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SPECIFICS OF MIGRATION TENDENCIES IN REGIONAL CONNECTIVITY

This article examines the main points of migration processes related to the international migration, and also, analyzes the causes and consequences of migration. In addition, the article studies the relationship between migration and development and its impact on the socio-economic situation in countries of origin and destination.

Globalization, demographic aging in developed countries, the development of the global labor market, the formation of a stable demand for migrant labor, a huge flow of migrant remittances – all this today gives international migration, especially international migration, a whole new meaning. International migration is an integral part of the modern world order. Today, migration is an important phenomenon, related to powerful economic forces: large differences in wages and employment opportunities, and also increase in income. However, it should be taken into account that migration presents both challenges and opportunities for both receiving and sending countries.

Migration currently also has a significant impact on the socio-economic progress of countries located in Central Asia. Currently, the countries of Central Asia have the potential to solve numerous social problems, replenish budgets and improve the financial situation of people through labor exports. The experience of many countries demonstrates the practical potential of labor migrants to improve the living standards of a significant part of the population and contribute to the economic development of the country. Analyzing the migration situation in Central Asian countries can help identify important patterns that are critical for formulating development-oriented migration policies.

Key words: Regional interdependence, international and intraregional migration, International Organization for Migration (IOM), Kazakhstan, Kyrgyz Republic, Tajikistan, Uzbekistan, socio-economic consequences, Central Asia, economic development.

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Аймақтық өзара тәуелділік аясындағы көші-қон үдерістерінің ерекшелігі

Бұл мақалада халықаралық көші-қонға баса назар аудара отырып, көші-қон үдерістерінің негізгі сәттері талданады, сондай-ақ көші-қонның себептері мен салдары қарастырылады. Сонымен қатар, мақалада көші-қон мен даму арасындағы байланыс және оның шыққан және болған елдердегі әлеуметтік-экономикалық жағдайға әсері басты назарда болады.

Жаһандану, дамыған елдердегі демографиялық қартаю, әлемдік еңбек нарығының дамуы, мигранттардың еңбегіне тұрақты сұраныстың қалыптасуы, мигранттардың ақша аударымдарының ағындары – осының барлығы бүгінгі таңда халықтың халықаралық көші-қонына, әсіресе халықаралық көші-қонға мүлдем жаңа көзқарас қалыптастырады. Бүгінгі таңда көші-қон негізінен қуатты экономикалық күштеріне байланысты маңызды құбылыс болып табылады: жалақы мен жұмысқа орналасу мүмкіндіктеріндегі үлкен айырмашылықтар, күтілетін кірістің артуы. Алайда, көші-қон қабылдаушы және жіберуші елдер үшін қиындықтар мен мүмкіндіктерді білдіретінін ескеру қажет.

Бүгінгі таңда көші-қон Орталық Азияда орналасқан елдердің әлеуметтік-экономикалық прогресіне айтарлықтай әсер етеді. Қазіргі уақытта Орталық Азия елдерінің көптеген әлеуметтік мәселелерді шешуге, бюджеттерді толықтыруға және жұмыс күшін экспорттау есебінен адамдардың қаржылық жағдайын жақсартуға әлеуеті бар. Көптеген елдердің тәжірибесі халықтың едәуір бөлігінің өмір сүру деңгейін арттыру және елдің экономикалық дамуына жәрдемдесу үшін еңбек мигранттарының практикалық әлеуетін көрсетеді. Орталық Азия елдеріндегі көші-қон жағдайын талдау дамуға бағытталған көші-қон саясатын қалыптастыру үшін шешуші маңызы бар заңдылықтарды анықтауға көмектеседі.

Түйін сөздер: аймақтық өзара тәуелділік, халықаралық және аймақтық көші-қон, көші-қон жөніндегі халықаралық ұйым (ХҚҰ), Қазақстан, Қырғыз Республикасы, Тәжікстан, Өзбекстан, әлеуметтік-экономикалық салдарлар, Орталық Азия, экономикалық даму.

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Специфика миграционных процессов в контексте региональной взаимозависимости

В данной статье проанализированы ключевые моменты миграционных процессов с упором на международную миграцию, также рассмотрены причины и последствия миграции. Кроме того, в статье основное внимание уделено взаимосвязи между миграцией и развитием и её влиянию на социально-экономическую ситуацию в странах происхождения и пребывания.

Глобализация, демографическое старение в развитых странах, развитие мирового рынка труда, формирование устойчивого спроса на труд мигрантов, большие потоки денежных переводов мигрантов – все это на сегодняшний день придает международной миграции населения, особенно международной миграции, совершенно новое звучание. Сегодня миграция является важным явлением, во многом обусловленным мощными экономическими силами: большими различиями в заработной плате и возможностях трудоустройства, увеличением ожидаемого дохода. Однако следует учитывать, что миграция представляет собой как проблемы, так и возможности как для принимающих, так и для отправляющих стран.

Миграция на сегодняшний день также оказывает значительное влияние на социально-экономический прогресс стран, расположенных в Центральной Азии. В настоящее время страны Центральной Азии имеют потенциал для решения многочисленных социальных проблем, пополнения бюджетов и улучшения финансового положения людей за счет экспорта рабочей силы. Опыт многих стран демонстрирует практический потенциал трудовых мигрантов для повышения уровня жизни значительной части населения и содействия экономическому развитию страны. Анализ миграционной ситуации в странах Центральной Азии может помочь выявить важные закономерности, которые имеют решающее значение для формулирования миграционной политики, направленной на развитие.

Ключевые слова: региональная взаимозависимость, международная и внутрирегиональная миграция, Международная организация по миграции (МОМ), Казахстан, Кыргызская Республика, Таджикистан, Узбекистан, социально-экономические последствия, Центральная Азия, экономическое развитие.

Introduction

Economics has always been and continues to be a significant motivator for migration. According to Ravenstein's well-known migration rules, economic concerns are the primary drivers of migration. International migration is a common means for individuals to achieve material advancements in their lives. The benefits of relocating to more developed countries were widely acknowledged for a significant portion of the 20th century. This facilitated the growth of industrial economies and met the expanding labor demands of the West. Currently, global migration is an essential component of the modern global order.

Traditionally, the word "migration" was understood as the movement of people from one place to another, in a word, relocation to a new place. And now, in the conditions of globalization and interdependence, this term has acquired a new,

broader meaning associated with work, study, tourism and other activities.

Migration is a crucial and objective characteristic of the modern world. Economists have shown that nations that do not participate in migration or the global labor market are relegated to a peripheral position in terms of global development. Meanwhile, nations engaged in global migration are inevitably impacted by its social, cultural, demographic, and economic aspects, which can have positive and negative consequences.

Literature review

Migration is an integral part of human life, and people, due to various circumstances, always move. Economic, political and social aspects often act as the main mechanisms of migration. For example, when studying migration processes, Kok gives the following definition: "It is defined as the movement of people associated with a change in their usual

place of residence across an administrative boundary, such as a village, city, region or country” (Kok, 1999). . And according to Shaw’s definition (Shaw, R.P. 1975), “migration is the relatively constant movement of people over significant distances.” There are two types of migration: internal, when migrants move within their own country; and international migration – a situation in which migrants live outside their country of birth for at least one year. Skeldon Ronald (2017) argued that migration in general, and international migration in particular, is a complex concept because “its measurement depends entirely on how it is defined in time and space.”

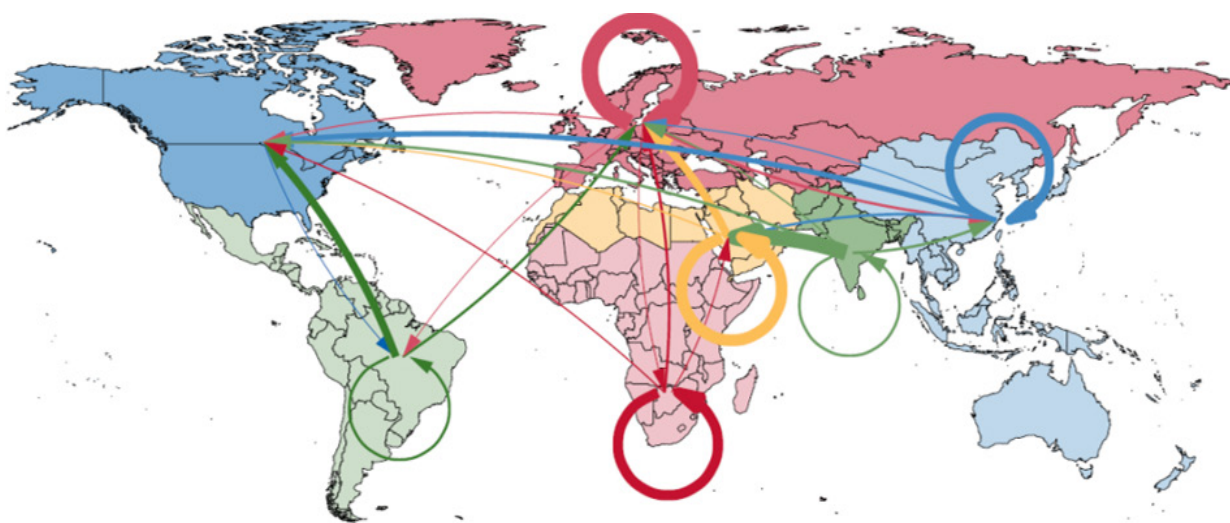
The International Organization for Migration (IOM) gives a slightly different definition of migration: “migration is the movement of people from their place of usual residence, either across an international border or within a state, to a new place of residence”.

The above definitions of migration indicate the versatility of this concept and that today international migration is becoming an important part of the modern world order. In the modern world, migration is a priority policy

for improving the financial situation of people. It is also noted that economics was initially the driving force behind migration. One of Ravenstein’s famous laws regarding migration confirms this statement: «the main reason for migration is economic factors». Economic difficulties and geopolitical crises leading to a lack of decent work are leading to an increase and diversity of migration movements.

Causes and consequences of migration

Let’s start by looking at the evolution of international migration in recent years. Many analysts, when considering the issue of increasing migration flows, pay great attention to migration from the countries of Africa, the Middle East, Asia to the countries of Europe and North America, noting the interregional nature of migration processes, although today most of the migration processes in the world are intraregional in nature. That is, migrants mainly choose the country of their region to move and live. Thus, we can say that large regional migration centers are emerging in Africa, the Middle East, Asia and the European Union (Figure 1).



Source: IMF (2020)

Figure 1 – Migration flows between 2010 and 2020

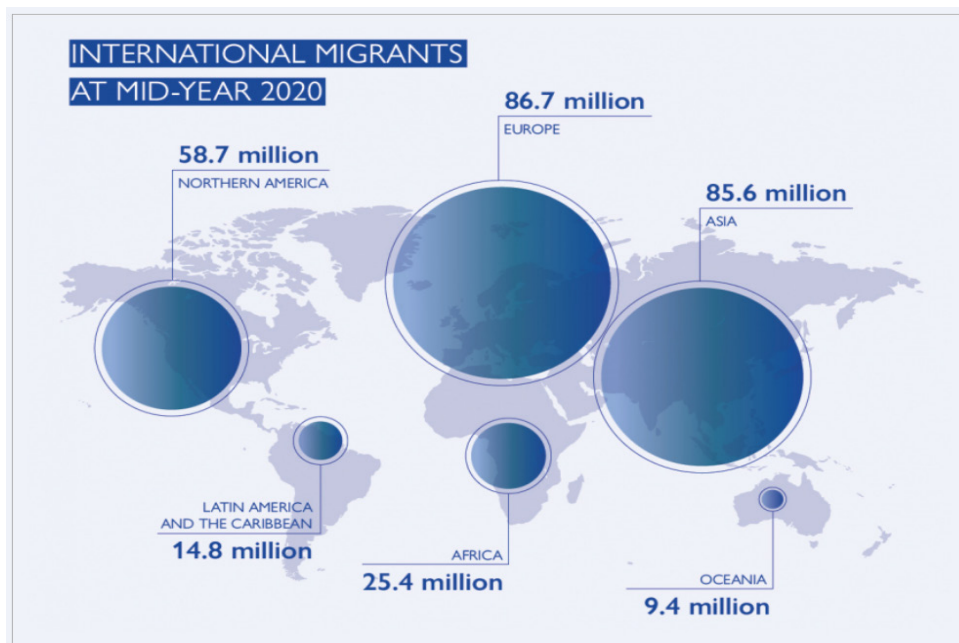
However, much international migration occurs over long distances, particularly from emerging and developing countries to advanced economies. Over the past 30 years, the share of migrants from developing countries to advanced economies has increased from 4 to 9 percent of the population of

advanced economies (IMF WEO 2020), and this has generated strong social and political reactions and increased attention to the phenomenon.

According to the UN, in 2020, about 281 million people lived outside their country of birth for one year or more, still only 3.6% of the

world's population (United Nations, Department of Economic and Social Affairs, Population Division 2020). Emigration is an integral part of the world of globalization. Before the global pandemic of 2020, tens of millions of people crossed borders, totaling three billion border crossings per year. The largest concentration of international migrants is found in Europe (86.7 million), including Russia, followed by Asia (85.6 million) and North America (58.7 million) (International Migrant Stock 2020).

Migration as a social phenomenon has its own specifics related to the geographical factor. When studying this phenomenon, two main aspects should be taken into account: firstly, migration is a change of residence, which is expressed in the fact that migration is displayed as a complete type of territorial movement within a certain geographic area. Secondly, migration also refers to the movement of people within one country, regardless of the target orientation, duration and other factors.



Source IOM (2021)

People migrate due to certain factors that force them to migrate to other countries. Everett Lee, one of the scientists who made significant contributions to migration theory and, in particular, to the “push-pull model,” identified four groups of factors that influence people to migrate:

- First, factors that are related to the area of origin;
- Second, factors related to the destination area;
- Third, source factors or push factors that force migrants to leave the country;
- Fourth, personal factors.

Thus, origin or push factors force migrants to leave their country. And conflicts and economic instability contribute to international migration. Moreover, as noted by Tessema and Ngoma (Tessema, Moussi T. and Alex M. Ngoma, 2009), deteriorating economic conditions and lack of peace, political

stability and good governance are the main factors causing migration of people from most developing countries. Speaking about the consequences of migration, it can be noted that the movement of people has a significant impact in several directions. Firstly, migrants receive high incomes, thereby improving their well-being. Secondly, we can say that migrants influence labor markets, productivity, innovation and, ultimately, the demographic structure of the country. Third, migrants can have a significant impact on their countries of origin. This means that the outflow of a huge number of people can lead to a loss of human capital and a shortage of personnel. But in the same context, migration can create a large flow of remittances to countries of origin, and ultimately create the conditions for increased trade and connectivity associated with foreign direct investment and technology.

Migration and development

Remittances, return migration and diaspora engagement (King, R., Collyer, M. 2016) are the three main mechanisms through which migration affects the development of countries from which migrants originate. Migration processes can impact the development of the communities from which they originate and exit via return migration. This connection between migration and development has been a topic of discussion in development programming since the 1960s. Migrants may acquire new skills and knowledge abroad, which they can then invest in upon their return home. The development implications of economic remittances are the most extensively researched aspect of the migration-development nexus. Remittances are known to significantly improve living standards in the regions where migrants come from, going beyond traditional development assistance. In addition to economic transfers, migration facilitates the movement of social transfers – knowledge, ideas, practices, identities and social capital. Circular migration is gaining prominence on national agendas as a strategy to utilize migration for the advancement of domestic human capital. It is increasingly entangled with development programming discussions centered on the advantages of return migration. Return migration may have a more significant impact on local industrial and technological development. This is because migrants can act as catalysts for innovation and change, applying newly acquired knowledge, competencies and entrepreneurial thinking that strengthen the economies of their home countries. The participation of diasporas in the development of their country of origin appears to be a voluntary mechanism that intertwines migration and economic development. During the period of transnationalization, and then the globalization of international relations, migrants contribute to the formation of economic ties, which can encourage them to return to their countries of origin and initiate political and social changes. Governments of sending countries are increasingly focusing on creating platforms for ongoing interaction with migrants, mentoring programs and partnerships.

India is the most striking example of this phenomenon. Recognizing the wealth of knowledge and resources that diasporas possess, over the past decade the Indian government has invested heavily in developing relationships with its compatriots living abroad. The Ministry of Indian Affairs, established in 2004, demonstrates the government's commitment to establishing long-term partnerships with its citizens living abroad. India currently has a

diaspora outreach system called Pravasi Bharatiya Diwas (PBD), which translates to Non-Resident India Day.

Today it is the most influential platform for diaspora participation, created to develop a sense of a “global Indian family”. PBD is an annual gathering of Indian diaspora communities where representatives of the Indian government bring together Indians living abroad, the President presents a prestigious award for the achievements of an individual migrant or an organization led by Indian migrants, discusses issues faced by Indian migrants, and builds a diaspora of community networks. In this case, given the demographic potential of India, as well as the fact that migration has become one of the parts of Indian foreign economic activity, this, accordingly, requires the development of certain initiatives and programs on the part of the government, which is PBD.

Migration processes in CA

When we talk about migration processes in Central Asia, it should be noted that migration patterns in the countries of the region are diverse and of a special nature. Diversity is reflected in the socio-economic composition (age, gender, education of migrants), length of stay (short-term and long-term) and motives (employment, family reunification, education, ethnic return) (IOM, 2015).

The UN Population Division estimates that the total number of migrants from Uzbekistan, Tajikistan and the Kyrgyz Republic in the Russian Federation reached 2.2 million in 2019 (Europe and Central Asia). According to UN DESA (2020), Russia receives 78% of migrants from Tajikistan and Kyrgyzstan and 58% of migrants from Uzbekistan. Kazakhstan is quickly becoming a sub-regional powerhouse thanks to its growing economy, while Russia remains the undisputed center of gravity. UN DESA (2020) reports that 76% of all migrants from Uzbekistan, the Kyrgyz Republic and Tajikistan transit through Russia and Kazakhstan combined.

Significant migration from Central Asian countries to Russia is associated with a number of factors. This is due to the seasonal and informal nature of the traffic, which is estimated to be three times larger. The Russian Federation attracts a significant volume of permanent migration, which is often overshadowed by large volumes of temporary migration brought in by workers from Central Asia on a seasonal basis. The reasons for migration are socio-economic in nature, which is reflected in wages.

