

Inter-Ethnic Relations in the National Policy of the Republic of Kazakhstan (Some Legal Aspects)

Dinara Kenzhebekovna Rustembekova and Saule Koshkenovna Amandykova

Karaganda State University Named after Evnei Arystanovich Buketov, Karaganda, Kazakhstan

Abstract: In the article we consider constitutional and legal aspects of interethnic relationships in the Republic of Kazakhstan. Analysis of situation in this field allowed us to define political and legal basis of the model of civil society and public consent of Kazakhstan society. It was made a conclusion that interethnic tolerance was one of the reasons of national unity and public consent in contemporary Kazakhstan community. The key part of Assembly of Peoples of Kazakhstan as an institute of public consent and national unity has been identified.

Key words: National Policy • Interethnic relations • The Constitution • Assembly of Peoples of Kazakhstan • The Doctrine of National Unity of Kazakhstan

INTRODUCTION

In contemporary world Kazakhstan is considered as one of well successful states, which has stable political system, public stability, harmony in interethnic and interconfessional relations, high international standing and shows continuous economic growth.

As A. Nisanbayev notes: «strong, politically stable and internally unified society only is able to survive under conditions of accelerating globalization which both opens new unprecedented opportunities and development of human essential forces and holds hazards and risks related, first of all, with acquisition, elimination of individual distinctions of the original cultures and national world styles. Being come together on the base of Kazakhstani idea which inspires each Kazakhstani, we will be able to overcome this storm and using all advantages and benefits of globalization to avoid its hazards and risks. So Kazakhstani based consolidation is an inner problem as well as a problem¹ for external state policy on keeping and enhancing Kazakhstan as an unique unitary state on the map which is able to establish human values as civil culture, mutual understanding and internal consent» [1].

The President of the Republic of Kazakhstan, N.A. Nazarbayev, in the first year of independence, said: «if we do not keep and enhance the existing consent, in

particular, national one, ahead we will have an imminent disaster. We will have to part with sovereignty, reforms and any dreams about future for us and our children» [2].

One of the main characteristics of postmodern period is ethnic revival, revealing of new perception of original relations as central for identity formation. These trends have their own political recognition in formation of the movement which covers the whole world starting from class based policy to ethnic based one [3].

Therefore, studying problems and particularities of interethnic relations on the base of material on ethnopolitics of the Republic of Kazakhstan where Kazakhstani model of interethnic and inter-confessional concord is and represented as vital task and has scientific as well as practical importance.

Analysis of researches and publications on interethnic concord of population claims a special attention of state policy and scientists' research.

In his works and states of the nations of Kazakhstan the Head of state, N.A. Nazarbayev, regularly gives attention to harmony in interethnic relations and their analysis. As a whole all these works became theoretical and methodological base of Kazakhstani model for interethnic tolerance and public consent.

English scientist, A. Smith, considers that formation of national identity was the main element of legitimization processes of social and political order. Role of national

Corresponding Author: Dinara Kenzhebekovna Rustembekova, Karaganda State University Named after Evnei Arystanovich Buketov, Universitetskaya Street, Apt. 28, Building 1, 1000028, Karaganda, Kazakhstan

ideology is formation of solidarity relations between individuals and social classes, mobilization of common values and cultural traditions for this purpose. National doctrines create myths, symbols calling on ideology rationality which are intended to excuse and enhancing of state. They suggest to every individual personal as well as social identity which allows him to distinguish himself from the rest of the world and other cultures. All governments who are interest in consolidation of national particularities which legitimize state sovereignty, to any extent, help their distribution [4].

In works of G.K. Kulzhamanova, Zh.U.Kidiralina, A.N. Nisanbayev, A.K. Sadvakasova, Y.L. Tugzhanov, I.B. Tsepokova and others, political, sociologic, historical and philosophic aspects of ethnopolitics of the Republic of Kazakhstan are studied.

It must be noted that legal theorists still do not give coverage to the problem of interethnic concord as strategic policy of the Republic of Kazakhstan in their own works. We have taken a shot, in some ways, to close this gap.

Purpose of study –is consideration and definition of constitutional and legal aspects of interethnic relations of the Republic of Kazakhstan.

So, ethnopolitics – is purposeful activity on regulation of relationships between nations, ethnic groups and captured in appropriate political documents and legal acts of state [5].

