated the mobilization of other ethnic groups that led to ethnic polarization in society. This process is most manifested in the inter-ethnic competition between the Kazakhs and Russians, the largest ethnic segments of society that promoted the growth of ethnic tensions in Kazakhstan society. Despite this, in Kazakhstan from 1991 to 2001, large-scale ethnic conflict did not happen. This was a consequence of the following factors:

First: The conflict on an ethnic basis is driven by a conflict of interest and conflict of values. The contradictions in the interests of the most concern the elite strata of society. Therefore, the appearance of conflict of interests to a greater extent depends on the position of the elites of ethnic groups. The conflict involves the basic values of people and affects the foundations of national identity. In Kazakhstan, there was a compromise between the elites of the ethnic groups that contributed to the resolution of conflict of interest. The common cultural value

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orientations in the vast majority of the population led to the absence of conflict of values in Kazakhstan.

Second: The lack of historical forms and traditions of orthodox Islam in the minds of the Kazakhs, and the absence of radical religious traditions in the Orthodox environment of Kazakhstan's society.

An analysis of ethnic conflicts, which took place till now, has shown that irredentist conflicts were more predictable, organized and managed, but potentially dangerous. Their resolution called for the use of political rather than violent methods. Ethno-social conflicts are not organized, but less dangerous to the state, because there are fewer policy areas concerned. They demanded a forceful resolution (Kurganskaya, 2001).

Kazakhs were very active in these ethnic conflicts. Ethnic conflicts were caused by a complex of problems associated with the transition period. An analysis of ethnic conflicts has shown that none of them had been finally resolved. All of them have acquired a latent form and retained the basic potential of ethno-conflict potential in ethnic areas which is twelve in numbers.

Ethnic areas were not isolated in the interior areas of the country and it was advantageous for Kazakhstan. These areas were located on the border with the territory of the State in which this compact ethnic group resided. This gave rise to separatist tendencies in ethnic media, which represented it as greatest threat to the state, threatening the territorial integrity of the country. Therefore, an important indicator in determining the ethno-conflict potential was the political mobilization of ethnic groups in the ethnic concerned area. In this context, the most politically organized force, which was based on the strength of their historic homeland, became the Russian population of the country. The problems of the politicization of ethnicity were associated with the presence of substantial number of Russians in the country.

But the concept of building a united civic nation in Kazakhstan is not the only model of nation-building, which is presents in the public and scientific discourse. A more radical model of the national community advanced Kazahization of non-titular ethnic groups, whose author is well-known Kazakh historian and political scientist Azimbai Ghali. In his article on "Kazakhs and Kazahization as ethno mobilization to create post-ethnic Kazakhstan," published in *Kazakhstanskaya Pravda* (January 2004, 1) he considers the Kazahization as one of the main conditions for survival and further development of Kazakhstan. According to him, "Kazahization of non-Kazakhs will expand the social base of Kazakhstan. Will create a broader base for ethnic Kazakh ethno competition, which is very useful effect on the growth of passionate fervor of the population of Kazakhstan. "At the same time under the Kazahization, he understands only civil and linguistic assimilation, and other types of acculturation as they are considered as desirable but not critical. Azimbai Ghali said the most real is the assimilation of Turkic and Muslim ethnic groups - Uzbeks, Uighurs, Turks and Kurds, who are closer to Kazakhs in language and religious terms.

At the same time the Kazakh language could become not only the mean of unification, but linguistic isolation of a large part of the citizens who would feel like strangers in Kazakhstan. As an alternative of assimilation, Azimbai Ghali considers three options for "protest" behavior of non-titular ethnic groups: segregation (care model in a closed community, self isolation, and passive resistance), resistance to all forms of assimilation (emigration, the political struggle within constitutional norms) and attempt to assimilate the assimilationists. Even to give the proximity to the Azimbay Ghali's theory for a single civic nation (civil and linguistic assimilation), the results of nation-building also cannot be those as are proclaimed in the "Doctrine of National Unity of Kazakhstan" so far.

Speaking at the 15th Session of the Assembly of Peoples of Kazakhstan, President Nursultan Nazarbayev, submitted a draft project "Doctrine of National Unity," which would become the main ethno-national policy of the country for medium-term at least until 2020. It is in this context that it is essential to observe the key characteristics of the policy and then what is

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the actual position of ethnic groups and try to find out its impact on the ethnic-equality in post-Soviet Kazakhstan.