Real wages in the Russian Federation are twice as high as in Tajikistan, Uzbekistan and the Kyrgyz Republic. Migrants from Central Asia are attracted to Russia by the visa-free regime, high demand for low-skilled labor, sociocultural proximity and familiar administrative procedures. There is a large body of literature describing the social, economic and political consequences of migration for countries receiving migrants, including the economies and laws of these countries. One of the significant factors influencing migration to the Russian Federation from the countries of Central Asia is the countries' belonging to a single post-Soviet geopolitical space, i.e. factor of sociocultural proximity, the Russian Federation's need for labor resources. The impact of the migration process on the socio-economic conditions of migrant-supplying countries has been poorly studied. There is a large gap between these two areas of research, which contributes to increasing interest in the issue of remittances from migrants to their families.

Affiliation with intergovernmental unions is an additional determinant of pronounced migration fluxes. Membership in the Commonwealth of Independent States fosters greater integration among Russia, the Kyrgyz Republic, Tajikistan, and Uzbekistan. However, the Eurasian Economic Union (EAEU) is a more significant impetus for migration in the region. The region's migration system is a confluence of social, cultural, economic, and political elements that attract migrants from Central Asia to Russia, contributing to the stability of migration movements.

The outbreak of hostilities in Ukraine and the announced mobilization in Russia did not lead to an end to the migration flow to Russia. During the two years of the war, the number of Central Asians (mostly Tajik citizens) who received Russian citizenship did not lead to a decrease in them. The adoption of the law on military mobilization led to an increase in return migration, that is, Russian citizens who did not want to be mobilized were forced to seek asylum in Central Asian countries, especially in Kazakhstan, Uzbekistan, and Kyrgyzstan. The increase in the number of Russian citizens in the region led to the expected processes, in addition to the problems of rising rental prices in large cities of the region, this led to difficulties in the labor market since most Russians were of working age.

In addition to the Russian direction, migration processes are also taking place on a regional scale. First, we are talking about labor migration, in particular Kazakhstan, which is becoming an attractive market for migrant workers and seasonal

workers from border countries. Today, Kazakhstan's foreign labor market is mainly filled with citizens of China, India, and Turkey. Unlike in Russia, migrant workers or seasonal workers do not have difficulties adapting to Kazakh society. Although there are signs of phobia in the local community towards people from Central Asian countries.

The increase in the flow of Chinese labor to Kazakhstan has often led to an increase in the protest movement among local workers. While Chinese citizens are mainly employed in enterprises where the share of Chinese capital is an impressive part, the citizens of the region, Uzbekistan, Tajikistan, and Kyrgyzstan, are employed in agricultural enterprises and the construction sector. The attractiveness of migrant workers from the above-mentioned countries is primarily justified not only by the cheapness of labor but it must be borne in mind that those who are engaged in construction have fairly good skills, which, combined with the low price, is the reason for the growing popularity of workers from Uzbekistan and Tajikistan.

The events of August 2021 led to the fact that Afghan citizens who are in educational institutions in Central Asian countries, primarily in Afghanistan, faced the problem of extending their stay visas. The issuance of visas was complicated by the fact that the new Afghan Government was not recognized by the countries of the region. Graduates who did not want to return to Afghanistan were forced to leave Kazakhstan. In this case, Kazakhstan was most of all considered as a transit point for further penetration into the countries of the European Union. In recent years, the number of Afghan citizens who have received a residence permit in Kazakhstan has increased significantly, the main share was made up of representatives of the Afghan religious and ethnic minority represented by Hazaras, as well as a small proportion of ethnic Kazakhs, and the latter can take advantage of preferential status from "Kandas" (fellow tribesman).

Another important issue related to migration within the region may be the problem of climate migration. The countries of the region, which are experiencing quite serious problems with drinking water today, find themselves in a difficult situation. The construction of the Kush Tepa Canal in Afghanistan will lead to serious problems. Difficulties may arise in the areas of the Amu Darya. Lack of water or limited use of water can lead to a reduction in acreage. Given that agriculture is the main activity, it can be assumed that this may become a factor in large-scale migration.

It is worth noting that the region has become hostage to complex geopolitical processes related to Afghanistan, the war in Ukraine, and the strengthening of the Chinese presence in the region.

Based on the above, it should be noted that the problems of internal migration in the region will increase and will be more related to environmental problems, and the region will also remain as a transshipment point for further migration to Russia and the countries of the European Union.

Solving migration problems requires careful study and analysis, as well as the active assistance of regional countries in regulating it.

Migration and specifics of the local market

As has been said many times, migration today is one of the important attributes of the modern world. It has been proven that countries that are not part of migration processes and do not participate in these processes ultimately remain on the fringe of global development. And the countries that are directly involved in these processes are faced with its economic, social, cultural and demographic consequences; these same consequences can have positive and negative contexts.

Currently, the Central Asian countries have the potential to solve numerous social problems, replenish budgets and improve the financial situation of thousands of people through labor exports. It is noted that labor migration must be regulated and that appropriate measures must be taken to stimulate and limit migration processes. Global experience shows that migrants contribute to economic growth and development. Labor migration is an effective strategy for preventing social upheaval caused by poverty.

Modern external labor migration is considered as an effective solution to numerous social problems in Central Asian countries. It has both positive and negative aspects of impact. In terms of the positive, first of all, it can be noted that migrants receive high incomes, thereby improving their well-being, and

with the help of migrants, cash flow increases. Just like political effects, migrants can influence their countries of origin. This means that exodus of huge numbers of people could lead to a loss of human capital and staff shortages. But in the same context, migration can create a large flow of remittances to countries of original and ultimately create the conditions for increased trade and linkages associated with foreign direct investment.

Conclusion

Thus, we can say that migration processes are caused by economic forces: an increase in people's incomes, an increase in the standard of living of society. In this context, we see how much influence migration has on the socio-political and economic life of society, since it has the specificity of forming new development trends. Destination countries may face problems in local markets due to lower wages in the short term, and migration flows may displace local workers, which in turn may increase crime rates, lead to financial costs and ultimately weaken the country's social policies. But there is also another side to the coin; Migration can also have positive sides. For example, migrants can significantly improve productivity by creating new opportunities for local workers, as well as stimulate international trade and make a positive contribution to the long-term fiscal balance. Integrating migrants into the local labor market can result in achieving their full productive contribution and limiting their potential burden on public finances, which can subsequently significantly reduce crime rates in society. But we should not forget that large flows of migrants can lead to negative consequences for countries of origin. This means that this can lead to brain drain, that is, the loss of necessary human capital and decreased competitiveness in the labor market. And at the same time, migration can create a flow of remittances, which are an important source of income for migrant families.

References

- Europe and Central Asia (2024). Available online: <https://www.iom.int/europe-and-central-asia> (accessed on 15 January 2024).
- International Organization for Migration. What is Migration? (2020). Available online: <https://wmr-educatorstoolkit.iom.int/module-1-what-is-migration-text-case-study> (accessed on 12 January 2024).
- IOM. (2015). Mapping on Irregular Migration in Central Asia 2014, Astana: International Organization for Migration. Available online: <https://www.iom.int/project/mapping-irregular-migration-central-asia-0>
- King, R., Collyer, M. (2016). Migration and Development Framework and Its Links to Integration. https://doi.org/10.1007/978-3-319-21674-4_10 https://link.springer.com/chapter/10.1007/978-3-319-21674-4_10
- Kok, P. (1999). "The definition of migration and its application: Making sense of recent South African census and survey data". *Southern African Journal of Demography*, 7(1):19–30.

Lee, Everett S. (1966). A theory of migration. Demography. <https://doi.org/10.2307/2060063>

Shaw, R.P. (1975) Migration Theory and Fact. Regional Science Research Institute, University of Pennsylvania, Philadelphia.

Skeldon, Ronald. (2017). International Migration, Internal Migration, Mobility and Urbanization: Towards More Integrated Approaches. Available online: <https://www.un.org/en/development/desa/population/events/pdf/expert/27/papers/II/paper-Skeldon-final.pdf> (accessed on 12 January 2024).

Tessema, Mussie T., and Alex M. Ngoma. (2009). Challenges of retaining skilled employees: The case of Eritrean public sector. International Public Management Review 10: 44–65.

United Nations (2021). Available online: <https://www.un.org/en/fight-racism/vulnerable-groups/migrants> (accessed on 13 January 2024).

United Nations, Department of Economic and Social Affairs, Population Division (2020). International Migrant Stock 2020. Available online: https://www.un.org/development/desa/pd/sites/www.un.org.development.desa.pd/files/files/documents/2021/Jan/undesd_pd_2020_international_migrant_stock_documentation.pdf (accessed on 13 January 2024).

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ВЫЗОВЫ И ВОЗМОЖНОСТИ, СВЯЗАННЫЕ С МИГРАЦИЕЙ, ДЛЯ ЦЕНТРАЛЬНОЙ АЗИИ

В статье проведен анализ миграционных процессов в регионе Центральной Азии с акцентом на комплексное воздействие миграции на социально-экономическое развитие стран региона. Исследование затрагивает ключевые аспекты, связанные с миграционными потоками, включая вызовы и возможности, которые эти потоки представляют для государств Центральной Азии. Целью данного исследования является глубокий анализ миграционной динамики с целью разработки рекомендаций для формирования эффективной миграционной политики.

Анализ миграционных процессов имеет как научную, так и практическую значимость для экономического и социального развития региона. Он основывается на комплексном подходе, сочетая качественный и количественный анализ данных, что позволяет оценить влияние миграции на различные аспекты жизни общества. В работе подробно рассматриваются экономические, социальные, и политические аспекты миграции, особое внимание уделяется влиянию миграционных процессов на рынок труда, социальное развитие, культурный обмен и региональную интеграцию.

Основные результаты исследования охватывают широкий спектр тем, включая влияние ремиттенсов на экономику стран Центральной Азии, вклад миграции в развитие навыков и образования, а также влияние миграционных потоков на социальное развитие и культурный обмен. Автор также анализирует роль миграции в укреплении региональной интеграции и сотрудничества, а также в развитии предпринимательства и инноваций.

Исследование вносит значимый вклад в понимание механизмов миграции в Центральной Азии и предлагает рекомендации для улучшения миграционной политики, что, в свою очередь, может способствовать устойчивому развитию региона. Практическое значение работы заключается в разработке конкретных предложений для оптимизации управления миграционными процессами, учитывая как текущие вызовы, так и потенциальные возможности для развития.

Таким образом, статья представляет собой ценный ресурс для исследователей, политиков и практиков, занимающихся вопросами миграции в Центральной Азии, предлагая глубокий анализ миграционных процессов и их влияния на развитие региона.

Ключевые слова: миграция, Центральная Азия, экономическое развитие, устойчивое развитие, миграционная политика, вызовы и возможности, гендерные аспекты миграции, региональное сотрудничество, интеллектуальная миграция, международные миграционные тенденции.

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Challenges and opportunities associated with migration for Central Asia

The article analyzes migration processes in the Central Asian region with an emphasis on the complex impact of migration on the socio-economic development of the countries of the region. The study addresses key aspects related to migration flows, including the challenges and opportunities that these flows pose for Central Asian states. The purpose of this study is an in-depth analysis of migration dynamics in order to develop recommendations for the formation of effective migration policy.

The analysis of migration processes has both scientific and practical significance for the economic and social development of the region. It is based on an integrated approach, combining qualitative and quantitative data analysis, which allows us to assess the impact of migration on various aspects of society. The work examines in detail the economic, social, and political aspects of migration, with special attention paid to the impact of migration processes on the labor market, social development, cultural

The main findings of the study cover a wide range of topics, including the impact of remittances on the economies of Central Asia, the contribution of migration to skills and education development, and the impact of migration flows on social development and cultural exchange. The author also analyzes the role of migration in strengthening regional integration and cooperation, as well as in the development of entrepreneurship and innovation.

The study makes a significant contribution to the understanding of migration mechanisms in Central Asia and offers recommendations for improving migration policies, which, in turn, can contribute to the sustainable development of the region. The practical significance of the work lies in the development of specific proposals for optimizing the management of migration processes, taking into account both current challenges and potential opportunities for development.

Thus, the article represents a valuable resource for researchers, policymakers and practitioners dealing with migration issues in Central Asia, offering an in-depth analysis of migration processes and their impact on the development of the region.

Key words: migration, Central Asia, economic development, sustainable development, migration policy, challenges and opportunities, gender aspects of migration, regional cooperation, intellectual migration, international migration trends.

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Орталық Азия үшін көші-қонмен байланысты қиындықтар мен мүмкіндіктер

Мақалада көші-қонның аймақ елдерінің әлеуметтік-экономикалық дамуына кешенді әсеріне баса назар аудара отырып, Орталық Азия аймағындағы көші-қон процестері талданады. Зерттеу көші-қон ағындарына қатысты негізгі аспектілерді, соның ішінде бұл ағындардың Орталық Азия мемлекеттері үшін туындайтын қиындықтары мен мүмкіндіктерін қарастырады. Бұл зерттеудің мақсаты тиімді көші-қон саясатын қалыптастыру бойынша ұсыныстар әзірлеу мақсатында көші-қон динамикасын терең талдау болып табылады.

Көші-қон процестерін талдаудың аймақтың экономикалық және әлеуметтік дамуы үшін ғылыми және практикалық маңызы бар. Ол көші-қонның қоғамның әртүрлі аспектілеріне әсерін бағалауға мүмкіндік беретін сапалық және сандық деректерді талдауды біріктіретін кешенді тәсілге негізделген. Жұмыста көші-қонның экономикалық, әлеуметтік және саяси аспектілері егжей-тегжейлі қарастырылып, көші-қон процестерінің еңбек нарығына, әлеуметтік дамуға, мәдени алмасуға және аймақтық интеграцияға әсеріне ерекше назар аударылады.

Зерттеудің негізгі қорытындылары ақша аударымдарының Орталық Азия елдерінің экономикасына әсері, көші-қонның біліктілік пен білімнің дамуына қосқан үлесі және көші-қон ағынының әлеуметтік даму мен мәдени алмасуға әсері сияқты тақырыптардың кең ауқымын қамтиды. Автор сонымен қатар өңірлік интеграция мен кооперацияны нығайтудағы, кәсіпкерлік пен инновацияны дамытудағы көші-қонның рөлін талдайды.

Зерттеу Орталық Азиядағы көші-қон механизмдерін түсінуге елеулі үлес қосады және көші-қон саясатын жетілдіру бойынша ұсыныстарды ұсынады, бұл өз кезегінде аймақтың тұрақты дамуына ықпал ете алады. Жұмыстың практикалық маңыздылығы ағымдағы қиындықтарды да, дамудың әлеуетті мүмкіндіктерін де ескере отырып, көші-қон процестерін басқаруды оңтайландыру бойынша нақты ұсыныстарды әзірлеуде жатыр.

Осылайша, мақала Орталық Азиядағы көші-қон мәселелерімен айналысатын зерттеушілер, саясаткерлер мен тәжірибешілер үшін көші-қон процестерін және олардың аймақтың дамуына әсерін терең талдауды ұсынатын құнды ресурс болып табылады.

Түйін сөздер: көші-қон, Орталық Азия, экономикалық даму, тұрақты даму, көші-қон саясаты, қиындықтар мен мүмкіндіктер, миграцияның гендерлік аспектілері, аймақтық ынтымақтастық, зияткерлік көші-қон, халықаралық көші-қон үрдістері.

Введение

Центральноазиатский регион, представляет собой уникальный синтез различных культурных наследий, исторических развилки и социально-экономических динамик. На протяжении последних десятилетий, регион испытывает

усиленные миграционные потоки, имеющие ключевое значение как для стимулирования его развития, так и для создания новых вызовов. В условиях глобализации, регион стал свидетелем интенсивной миграции своих граждан, как внутри региона, так и за его пределами. Геополитические изменения и конфликты в сосед-

них регионах, таких как Афганистан, Украина (Souleimanov, 2023: 95-106), Ближний Восток оказывают воздействие на миграционные потоки Центральной Азии.

Актуальность темы определяется ускорением процессов глобализации, которые приводят к увеличению масштабов и динамики миграции, влияющей на демографические, экономические и социальные сферы стран региона. Влияние миграции на развитие стран Центральной Азии, их экономический рост и социальное благополучие является значимым и требует детального изучения. Теоретическая и практическая значимость исследования обусловлена необходимостью разработки эффективных стратегий миграционной политики, которые способны обеспечить социальную стабильность и устойчивое развитие (Ryazantsev, 2019).

Объектом исследования являются миграционные процессы в Центральной Азии. Предметом – влияние миграции на социально-экономическое развитие региона и формирование миграционных политик. Целью данного исследования является анализ вызовов и возможностей, связанных с миграцией для стран Центральной Азии, а также предложение рекомендаций для оптимизации миграционной политики.

Для достижения поставленной цели, предусмотрены следующие задачи:

Изучение и анализ современных тенденций миграции в Центральной Азии.

Оценка социально-экономического воздействия миграционных процессов на страны региона.

Определение ключевых вызовов, связанных с миграцией, с которыми сталкиваются страны Центральной Азии.

Выявление потенциальных возможностей, которые миграция может предоставить для устойчивого развития региона.

Разработка рекомендаций по формированию эффективной миграционной политики.

Методы исследования включают анализ статистических данных, обзор научной литературы, политических документов и отчетов международных региональных организаций, а также проведение экспертных опросов и интервью с заинтересованными сторонами. Используя комплексный подход, мы стремимся к обеспечению максимально объективного и всестороннего анализа миграционной динамики и её последствий для Центральной Азии.

Исследование темы основывается на междисциплинарном теоретическом подходе, включающем теории международной миграции, концепции экономического развития и устойчивости, теории социального изменения, политические теории региональной интеграции, гендерные аспекты миграции, а также теории глобализации и транснационализма. Этот подход обеспечивает комплексное понимание воздействия миграции на экономический рост, социальное благополучие и политическую стабильность в странах Центральной Азии, позволяя анализировать как вызовы, так и возможности, которые миграция предоставляет для устойчивого развития региона.

Гипотеза исследования предполагает, что миграция может стать катализатором развития в Центральной Азии при условии грамотной интеграции мигрантов и адаптации миграционной политики к современным вызовам и возможностям. Значение данной работы заключается в предоставлении рекомендаций для формирования такой политики и создании условий для использования миграционных процессов в качестве ресурса устойчивого социально-экономического развития.

Методы

Вопрос исследования данной статьи сфокусирован на выявлении того, как миграционные процессы влияют на социально-экономическое развитие Центральной Азии и какие вызовы и возможности они представляют для региональной интеграции и политической стабильности.