The Republic of Kazakhstan confirmed more than 160 international legal acts in the field of human rights like: Copenhagen conference on the Human dimension (1992); Hague recommendations on the Education rights of national minorities (1996); Oslo recommendations on the linguistics rights of national minorities (1998); Lund recommendations on the effective participation of national minorities in public life (1999); Recommendation on the use of Minority languages in Broadcast Media (2003) and others.

Kazakhstan society with its traditions, ethnic history and special character of interethnic relations became so unique that no other existing models as North American, South American, European, Russian, Chinese whatever the model would be successful in these countries and regions, it does not fit to Kazakhstan. The need in development of our own model of interethnic relations arised.

The main point of unique Kazakhstani model of interethnic tolerance and public consent which does not have any analog in the world, at the variety of society in

terms of ethnic, confession and culture, is that it has a strong unity and based on particularities of Kazakhstani society [6]. This model succeeded to reconcile and unify extreme contradictory factors of human given, because dichotomic givens as poly ethnicity of country, on the one hand and unitary state, on the other hand, create national unity.

This dialectical unity is achieved through the variety and for keeping the variety. As great Eurasian, Lev Gumilev well said that «ethnic garishness is an optimum shape of human existence which will be always polyethnic and aiming for unity. There is not any way for developing planetary civilization» [7].

From the very beginning in Kazakhstan special attention was paid to generation of optimal way of legal regulation in terms of interethnic relationship. Thus, preamble of Kazakhstani constitution starts with wordings: «We, Kazakhstani people, are united by common historical destiny, creating national identity on original Kazakh land ...» [8]. This solemn phrase became some sort of documental confirmation of efforts that N.A. Nazarbaev, President of Kazakhstan has applied for assertion of new Kazakhstani national identity as a state which where multinational people of Kazakhstan can live. Now, Kazakhstan is a common house for representatives of 140 ethnic groups, 3,088 religious communities that represent 17 religious denominations.

Dominant nationalities in Kazakhstan are the Kazakhs and the Russians, they constitute 86,90% in ethnical structure of Kazakhstan. Share of the Kazakhs – 64,55%, the Russians – 22,35%. Other major ethnic groups are Uzbeks, share of Uzbeks in terms of total population is 2,96%, Ukrainians – 1,88%, the Uigurs – 1,42%, the Tatars – 1,22%, the Germans – 1,08% and other ethnic groups constitute 4,53% [9].

Legal foundation of Republic's national policy includes legislative regulations that fix basic directions and national policy principles as well as interethnic relationships. Several articles are dedicated to this issue in Kazakhstani constitution. First of all, the constitution recognizes equality regardless of ethnicity (article 14). It is summed up in p. 2 article 39, which emphasize: “Any actions that can disturb interethnic concordance are considered as unconstitutional” [8].

But by themselves, interethnic problems do not disappear even if a State is proclaimed to be democratic, secular, legal and social. They are present in varying degrees in any country and at any stage of its development. That's not the point and it is confirmed by

well-known axiom that only those states have stable and strong interethnic concordance where beside legal framework for rights and freedom of all ethnic groups, but where effective institutions are created for implementation of these rights and freedom.

The very idea to create such institution was expressed first by President N.A. Nazarbaev at 1st Kazakhstani people forum in 1992. Assembly of People of Kazakhstan was established in accordance with order by President of Kazakhstan on 1st of March 1995 [10].

Among achievements of our country interethnic and religious denominations concordance and Kazakhstani people unity can be regarded as one of the main achievements of our country among others. Political know-how, – Assembly of People of Kazakhstan (APK), from very first days of its establishment stirs interest and respect throughout the world. It's really a unique institution that occupies key place in democratic structure of our country, where interethnic concordance remains one of the main foundation of constitutional democracy, rule of law, respect of rights and freedom at national level. Integration potential, ability to consolidate interests of ethnic groups, dialogue with the government, interethnic communication transformed it into main tool of national policy in the Republic. Relying on the institutions of civil society represented by ethnic and cultural centers, Assembly of People of Kazakhstan ensured resurgence of ethnic identity and culture, formed common political, legal, cultural field of ethnic processes, contributing to preservation of peace and concordance in the country.

In October 2008, the Law of the Republic of Kazakhstan "On the Assembly of People of Kazakhstan" was adopted [11]. The Act defines the status, the formation and organization of the Assembly of People of Kazakhstan aimed at implementation of the state national policy, ensuring political stability in the Republic of Kazakhstan and efficiency of interaction between state and civil society institutions in the sphere of interethnic relations.