The main feature of the doctrine is much more distinctive than previous programs and documents in the sphere of ethnic policy of the idea of formation of a civic nation, which should unite all citizens of Kazakhstan, regardless of their nationality or religious affiliation. However, the actual content of the doctrine shows that the core of the Kazakhstan state is the Kazakh language and culture, whereas the non-Kazakh people play the role of ethnic Diasporas. At the same time Kazakhstan has second largest Russian population after the CIS, and by the degree of dissemination and the social significance of Russian language it could claim to be a "country of the Russian world", which presently anticipated to commence the Patriarch of Moscow and All Russia.

Introducing the draft "Doctrine of National Unity," President Nursultan Nazarbayev has formulated three main issues: what is meant by national unity; why it is important to be strengthened and what is its basis. The answers to these questions define the basic conceptual content of the doctrine. Under the national unity, he proposes to understand the "community united by ethnic, religious and other socio-cultural groups living in our country" that must be strengthened to ensure internal and external security, as well as the progressive development of the country. The basis of national unity are the three "pillars": 1) general history of the "dramatic pages," which should draw necessary lessons, and 2) shared values, determined by joint economic activities, creation of cultural heritage, as well as a joint celebration of the most important festivals, such as Day of spiritual accord, Kurban Ait, Easter, Christmas, and 3) a common future, due to the fact that "with independence, Kazakhstanis jointly made a free choice of their own destiny."

In basic terms, these provisions are included in the draft of the doctrine. Under the national unity it is understood as "the integrity of the existence of ethnic communities within a single state, a high degree of self-identification of citizens with the Republic of Kazakhstan, with the existing system of values and ideals." As a basis of national unity of Kazakhstani society the doctrine considers "shared values" that "consolidates the society into a unified whole". Of particular interest is the interpretation of the authors of the doctrine of common values, which should rally the multi-ethnic society of Kazakhstan into one. In addition to "general history", "involvement in the construction of a new state" and "shared responsibility for the destiny of the country and future generations of its citizens" in the doctrine emphasizes the need for respect "to the lifestyle, customs, feelings, opinions, ideas and beliefs of all ethnic groups, religions, social groups", "Ethnic Diversity and Dialogue of Cultures", as well as moral values such as respect for elders, respect for the institution of the family and tradition of hospitality.

Considering the proposed foundations in the doctrine of national unity, it should be noted that most of them are unlikely to contribute to the formation of a single civic nation in Kazakhstan, as their unity, is very conditional.

Kazakhstan brings a common history, so that they live together on this earth, with a fair level of tolerance of the Kazakhs themselves, which are apparently favorable to most people living in Kazakhstan, including the most numerous of them - Russian. However, the overall history is not a guarantee of a shared future, and even vice versa, as there are different historical destinies of nations. In the world there were many ethnic groups which, because of certain historical reasons, for long time lived in one state, but then due to its territorial disintegration and migration were caught on opposite sides of the border.

The most problematic is the existence of common values to unite all peoples living in Kazakhstan into a single nation. Long-term co-residence and economic activity can lead to addiction of ethnicities to each other, but unlikely to give rise to common values. The creation and sharing of cultural heritage, especially as the symbiosis of Russian and Kazakh cultures in Kazakhstan has not been yet observed. Though there is talk about the great influence of the Great

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Russian culture on Kazakh, merging of the two into one is not happening nor is likely to happen. In future, if Kazakhstan retains sufficiently large number of Russian population, there is a possibility of formation of a Russian subculture. However, there are calls for Muslim and Christian religious leaders to help establish an agreement for civil peace and religious differences between religions.

On the way to achieving the main goal - the creation of a single civic nation - the doctrine identifies five main objectives: strengthening the common Kazakh identity, the formation of an effective system of interaction of state bodies and civil institutions in the field of interethnic relations, the development of official language, the preservation and development of ethno-cultural, linguistic identity of the peoples, as well as the fight against extremism, radicalism and human rights violations. However, means of forming a "common Kazakh identity" are not disclosed or described in general terms. Besides, no answer is provided to the main question - should all citizens of the Republic of Kazakhstan associate themselves with it and how?