Этапы исследования:

Сбор и систематизация статистических данных о миграционных потоках в Центральной Азии и из региона.

Качественный анализ политических и стратегических документов, касающихся миграционной политики стран Центральной Азии.

Проведение полуструктурированных интервью с экспертами и заинтересованными сторонами для получения дополнительных качественных данных.

Количественный анализ данных с использованием статистических методов для определения трендов и закономерностей.

Синтез и интерпретация результатов в контексте теоретической рамки и сформулированной гипотезы.

Обзор литературы

Обзор исследований и статей по теме миграции в Центральной Азии выявляет множество аспектов, включая экономические, социальные, политические и гуманитарные вызовы и возможности. Исследования охватывают широкий спектр тем, начиная от влияния миграции на безопасность региона, гендерных аспектов, воздействия на психическое здоровье мигрантов, до роли международных организаций в управлении миграционными процессами (Брагин, 2020; Агентство ООН по миграции, 2020; Закон Туркменистана; Ивахнюк, 2015; Лукянец, 2020; Международная организация по миграции, 2021; 26; 29.; Рязанцев, 2021; 31).

Особое внимание уделяется влиянию глобальных и региональных событий, таких как экономические изменения и конфликты, на миграционные потоки. Эти работы представляют собой комплексный анализ текущего состояния исследований, выявляя как недостатки в существующих данных, так и потенциальные направления для будущих исследований.

Результаты

Миграция – одно из актуальных и многогранных явлений современного мира, которое играет значительную роль в различных сферах жизни стран и регионов. В частности, для государств Центральной Азии миграция представляет собой явление, оказывающее важное воздействие на социальную, экономическую и политическую динамику не только в отдельных странах, но и в регионе.

Для понимания роли миграции в Центральной Азии, следует определить хронологические рамки, начиная с периода после распада СССР:

Период после распада СССР (1991 – начало 2000-х): В этот период страны Центральной Азии столкнулись с вызовами, связанными с разрушением советской системы и формированием независимых государств. Как правильно отмечают авторы аналитического доклада «Внешняя молодежная миграция в странах Центральной Азии: анализ рисков и минимизация негативных последствий» (Агентство ООН по миграции, 2019), «начале 1990-х годов в рамках постсоветского пространства доминировала «вынужденная миграция», связанная с распадом Советского Союза и суверенизацией новых государств, в том числе — на основе концепции «титульной

нации», что приводило к мощному давлению на представителей негитульных этносов»

Период начала 2000-х – 2010-х: Этот этап характеризовался интенсивной трудовой миграцией из Центральной Азии в страны, такие как Россия и Казахстан. Экономический рост и возможности трудоустройства за границей стали движущими силами миграции.

В качестве отдельного этапа можно рассмотреть 2020-ы: Глобальные и региональные события, включая кризисы, санкционная политика Запада в отношении России, конфликты и конечно COVID-19, повлияли на миграцию в регионе.

Надо учесть, что из 5 стран региона Казахстан выступает в качестве принимающего государства, тогда как другие страны являются странами исхода миграции.

Таким образом, миграция представляет собой сложное и многогранное явление, играющее важную роль в развитии и структуре стран Центральной Азии. В этой связи, необходимо провести более глубокое исследование, чтобы полностью понять вызовы и возможности, связанные с миграцией в этом регионе.

Основываясь на предоставленных материалах, можно выделить ключевые результаты исследования миграционных процессов в Центральной Азии. Во-первых, трудовая миграция остается доминирующей формой международных перемещений в этом регионе. Страны Центральной Азии, особенно Кыргызстан, Таджикистан и Узбекистан, демонстрируют высокий уровень зависимости от переводов мигрантов, что, в свою очередь, влияет на их экономическую стабильность и развитие. По оценкам исследований «Если в 2017 году по данным Министерства внутренних дел Российской Федерации из Узбекистана 1 822 933 человек, то к 2018 году их количество выросло до 2 007 407 человек. В Таджикистане за аналогичный период времени насчитывалось 936 752 мигрантов к 2018 году их число увеличилось до 1 018 497 человек. Из Кыргызстана в 2017 году работало в России – 376 863 человек, а через год их количество выросло до 351 959» (Раисова, 2020).

Миграция образовательных кадров также представляет собой значимый тренд, особенно с учетом возрастающей тенденции к глобализации высшего образования. Высококвалифицированные специалисты из Центральной Азии стремятся получить образование за рубежом, что приводит к «утечке умов» и, соответственно, к недостатку профессиональных кадров в регионе (Бахриев, 2022; Олимова, 2022). Социальные

аспекты миграции, включая интеграцию мигрантов и их влияние на социальные структуры, также заслуживают внимания. В странах Центральной Азии наблюдаются различные подходы к интеграции возвращающихся мигрантов, что представляет собой как вызовы, так и возможности для социальной политики.

Анализ данных

Проведенный анализ демографических данных показывает, что в Центральной Азии преобладает молодое население с высоким уровнем безработицы среди молодежи (Lipková, 2020), что служит одной из причин высокой миграционной активности. Экономические показатели, такие как ВВП на душу населения, уровень инфляции и прямые иностранные инвестиции, варьируются по странам региона, но общим является то, что миграция оказывает значительное влияние на эти параметры.

Социальные аспекты, такие как образование и здравоохранение, также подвержены влиянию миграционных процессов. Мигранты из Центральной Азии, особенно женщины, сталкиваются с серьезными проблемами интеграции и адаптации в странах пребывания. Дополнительно, рассмотрение вопросов психического здоровья мигрантов, включая депрессию и злоупотребление алкоголем, становится все более актуальным в контексте растущей миграционной нагрузки.

Сравнительный анализ между странами региона демонстрирует различия в миграционной политике и уровнях миграционных потоков. Казахстан, например, в основном является страной назначения для мигрантов из Центральной Азии, в то время как Таджикистан и Кыргызстан – страны отправления. Различия в экономической устойчивости и политической обстановке в этих странах также влияют на миграционные тенденции и результаты интеграции мигрантов.

Страновые контексты миграции и конструированные нарративы

Среди государств Центральной Азии Казахстан выступает в качестве принимающей стороны, тогда как остальные четыре государства являются отправляющими. Тем не менее, рассматривая регион как «Центральноазиатская подсистема» (Садовская, 2009; Черных, 2017) Евразийской миграционной системы оценим влияние миграции на все страны региона по отдельности.

Казахстан

Республика Казахстан, как крупнейшая и экономически развитая страна в Центральной Азии, играет важную роль в региональных миграционных процессах. Ее географическое положение на пересечении Европы и Азии делает ее местом транзита для многих мигрантов и беженцев. В последние десятилетия Казахстан столкнулась с рядом вызовов и изменений в миграционной динамике.

Рабочая миграция: Казахстан привлекает мигрантов из соседних стран, таких как Узбекистан, Киргизия и Таджикистан, в поисках лучших трудовых возможностей и высокооплачиваемых рабочих мест. Однако, эти мигранты могут столкнуться с социальными и экономическими вызовами, такими как незаконное трудоустройство и недостаточная защита их прав.

Миграция из Казахстана: кроме въезжающих мигрантов, Казахстан также стал свидетелем оттока своих граждан, особенно высококвалифицированных специалистов, за границу в поисках лучших условий для работы и обучения.

В Казахстане, также, как и в Кыргызстане наблюдается реализация так называемой программы возвратной миграции, в том числе оралманов цель которой увеличение численности населения за счет и поддержание «этнодемографического баланса» (по сути, наращивание численности «государствообразующего» этноса) (Агентство ООН по миграции, 2020).

Нарративы и вызовы

На фоне миграционных процессов на территории Казахстана наблюдаются множество нарративов и вызовов:

- Процесс миграции положительно влияет на обогащение культуры и рост в экономике. Но с другой стороны у приезжих людей есть возможность быть ущемленными по разным этническим, религиозным причинам, что впоследствии может не позволить слиться в общество.

- Казахстан старается соблюдать баланс между свободной миграционной политикой и государственной безопасностью, что в свою очередь поражает нерешенные задачи в законодательной базе, которая должны обеспечивать права данных граждан.

- Как суверенное государство где все граждане имеют одинаковые права должны быть предусмотрены одинаковое отношение к переселенцам в социальной и образовательной сфере.

В общей сложности Казахстан стоит перед дилеммой как эффективно принять вести поли-

тику с одной стороны преследуя экономический интерес, с другой стороны обеспечивая безболезненное внедрение мигрантов в социум.

Кыргызстан

Страны Центральной Азии как Узбекистан, Кыргызстан и Таджикистан довольно активно отправляют своих граждан в роли трудовых мигрантов в данном регионе.

Трудовая миграция: Большой поток трудящихся-мигрантов из Кыргызстана в Россию и Казахстан в поисках работы и улучшения жизни порождает проблемы в нелегальные пересечения границы и соответственно неустойчивость на рынке труда.

Эмиграция: Кроме того, перед Кыргызстаном возник немаловажный вопрос, связанный с оттоком молодых людей и квалифицированных профессионалов за рубеж, которые преследуют цели как получение образования в высших учебных образованиях развитых стран и поднятие по карьерной лестнице.

Нарративы и вызовы

На фоне миграционных процессов можно выделить следующие нарративы и вызовы:

- Нарративом миграционной деятельности в Кыргызстане является переселение граждан за границу в поисках работы. В основном мигранты из Кыргызстана едут в страны как Казахстан или Россия, чтобы улучшить свое благосостояние.

- Другой немаловажный нарратив это – возвращение этнических граждан страны обратно на свою историческую Родину (Большот, 2023, МИР24, 2017).

Таджикистан

Можно выделить ключевые моменты миграционных процессов в Таджикистане:

Трудовая миграция: Миграция трудовых мигрантов из Таджикистана в Россию положительно влияет на экономику страны пребывания, но тем временем порождая значимые проблемы в социальной сфере, также, как и ущемление прав переселенцев и отдаление от членов своей семьи.

Беженцы и невольные мигранты: В Таджикистан в свою очередь также активно приезжают мигранты из других стран, в особенности из неспокойного Афганистана, которые сталкиваются с неприятием и некоторыми нарушениями в социальной защите данных граждан.

Эмиграция в поисках труда и получения образования:

Молодое поколение Таджикистана и квалифицированные работники – не исключение. Они также преследуют одинаковые цели как получение образования в лучших университетах и высоко оплачиваемой работы (Бахриев, 2022, с.117-126, Toleuov, 2020).

Нарративы и вызовы

- На фоне миграционных процессов в Таджикистане можно выделить следующие ключевые нарративы и вызовы:

Объем денег (5,2 млрд Американских долларов), отправляющихся переводом трудовыми мигрантами в свою страну стимулирует рост экономики Таджикистана (Чоршанбиев, 2023а). Но в этом существует и обратная сторона, как создание неустойчивости в социальной и культурной сфере, разлучая членов семей делая их зависимыми от этих денег.

- На данный момент перед Таджикистаном стоит вопрос об улучшениях законодательства что смогло бы стимулировать их возвращение на Родину, так как множество граждан, обратно переселившихся в свою страны встречают негативные аспекты в слиянии своего же общества.

Туркменистан

Туркменистан имеет свой уникальный окрас миграционных процессов, которые можно разбить на нижеперечисленные пункты:

Трудовая миграция: Мигранты из Туркменистана едут в поисках хорошо оплачиваемой работы не только в Центрально Азиатский регион и в Россию, но и другие страны.

Ограничение информации: Как известно Туркменистан очень строго относится на свободу слова и деятельности журналистов, что в свою очередь не дает возможность полностью раскрыть важные аспекты миграции и влияние на страну в целом.

Миграция по экономическим причинам: Волатильность в экономической сфере и упор на доходы, получаемые от энергетических ресурсов страны может породить отток граждан страны в поиске работы за границей.

Нарративы и вызовы

Можно выделить ключевые аспекты миграционных процессов Туркменистана.

- В целом миграционные процессы подразумеваются как путь решения финансовых проблем семей мигрантов и улучшение жизни. Но в то же время создает проблемы как сепарация семей и постоянная потребность в получении денег от этих трудовых мигрантов.

- Туркменистан дает полную свободу на миграцию своих граждан в соседние страны, тем самым усложняя процесс переселения граждан.

- Гражданам Туркменистана, которые пересекали границу, приходится противостоять проблемам разного рода как и в социальной сфере так и в защите своих прав.

Узбекистан

Узбекистан, расположенная в Центральной Азии, имеет свои следующие отличительные особенности:

Трудовая миграция: Узбекистан ежегодно отправляет огромное количество своих граждан, которые мигрируют в Казахстан и в Россию в поиске труда и улучшения благосостояния. Данные процессы положительно влияют на экономический рост страны, но тем временем порождает нелегальные условия труда ущемление прав данных граждан.

Внутренняя миграция: На территории Узбекистана также наблюдается активное переселение людей из сельских местностей в города, которые стремятся изменить свою жизнь в лучшую сторону.

Нарративы и вызовы

На фоне миграционных процессов в Узбекистане можно выделить следующие моменты:

- Узбекистан лидирует по количеству отправляемых трудовых мигрантов в особенности в Казахстан и в Российскую Федерацию, и в Персидские страны.

- Узбекистан поддерживает получение высшего образования в ведущих учебных заведениях развитых стран как Россия, США и Европа, с целью улучшить профессиональность своих граждан.

- Социальные и экономические сферы Узбекистана требуют создание действенных механизмов решения вопросов связанных с возвращением граждан на свою Родину.

В общем, сложный миграционный ландшафт Узбекистана имеет необходимость в эффективном решении вопросов связанных с огромными потоками мигрантов и обеспечение их прав.

Сравнительный анализ: Сравнительный анализ миграционных процессов в странах Центральной Азии выделил следующие ключевые факторы: экономическое положение народа, целостность государства, качество получения образования и перспективы нахождения работы в странах куда приезжают мигранты. К примеру, можно заметить похожие аспекты в механизмах регуляции миграционных процессов и законода-

тельной базе мигрантов в Казахстане и Кыргызстане, не смотря на похожее состояние экономики в данных странах.

Исследование данной темы определило неоднозначно сложную структуру миграции в Центрально Азиатском регионе, что требует проведения более тщательного фокуса на данный процесс, разбив на разные многогранные детали.

Сравнительный анализ также дал возможность обратить внимание на разные подходы в проводимой в политике стран Центральной Азии касаясь миграционных процессов. Например, если Казахстан как одна из лидирующих стран назначение мигрантов стремится получить высокие кадры и построить эффективные рычаги регуляции миграции, Кыргызстан и Таджикистан откуда отправляются огромное количество рабочей силы, фокусируется на решении вопросов с реинтеграцией переселенцев и оттоком высококвалифицированных специалистов.

Отдельно необходимо выделить гендерный аспект миграционных процессов (Rosheva, 2018). Потому что мигранты женского пола из стран Центральной Азии в особенности страдают от проблем связанных с ущемлением прав и получением работы. Эти аспекты выявляют потребность в улучшениях рычагов регулирования миграции, и создание условий для работающих женщин-мигрантов.

В итоге хотелось бы подчеркнуть многогранность и многомерность миграционных потоков в странах Центральной Азии и раскрывают трудности и перспективы развития данных процессов. Также очевидна необходимость всестороннего анализа миграционных процессов, обращая отдельное внимание на аспекты в экономической, политической и социокультурной сферах.

Обсуждение

Итоги исследования демонстрируют значимое воздействие миграции в Центрально Азиатском регионе на развитие экономики и социальное состояние граждан стран. Миграция в поисках труда существенно влияет на ВВП каждой страны. Согласно исследованиям ВВП Таджикистана (5,2 млрд долларов) (Чоршанбиев, 2023б) и Кыргызстана (2,73 млрд долларом) во многом зависит от объема переведенных денежных средств мигрирующих граждан (2,6 млрд долларов было отправлено из России в Кыргызстан в 2022 году, 2023).

Не смотря на выгоду в экономической сфере, необходимо подчеркнуть вызовы в социальной сфере, отток специалистов, слияние мигрирующих граждан в социум, влияние на семейные ценности требуют отдельного внимания. Кроме того, нужно учесть, что утечка кадров за рубеж имеет влияние на инновационный рост региона в будущем.

Миграционные процессы в странах Центральной Азии отличаются разными подходами в мерах, применяемых для регуляции. К примеру Казахстан отличается как страна назначения, которая лидирует по получению мигрантов, а Кыргызстан и Таджикистан как страны-отправители. Эти показатели одновременно обеспечивают хорошие перспективы для интеграции и взаимодействия в регионе также и обнадеживает вызовы для стран регионов касаясь миграционных процессов.

Главный фактор это – всеобщие и местные явления в нестабильной экономике и разного рода местные политические противостояния на миграционные потоки в целом. Например, события на Украине и коронавирус существенно повлияли на миграционные процессы, что показало слабость тенденции в миграции к международным событиям.

Вызовы. Статья не может всесторонне раскрыть аспекты всех отдельных вызовов в миграционной деятельности стран Центральной Азии.

Зависимость экономики от ремиттенсов. Существенное влияние финансовых переводов на экономические показатели страны могут иметь разные аспекты одновременно. К примеру, эти переводы обеспечивает семьи мигрантов самым необходимым, но в то же время подвергая в опасность устойчивость страны в экономическом аспекте. Когда ремиттенсы существенно сокращаются в странах как Россия во время разных мировых экономических кризисов или конфликтов, это сразу же отражается в экономических показателях стран, которые отправляют своих граждан на поиски дохода (Масланов, 2023). Это особо остро может ощущаться в Странах как Кыргызстан, где ВВП страны очень зависит от этих переводов (например, в Кыргызстане ремиттенсы составляют 30% ВВП, а в Таджикистане 40%).

Еще одним немаловажной проблемой стран Казахстана и Узбекистана можно выделить миграцию квалифицированных кадров и молодежи за границей, что в свою очередь ставит под риск местную экономику. Потому что последние исследования демонстрируют развитие тенденции

получать лучшее образование за рубежом и обеспечить себе достойный карьерный рост.

Вызовы касательно интеграции мигрантов в общество при возвращении на Родину и их влияние на социокультурные события и семейные ценности в обществе является также актуальными.

Кроме того, незаконные решения миграционных потоков ставят под угрозу национальную безопасность стран получателей мигрантов. Неотлаженные механизмы урегулирования и слабая законодательная база порождает повышение беззаконие, нарушение всяких норм, тем самым являясь причиной террористической деятельности и этнической розни. Если учитывать соседство с нестабильным Афганистаном и геополитические события на международном и региональном уровне, актуальность данного вопроса возрастает.