The purpose of the Assembly is to ensure ethnic harmony in the Republic of Kazakhstan in the process of formation of Kazakhstan civic identity and competitive nation on the basis of Kazakhstan patriotism, civic and spiritual and cultural unity of the people of Kazakhstan with consolidating role of the Kazakh people. Assembly elects nine deputies of the Majilis. This law ensures the members of the Assembly to represent the interests of their ethnic groups in Parliament.

Main tasks of the Assembly are to ensure effective collaboration between state agencies and civil society institutions in the sphere of interethnic relations, creating favorable conditions for the further strengthening of inter-ethnic harmony and tolerance in society, strengthening the unity of the people, support and development of public consensus on the fundamental values of the Kazakhstan society; assist government authorities in countering extremism and radicalism in society and attempts aimed at restricting the rights and freedom of man and citizen, the formation of political and legal culture of citizens, based on democratic norms, ensuring integration between ethnic, cultural and other public organizations to achieve the objectives and tasks of the Assembly; revival, preservation and development of national cultures, languages and traditions of the people of Kazakhstan.

Implementation of the provisions mentioned above shall be done by creating cultural infrastructure. All large ethnic groups have their ethnic and cultural centers in all regions of the country. There are 321 national and cultural centers in Kazakhstan nowadays, as well as 64 theatres including national ones (Kazakh, Russian, Korean, Uyghur, Uzbek, German) [12].

Principles of the Assembly are priority of human and civil rights and freedoms; priority of people and state interest; equal human and civil rights and freedoms independent on his race, nationality, language, religion, opinion or for any reason whatsoever; equality of rights and personal responsibility of Assembly members for its activities; transparency.

"Statement on the Assembly of People of Kazakhstan" was approved by order of the Head of State [13]. Status and authority of the Assembly of People of Kazakhstan are determined by this Statement in accordance with legislative acts of the Republic of Kazakhstan, as well as specifics of its interactions with government authorities and non-governmental organizations, procedure of participation in development and implementation of national policy of the Republic of Kazakhstan in the sphere of interethnic relations. Assembly of People of Kazakhstan is a body without forming a legal entity supported by the President of the Republic of Kazakhstan participating in development and implementation of national policy of the state.

The Assembly transformed from an advisory and consultative authority into constitutional authority with strong legal basis and socio-political status. No doubt,

Kazakhstan brought this innovation into world practice when representation of people headed by the President of the country has real social and legal mechanics for participation of all ethnic groups in national policy of the state. Potential for integration, ability to consolidate interests of ethnic groups, to conduct a dialogue with authorities and interethnic communication made from it key instrument of nation policy in the republic. With the help of civil institutions represented by ethnic and cultural centers, Assembly of People of Kazakhstan ensured rebirth of ethnic self-comprehension and culture, formed united political, legal, cultural base for ethnic processes, with the aim of securing peace and understanding in the country. President of the Republic of Kazakhstan N.A. Nazarbayev, having his speech at XX session of Assembly of People of Kazakhstan pointed out that in new conditions Assembly should become a real nationwide institute [14]. These issues are described in Assembly of People of Kazakhstan development concept - 2020 [15]. This is a new strategic document. Its key idea is public consent and national unity.

At the Board meeting of Assembly of People of Kazakhstan held on 19 April, 2010 it was approved Doctrine of national unity of Kazakhstan. The key message of this Doctrine was idea that the main value of the Republic of Kazakhstan is its independency created on original Kazakh land. The Doctrine develops spiritual values of people of Kazakhstan, their striving for new goals and ideas, supporting the idea of national unity based on universal values: "One Country - One Destiny", "Different Origin - Equal Opportunities", "Development of the national spirit". Equality of opportunities means that everyone regardless of his ethnic origin and religion has the right to develop his culture, traditions and language, to participate in all spheres of social and state life" [16].

In accordance with the Strategic Plan of development of the Republic Kazakhstan till 2020 Doctrine will become the main tool of Kazakh society consolidation. National unity is an important condition for the creation of a democratic, civil, legal and social state. Economic growth, social progress and democratic development of the country are only possible through consolidation and keeping social unity. To solve this problem, Kazakhstan as an independent, sovereign and recognized all over the world country, has a political will and all necessary economic and social resources. Keeping independence and strengthening the state, equality of opportunities and protection of the rights and freedoms of citizens, creation

of the intellectual nation and development of the national spirit should be key values of our national unity and principles of life of each of us. All this will create the basis for dynamic development of the country in the coming years.