Assembly of Peoples of Kazakhstan could be the answer of this question and harmoniously fits into the system of life of the young sovereign state. This structure has the most positive impact on the implementation of the Republic of Kazakhstan policy of unity and equality of members of different nationalities and faiths. The Assembly of Peoples of Kazakhstan for the years of its activity has developed practical recommendations to ensure inter-ethnic harmony and political stability in the Republic of Kazakhstan. This non-political and non-governmental organization solves the problem of strengthening interethnic relation in Kazakhstan. Furthermore, the Assembly of the People reflects the entire spectrum of ideals and interests of all the peoples of Kazakhstan and each ethnic group separately. This is an important direction of the State policies aimed at preserving and strengthening inter-ethnic peace and accord in the country and to ensure that all citizens of Kazakhstan have equal access to social and economic rights and freedoms.

At present, the Assembly brings together and represents almost all 130 ethnic groups living in the regions of the republic. The Assembly, being an entirely new institution of civil society, recalls that the idea of a public institute for Ethnic Affairs was first expressed by the leader of the Nation in 1992 at the First Forum of the Peoples of Kazakhstan and in March 1995, it has found its practical expression and became a unique advisory corpse under the President of the Republic of Kazakhstan. Going along with the country the Assembly has proved its relevance and urgency. Currently, the integration potential of the Assembly, its ability to consolidate the interests of ethnic groups, dialogue with the authorities, interethnic communication contributed to the establishment of the socio-political institution as one of the main instruments of national policy in Kazakhstan.

But this is also a fact that Assemble of peoples of Kazakhstan has its own limitation because it does not have any constitutional rights. Hence the policy on multiculturalism to maintain the ethnic prosperity still needs to be defined in a right way for the future of Kazakhstan society.

**Conclusion** Multiculturalism in Kazakhstan also evolved from the same laws as for other peoples of the world. The general scheme of ethno-genesis process is determined as follows: individual genera, tribes, tribal unions, ethnicity, nation and multicultural state. This process is not straightforward and occurred inconsistently, through fragmentation, assimilation, crossing; it could stop for a while and then resume, but under the new historical conditions.

The history of the ethno-genesis of the Kazakh people should be considered in the complex of historical, archaeological, ethnographic, linguistic, and anthropological sciences. It is known that the Kazakh ethnic group evolved mainly from autochthonous tribes and tribal unions that anciently inhabited the vast territory of Kazakhstan. The formation of nation has been associated with the major events of ethno-political antiquity and in early middle ages, with the evolution of

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economic forms and the progressive changes in social relations, the establishment and strengthening of feudalism.

Continuing after gaining its independence as a result of the collapse of Soviet Union Kazakhstan started its pursuit for a new national identity in 1991. It was natural that the starting point was not a fresh start onto which a new national identity could be written. Instead, historical, pre-Soviet identities that persisted in different forms during the Soviet era were the first ones that the Kazakh policy-makers used as resources for building the Kazakh nation. However, building a viable national identity that is inclusive for all the citizens living in the territory of Kazakhstan is not an easy task, because of the presence of the high proportion of non-Kazakh population, especially Russians. The process of nation-building is critical, because of the clash of ethnic and civic elements.

The demographic structure affects the policy choices of the policymakers in contemporary Kazakhstan (dual citizenship issue, north-south difference of ethnic structure etc.). In a similar vein, Kazakh policymakers have also been trying to shift the loyalties of the Kazakhs from sub-national/tribal identities towards a collective Kazakh identity, while pre-existing traditions and cultural resources of the Kazakhs have been selected while implementing the policies for building a viable Kazakh identity (i.e. state symbols, cultural policies, and celebrations). This is one of the planks used by the nation-builders in Kazakhstan for the implementation of ethnic policies concerning Kazakh values that ethnic policies are necessary for the formation of unitary Kazakh identity as the sub-national/tribal identities, which could not have been eradicated by the Soviet policies, obstruct the nation-building process.

The presence of the high proportion of non-Kazakhs and Russified ethnic Kazakhs force the nation-builders to adopt more civic policies (i.e. elevation of the Russian to the official status, cancellation of the language law making the knowledge of the Kazakh language mandatory, prevalence of the Russian in especially higher education) in the short-run, nation builders will push for more ethnic policies (i.e. further emphasis on the Kazakh language, culture and values) in the long-run. Therefore, even if the nation-building process in Kazakhstan has civic components in the short-run, the process is more ethnic in the long-run.