Не менее важным моментом является гендерный вопрос. Мигранты женского пола подвергается еще большим сложностям если сравнивать с противоположным полом, включая насилие и перспективы нахождения работы (Rocheva, 2018). Данный вопрос показывает необходимость создания эффективных методов решения проблем и поддержки женского пола.

Следующий немаловажные аспекты это – экологические и климатические вызовы. Проблемы экологии воздействуют на динамику миграционных процессов. К примеру обезвоживание рек и климатические условия усиливают миграцию с районов где в основном люди занимаются натуральным хозяйством (Abou Zaki, 2022). Люди ищут пути улучшения благосостояния.

Вышеперечисленные вопросы показывают необходимость создания комплексных эффективных механизмов решения вопросов миграции в странах Центральной Азии, которые учитывали бы разные аспекты внутреннего и внешнего характера.

Ключевым решением может быть взаимодействие стран с друг другом и международными институтами (Korneev, 2017).

Возможности. Выявленные результаты по данному исследованию и интервью доказывают, что проблемы миграционных процессов в Центрально Азиатском регионе также дают огромные перспективы развития и благополучие граждан стран региона.

Были детально анализированы материалы Международной организации по миграции (МОМ) и Агенства по миграции, что дало возможность выделить несколько инструментов

которые могли бы улучшить благосостояние народов региона:

1. Повышение экономических показателей посредством ремиттенсов. Анализ литературы и исследований по изучаемой теме помогло выявить многостороннее влияние денежных переводов мигрирующих граждан на благосостояние жителей стран Центральной Азии. Ремиттенсы значительно воздействуют на рост в экономике и качество жизни граждан. Исходя из информации Всемирного банка, ремиттенсы могут повлиять на понижение бедности и повышение жизни граждан региона (Lipkova, 2020). Более того, увеличение потребления благодаря денежным переводам стимулирует развитие экономики. Это особенно может быть заметно в странах где значимую часть ВВП составляют ремиттенсы мигрантов.

Таким образом ремиттенсы обеспечивая семьи мигрантов необходимым, влияю на рост в экономике путем привлечения инвестиций и стимулирования потребления населения. Эти финансы в свою очередь могут быть значимым элементом экономики страны, тем самым закрывая нехватку торговли и укрепляя ценность национальной валюты.

2. Влияние интеллектуальной миграции на улучшение навыков и получение хорошего образования. Миграционные процессы в образовательной сфере является одним из ключевых аспектов экономического и культурного благосостояния страны. Молодежь отправляясь за рубеж чтобы повысить свои качества, после возвращения улучшают экономику своей родной страны. Важный аспект данного процесса – трансфер технологий, управленческих практик, расширение социальных сетей.

Но как показали исследования, данный тип миграционных процессов имеет, как и положительные так и негативные последствия для стран Центрально Азиатского региона. Плюсы в том, что, интеллектуалы по возвращению могут существенно стимулировать рост в экономике, а минусы в том, что всегда присутствуют риски утечки кадров, так как многие квалифицированные кадры остаются за рубежом, желая получить высокий доход и высокий уровень жизни.

3. Влияние миграции на социокультурный обмен и развитие. Центрально азиатские страны всегда отличались своей богатой и разнообразной культурой, что всегда имело влияние на динамику развития данных стран. Миграционные процессы выявляют новые перспективы разви-

тия для культурного обмена и развития в социальной сфере.

Данные тенденции в культуре улучшает общество, открывая новые горизонты для развития, тем самым создавая новое современное общество. Граждане после возвращения на Родину с новыми навыками и знаниями являются стимуляторами инновационных изменений в стране.

4. Региональная интеграция и сотрудничество. Миграционные процессы в Центрально Азиатском регионе имеют огромное место в сближении международных участников, тем самым не только способствуя улучшению экономического настроения путем ремиттенсов мигрантов и обмениваясь рабочими кадрами, но также и усиливая сотрудничество и взаимообмен в региональных делах.

Укрепление миграционного сотрудничества в свою очередь положительно влияет на создание сильных акторов в виде международных институтов, которые могут улучшить ситуацию и настроение в целом регионе. Данный процесс определяет необходимость взаимоуважения и доверия.

5. Развитие рынка труда. Миграция труда балансирует нехватку рабочей силы и избыток кадров в некоторых сегментах национальной экономики. Более того, воздействует на улучшение распределения рабочей силы, уменьшить безработицу, тем самым улучшая экономические показатели страны.

Миграционные процессы решают проблемы где имеется нехватка высококвалифицированных кадров и в то же время неквалифицированных людей, восполняя пробелы кадрового производства, порождая значительные изменения в регионе.

Чтобы максимально усовершенствовать механизмы регулирования миграционных процессов, безусловно необходимо скоординироваться, обмениваясь опытом, тем самым улучшая благосостояния мигрантов, их карьерного роста и влияние в местный рынок труда.

6. Стимулирование предпринимательства и инноваций. Мигранты после возвращения на Родину, обычно приносят с собой новые знания и идеи, в последующем данный социальный капитал активно влияет на развитие малого и среднего бизнеса.

Высококвалифицированные рабочие мигранты по возвращению вносят динамизм в экономическую сферу стран региона, они существенно влияют на бизнес климат страны через трансфер

бесценного опыта и инвестиционных проектов, что в дальнейшем сможет повысить конкурентоспособность стран в регионе и в целом.

Чтобы максимально эффективно воспользоваться возвратными мигрантами необходимо обеспечить их достаточными условиями для жизни и организовать безболезненное внедрение в экономику страны.

Все эти возможности могут быть исполнены при достаточно эффективном проведении миграционной политики, где будут учтены социальная защита и права мигрантов, и направление их потенциала на развитие национальной экономики страны.

Рекомендации. В результате исследования и анализа вызовов и возможностей в миграционных процессах стран Центральной Азии удалось определить следующие рекомендации:

1. Подготовка результативных инструментов миграционной политики. Странам Центрально Азиатского региона следует внедрить многостороннюю политику, которая учитывала бы все миграционные динамики внутреннего и внешнего характера. Данные механизмы должны учесть защиту прав и поддержку мигрантов, тем самым обеспечивая возможность внедрению в общество.

2. Улучшение сотрудничества на региональном уровне: Сотрудничество между странами региона может способствовать управлению рабочими силами и эффективно распределить их потенциал.

3. Инвестирование в образование и профессиональное обучение: усовершенствование системы образования и доступность его получения в свою очередь может уменьшить объем оттока кадров за рубеж, и соответственно повысить качество кадров их квалификацию, делая их конкурентоспособным на рынке труда.

4. Создание благоприятных условий для возвратных мигрантов: необходимые меры дали бы толчок для трудоустройства по возвращению, занятию предпринимательством, используя новые навыки и знания, приобретенные за границей.

5. Стимулирование предпринимательства и инноваций среди мигрантов. Организация поддержки мигрантов по возвращению, гарантируя им и их семьям новые рабочие места, тем самым способствуя росту в экономике.

6. Поддержка гендерного равенства в миграционной политике. Внедрит механизмы, которые могли бы обеспечить мигрантов женского

пола равными правами в трудоустройстве и защищая данные уязвимые слоя населения.

7. Улучшения системы здравоохранения для мигрантов.: организовать возможность мигрантам получать качественную медицинскую помощь, тем самым улучшая здоровье, снизив заболеваемость данных слоев населения.

8. Повышение уровня толерантности и межкультурного диалога: создание необходимых мер по смягчению межэтнического напряжения и создания толерантного общества путем улучшения толерантности.

9. Использование технологий и инноваций в управлениях миграцией: Разработка специальных программ с новыми цифровыми продуктами для ведения учета количества мигрантов поможет регулировать миграционные потоки.

10. Содействие экологической устойчивой миграции: учитывать вопросы касательно экологии, особенно когда происходят глобальные изменения в климате. Предпринять меры по решению экологических проблем и адаптации к новым реалиям.

11. Привлечение международных партнеров и институтов. Привлечение крупных международных акторов как ООН, Европейский союз и разного рода неправительственные институты могут обменяться своим опытом, техническими достижениями и финансовой помощи.

12. Внедрение гибких стратегий на мировые изменения. Регулярный анализ миграционных процессов, своевременная адаптация к новым изменения, могут снизить вызовы и предложить перспективы развития.

Вышеуказанные предложения рекомендательного характера охватывают полный спектр миграционных процессов, обеспечивая необходимыми инструментами снижения потенциальных рисков и своевременного использования возможностей.

Заключение

Данное исследование проводилось с целью миграционных процессов в странах Центральной Азии, учитывая возможные риски и возможности данных процессов. Были выявлены следующие заключительные аспекты исследования:

1. Экономическое влияние миграции. Финансовые переводы мигрантов Центральной Азии в свои семьи могут существенно повлиять на рост в экономике страны, составляя значимую часть ВВП страны.

2. Изменение в социальной сфере. Миграционные процессы имеют значительное влияние на семейные ценности, качество образования и обмен в культурной сфере.

3. Политические и регуляторные аспекты. Чтобы максимально эффективно управлять миграционными потоками нужно разработать действенные механизмы по регулированию на региональном и национальном уровне.

4. Интеграция и сотрудничество на региональном уровне. Миграционные потоки являются сложными процессами требующие координацию действий стран региона.

5. Устойчивое развитие: Миграция может стать катализатором развития экономики, путем правильного внедрения действенных инструментов.

Данное исследование вносит вклад в дискуссию о миграционных процессах в Центральной Азии, предоставляя новый взгляд в регионе на сложные взаимосвязи между миграционными процессами и социально-экономическим развитием региона. Можно выделить следующие аспекты:

- В статье выделяется необходимость многоступенчатого подхода к миграционным процессам, учитывающего экономические, социальные, культурные и политические аспекты. Это расширяет понимание миграции за рамки традиционного восприятия ее как чисто экономического или демографического явления.

- Изучение этой темы позволяет интегрировать как глобальные, так и региональные перспективы, подчеркивая влияние международных событий и глобальных тенденций на миграционные процессы в Центральной Азии.

- Исследование расширяет дискуссию о миграции, включив в нее вопросы социальной интеграции, культурного обмена и гендерные аспекты, что является важным шагом в понимании всего спектра последствий миграционных процессов.

- Предлагаемые рекомендации по управлению миграцией и разработке миграционной политики предоставляют разработчикам политики и регулирующим органам практические инструменты для поддержки разработки более эффективной миграционной политики.

- Исследование способствует глубокому пониманию сложности миграционных процессов в Центральной Азии и предлагает основу для разработки более сбалансированных и обоснованных политических решений в этой области.

Перспективы для будущих исследователей

Для будущих исследователей можно предложить следующие главные сферы для анализа миграционных процессов в Центральной Азии:

1. Точечное изучение влияния миграционных потоков на отдельные секторы экономики. Будущие исследователи могли бы уделить внимание на оценке воздействия миграции на определенные секторы экономики, как сельское хозяйство, промышленность и сфера услуг, а также на взаимосвязь с инновациями и предпринимательством.

2. Углубленный анализ в социальном и культурном контексте миграции. Значимым является изучение социальных последствий миграционных процессов, включая влияние на семейные ценности, культурно-образовательную интеграцию. Фокус нужно направить на гендерные аспекты анализа.

3. Политические и правовые направления исследований миграционных процессов. Будущие исследования должны изучить эффективность существующей миграционной политики и законодательства и разработать предложения по их совершенствованию, основанные на международном опыте и региональных особенностях.

4. Международное сотрудничество и региональная интеграция. Необходимо изучать роль сотрудничества между международными партнерами и региональными интеграциями в управлении процессами миграции, в том числе изучить влияние международных договоренностей и программ миграции.

5. Применение инновационных методик и техники в исследованиях миграционной ситуации. Для будущих исследований можно было бы использовать новые технологии, такие как большие данные и искусственный интеллект, чтобы обеспечить более глубокое и точное наблюдение за миграционным потоком и его последствиями.

6. Влияние глобального кризиса на миграции. Исследования, ориентированные на понимание влияния глобального кризиса, такого как пандемия или экономическое колебание, на потоки миграции и стратегию адаптации к ней, будут актуальными в условиях постоянно изменяющейся глобальной ситуации.

7. Изучение психологических аспектов миграции и аспектов сохранения здоровья. Важным пунктом является изучение влияния миграции на психологическое состояние и здоровье

мигрантов. Будущие исследования могут касаться вопросов психического здоровья, стресса и адаптации, связанных с процессом миграции, что поможет разработать эффективные механизмы поддержки и реабилитации мигрантов.

8. Анализ влияния изменения климата на миграцию. Во времена глобальных изменений климата важно изучить, как климатические факторы влияют на миграционные потоки в Центральной Азии.

9. Это включает изучение миграции, вызванной экологическими проблемами, такими как засухи, наводнения и ухудшение условий ведения сельского хозяйства. В контексте обострения водных проблем в регионе, особенно связанных со строительством новых гидротехнических сооружений (канал Куштеппа в Афганистане), актуальность изучения этой темы возрастает (Лукьянец, 2020: 160-176; 24; 17).

10. Изучение влияния технологий и цифровизации на миграцию. В эпоху цифровизации

необходимо изучать, как технологии влияют на миграционные процессы. Это могло бы включать изучение влияния цифровых платформ на трудовую миграцию, влияние социальных сетей на миграционные решения и использование цифровых технологий в управлении миграцией.

11. Изучение влияния миграции на культурное разнообразие и идентичность. Важно изучить, как миграция влияет на культурное разнообразие и идентичность в странах Центральной Азии. Это включает в себя изучение взаимодействия различных культур, влияния миграции на национальную идентичность и способов сохранения культурного наследия в контексте глобализации.

12. Эти направления будущих исследований помогут углубить понимание сложных аспектов миграционных процессов в Центральной Азии и предложить решения для эффективного управления миграцией, способствующего устойчивому социально-экономическому развитию региона.

Литература

- Abou Zaki, N., Haghghi, A. T. (2022). Expanding the Irrigated Areas in the MENA and Central Asia: Challenges or Opportunities? *Water*, 14(16), 2560. <https://doi.org/10.3390/w14162560>
- Korneev, O. (2017). International Organizations as Global Migration Governors: The World Bank in Central Asia. *Global Governance: A Review of Multilateralism and International Organizations*, 23(3), 403-421. <https://doi.org/10.1163/19426720-02303005>
- Kulenbekov, Z. E., Asanov, B. D. (2021). *Water Resource Management in Central Asia and Afghanistan: Current and Future Environmental and Water Issues*. Cham, Switzerland: Springer. vii + 193 pp.
- Lipková, L., Brocková, K., Baleha, A. (2020). Labour migration in Central Asia. Economic factors of influence. *Economic Annals-XXI*, 184(7-8), 38-48. <https://doi.org/10.21003/ea.V184-04>
- Rocheva, A., Varshaver, E. (2018). Gender Dimension of Migration from Central Asia to the Russian Federation. *Asia-Pacific Population Journal*, 32(2), 87-135. <https://www.un-ilibrary.org/content/journals/15644278/32/2/3/read>
- Ryazantsev, S. V., Ochirova, G. N. (2019). The impact of labour migration on the sustainable development of Central Asia. *J. Ponte*, 75(7). <https://doi.org/10.21506/j.ponte.2019.7.9>
- Souleimanov, E. A., Fedorov, Y. (2023). The War in Ukraine: Risks and Opportunities For the 'Post-Soviet South'. Volume 30, Issue 3, 95-106. <https://doi.org/10.1111/mepo.12709>
- Toleuov, Z. S. (2020). Youth Migration Control in Central Asia (Kazakhstan, Kyrgyzstan, Uzbekistan, and Tajikistan). *Bulletin of Kemerovo State University. Series: Political, Sociological and Economic sciences*, 2020(1), 33-43. <https://doi.org/10.21603/2500-3372-2020-5-1-33-43>
- Агентство ООН по миграции. (2019). Внешняя молодежная миграция в странах Центральной Азии: анализ рисков и минимизация негативных последствий. Retrieved from http://www.iom.tj/files/vn_molod_migr_IOM_KICI.pdf
- Агентство ООН по миграции. (2020). Возвратная миграция: международные подходы и региональные особенности Центральной Азии. Алматы: Международная организация по миграции (МОМ). Retrieved from <https://publications.iom.int/system/files/pdf/Return-Migration-in-CA-RU.pdf>
- Бахриев Б., Ризоён Ш. (2022). Центральная Азия перед вызовами интеллектуальной миграции: тенденции и перспективы. *Мировая экономика и международные отношения*, 66(7), 117-126. <https://doi.org/10.20542/0131-2227-2022-66-7-117-126>
- Большот И. (2023). Путь домой: как Киргизия возвращает на родину жителей «Крыши мира». Retrieved from <https://www.ritmearasia.ru/news--2023-02-21--put-domoj-kak-kirgizija-vozvrashaet-na-rodinu-zhitelej-kryshi-mira-64792>
- Брагин А.Д. (2020). Как мигранты могут повлиять на развитие демократии в стране происхождения? Пример Центральноазиатских стран СНГ. *Центральная Азия и Кавказ*, 23(2), 148-159. <https://doi.org/10.37178/ca-c.20.2.12>
- В 2022 году из России в Кыргызстан переведено более 2,6 млрд долларов. Retrieved from <https://e-cis.info/news/566/106478/>
- Закон Туркменистана «О миграции». Retrieved from <https://www.turkmenistan.gov.tm/ru/post/16873/zakon-turkmenistana-o-migratsii>
- Ивахнюк, И. (2015). Центральная Азия: миграция как ресурс развития. Retrieved from <https://russiancouncil.ru/analytics-and-comments/analytics/tsentralnaya-aziya-migratsiya-kak-resurs-razvitiya/>

Канал Кош-Тепе только начали строить, а он уже разрушается? Retrieved from <https://asiaplustj.info/ru/news/central-asia/20231218/kanal-kosh-tepa-tolko-nachali-stroit-a-on-uzhe-razrushaetsya>

Концепция миграционной политики Кыргызской Республики на 2021–2030 годы. Retrieved from https://migranty.org/wp-content/uploads/2021/06/06.04.21.ru_konceptsiya-migracionnoj-politiki-kr-na-2021-2030-gg.pdf

Лукьянец А.С., Рязанцев С.В., Моисеева Е.М., Маньшин Р.В. (2020). Экономические и социальные последствия экологической миграции в странах центральной Азии. *Центральная Азия и Кавказ*, 23(2), 160-176. <https://doi.org/10.37178/са-с.20.2.13>

Масланов К., Тарасова Д. (2023). Миграционные потоки из стран Центральной Азии: новые вызовы и возможности. *Проблемы миграции*, 152-160. <https://doi.org/10.20542/2073-4786-2023-1-152-160>

Международная организация по миграции. (2021). Региональная оценка: ключевое информационное исследование социально-экономического влияния COVID-19 на возвращенцев и застрявших мигрантов в Центральной Азии. <https://www.iom.int>

МИР24. (2017). Возвращение на родину предков: как живут этнические киргизы. Retrieved from <https://mir24.tv/news/16273079/vozvrashchenie-na-rodinu-predkov-kak-zhivut-etnicheskie-kirgizy>

Национальная стратегия миграции Республики Таджикистан на период до 2030 года. https://migrationnetwork.un.org/sites/g/files/tmzbdl416/files/event_files/ppt_on_draft_national_strategy_on_migration_until_2030.pdf

Не было печали: станет ли строительство канала Куштепа катастрофой для Узбекистана? <https://kun.uz/ru/news/2023/06/10/ne-bylo-pechali-stanet-li-stroitelstvo-kanala-kushtepa-katastrofoy-dlya-uzbekistana>

Об утверждении Концепции миграционной политики Республики Казахстан на 2023 – 2027 годы. Постановление Правительства Республики Казахстан от 30 ноября 2022 года № 961. <https://adilet.zan.kz/rus/docs/P2200000961>

Обзор (2018): «Хрупкая сила миграции: потребности и права женщин и девочек Республики Таджикистан и Кыргызской Республики, затронутых трудовой миграцией», – 84 с.