For consolidation of society and state it seems to be reasonable to revive Kazakhstani patriotism, which mission is to develop feeling of unity of all ethnic groups of Kazakhstan in one state. This is possible in case if the limits of freedom and human rights are fixed by the law, power is legitimate, serves people and is the guarantor of the rights and freedoms of human and citizen. Social safety is possible in cases when the State provides the law and order and people are protected from social cataclysms. The state, first of all, has the task to strengthen the guarantee to ensure personal safety of citizens, their rights and freedoms, which can be provided by means of social measures and by actions of the law enforcement agencies. In this regard it is important to control growth of unemployment rate, reduction of life standard.

In accordance with Article 7 of the Constitution of the Republic of Kazakhstan, Kazakh is the state language but Russian has status of the official language. However, according to Article 19, everyone has the right to use his native language and culture, to choose the language of communication, education, learning and creativity [8]. Another legal document contributing to the regulation of interethnic relations is the Law "On languages in the Republic of Kazakhstan", which is the legal basis of interethnic relations in the sphere of language.

In accordance with Article 6 of the Law "On languages in the Republic of Kazakhstan", the state takes care of creating conditions for study and development of languages of people of Kazakhstan and national groups can use their languages in places of their compact accommodation during their events" [17]. This provision gives the right to ethnic groups to use their native language even when entering into a relationship with the state through communication with state authorities. In the 2011 - 2012 academic year 98 000 students were studying in their native and foreign languages (not Kazakh and Russian language of study) [12].

In the theoretical-scientific and socio-political regard, it was developed a formula of Kazakhstani model of interethnic tolerance and social harmony of the President N.A. Nazarbayev. Its presentation was held at the level of OSCE and at UN with participation of the General

Secretary Ban Ki-moon. Basic features of the model are as follows: the highest level of development of civil society institutions in ethnic sphere, developed system of institutionalization of a dialogue with the government, social and political status and real equality of all ethnic groups by law, guaranteed representation of interests of ethnic groups and their involvement in social and political process at the highest level of government and Parliament, depoliticization of ethnic issues and prohibition of actions that could affect inter-ethnic harmony. These are the key factors of success of the state national policy. This practice is recognized, as we can see. In year 2011 representatives of 14 countries came to Kazakhstan to get acquainted with our model of tolerance. There were the United States, Britain, France, China, the Netherlands, Germany and others among them.

Results of social research conducted by the Kazakhstan Institute for Strategic Studies in 2010 show that the situation in the sphere of international relations was evaluated by respondents as good. The question "How do you evaluate the situation in the sphere of interethnic relations today?" was answered by the respondents on as "good" and "rather good" by the following ethnic groups: Kazakhs - 96.5%; Russians - 80.7%; "Asians" - 87.3 %; "Europeans" - 85.5% [18].

Kazakh model of interethnic tolerance and social harmony has been implemented at the following levels of interethnic consent: constitutional, political and legal level (it is provided by the Constitution to ensure social harmony, political stability and Kazakhstani patriotism); doctrinal level (in accordance with the Doctrine of National Unity of Kazakhstan strengthening of independence can be achieved by keeping national unity, social harmony and creating a culture of interethnic tolerance); institutional level (at the level of civil society under the leadership of the Assembly of People of Kazakhstan) [6].

Therefore, after considering the provisions of inter-ethnic relations in the Republic of Kazakhstan, we can say that during the years of independence, Kazakhstan has formed an effective strategy to achieve inter-ethnic tolerance and social harmony based on the principle of unity in diversity. Each ethnic group in its internal development keeps its language, develops its customs, traditions, while generally acts as an organic part of a united nation of Kazakhstan.

The basis for the regulation of these relations are political and legal documents such as the Constitution of

the Republic of Kazakhstan, Doctrine of National Unity of Kazakhstan, as well as the laws of the Republic of Kazakhstan "On languages in the Republic of Kazakhstan", "On mass media", etc. At the present time, the legislation of the Republic of Kazakhstan takes into account international experience and the fundamental principles of democracy, such as: ensuring equality of all citizens, protection of human rights and freedoms, election of government authorities with universal suffrage, recognition of interests of minority. Thus, the legislation of the Republic of Kazakhstan meets the principles of the main international documents in the sphere of ethnic rights of its citizens.

Social harmony and dynamic economic development of the country are interdependent parts of one process. On the one hand, tolerance, lack of conflicts create conditions for economic growth and political stability, the latter also create a real platform for the first. Maintaining such an important balance ensures sustainable development of society, strengthening national unity.

The key role of the Assembly of People of Kazakhstan as a socio-political institution is to ensure national unity, social harmony and inter-ethnic tolerance.

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