This situation somehow leads to negative aspects of multiculturalism based on ethno-political sphere. The main factors of the negative aspects of ethnic and ethno-political situation in Kazakhstan include the following points.

1. The lack of a clearly defined and a holistic concept of a national policy of Kazakhstan. Until recently, the lack of a clear definition of national policy changes as the main vectors of ethnic policy, depending on the conditions of the situation. Currently, this factor is the reason to aggravate tension in the ethno-political sphere of Kazakhstan.

2. There is no special body that would deal with the implementation and coordination of ethno-political course of the state. The Assembly of Peoples of Kazakhstan due to the fact that, legally, is not a public authority may not legitimately coordinate the work of government institutions, particularly local authorities, to implement the existing provisions of the ethnic policy.

3. Principles, symbols, values on which it would be possible to merge or consolidate Kazakhstan's ethnic groups into a single nation are still not developed. In many ways, the situation is derived from the still ongoing consolidation of state-Kazakh ethnic group. This is substantiated by enduring struggle within the ethnic group for economic, power and Information Resources (manifestations of tribalism), regional division, including through rural-urban Kazakhs. That is, the indigenous ethnic group in this case is still in the stage of transition from ethnicity to a single political community.

4. Clashes among the various ethnic groups in Kazakhstan are largely made possible because of the inefficient state policy in the orb of inter-ethnic relations. In the modern history of Kazakhstan, periodically there have been ethnic conflicts, which suggest that in the relations

between Kazakhs permanently latent tensions are present. In many ways, this is due to the fact that inter-ethnic conflicts find their settlement just as they open manifestations, without a full prevention work. In addition, there is reason to believe that inter-ethnic clashes often become possible due to corruption and other offenses of public authorities where they are detrimental to the interests of some ethnic groups, satisfy social and economic interests of others.

5. The so-called problem of the linguistic and status issues manifests itself in dissatisfaction of the Kazakhs with the dynamics of implementation of the Kazakh and social functions of the state language with respect to the Slavic ethnic groups - the status of the Russian language and the translation office in the Kazakh language. In addition, the Kazakhs and non-indigenous ethnic groups in Kazakhstan are not satisfied with their social status infringement upon their social and economic interests. It is also believe that their constitutional right of access to the political process (public decision-making) has been limited. This problem threatens to become a factor of division, not only of marginalized section of the Kazakhstani society, but also the elite of the Kazakh people.

However, despite the above, currently factors of inter-ethnic conflicts in Kazakhstan are sporadic. They do not appear openly and publicly. In many cases, there are latent ethnic tensions and are not expressed in physical acts of violence, such as poorly diagnosed phenomena as ethno-cultural isolation, ethnic and social exclusion, economic competition and a high level of mutual distrust between ethnic groups. For example, when closed ethnic groups, not having the strength and power deviates from the explicit expression of its discontent and avoids overt conflict, the conflict is still persists, but the open acknowledgement of the conflict is not there.

Thus the analysis of multiculturalism and interethnic relations in terms of dominant and minority groups reveals that there is significant correlation between ethnic disparity and inter-ethnic relations in Kazakhstan. In other words, ethnic disparities influenced and determined inter-ethnic group relations in the society. Dominant groups frequently interact with other dominant groups and have fewer interactions with minority groups.

Thus, ethnic identity and multiculturalism are interrelated and mutually reinforcing in a society like Kazakhstan. Dominant group of Kazakhs has the highest degrees of ethnic enclosure, and minority groups have the lowest. In turn, ethnic stratification is an important principle to organize the relationships of dominant and minority groups in a plural society. Ethnic disparities and capricious measure of ethnic inclusion among ethnic groups gives augments to plural society as in Kazakhstan. Public policy of ethnic nationalism has become a decisive factor in consolidating the foundations of national statehood in the country. The process of politicization of ethnicity has caused disintegrative tendencies. The efforts of public policy have focused on the implementation of the modernist model of nation-building on the principles of citizenship. Ethnic and language policies favouring the titular nationality of Kazakhs and socio-economic difficulties triggered departure of the population beyond the borders of the country. It can be said that multiethnic composition of the population has bi-ethnic structure.

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## THE EFFECTIVENESS OF A PROFESSIONAL DEVELOPMENT PROGRAM FOR TRILINGUAL EDUCATION IMPLEMENTATION.