Олимова М.А., Олимова С.К. (Ред.). (2022). Миграции в Центральной Азии и России: мобильность человеческого капитала. Душанбе: ЭР-граф. – 584 стр.;

Раисова З. (2020). Тенденции современной трудовой миграции в Центральной Азии. <https://cabar.asia/ru/tendentsii-sovremennoj-trudovoj-migratsii-v-tsentralnoj-azii>

Рязанцев С., Садвокасова А., Жеенбаева Ж. (2021). Исследование мобильности рабочей силы в миграционном коридоре Центральной Азия – Российская Федерация. Консолидированный отчет. Международная организация по миграции. -104 с. https://russia.iom.int/sites/g/files/tmzbdl1036/files/documents/report_ryazantsev_consolidated_2021_ru.pdf

Садовская Е. (2009). Казахстан в Центральноазиатской миграционной подсистеме. В книге: *Постсоветские трансформации: отражение в миграциях* (с. 279-321). Москва: АдамантЪ.

Стратегия регулирования миграционных процессов в Республике Таджикистан на период до 2040 года. <https://diaspora.tj/wp-content/uploads/2023/09/%D0%A1%D0%A2%D0%A0%D0%90%D0%A2%D0%95%D0%93%D0%98%D0%AF-%D0%A0%D0%A3%D0%A1%D0%A1.docx>

Уязвимость мигрантов и потребности интеграции в Центральной Азии: Оценка потребностей мигрантов и общин и управление рисками. Астана, 2017. 265 с.;

Хашимов П., Усмонова Г. (2021). Особенности миграции населения в Узбекистане. *Экономика и финансы / Экономика и финансы*, 10 (146), 57-62.

Черных И. (2017). Экономический пояс «Шелкового пути» и его влияние на миграционные процессы в Центральной Азии. В книге: *Экономический пояс «Шелкового пути» в контексте региональной безопасности* (с. 117-126). Алматы: Казахстанско-немецкий университет. — С. 117-126

Чоршанбиев П. (2023, 18 декабря). Как мигранты кормят весь Таджикистан и при этом их не “замечают». <https://asiaplustj.info/ru/news/tajikistan/society/20231218/kak-migranti-kormyat-ves-tadzhikistan-i-pri-etom-ih-ne-zamechayut>

Чоршанбиев П. (2023, 4 июля). Таджикистан в 2022 году получил рекордно высокий объем денежных переводов. <https://asiaplustj.info/ru/news/tajikistan/economic/20230704/tadzhikistan-v-2022-godu-poluchil-rekordno-visokii-obem-denezh-nih-perevodov>

References

Abou Zaki, N., Haghghi, A. T. (2022). Expanding the Irrigated Areas in the MENA and Central Asia: Challenges or Opportunities? *Water*, 14(16), 2560. <https://doi.org/10.3390/w14162560>

Korneev, O. (2017). International Organizations as Global Migration Governors: The World Bank in Central Asia. *Global Governance: A Review of Multilateralism and International Organizations*, 23(3), 403-421. <https://doi.org/10.1163/19426720-02303005>

Kulenbekov, Z. E., Asanov, B. D. (2021). *Water Resource Management in Central Asia and Afghanistan: Current and Future Environmental and Water Issues*. Cham, Switzerland: Springer. vii + 193 pp.

Lipková, L., Brocková, K., Baleha, A. (2020). Labour migration in Central Asia. Economic factors of influence. *Economic Annals-XXI*, 184(7-8), 38-48. <https://doi.org/10.21003/ea.V184-04>

Rocheva, A., Varshaver, E. (2018). Gender Dimension of Migration from Central Asia to the Russian Federation. *Asia-Pacific Population Journal*, 32(2), 87–135. <https://www.un-ilibrary.org/content/journals/15644278/32/2/3/read>

Ryazantsev, S. V., Ochirova, G. N. (2019). The impact of labour migration on the sustainable development of Central Asia. *J. Ponte*, 75(7). <https://doi.org/10.21506/j.ponte.2019.7.9>

Souleimanov, E. A., Fedorov, Y. (2023). The War in Ukraine: Risks and Opportunities For the 'Post-Soviet South'. Volume 30, Issue 3, 95-106. <https://doi.org/10.1111/mepo.12709>

Toleuov, Z. S. (2020). Youth Migration Control in Central Asia (Kazakhstan, Kyrgyzstan, Uzbekistan, and Tajikistan). Bulletin of Kemerovo State University. Series: Political, Sociological and Economic sciences, 2020(1), 33-43. <https://doi.org/10.21603/2500-3372-2020-5-1-33-43>

Agentstvo OON po migratsii. (2019). Vneshnyaya molodezhnaya migratsiya v stranakh Tsentral'noy Azii: analiz riskov i minimizatsiya negativnykh posledstviy. Retrieved from http://www.iom.tj/files/vn_molod_migr_IOM_KICI.pdf

Agentstvo OON po migratsii. (2020). Vozvratnaya migratsiya: mezhdunarodnyye podkhody i regional'nyye osobennosti Tsentral'noy Azii. Almaty: Mezhdunarodnaya organizatsiya po migratsii (MOM). Retrieved from <https://publications.iom.int/system/files/pdf/Return-Migration-in-CA-RU.pdf>

Bakhriyev B., Rizoyon SH. (2022). Tsentral'naya Aziya pered vyzovami intellektual'noy migratsii: tendentsii i perspektivy. Mirovaya ekonomika i mezhdunarodnyye otnosheniya, 66(7), 117-126. <https://doi.org/10.20542/0131-2227-2022-66-7-117-126>

Bol'bot I. (2023). Put' domoy: kak Kirgiziya vozvrashchayet na rodinu zhiteley «Kryshi mira». Retrieved from <https://www.ritreurasia.ru/news--2023-02-21--put-domoj-kak-kirgyziya-vozvrashaet-na-rodinu-zhitelej-kryshi-mira-64792>

Bragin A.D. (2020). Kak migranty mogut povliyat' na razvitiye demokratii v strane proiskhozhdeniya? Primer Tsentral'noaziatskikh stran SNG. Tsentral'naya Aziya i Kavkaz, 23(2), 148-159. <https://doi.org/10.37178/ca-c.20.2.12>

V 2022 godu iz Rossii v Kyrgyzstan perevedeno boleye 2,6 mlrd dollarov. Retrieved from <https://e-cis.info/news/566/106478/Zakon-Turkmenistana-O-migratsii>. Retrieved from <https://www.turkmenistan.gov.tm/ru/post/16873/zakon-turkmenistana-o-migratsii>

Ivakhnyuk, I. (2015). Tsentral'naya Aziya: migratsiya kak resurs razvitiya. Retrieved from <https://russiancouncil.ru/analytics-and-comments/analytics/tsentralnaya-aziya-migratsiya-kak-resurs-razvitiya/>

Kanal Kosh-Tepa tol'ko nachali stroit', a on uzhe razrushayetsya? Retrieved from <https://asiaplustj.info/ru/news/centralasia/20231218/kanal-kosh-tepa-tolko-nachali-stroit-a-on-uzhe-razrushaetsya>

Kontseptsiya migratsionnoy politiki Kyrgyzskoy Respubliki na 2021–2030 gody. Retrieved from https://migranty.org/wp-content/uploads/2021/06/06.04.21_ru_koncepcija-migracionnoj-politiki-kr-na-2021-2030-gg..pdf

Luk'yanets A.S., Ryazantsev S.V., Moiseyeva Ye.M., Man'shin R.V. (2020). Ekonomicheskiye i sotsial'nyye posledstviya ekologicheskoy migratsii v stranakh tsentral'noy Azii. Tsentral'naya Aziya i Kavkaz, 23(2), 160-176. <https://doi.org/10.37178/ca-c.20.2.13>

Maslanov K., Tarasova D. (2023). Migratsionnyye potoki iz stran Tsentral'noy Azii: novyye vyzovy i vozmozhnosti. Problemy migratsii, 152-160. <https://doi.org/10.20542/2073-4786-2023-1-152-160>

Mezhdunarodnaya organizatsiya po migratsii. (2021). Regional'naya otsenka: klyuchevoye informatsionnoye issledovaniye sotsial'no-ekonomicheskogo vliyaniya COVID-19 na vozvrashchentsy i zastyavshikh migrantov v Tsentral'noy Azii. <https://www.iom.int>

MIR24. (2017). Vozvrashcheniye na rodinu predkov: kak zhivut etnicheskiye kirgizy. Retrieved from <https://mir24.tv/news/16273079/vozvrashchenie-na-rodinu-predkov-kak-zhivut-etnicheskie-kirgizy> Natsional'naya strategiya migratsii Respubliki Tadjikistan na period do 2030 goda. https://migrationnetwork.un.org/sites/g/files/tmzbd1416/files/event_files/ppt_on_draft_national_strategy_on_migration_until_2030.pdf

Ne bylo pechali: stanet li stroitel'stvo kanala Kushtepa katastrofoy dlya Uzbekistana? [https://kun.uz/ru/news/2023/06/10/ne-bylo-pechali-stanet-li-stroitel'stvo kanala Kushtepa katastrofoy dlya Uzbekistana?](https://kun.uz/ru/news/2023/06/10/ne-bylo-pechali-stanet-li-stroitelstvo-kanala-kushtepa-katastrofoy-dlya-uzbekistana)

Ob utverzhdenii Kontseptsii migratsionnoy politiki Respubliki Kazakhstan na 2023 – 2027 gody. Postanovleniye Pravitel'stva Respubliki Kazakhstan ot 30 noyabrya 2022 goda № 961. <https://adilet.zan.kz/rus/docs/P2200000961>

Obzor (2018): «Khrupkaya sila migratsii: potrebnosti i prava zhenshchin i devochek Respubliki Tadjikistan i Kyrgyzskoy Respubliki, zatronutykh trudovoy migratsiyey», – 84 s.

Olimova M.A., Olimova S.K. (Red.). (2022). Migratsii v Tsentral'noy Azii i Rossii: mobil'nost' chelovecheskogo kapitala. Dushanbe: ER-graf. – 584 str.;

Raisova Z. (2020). Tendentsii sovremennoy trudovoy migratsii v Tsentral'noy Azii. <https://cabar.asia/ru/tendentsii-sovremennoj-trudovoj-migratsii-v-tsentralnoj-azii>

Ryazantsev S., Sadvokasova A., Zheyenbayeva ZH. (2021). Issledovaniye mobil'nosti rabochey sily v migratsionnom koridore Tsentral'naya Aziya – Rossiyskaya Federatsiya. Konsolidirovannyi otchet. Mezhdunarodnaya organizatsiya po migratsii. -104 s. https://russia.iom.int/sites/g/files/tmzbd11036/files/documents/report_ryazantsev_consolidated_2021_ru.pdf

Sadovskaya Ye. (2009). Kazakhstan v Tsentral'noaziatskoy migratsionnoy subsysteme. V knige: Postsovet'skiye transformatsii: otrazheniye v migratsiyakh (s. 279-321). Moskva: Adamant'.

Strategiya regulirovaniya migratsionnykh protsessov v Respublike Tadjikistan na period do 2040 goda. <https://diaspora.tj/wp-content/uploads/2023/09/%D0%A1%D0%A2%D0%A0%D0%90%D0%A2%D0%95%D0%93%D0%98%D0%AF-%D0%A0%D0%A3%D0%A1%D0%A1.docx>

Uyazvimos't' migrantov i potrebnosti integratsii v Tsentral'noy Azii: Otsenka potrebnostey migrantov i obshchin i upravleniye riskami. Astana, 2017. 265 s.;

Khashimov P., Usmonova G. (2021). Osobennosti migratsii naseleniya v Uzbekistane. Ekonomika i finansy / Ekonomika i finansy, 10 (146), 57-62.

Chernykh I. (2017). Ekonomicheskiy poyas «Shelkovogo puti» i yego vliyaniye na migratsionnyye protsessy v Tsentral'noy Azii. V knige: Ekonomicheskiy poyas «Shelkovogo puti» v kontekste regional'noy bezopasnosti (s. 117-126). Almaty: Kazakhstansko-nemetskiy universitet. — S. 117-126

Chorshanbiyev P. (2023, 4 iyulya). Tadjhikistan v 2022 godu poluchil rekordno vysokiy ob»yem denezhnykh perevodov. <https://asiaplustj.info/ru/news/tajikistan/economic/20230704/tadjhikistan-v-2022-godu-poluchil-rekordno-visokii-obem-denezhnih-perevodov>

Chorshanbiyev P. (2023, 18 dekabrya). Kak migranty kormyat ves' Tadjhikistan i pri etom ikh ne "zamechayut». <https://asiaplustj.info/ru/news/tajikistan/society/20231218/kak-migranti-kormyat-ves-tadjhikistan-i-pri-etom-ih-ne-zamechayut>

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ВОЗВРАТНАЯ МИГРАЦИЯ ИЗ РОССИИ В КЫРГЫЗСТАН: ЦИФРОВЫЕ КОЧЕВНИКИ В КЫРГЫЗСТАНЕ

Исследование посвящено анализу возвратной миграции из Российской Федерации в Кыргызскую Республику, с фокусом на явлении «цифровых кочевников» в последнее десятилетие, в особенности в постковидный период. Введение в тему подчеркивает актуальность проблемы миграции и ее воздействие на общественные процессы. Цель работы заключается в выявлении основных направлений и идей возвратной миграции, освещении особенностей «цифровых кочевников» и их влияния на социокультурные аспекты в Кыргызстане. Цифровые кочевники – это люди, которые путешествуют по всему свету и работают удаленно.

Методология исследования включает анализ статистических данных, компаративный метод, ретроспективный метод, описательный метод. Полученные результаты и анализ позволяют выделить ключевые факторы возвратной миграции и оценить их влияние на общественные процессы в стране.

Научная и практическая значимость работы проявляется в формировании более глубокого понимания динамики миграционных процессов и их воздействия на социальную сферу Кыргызстана. Исследование вносит вклад в область знаний, раскрывая новые аспекты возвратной миграции и ее влияния на формирование «цифровых кочевников». Практическая ценность заключается в возможности разработки более эффективных политик и программ, направленных на интеграцию возвращающихся мигрантов и поддержку их адаптации в родной стране.

Ключевые слова: цифровые кочевники, миграция, Кыргызская Республика, Россия.

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Return Migration from Russia to Kyrgyzstan: Digital Nomads in Kyrgyzstan

This research focuses on the analysis of return migration from the Russian Federation to the Kyrgyz Republic, with a particular emphasis on the phenomenon of «digital nomads» in the last decade, especially in the post-COVID-19 period. The introduction underscores the relevance of migration issues and their impact on societal processes. The study aims to identify the main directions and ideas of return migration, shed light on the characteristics of «digital nomads» and explore their influence on socio-cultural aspects in Kyrgyzstan. Digital nomads are people who travel all over the world and work remotely.

The research methodology includes the analysis of statistical data, comparative method, retrospective method, and descriptive method. The obtained results and analysis enable the identification of key factors in return migration and an assessment of their impact on societal processes in the country.

The scientific and practical significance of the study is manifested in a deeper understanding of the dynamics of migration processes and their impact on the social sphere of Kyrgyzstan. The research contributes to the field of knowledge by revealing new aspects of return migration and its influence on the emergence of «digital nomads». Practical value lies in the opportunity to develop more effective policies and programs aimed at the integration of returning migrants and support for their adaptation in their home country.

Key words: digital nomads, migration, Kyrgyz Republic, Russia.

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Ресейден Кыргызстанға қайтымды көші-қон: Кыргызстандағы сандық көшпенділер

Зерттеу соңғы онжылдықта, әсіресе постковидтік кезеңде «сандық көшпенділер» құбылысына назар аударып отырып, Ресей Федерациясынан Кыргыз Республикасына қайтымды көші-қонды талдауға арналған. Тақырыпқа кіріспе көші-қон проблемасының өзектілігін және оның қоғамдық үдерістерге әсерін көрсетеді. Жұмыстың мақсаты – қайтымды көші-қонның негізгі бағыттары мен идеяларын анықтау, «сандық көшпенділердің» ерекшеліктерін және олардың Кыргызстандағы әлеуметтік-мәдени аспектілерге әсерін көрсету. Сандық көшпенділер – бұл бүкіл әлем бойынша саяхаттайтын және қашықтан жұмыс істейтін адамдар.

Зерттеу әдістемесі статистикалық деректерді талдауды, компаративті әдісті, ретроспективті әдісті, сипаттамалық әдісті қамтиды. Алынған нәтижелер мен талдау қайтарымды көші-қонның негізгі факторларын бөліп көрсетуге және олардың елдегі қоғамдық процестерге әсерін бағалауға мүмкіндік береді.

Жұмыстың ғылыми және практикалық маңыздылығы көші-қон процестерінің динамикасын және олардың Кыргызстанның әлеуметтік саласына әсерін тереңірек түсінуді қалыптастыруда көрінеді. Зерттеу қайтымды көші-қонның жаңа аспектілерін және оның «Сандық көшпенділердің» қалыптасуына әсерін ашу арқылы білім саласына үлес қосады. Зерттеудің практикалық құндылығы – қайта оралған мигранттарды біріктіруге және олардың туған еліне бейімделуін қолдауға бағытталған тиімдірек саясаттар мен бағдарламаларды әзірлеу мүмкіндігі болып табылады.

Түйін сөздер: сандық көшпенділер, көші-қон, Кыргыз Республикасы, Ресей.

Введение

За последние два года пандемия полностью поменяла представление о том, как должен строиться рабочий процесс. Миллионы квалифицированных специалистов разъезжаются в разные стороны света, чтобы удаленно работать.

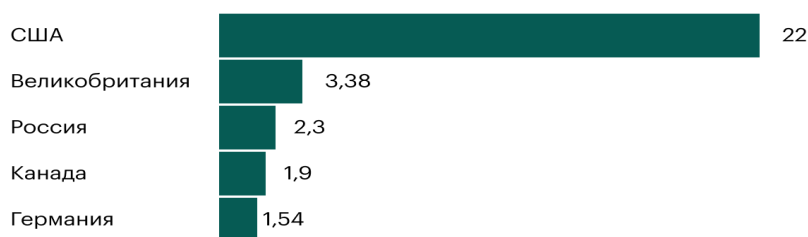
Кто такие цифровые кочевники и почему это интересует многих в современном мире?

Цифровые кочевники – это люди, которые путешествуют по всему свету и работают уда-

ленно. Они переезжают с места на места, зарабатывают удаленно и имеют насыщенную жизнь, полную путешествий и интересных встреч.

Современный мир изменился. Сейчас все меньше людей привязывается к одной работе, одному месту и одной стране. Следует отметить, что цифровые кочевники хорошо образованы, высококвалифицированы и технологически подкованы. За время пандемии число цифровых кочевников многократно увеличилось.

По данным на 02.12.2022, млн человек



Источник: Nomad List

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Диаграмма 1 – Топ-5 стран, цифровые специалисты которых чаще кочуют (Мир без границ, 2022).

Также на Nomad List подсчитали, что цифровые кочевники – люди достаточно обеспеченные. По данным специализированного ре-

сурса Two Tickets Anywhere, ежегодный вклад цифровых кочевников в глобальную экономику оценивается в \$787 млрд. Если бы все цифровые

кочевники оказались гражданами одной страны, то экономика этой страны стала бы 41-й в мире.

Результаты и дискуссия

Где и почему принимают кочевников

Кочевники и цифровые номады всегда предпочитали регионы с благоприятным климатом, высокоскоростным интернетом и доступными расходами, такими как Таиланд и Индонезия. Однако сегодня в их списке предпочтений появились также европейские города. Это связано с тем, что эти города предлагают современные услуги, культурное разнообразие и инфраструктуру, делая их привлекательными для тех, кто предпочитает периодически менять свою локацию.

Какие страны или острова популярны среди цифровых кочевников? Сейчас многие страны открывают свои двери, чтобы привлечь высокооплачиваемых цифровых кочевников. Это Бали, Португалия, Чехия, Турция, Таиланд, Барбадос, Хорватия, Кипр, Испания, Италия, Греция, Сербия, Колумбия, Болгария, Бразилия, Мальта (Цифровые кочевники, 2022).

Самые развитые страны в мире обычно предпочитают широко открывать двери для цифровых кочевников. Вместо этого, они склонны сосредотачиваться на программах переезда для талантливых специалистов, таких как визы типов Q1 и Q2 в США, предназначенные для людей с выдающимися или экстраординарными способностями. Эти страны стремятся привлечь высококвалифицированных специалистов, которые могут внести значительный вклад в развитие науки, технологий и искусства.

В то время как для развивающихся стран прием цифровых кочевников представляет собой реальную возможность ускорить экономический рост. Привлечение цифровых номадов может стать катализатором для развития информационных технологий, внедрения инноваций и создания рабочих мест. В развивающихся регионах низкие расходы на жизнь, включая стоимость жилья, могут сделать их привлекательными для тех, кто ищет более доступные условия для работы и проживания.

Таким образом, стратегии по отношению к цифровым кочевникам различаются в зависимости от степени развития страны, с некоторыми стремящимися привлечь талант, а другие видящими в этом потенциал для ускоренного экономического развития.

По данным РБК в 2022 году цифровых кочевников во всем мире насчитывало около 35 млн. человек.

Россияне в значительном количестве направляют свой миграционный поток в близлежащие страны СНГ, такие как Грузия, Казахстан, Узбекистан, Кыргызстан и Армения. Эти страны привлекают соотечественников возможностью нахождения без визы на определенный период времени, что облегчает временное пребывание. Затем, среди предпочитаемых мест, следуют государства, такие как ОАЭ и Турция, которые также стали временными пристанищами для десятков тысяч россиян.

Многие из этих мигрантов используют перечисленные страны как транзитные точки для последующей релокации в более привлекательные юрисдикции. Однако, несмотря на временное пребывание, многие из них не успевают получить статус, позволяющий легально проживать в выбранной стране. Это может создавать сложности и неопределенность для российских мигрантов, так как отсутствие законного статуса может влиять на их права, возможности трудоустройства и общественную жизнь.

Такие миграционные тренды подчеркивают не только стремление к временному изменению места жительства, но и необходимость внимательного рассмотрения вопросов правового статуса и интеграции для обеспечения стабильного и устойчивого образа жизни за пределами родной страны (Релокация-2022, 2022).

Растущая тенденция к увеличению числа цифровых кочевников по всему миру приобретает активность. Люди, работающие удаленно и зависящие лишь от компьютера и стабильного скоростного Интернета, теперь могут выбирать любую страну для своей деятельности. В период пандемии широкое распространение практики удаленной работы сформировало определенную группу специалистов, которым не обязательно находиться в офисе. Многие из этих людей также занимаются работой для нескольких компаний одновременно.

В данном контексте появляется нормативная инициатива в Кыргызстане, направленная на создание благоприятных условий для привлечения и релокации цифровых кочевников. Эта стратегия имеет за цель стимулировать приход таких специалистов в страну, предоставляя им привлекательные возможности для работы и жизни. При удачной реализации этой инициативы, Кыргызстан может привлечь международные таланты, способствовать развитию цифровой экономики

и стать популярным местом для цифровых номадов, создавая в свою очередь благоприятное окружение для инноваций и культурного обмена (Релокация в Кыргызстан, 2022).

Ранее Министерство цифрового развития Кыргызстана сообщало, что в стране наблюдается заметный рост числа россиян после начала военной операции в Украине. Так, если в январе текущего года на регистрационный учет в Кыргызстане ежедневно вставали в среднем 403 гражданина РФ, то в марте – 609 человек. По мнению экспертов, приток российских специалистов в Кыргызстан и другие страны региона будет способствовать развитию местных экономик.

По данным MBO Partners, *сейчас в США насчитывается 16,9 млн кочевников, тогда как в 2019 году их было 7,3 млн – прирост впечатляет.* Примечательно, что в топ-3 стран, граждане которых «кочуют» активнее всего, входит Россия.

Только за 2020 год доля россиян, работающих в удаленном формате, выросла с 3% до 14%.

Оценить число цифровых кочевников, которые уезжают за рубеж, сложно, по статистическим данным – приблизительно 15-20 тысяч человек. Кто-то, возможно, уезжает в никуда, но многие получают предложения о работе от компаний – переезжают в Китай, Южную Корею, Сингапур, Америку, Европу и другие страны.

Эстония стала первой страной в мире, которая внедрила специальные визы для «цифровых кочевников» летом 2020 года. На тот момент для того, чтобы работать в Эстонии, требовалось заключить договор с работодателем в соответствии с действовавшими законами.

К осени 2021 года уже семь стран Евросоюза, в том числе Эстония, Германия, Чехия, Хорватия, Португалия, Испания и Мальта, внедрили специальные визы, ориентированные на цифровых номадов. Эти визы предоставляют уникальную возможность для профессионалов, работающих удаленно, осуществлять свою деятельность в этих странах без необходимости заключения традиционных рабочих контрактов. Такие инициативы призваны привлечь талантливых специалистов, стимулировать международную мобильность и способствовать развитию цифровой экономики в этих регионах.

Греция и Италия также готовятся объявить о новой визе в ближайшее время.

Граждане

По данным МВД Грузии, этой осенью в страну приехали более 110 тыс. граждан РФ. Результат – увеличение прогноза по росту ВВП с 6,5% до 10%, более 60 тыс. открытых банковских счетов и двукратный рост количества зарегистрированных компаний и ИП (Мир без границ, 2022).

В Армению, вероятнее всего, переехали несколько десятков тысяч россиян. Власти страны пересмотрели прогноз по росту ВВП с 1,6% до 13%, а также сообщили о 25-процентном росте человеческого капитала в ИТ-сфере, увеличении объема предоставляемых услуг в стране на 27% и открытии 2,7 тыс. новых компаний.

При этом фрилансерами являются лишь 17% кочевников, а в режиме полной занятости на «удаленке» работают 45%. Оценка возраста показывает, что это уже состоявшиеся специалисты: почти 75% всех кочевников Nomad List – люди, которым от 27 до 40 лет.

Денежные переводы из России в Таджикистан, Кыргызстан и Узбекистан в 2022 году, вероятно, достигли рекордно высокого уровня, т.е. увеличились денежные переводы из России по сравнению с предыдущим годом 2021 г., в этом году выросли почти в 3 раза.

В связи с тем, что количество трудовых мигрантов из Центральной Азии в России остается на высоком уровне, курс рубля укрепился, из-за чего достигло рекордного роста объема денежных переводов в вышеуказанные страны (Мир без границ, 2022).

Доля причисления из России в Таджикистан, Армению, Азербайджан, Кыргызстан и Узбекистан составляют более половины в общем объеме притока денежных переводов в эти страны.

Также в процентном соотношении денежных переводов к ВВП лидируют Таджикистан и Кыргызстан – 32% и 31%, соответственно.

Данные свидетельствуют, что в относительных долях по сравнению с общим объемом экономики, наивысший процент денежных переводов к ВВП присущ Таджикистану и Кыргызстану, составляя 32% и 31% соответственно. В Узбекистане, согласно последним оценкам, доля переводов к ВВП в текущем году составляет 17%, в сравнении с 13% в 2021 году.

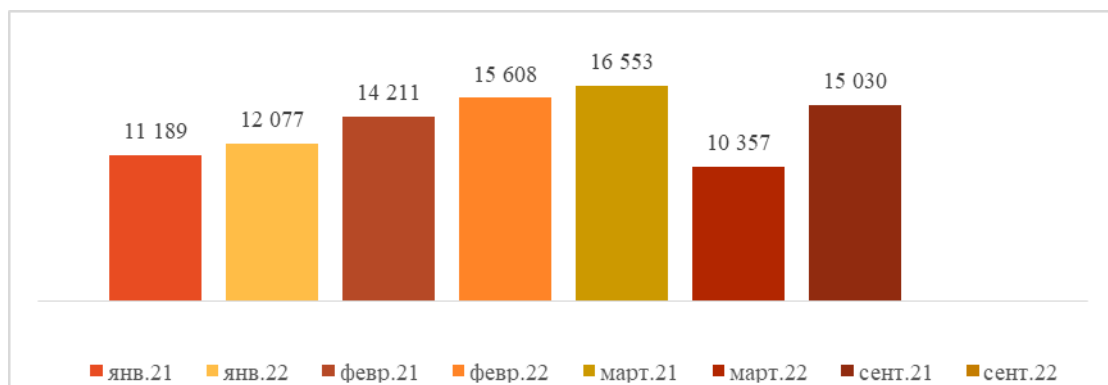


Диаграмма 2 – Граждане РФ, вставшие на регистрационный учет в КР (составлено автором).

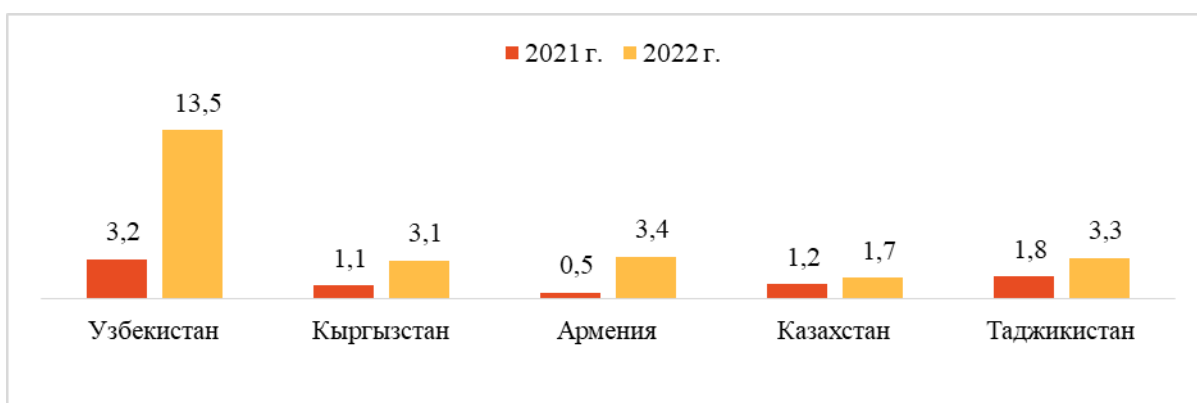


Диаграмма 3 – Денежные переводы из России, в \$, млрд. (составлено автором).

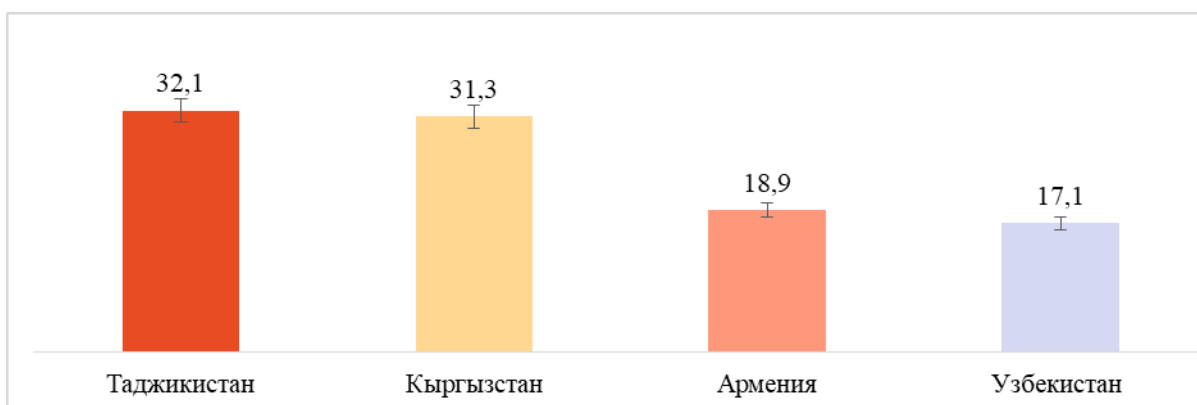


Диаграмма 4 – Денежные переводы из России, в \$, млрд., 2022 г. (составлено автором).

Релокации в Кыргызской Республике

За последние пять лет отмечается значительный рост числа выездов российских граждан в несколько стран постсоветского пространства. Кроме Кыргызстана, данный тренд замечен в Армении, Казахстане, Узбекистане и Таджикистане. Важно отметить, что статистика по выездам в Белоруссию отсутствует в данных ФСБ.

В период с июля по сентябрь число поездок в Армению достигло рекордных показателей, превысивших по меньшей мере данные с 2018 года. За указанный период в страну въехало более 267 тысяч российских граждан. Из них 149

тысяч указали частные цели поездки, 94 тысячи – туризм, а 15,5 тысяч – обслуживание транспортных средств. Сравним с аналогичным периодом 2021 года, рост составил 56%, а с 2019 года – 39%.

В отношении Кыргызстана, с июля по сентябрь зафиксировано 167 тысяч выездов российских граждан, что превышает показатели 2021 года на 91% и 2019 года на 100%. Интересно отметить, что с начала текущего года в Кыргызстан прибыло 760 тысяч граждан РФ, из которых 730 тысяч впоследствии выехали в другие страны.

РЕЛОКАЦИЯ ЦИФРОВЫХ КОЧЕВНИКОВ



Рисунок 1 – Релокация цифровых кочевников (составлено автором).

В Узбекистане также отмечается значительный рост – в третьем квартале зарегистрировано 126 тысяч выездов из России, что на 80% превышает показатели июля–сентября 2021 года и на 102% – 2019 года.

Таджикистан также выделяется с увеличением числа выездов – 103 тысячи в третьем квартале. В сравнении с данными 2021 года, рост составил более чем в четыре раза, а с 2019 года – в два раза (ФСБ раскрыла число выездов россиян за границу, 2022).

По данным Пограничной службы КР за девять месяцев 2022 года в Кыргызстан въехали 479 тысяч 96 граждан России.

- С 21 по 26 сентября 2022 года в Кыргызстане зарегистрировано 3 526 граждан России.

- Всего же за девять месяцев текущего было зарегистрировано 186 608 граждан России. В 2021 году этот показатель за аналогичный период был меньше – 157 880 человек.

Но это только оценки. Реальные масштабы эмиграции оценить трудно. Точной цифры,

сколько именно россиян покинули страну с начала 2022 года и не вернулись обратно, нет ни у одного ведомства.

С начала 2022 года в Кыргызстан прибыло 192 258 граждан России, но лишь 1 631 россиянин подал документы на получение кыргызского гражданства, как сообщил директор департамента регистрации населения при Министерстве цифрового развития КР. Зафиксирован рост приезда иностранных граждан по сравнению с предыдущим годом.

В 2021 году за аналогичный период документы на гражданство КР подали 385 граждан России, из которых 226 человек получили гражданство. В текущем году уже 603 человека получили кыргызское гражданство.

МЦР выдало 22,521 персональный идентификационный номер (ПИН) иностранным гражданам. Прирост таких граждан наблюдается в Бишкеке и Чуйской области. Объявление частичной мобилизации в стране также привело к росту числа российских граждан, ставших на

учет – 55,589 человек (Эффект мобилизации, 2022).

Многие жители Кыргызстана выявили новые перспективы в связи с приездом граждан России, что привело к резкому росту цен на аренду жилья на 200-300%. В ответ на это не все временные мигранты решают приобрести недвижимость в стране. Вместо этого кыргызстанцы активно инвестируют в собственные квартиры, предназначенные для сдачи россиянам. Основными объектами приобретения становятся однокомнатные, двухкомнатные и трехкомнатные квартиры.