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**Abstract.** This article provides analysis of the relevant literature related to the effectiveness of a professional development program for trilingual education implementation. The first section defines the main concepts of the article such as the concepts of effectiveness, multilingual/trilingual education, and professional development program for teachers. This article discusses the international perspectives of professional development programs for teachers that includes the impact of professional development programs on teaching practices, teachers' views on the effectiveness of PDP's, challenges encountered by STEM teachers. It also provides information on the Kazakhstani context of trilingual policy implementation and teachers' professional development which includes the implementation of trilingual education policy in Kazakhstan, the development of teachers training within trilingual policy.

**Keywords:** professional development program, effectiveness, STEM teachers, trilingual education, multilingual education.

### **The concept of effectiveness.**

According to the existing literature (Fraser, 1994; Erlendsson, 2002; Vlăsceanu, Grünberg, Pârlea, 2007) the concept of effectiveness has several key characteristics and is defined mostly in the educational field from three perspectives as: the achievements of 'inputs' of a program, specific analyses of an output of a program, and a measure of the expected goals.

Regarding the first perspective, Fraser (1994) highlights that the concept of effectiveness shows how an activity achieves its' intended function and purpose. It is the extent to which an activity fulfils its' intended purpose or functions. In other words, the concept of effectiveness is about the achievements of 'inputs' of a program.

Regarding the second perspective, the concept of effectiveness is "an output of specific analyses" to measure the effectiveness and the quality of specific educational goals or the degrees to which education institutions might be expected to reach the specific requirement. (Vlăsceanu et al., 2004, p. 37). Therefore, the engaging process of the measurement of the educational effectiveness might create a "value-added" process via accreditation and quality assurance. (Vlăsceanu et al., 2004, p. 37).

Regarding the third aspect, the definition was given by Erlendsson (2002) who states that effectiveness is a measure of the expected goals and its' achievement. He defined effectiveness as "the extent to which objectives are met." (Erlendsson, 2002, p.1). He states that the concept of effectiveness in the field of education is a certain input that measures the quality of a specific achievement of the educational purpose based on certain requirements.

### **The concepts of multilingualism/trilingualism in education.**

The globalization process leads to the emergence of multilingualism/trilingualism in education. Multilingualism/trilingualism in education are more widely used than anywhere else in the European context as the result of political, historical, and social factors, which based on the combination of various languages. Many of the European countries implement new language

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policy to develop and support multilingual education. Currently, the Republic of Kazakhstan implements the new trilingual policy, as it is an important indicator of becoming a competitive country on the bases of economic, political, and sociolinguistic factors.

In the existing body of literature (Cozart, Haines, Lauridsen, & Vogel, 2015; De Jong, 2011; Dodman, 2016; European Commission, 2007) multilingualism is presented from 3 main perspectives: 1) individual; 2) societal; 3) environmental. These three perspectives differentiate the coexistence of several languages might appear either within a society or inside an individual, and in the environment.

In relation to the first perspective, multilingualism/trilingualism is related to the coexistence of several languages inside an individual. De Jong (2011) claims that multilingualism is an ability of an individual to use more than 2 languages. In addition to De Jong (2011), Li (2008) provided a more extended definition of multilingualism by expanding its' scope from the ability to speak to the ability to communicate ability through active writing, speaking skills or passive reading, listening language skills (Li, 2008 as cited in Cenoz, 2013).

Regarding the second perspective, it implies the coexistence of several languages in a society. For instance, the European Commission (2007, as cited in Cenoz, 2013) states that societal multilingualism is “the ability of societies, institutions, groups and individuals to engage, on a regular basis, with more than one language in their day-to-day lives” (p. 6). Although, societal multilingualism does not imply that members of the society will communicate in the existing languages within the society (Council of Europe, 2006). This means that societal multilingualism doesn't ask every member of the community to possess an individual multilingualism.

Finally, the third perspective which is the environmental multilingualism means the presence of a couple of languages in the environment. Environmental multilingualism is being applied within a variety of societal multilingualism; it appears in a certain environment where several languages might coexist within a certain organization i.e. educational institution (Dodman, 2016). Dodman (2016) illustrates the environmental multilingualism in education and utilizes the multilingual concept of the learning environment to explain it some educational settings where educators and students might communicate in a number of languages.