К концу ноября на рынке недвижимости Кыргызстана происходит временное затишье, поскольку наблюдается отток российских граждан. В Госрегистре отсутствуют очереди, однако цены остаются высокими. Причины массового отъезда из России могут быть разнообразными.

Например, представители иностранных агентств, зависящих от западных грантов, могли вынужденно покинуть Россию из-за слежки со стороны силовых структур. В этой связи они предпочли направить свои шаги в страны Центральной Азии, Кавказа и Евросоюза, избегая возможных преследований.

С начала марта в Кыргызстан прибыло более 15 тысяч граждан России, и общее число мигрантов из РФ превысило отметку в 760 тысяч, особенно после введения Россией частичной мобилизации.

Распространено мнение о том, что приобретение кыргызского гражданства для российских временных мигрантов представляет собой лишь первоначальный шаг, направленный на последующую возможность переезда в страны Европы и США для постоянного места жительства.

Таблица 1 – Статистические сведения о цифровых кочевниках в разрезе отдельных стран (составлено автором).

Страны	всего	зарегистрированно	остались	цифровые кочевники	денежные переводы	компании	кол-во IT-компаний зарегист, ед.	годовой прирост ВВП
Грузия	700 000	113 000	-		\$1135 млрд.			10,5%
Армения	786 000	267 000	42 000	70 000	\$3350 млрд.	1300	350	18%
Казахстан	1 700 000	92 000	92 000		\$370 млн.		70	0,2%
Узбекистан	395 000	126 000	63 100	78 200	\$13,5 млрд.		68	17%
Кыргызстан	760 000	192 000	30 000	600	*\$3 млрд.	50	20	32%
Таджикистан	109 000	103 000			\$ 3,3 млрд.			31%

*за август 2022 г.

Сразу в несколько стран постсоветского пространства число выездов из России стало рекордным за пять лет. Помимо Киргизия это Армения, Казахстана, Узбекистан, Таджикистан

В процентном соотношении денежных переводов к ВВП лидируют Таджикистан и Кыргызстан – 32% и 31%, соответственно. Соотношение переводов к ВВП в Узбекистане в текущем году оцениваются на уровне 17% (13% – в 2021 году) (Денежные переводы в Таджикистан в 2022 году, 2022).

Цифровые кочевники, в основном, выбирают столицу Кыргызстана, Бишкек, или Ошскую область, особенно летом, когда многие из них направляются в Иссык-Кульскую область, заселяясь в дома и центры отдыха.

Релоканты из России, в большинстве своем, имеют возраст от 25 до 35 лет и чаще всего вы-

бирают компактное проживание в Бишкеке или Оше. Также популярны санатории на побережье Иссык-Куля. Значительная часть приехавших выражает желание двигаться дальше, особенно в страны, где жилье более доступно, такие как Вьетнам и Таиланд. Некоторые рассматривают Мексику с последующим переездом в США вместе с мигрантским потоком.

Пограничная служба Кыргызстана отмечает, что за последние 9 месяцев релоканты стали активнее предлагать подработку местным программистам, а отечественные IT-компании обращаются с проектами к российским коллегам. Прибытие таких специалистов может оказать значительное воздействие на сектор информационных технологий в Кыргызстане, способствуя развитию и улучшению квалификации местных кадров

РЕЛОКАЦИЯ ЦИФРОВЫХ КОЧЕВНИКОВ В КЫРГЫЗСТАНЕ

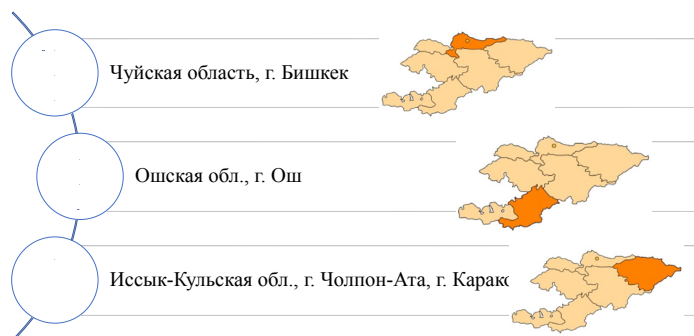


Рисунок 2 – Релокация цифровых кочевников в Кыргызстане (составлено автором).

Более 600 иностранных граждан, в том числе из России, Азербайджана, Армении, Беларуси, Молдовы и Казахстана, работающих в сфере информационных технологий, обратились за статусом «цифрового кочевника» в Кыргызстане. Этот статус предоставляет возможность зарегистрироваться при въезде и свободно осуществлять деятельность в стране. По словам министра, более 150 человек уже получили статус, а у остальных документы находятся на рассмотрении.

Статус «Цифрового кочевника» позволяет иностранным гражданам, особенно в сфере

IT, находиться на территории Кыргызстана без обязательной регистрации и разрешительных документов для трудовой деятельности. Кроме того, этот статус облегчает взаимодействие с государственными органами и предоставляется бесплатно.

По последним данным на 9 ноября 2022 г., более 277 тысяч российских граждан не вернулись в Россию после временных выездов в 2022 году. Из них 113 тысяч из 1 миллиона въехавших в Грузию, 92 тысячи из 1.66 миллиона в Казахстане, 42 тысячи из 786 тысяч в Армении и 30 тысяч из 760 тысяч в Кыргызстане.

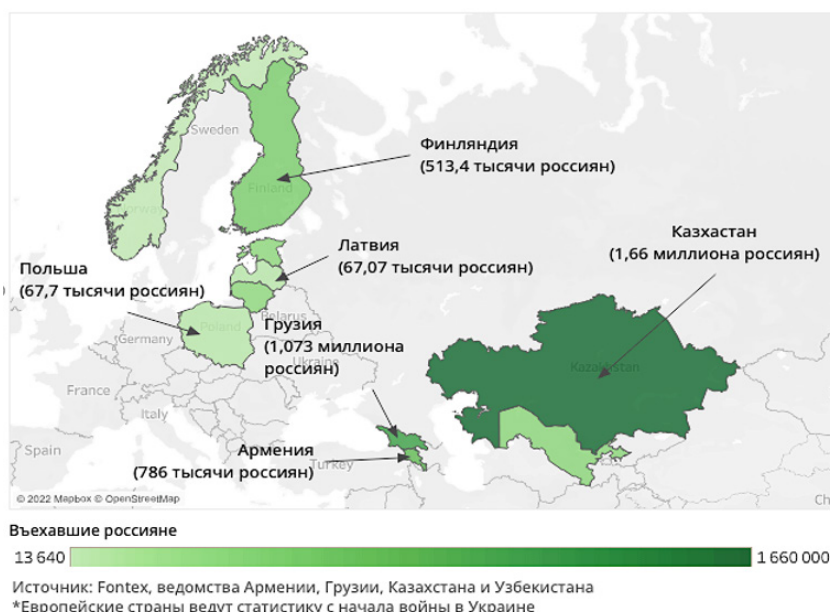


Рисунок 3 – Сколько россиян уехало из страны за 9 месяцев 2022 года (За 2022-й минимум 700 тысяч россиян надолго уезжали в другие страны, 2022).

Переводы из России играют важную роль в поддержке покупательной способности населения некоторых стран СНГ. В Кыргызстане и Армении они составляют 23% и 8% ВВП соответственно, в то время как в Беларуси и Казахстане их влияние менее значительно, составляя менее одного процента ВВП. В частности, в Армении сектор информационных технологий генерирует около 5% ВВП и является одним из наиболее быстрорастущих секторов экономики. В этой стране действует ряд льгот для ИТ-компаний, включая освобождение от большинства налогов,

за исключением подоходного налога на физических лиц по ставке 10%.

Отмечается, что более 600 иностранных граждан из России, Азербайджана, Армении, Беларуси, Молдовы и Казахстана, работающих в сфере информационных технологий, обратились за статусом «цифрового кочевника» в Кыргызстане. Этот статус позволяет им вести деятельность в стране, облегчает регистрацию и освобождает от необходимости иметь разрешительные документы для трудовой деятельности. Этот статус предоставляется бесплатно.

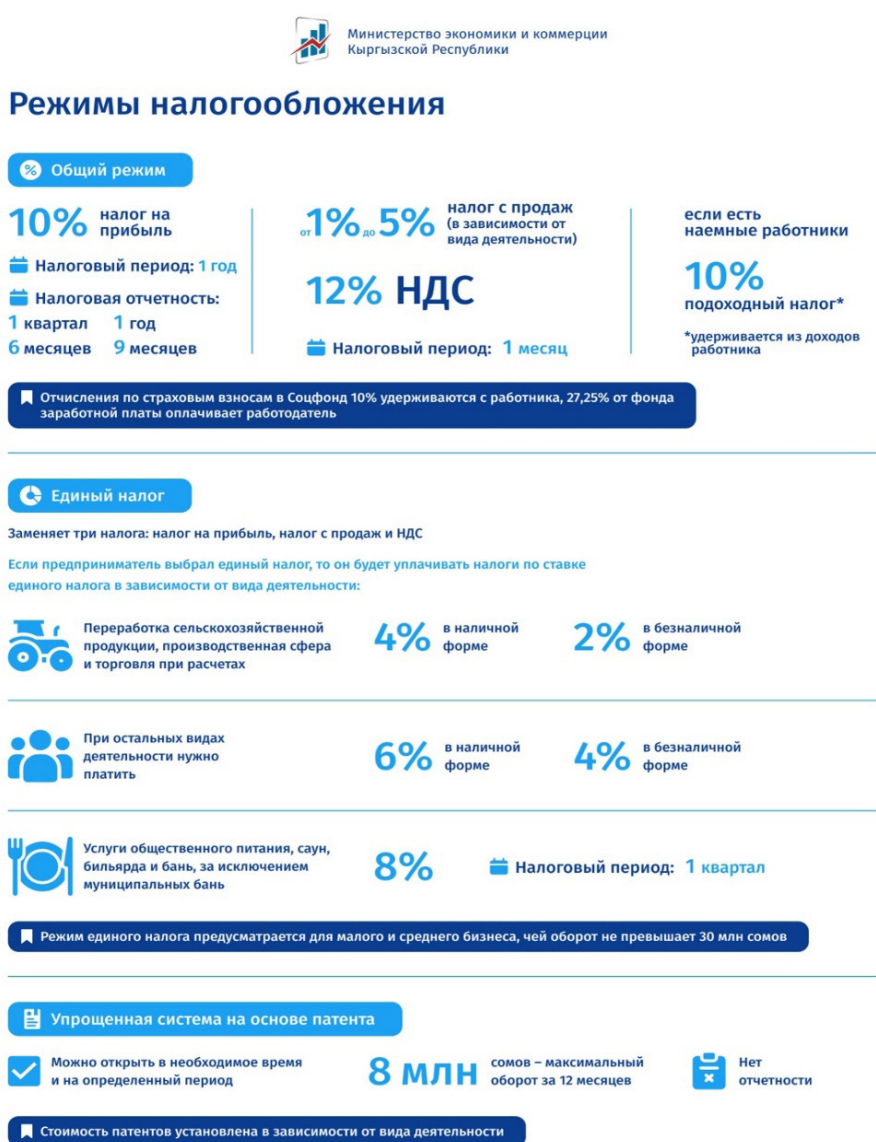


Рисунок 4 – Инструкции для «цифровых кочевников»: налоговые режимы в Кыргызстане (Релокация-2022, 2022).

Министерство экономики и коммерции разработало руководства по тому, как осуществить въезд и открыть бизнес в Кыргызстане. Граждане России могут находиться в стране 30 дней без регистрации. Если они планируют задержаться, им необходимо подать заявление и пройти регистрацию, которую можно продлить до шести месяцев в зависимости от цели пребывания. Для принимающей стороны требуется предоставить ряд документов, включая заявление, ходатайство, и, при необходимости, согласие собственника жилья и другие документы.

В апреле 2022 года президент Садыр Жапаров утвердил возможность работы «цифровых кочевников» в Кыргызстане, предоставив им статус «Цифровой кочевник». Этот статус освобождает от регистрации по месту проживания,

разрешения на работу и предоставляет ряд привилегий, включая возможность открытия счетов в банках. Близкие родственники также имеют право на получение соответствующих разрешительных документов для пребывания в стране.

В Кыргызстане действуют привлекательные условия для релокации IT-бизнеса. Если стать резидентом Парка высоких технологий (ПВТ), можно не платить три вида налога: на прибыль, с продаж и НДС. При этом ставка подоходного налога составляет 5 процентов, что в два раза меньше, чем по стране.

Действие таких условий помогло ПВТ привлечь в апреле 20 российских IT-компаний и столько же ожидалось на подходе к подписанию.

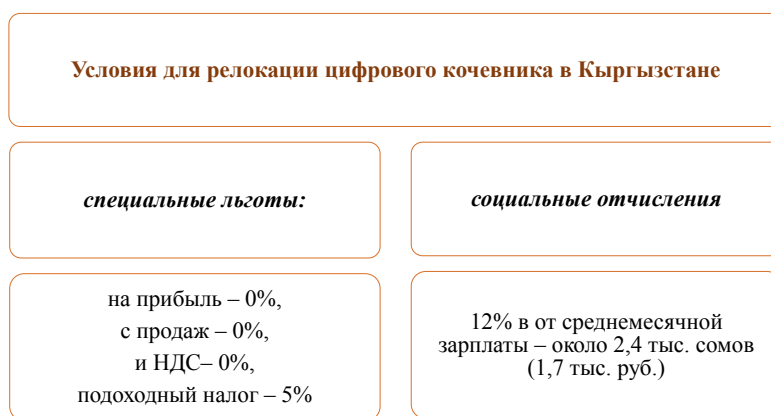


Рисунок 5 – Налоговый режим (составлено автором).

Имеется специальный налоговый режим. Резиденты Парка высоких технологий (ПВТ) в Кыргызстане пользуются льготами, такими как освобождение от трех основных налогов и низкие ставки подоходного налога (5%). Социальные отчисления составляют 27,25%, но для резидентов они уменьшены до 12%. Это направлено на предотвращение теневой занятости в сфере информационных технологий. Участники ПВТ значительно увеличили свой оборот, привлекая множество компаний, в том числе из России. Парк в настоящее время включает 125 компаний и индивидуальных предпринимателей. Значительная часть производимой продукции экспортируется, преимущественно в США (40%) и Россию (17%).

Айтишнику, работающему в IT и участвующему в данной программе, предоставляется электронный документ, удостоверяющий присвоение статуса «Цифровой кочевник». Этот статус освобождает от обязанности регистрации по месту проживания и получения разрешения на работу. Кроме того, он предоставляет возможность регистрации юридических лиц (фирм или индивидуальных предпринимателей), автоматически присваивает местный аналог индивидуального налогового номера (ИНН). Статус может быть продлен еще на год, и при этом нет обязательства работать на правительство или местные компании. Программа действует до конца 2023 года.

Таблица 2 – Положительные и отрицательные стороны приезда IT-специалистов релокантов в Кыргызстан (составлено автором).

ПОЛОЖИТЕЛЬНЫЕ И ОТРИЦАТЕЛЬНЫЕ СТОРОНЫ ПРИЕЗДА IT-СПЕЦИАЛИСТОВ РЕЛОКАНТОВ В КЫРГЫЗСТАН	
плюсы	минусы
<ul style="list-style-type: none"> – вливание денежных масс в страну; – развитие туризма; – повышение конкурентоспособности на рынке; – здоровая конкуренция в сфере IT; – привлечение инвестиций; – рост туристического, гостиничного и ресторанного бизнеса 	<ul style="list-style-type: none"> – повышение цен в сферах недвижимости и услуг; – рост безработицы среди местных специалистов; – продовольственная безопасность – рост цен на жилье – черный рынок – курс национальной валюты.

Таблица 3 – Положительные и отрицательные стороны при выборе Кыргызстана для релокации (составлено автором).

Положительные и отрицательные стороны при выборе Кыргызстана для релокации	
плюсы	минусы
<ul style="list-style-type: none"> – русский язык имеет статус официального; – быстрый и недорогой интернет; – низкие цены на всё; – отсутствие сложностей при регистрации, открытие бизнеса, банковской карты и т.д.; – красивая природа – сена обстановки; – свобода и гибкость 	<ul style="list-style-type: none"> – низкий уровень жизни; – плохая экология (особенно в зимний период); – проблемы с общественным транспортом; – мало опций для досуга

Релоканты в Республике Казахстан

Казахстан вводит специальные визы для цифровых кочевников Digital Nomad Visa (имеющих трудовой контракт с иностранной компанией), которые зарабатывают свыше €2000 в месяц и оформили медицинскую страховку в стране (Казахстан вводит визы для цифровых кочевников Digital Nomad Visa, 2022).

Целью этой программы является увеличение экспорта цифровых продуктов и услуг до \$1 млрд к 2026 году. В рамках данной инициативы в правительстве страны разрабатываются меры для поддержки отечественных IT-продуктов и привлечения специалистов в сфере информационных технологий. Министерство иностранных дел Казахстана планирует внести изменения в законодательство, чтобы ввести новый тип визы для иностранных IT-специалистов, которых называют «цифровыми кочевниками».

Специальная категория «Лица, обладающие востребованными профессиями» будет добавлена в правила оформления приглашений для иностранных граждан и лиц без гражданства, желающих въехать в Казахстан. Опция Digital Nomad Visa призвана привлечь международных специалистов и обогатить кадровый потенциал

страны. Кроме того, она может стимулировать возвращение казахстанских эмигрантов, в частности, высококвалифицированных специалистов, имеющих ценные навыки в таких областях, как наука, образование, здравоохранение, промышленность, информационные технологии, спорт, культура и другие.

Согласно действующему законодательству, гражданам стран Евразийского экономического союза (ЕАЭС) требуется разрешение на временное проживание в Казахстане на основе трудового контракта с казахстанской компанией для долгосрочного проживания. Однако это условие не подходит для «цифровых кочевников», которые предпочитают работать удалённо из другой страны, но оставаться резидентами Казахстана.

Чтобы получить Digital Nomad Visa, IT-специалисты должны иметь доход свыше €2000 в месяц и медицинскую страховку, действительную на территории Казахстана. Виза будет действительна на один год, её получатели будут освобождены от уплаты налогов.

Раскрыть все детали по Digital Nomad Visa власти Казахстана обещают позже, тогда же профильное ведомство страны начнёт принимать заявки на эту опцию.