Ytsma (2001) gives the definition of multilingualism in the framework of the environmental multilingualism as “the practice of multilingual/trilingual education which implies teaching subjects in three languages as a medium of instruction” (p.12).

#### **Professional development programs for teachers.**

The central part of the educational reform efforts is the ongoing professional development training programs. Professional development programs for teachers play an important and essential role in improving and supporting the teachers' work in schools (Guskey, 2001). The design of professional development programs varies depending on the goal of the training programs and population (Birman, 2000; Guskey, 2001; Sparks, Richardson. 1997; Smith, 2003; Villegas-Reimers, 2003).

The analysis of the literature revealed 2 types of professional development programs which are the reform-type and traditional (Birman, 2000). The reform-type program aims to change the teaching instructions as well as teaching practices. The second, traditional type of training refers to short term workshops which are aimed to share new practices and knowledge among professionals. Guskey (2001) states that professional development programs begin with teachers' desired goals and learning outcomes of learners. When educators have their goal to participate in this professional development programs, they might make an input into their personal/professional development and become more motivated to take part in various workshops and courses. As a result, they apply new knowledge and skills in what they learned.

Villegas-Reimers (2003) defines professional development for teachers as “development of a person in his or her professional role” (p.11). On the other hand, Sparks and Richardson (1997)

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state that professional development for teachers has a focus on developing teachers' skills and knowledge (as cited in Cooper, 2009, p. 1). Smith (2003) defines the professional development programs for teachers as an individual learning process of educators who improve their knowledge and skills to "become the best professional one can possibly be" (Smith, 2003).

### **International Research on Professional Development Programs for Teachers**

It is very important to take into consideration teachers' views on the effectiveness of professional development programs to assist teachers in learning new skills and knowledge and acquire new teaching practices in order to be more competent. The existing literature uses the quality and the effectiveness of PDPs interchangeably and identifies a variety of aspects of professional development (Birman, 2000, Garet, Porter, Desimone, Birman, & Yoon, 2001, Guskey, 1993, Little, 1993, Mizell et al., 2001, Robinson, Carrington, 2002).

Birman, 2000, Garet, Porter, Desimone, Birman, Yoon (2001) found that teachers considered an effective PDP to have a clear learning focus on content and classroom practices. In particular, Birman et al. (2000) conducted a survey among more than one thousand educators who took part in a professional development program, which was supported by the federal government of the USA, Eisenhower Professional Development Program to identify teachers' feedback on the effectiveness of a PDP. Interestingly, the findings showed that teachers considered a PDP effective if it had an active learning, coherence, and focus on content. This aligns with Guskey's conceptual framework (2003) the participants' reaction, participants' learning, and the participants use of new knowledge and skills. In fact, teachers said that PDP mattered if it improved skills, classroom practices, and knowledge. In particular, based on the research which was conducted by Garet, Porter, Desimone, Birman, & Yoon (2001) teachers' viewed the effectiveness of a PDP as a learning process which improves their knowledge, learners' academic achievement, and classroom instructions. Generally, they considered a PDP as a continuous process that likely happens with an intensive, job embedded, sustained program with professional teachers (Garet, Porter, Desimone, Birman, & Yoon, 2001).

In addition, some papers reveal that effective professional development programs are embedded in daily teaching practice i.e. in a job-embedded pledge (Diaz-Maggioli, 2004, Little, 1993, Mizell et al., 2011, Guskey, 2003, Robinson, Carrington, 2002).

Little (1993) revealed that for teachers an effective professional development program is embedded in their daily teaching practices and lives. Teachers believe that an effective professional development program occurs often in their professional communities. Therefore, cooperation among teachers should be among the PDP participants to build up leadership skills and useful resources (Mizell et al., 2011, p. 14).

Learners and teachers who in its turn apply appropriate design for the learning process with a clear focus on education standards measure these leadership skills. Guskey (2003) states that a professional development learning experience of teachers does not happen within few days or hours.

Based on the research, which was conducted in the National Institute for Science Education an effective professional development program for teachers requires sufficient span of time. Time is important for an effective teachers' professional development program in order to be well planned, directed, and structured (Guskey, 2003). This aligns with the third level of Guskey (2003) conceptual framework, which is the organizational support, change, and participants' use of new knowledge and skills. As an effective professional development teacher like a job-embedded pledge that they make for the purpose of their teaching practice while addressing the learners' needs view program. This aligns with the 5th level of the Guskey's (2003) conceptual framework which is the learning outcomes of learners. This professional development programs for teachers are particular principles which guide their learning and teaching practices aimed at fostering shared expertise and cooperation to improve the learners' academic achievements (Diaz-Maggioli, 2004, p. 5).

According to Robinson and Carrington, 2002 “Professional development programs are most effective when participant driven, connected to the ‘real work’ of teachers, focused on sharing existing knowledge through collaboration and including strategies to sustain the learning” (Robinson & Carrington, 2002). Therefore, an effective professional development program should show educators how to cope with educational issues in a cooperative mode.

To sum up, this sub-section highlighted the role of teachers’ and their views regarding the effectiveness of professional development programs. Since teachers play a significant role as agents of change in a professional development programs initiative. Findings indicate 3 key features of effective PDPs which include the increase in teachers’ skills/knowledge and changes in classroom practices.

#### **The impact of professional development programs on teaching practices.**

Research literature shows mixed findings regarding the impact of professional development programs on teachers’ practices. A number of researches revealed that PDP has no (Minuskin, 2009) or some impact on teaching practices (Loucks-Horsley et al., 1998; Santau, 2008; Rust, 2000). This impact is revealed in various aspects such as a change in classroom practices of STEM teachers, teachers’ change in their beliefs, and content knowledge that will be discussed below.

One of these aspects is the impact on the implementation of a professional development program related to a change in classroom practices and knowledge of STEM teachers. The study by Minuskin (2009) researched the impact of professional development program (PDP) on the classroom practices and STEM teachers’ knowledge in school. Eight teachers participated for 18 days in a professional development program. All teachers were from one school in New Jersey. Research findings show that STEM teachers’ instructions did not change after a professional development program. His study suggest that teachers did not have a significant change in content knowledge due to poor teachers’ motivation to participate in the program and work overload.

In contrast to the research study of Minuskin (2009), a research study conducted by Santau (2008) revealed some positive changes of teachers after the completion of PDP. It was a 1-year research study that explored STEM teachers’ practices and knowledge in science instructions in English after completion of a PDP. The research study included 70 participants from one school. The researcher conducted the number of classroom observations. The findings indicated that STEM teachers’ practices and knowledge were based on 4 basic characteristics which were in line with the reform-oriented practices. The 4 domains included teaching practices to promote scientific understanding, teachers’ knowledge of science content, teaching practices to support English language development during science instruction, teaching practices to promote scientific inquiry (Santau, 2008).

Another set of research study highlighted teachers’ change in their beliefs, teaching practices, and content knowledge (Stark, 2011; Loucks-Horsley et al., 1998; Rust, 2000). The first study was conducted by Stark (2011) who examined the science teachers’ change after a one-year professional development program. He used a sample of fifteen STEM teachers of the 6-7th grades participated in this research study. The research indicated a change in teachers’ beliefs, teaching practices, and content knowledge. Specifically, there was a change in teachers’ classroom practices which include a shift from a teacher-centered approach to a student- centered classroom practices.

Similarly, Loucks-Horsley (1998) found that PDPs have a positive effect on teachers’ content knowledge and classroom practices. The study was conducted in 2 urban schools for 28 teachers who went through one professional development program in Singapore (Loucks-Horsley et al., 1998). The findings from the research data collected via surveys, assessment data, and focus group revealed that practitioners improved their content knowledge and new practices in classrooms.

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Finally, Rust (2000) summarized the outcomes of 2 studies related to PDPs for teachers at Oxford University. The results of the 2 research studies provided the evidence that a PDP had a positive impact on teaching for most of the participants. This study provided evidence for the idea that a PDP had influenced teaching practices of teachers, their attitudes, and beliefs. The research concludes that “The influence of a PDP goes beyond its’ primary developmental aims regarding teaching and learning through also providing things such as support, induction and networking” (Rust, 2000, p. 261).

### **The Kazakhstani Context of Trilingual Policy and Teachers’ Professional Development**

The Republic of Kazakhstan undergoes some changes in the field of the education system. Following strategic goals of the country outlined in the Presidents’ address the government launched several policy documents aimed at developing the trilingual education policy. These set of policy documents such as the State program for educational development for 2011-2020, the State program of developing and functioning languages for the years 2011-2020, and Road map of trilingual education development for 2015-2020, (2015) promote the development of the trilingual education in Kazakhstan.

Kazakhstani secondary schools implement the trilingual policy with 3 languages as a medium of instruction. Therefore, to understand the importance of this policy, its’ vital to look at the prerequisites of the trilingual policy.

President Nazarbayev launched an initiative which is called the “Trinity of languages”. The President’s statement is of utmost importance who states “Kazakhstan should be seen around the world as a highly educated country, with a population use three languages” (Address of the President of the Republic of Kazakhstan, Nazarbayev, to the People of Kazakhstan”, 2007). The President supports a strong political value to outline an image of the citizens of Kazakhstan. Therefore, this discussion delineates a general picture of the importance of trilingual policy implementation in Kazakhstan.

Firstly, its’ important to understand what the trilingual education in Kazakhstan is? Mehisto et al. (2014) state that trilingual secondary schools are the educational institutions with three languages (Russian, Kazakh, and English) as media of instruction. The first so called ‘germs’ of trilingual education policy are 117 pilot secondary schools (Kazinform, 2016). In particular, some science subjects will be taught via English including Chemistry, Physics, Biology, and Computer Science, the Kazakh literature and the History of Kazakhstan will be taught in Kazakh, while Russian literature and Russian in Russian (MoES, 2016).

In conclusion, the implementation of trilingual policy in education is the key reforms in Kazakhstan. The trilingual policy is one of the main indicators to the prosperous future. Therefore, several policy documents and initiatives have been made by the government including teachers’ training within its implementation.

The Development of Teachers Training within Trilingual Education Implementation in Kazakhstan.

One of the key aspects of the implementation of trilingual policy are the institutions. Since 2012, 32 universities are involved in preparing more than 5.500 practitioners, who are trained to teach STEM subjects in the English language. (Kazinform, 2012). According to the State Program for Educational Development for 2011-2020 (MES, 2010) 10% of teachers were planned to teach STEM subjects in English by 2015 and gradually increase the number up to 15% by 2020 (p. 19). However, only 0.15% of the STEM teachers were teaching subjects in English in 2014 (MES, 2014, p. 52).

In 2015, the Ministry of Education and Science of the Republic of Kazakhstan initially planned to introduce English as a medium of instruction in the undergraduate programs for pre-service teachers’ professional development training programs. Based on this plan more than two

thousand in-service STEM teachers would be able to improve their English language skills. However, the time wasn't indicated by the government. This initiative was planned to be developed as a part of the second stage of the program for 2016-2019 ("O perekhode na tryekhyazychnoye obrazovaniye", 2015). Based on the program English will be introduced in schools as a medium of instruction for Chemistry, Biology, Computer science, and Physics starting from the 10th and 11th grades in 2019-2020. According to the State Program of Education Development in Kazakhstan for 2011-2020 (2010), the English language should be taught as a foreign language and as the language of instruction.

The Ministry of Education and Science piloted 33 schools' where science subjects are being taught in English from the 7th grade (Mehisto et al., 2014). Teachers of mainstream schools are trained by several professional development programs. Subject teachers are being trained at the National Center for Professional Development "Orleu", at the Centre of Excellence at Nazarbayev University, NIS schools.

However, the major changes will start in 2019 on the 1st of September in all schools in Kazakhstan. In 2019 all teachers who teach in the 10, 11 grades will teach 4 subjects in the English language such as Physics, Chemistry, Computer Sciences, and Biology. Therefore, this large-scaled project of trilingual policy requires teachers who will be able to teach science subjects in English. To sum up, there are various teachers' professional development programs for the Kazakhstani educators in progress due to the implementation of the new language-in-education policy. Despite these steps forward, there is no evidence-based study on the STEM teachers' views on the effectiveness of professional development programs within trilingual education implementation.

### Conclusion

This article reviewed literature related to the professional development programs. Much of the research literature on the effectiveness of professional development programs studies show some mixed findings regarding the effectiveness of teachers' professional development programs. The literature shows that there is a certain impact of PDPs on teachers' classroom practices and teachers' beliefs. The article provided an analysis of the key concepts of "effectiveness", "multilingual/trilingual education", and "professional development program" were described as the scope of the research study.

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