В Казахстане с 28 февраля вступил в силу указ Министерства труда и соцзащиты населения Казахстана, согласно которому в стране был впервые введён список профессий, обладатели которых могут претендовать на упрощённый порядок получения вида на жительство. Иностранцам, в частности врачам, инженерам и IT-специалистам в Казахстане разрешили получать ВНЖ в упрощённом порядке. Вид на жительство представителям 21 профессии будет выдаваться со сроком действия на 10 лет либо на срок действия паспорта иностранца.

Заключение

Научное исследование, посвященное возвратной миграции из Российской Федерации в Кыргызскую Республику, представляет собой ценный вклад в понимание динамики миграционных процессов, особенно с учетом явления «цифровых кочевников». Введение в тему подчеркивает актуальность проблемы миграции и ее воздействие на общественные процессы, выделяя основные направления и идеи возвратной миграции.

Методология исследования, включающая анализ статистических данных и применение различных методов, позволила выявить ключевые факторы возвратной миграции и оценить их влияние на общественные процессы в стране. Полученные результаты и анализ придадут исследованию научную и практическую значимость.

Исследование проявляет свою научную значимость, раскрывая новые аспекты возвратной миграции и ее воздействия на формирование «цифровых кочевников». Это дополнительно обогащает область знаний по миграционным процессам, открывая пути для более глубокого понимания социокультурных аспектов в Кыргызстане.

Практическая ценность работы проявляется в возможности разработки эффективных политик и программ, направленных на успешную интеграцию возвращающихся мигрантов и поддержку их адаптации в родной стране. В целом, исследование предоставляет основу для разработки более осмысленных и релевантных подходов к управлению миграционными потоками и формированию социальной среды в стране.

Литература

Денежные переводы в Таджикистан в 2022 году, возможно, станут рекордно высокими, – Всемирный банк, 2 декабря 2022 года. Информационное агентство Asia-Plus Media Group. URL: <https://asiaplustj.info/ru/news/tajikistan/economic/20221202/denezhnie-perevodi-v-tadzhikistan-v-2022-godu-vozmozhno-stanut-rekordno-visokimi-vsemirniy-bank> (accessed 08.12.2023).

За 2022-й минимум 700 тысяч россиян надолго уезжали в другие страны. «Бумага» попыталась подсчитать число эмигрировавших навсегда, 8 ноября 2022 года. Информационный портал Бумага. URL: <https://paperpaper.ru/za-2022-j-minimum-700-tysyach-rossiyan-nadolgo-uzezhali-v-dругие-strany> (accessed 10.12.2023).

Казахстан вводит визы для цифровых кочевников Digital Nomad Visa с доходом выше €2000 и медстраховкой в стране, 9 октября 2022 года. Веб-сайт Хабр. URL: <https://habr.com/ru/news/766318/> (accessed 10.12.2023).

Мир без границ: как удаленная работа меняет географию и формы занятости, 02 декабря 2022 года. Информационный портал РБК: URL: <https://trends.rbc.ru/trends/social/6389cb3b9a79475caca71861?from=copy> (accessed 10.12.2023).

Релокация в Кыргызстан: как получить статус «Цифровой кочевник», 30 августа 2022 года. Официальный сайт Министерства экономики и коммерции Кыргызской республики. URL: <https://knews.kg/2022/08/30/relokatsiya-v-kyrgyzstan-kak-poluchit-status-tsifrovoy-kochevnik/?ysclid=lb9tigr19880715549> (accessed 15.12.2023).

Релокация-2022: куда и по каким программам переезжают россияне, 24 ноября 2022 года. Информационный портал РБК: URL: https://www.rbc.ru/spb_sz/24/11/2022/637f207b9a794742c7e7d88d (accessed 11.12.2023).

ФСБ раскрыла число выездов россиян за границу. Как мобилизация изменила направления поездок, 05 ноября 2022 года. Информационный портал РБК. URL: <https://www.rbc.ru/society/05/11/2022/6363d2d49a794742e4a5e6cb> (accessed 13.12.2023).

Цифровые кочевники: кто это такие и что следует учесть при выборе такого образа жизни, 17 января 2022 года. URL: <https://netology.ru/blog/01-2022-digital-nomads> (accessed 08.12.2023).

Эффект мобилизации. Как изменились цены на трехкомнатные квартиры в Бишкеке с августа, 24 ноября 2022 года. Информационный портал Kaktus.media. URL: https://kaktus.media/doc/471137_effekt_mobilizacii_kak_izmenilis_ceny_na_trehkomnatnye_kvartiry_v_bishkeke_s_avgysta.html (accessed 14.12.2023).

References

- Denezhnyye perevody v Tadzhiqistan v 2022 godu, vozmozhno, stanut rekordno vysokimi, – Vsemirnyy bank, 2 dekabrya 2022 goda. Informatsionnoye agentstvo Asia-Plus Media Group. URL: <https://asiaplustj.info/ru/news/tajikistan/economic/20221202/denezhnie-perevodi-v-tadzhiqistan-v-2022-godu-vozmozhno-stanut-rekordno-visokimi-vsemirniy-bank> (accessed 08.12.2023).
- Effekt mobilizatsii. Kak izmenilis' tseny na trekhkomnatnyye kvartiry v Bishkeke s avgusta, 24 noyabrya 2022 goda. Informatsionnyy portal Kaktus.media. URL: https://kaktus.media/doc/471137_effekt_mobilizatsii_kak_izmenilis_ceny_na_trekhkomnatnyye_kvartiry_v_bishkeke_s_avgusta.html (accessed 14.12.2023).
- FSB raskryla chislo vyyezdov rossiyan za granitsu. Kak mobilizatsiya izmenila napravleniya poyezdok, 05 noyabrya 2022 goda. Informatsionnyy portal RBK. URL: <https://www.rbc.ru/society/05/11/2022/6363d2d49a794742e4a5e6cb> (accessed 13.12.2023).
- Kazakhstan vvodit vizy dlya tsifrovoykh kochevnikov Digital Nomad Visa s dokhodom vyshe €2000 i medstrakhovkoy v strane, 9 oktyabrya 2022 goda. Veb-sayt Khabr. URL: <https://habr.com/ru/news/766318/> (accessed 10.12.2023). Mir bez granits: kak udalennaya rabota menyayet geografiyu i formy zanyatosti, 02 dekabrya 2022 goda. Informatsionnyy portal RBK: URL: <https://trends.rbc.ru/trends/social/6389cb3b9a79475caca71861?from=copy> (accessed 10.12.2023).
- Relokatsiya v Kyrgyzstan: kak poluchit' status «Tsifrovoy kochevnik», 30 avgusta 2022 goda. Ofitsial'nyy sayt Ministerstva ekonomiki i kommertsii Kyrgyzskoy respubliky. URL: <https://knews.kg/2022/08/30/relokatsiya-v-kyrgyzstan-kak-poluchit-status-tsifrovoy-kochevnik/?ysclid=lb9tigr19880715549> (accessed 15.12.2023).
- Relokatsiya-2022: kuda i po kakim programmam pereyechayut rossiyan, 24 noyabrya 2022 goda. Informatsionnyy portal RBK: URL: https://www.rbc.ru/spb_sz/24/11/2022/637f207b9a794742c7e7d88d (accessed 11.12.2023).
- Tsifrovyye kochevniki: kto eto takiye i chto sleduyet uchest' pri vybore takogo obraza zhizni, 17 yanvarya 2022 goda. URL: <https://netology.ru/blog/01-2022-digital-nomads> (accessed 08.12.2023)
- Za 2022-y minimum 700 tysyach rossiyan nadolgo uyezhdali v drugiye strany. «Bumaga» popytalas' podschitat' chislo emigrirovavshikh navsegda, 8 noyabrya 2022 goda. Informatsionnyy portal Bumaga. URL: <https://paperpaper.ru/za-2022-j-minimum-700-tysyach-rossiyan-nadolgo-u/> (accessed 10.12.2023).

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КОНЦЕПТУАЛИЗАЦИЯ ПРОБЛЕМЫ КЛИМАТИЧЕСКОЙ МИГРАЦИИ

Изменение климата оказывает негативное воздействие на различные аспекты жизни человека. Ухудшение состояния окружающей среды, обусловленная негативными последствиями изменения климата, привело к внутреннему и внешнему перемещению населения по всему миру. Количество перемещенных лиц достигло рекордно высоких показателей, а проблема изменения климата усугубляет угрозы и все больше ухудшает сложившиеся ситуации.

В данной статье предпринята попытка уточнения определения «климатической миграции». Неясность в понятии «климатическая миграция» позволяет разработать ряд дискурсов, которые по-разному формулируют проблему и определяют разные решения. Проблема миграции, обусловленная изменениями климата, является сложной проблемой, которая не имеет очевидного и простого решения.

В статье рассматривается взаимосвязь между последствиями изменения климата и миграцией людей, выявляются основные факторы, влияющие на климатическую миграцию. Особое внимание уделяется взаимосвязи между климатической миграцией и ее влиянием на социально-экономическое развитие стран.

Исследовательские данные показали, что климатические изменения могут влиять на миграцию косвенно, в частности, через экономические движущие силы, например, путем изменения средств к существованию, и политические движущие силы, например, через конфликты из-за ресурсов. Задача состоит в том, чтобы понять основные факторы, которые могут смягчить или усугубить миграцию, и разработать стратегии, позволяющие как активно, так и гуманно управлять этими воздействиями, и рассматривать их комплексно в контексте любых факторов, которые могут привести к экономической и политической дестабилизации регионов мира.

Ключевые слова: миграция, перемещение населения, климатическая миграция, экологическая миграция, климатическая мобильность, концептуализация.

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Conceptualization of the problem of climate migration

Climate change has a negative impact on various aspects of human life. Environmental degradation caused by the negative effects of climate change has led to internal and external displacement of populations around the world. The number of displaced persons has reached record high levels, and the problem of climate change is exacerbating threats and further worsening the current situation.

This article attempts to clarify the definition of «climate migration». The ambiguity of the concept of «climate migration» allows us to develop a number of discourses that formulate the problem in different ways and define solutions. The problem of migration caused climate change is a complex problem does not have an obvious and simple solution.

The article examines the relationship between the effects of climate change and human migration and identifies the main factors influencing climate migration. Special attention is paid to the relationship between climate migration and its impact on the socio-economic development of countries.

Research data has show that climate change can affect migration indirectly, in particular through economic drivers, for example, through changes in livelihoods, and political drivers, for example, through conflicts over resources. The task is to understand the main factors that can mitigate or exacerbate migration, and to develop strategies that allow both active and humane management of these impacts, and to consider them comprehensively in the context of any actors that may lead to economic and political destabilization of regions of the world.

Key words: migration, population movement, climate migration, environmental migration, climate mobility, conceptualizaion.

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Климаттық көші-қон мәселесін тұжырымдау

Климаттың өзгеруі адам өмірінің әртүрлі аспектілеріне кері әсерін тигізуде. Климаттың өзгеруінің кері әсерінен қоршаған ортаның нашарлауы бүкіл әлем бойынша халықтың ішкі және сыртқы қозғалысына алып келді. Қоныс аударушылар саны рекордтық көрсеткішке жетті және климаттың өзгеруі проблемаы қауіп-қатерді күшейтіп, қалыптасқан жағдайды нашарлатуда.

Мақалада «климаттық көші-қон» анықтамасын нақтылауға талпыныстар жасалынған. «Климаттық көші-қон» ұғымының түсініксіздігі мәслені әр түрлі тұжырымдайтын және әртүрлі шешімдерді анықтайтын бірқатар дискурстарды жасауға мүмкіндік береді. Климаттың өзгеруіне байланысты көші-қон күрделі мәселесі болып табылады, оның айқын әрі қарапайым шешімі жоқ.

Мақалада климаттың өзгеруі мен адамдардың көші-қонының салдары арасындағы байланыс қарастырылады. Климаттық көші-қонға әсер ететін негізгі факторлар анықталды. Климаттық көші-қон мен оның елдердің әлеуметтік-экономикалық дамуына әсері арасындағы байланысқа ерекше назар аударылады.

Зерттеу деректері климаттың өзгеруі көші-қонға жанама әсер етуі мүмкін екенін көрсетті, атап айтқанда экономикалық қозғаушы күштер арқылы, мысалы, күнкөрістің өзгеруі арқылы және саяси қозғаушы күштер, мысалы, ресурстарға қатысты қақтығыстар арқылы. Көші-қонды жеңілдететін немесе нашарлататын негізгі факторларды түсіну және осы әсерлерді белсенді және адамгершілікпен басқаруға мүмкіндік беретін стратегияларды әзірлеу және оларды әлем аймақтарының экономикалық және саяси тұрақсыздығына әкелуі мүмкін кез келген факторлар контекстінде жан-жақты қарастыру міндеті қойылады.

Түйін сөздер: көші-қон, халықтың қозғалысы, климаттық көші-қон, экологиялық көші-қон, климаттық ұтқырлық, тұжырымдау.

Введение

В связи с повышением глобальной температуры воздуха и уровня моря, таяния ледников, изменения характера осадков и более частых экстремальных погодных явлений, климатический кризис начал оказывать большое влияние на нас и менять наш мир.

Изменения климата оказывает негативное воздействие на социально-экономические и социально-демографические процессы в мире, может дестабилизировать продовольственную безопасность, водную и экономическую безопасность. Повышения уровня моря, деградация земель, эрозия берегов, экстремальные температуры и другие последствия изменения климата могут сделать целые территории непригодными для жизни, и вынуждать людей мигрировать в более безопасные районы. Потеря средств существования, может привести к социальной нестабильности, ослаблению правительств, а в некоторых случаях к политической нестабильности и конфликтам.

Международная организация труда (МОТ) прогнозирует, что к 2050 году число климатических мигрантов может составить 216 миллионов человек. Однако если будут приняты правильные меры смягчения темпов изменения климата и адаптации к его последствиям со стороны пра-

вительств, прогнозируется что число мигрантов можно снизить до 44 миллионов человек.

Исходя из этого, можно предположить, что климатические условия все больше будут определять характер перемещения людей внутри своей страны, или за ее пределами, а также гуманитарные аспекты, такие как безопасное проживание.

На сегодняшний день мобильность из-за климатических условий носит преимущественно внутренний характер, перемещаются в пределах границ своей родины. Согласно данным Центра внутреннего перемещения (IDMC) в течении последних десяти лет ежегодно перемещаются 21,9 миллионов человек (в 2022 году 31,8 миллионов человек) (GRID, 2022), это в два раза больше чем перемещенные лица из-за конфликтов. Многие из перемещенных лиц и мигрантов переезжают обычно из сельской местности в городские районы. Однако несмотря на то, что большинство людей, перемещенных или мигрирующих в результате негативных климатических воздействий остаются в своих странах происхождения, усиливающая тенденция глобального перемещения населения связанного с изменением климата, также приводит к увеличению числа трансграничных внешних перемещений, особенно там, где изменения климата сочетается с конфликтом и насилием.

Миграция может привести к серьезным социальным, экономическим и политическим вызовам, как для стран происхождения, так и для принимающих стран. Ввиду того, что негативные последствия изменения климата усиливаются, и необходимо понимать основные факторы, которые могут смягчить или усугубить миграцию, и разработать стратегии, позволяющие как активно, так и гуманно управлять этими воздействиями, и рассматривать их комплексно в контексте любых факторов, которые могут привести к экономической и политической дестабилизации регионов мира. Проблема требует координированных усилий на международном уровне.

Материалы и методы исследования

Целью исследования является концептуализация проблемы климатической миграции, и определение ее ключевых аспектов и предложение возможных путей решения. Для достижения этой цели был проведен анализ научных трудов, посвященных новым факторам миграции, переосмыслению экологических факторов миграции, пониманию взаимосвязи климата и миграции, был проведен анализ законодательных актов, а также данные международных межправительственных и неправительственных организаций. На основе теоретического анализа был определен понятийный аппарат, используемый в рамках данного исследования.

Статья основана на всестороннем обзоре отчетов и докладов международных агентств по теме климатической миграции, в том числе Международной организации труда, Программы ООН по окружающей среде (ЮНЕП), УВКБ ООН, Всемирного банка, Агентства США по международному развитию (USAID). В методологии исследования климатической миграции имеются некоторые сложности, которые заключаются в определении климатических изменений как единственного фактора, воздействующей на вынужденное перемещение людей из страны пребывания. В ходе исследования было выявлено, что в большинстве случаев климатические изменения не являются прямым, воздействующим фактором на вынужденную миграцию. В основе климатической миграции лежат структурные факторы, связанные между собой климатические, экономические, социальные и политические факторы.

Анализ воздействия климатического фактора на мобильность людей основан на ряде различных методов, в том числе статистический

метод позволил определить масштабы взаимодействия, заполнить пробелы в количественном понимании связи изменения климата и миграции, а также анализируя эмпирические данные было оценено влияние природно-климатических изменений на интенсивность миграционных потоков.

Литературный обзор

Взаимосвязь изменения климата и миграции является предметом пристального внимания научного сообщества. Миграционные перемещения по причине резкого ухудшения экологической обстановки изучались в прошлом. Однако лишь в последние десятилетия международное научное и политическое сообщество проявило особый интерес к выявлению и оценке связи между обеими переменными, вплоть до того, что Международная организация по миграции предложила определение понятию «климатическая миграция».

Интерес, который эта проблема вызвала в научном сообществе, таков, что за последнее десятилетие появляется ряд статей, связывающих изменение климата с увеличением миграционных движений, являющихся результатом попыток адаптации к окружающей среде. Среди них работы Ричард Блэк, В. Нил Адгер, Найджел В. Арнелл, Стефан Деркон, Эндрю Геддес, Дэвид Томас «Влияние изменения окружающей среды на миграцию людей» (Black et al, 2011: 3-11.), Элизабет Фассел, Лори М. Хантер, Кларк Л. Грей «Измерение экологических последствий миграции людей: инструментарий демографа» (Fussell, Hunter, Gray, 2014), Гресек М., ДеВаард Дж., Хеллманн Дж.Дж., Абель Г.Дж. «Климатическая уязвимость и миграция людей в глобальной перспективе» (Gresequet, DeWaard, Hellmann, Abel, 2017), Макадам Дж., Феррис Э. «Планируемые переезды в контексте изменения климата: раскрытие юридических и концептуальных проблем» (McAdam, Ferris, 2015), Маклеман Р. «Развитие моделирования миграции, связанной с изменением климата» (McLeman, 2013), Вигель Х., Боас И., Уорнер Дж. «Мобильный взгляд на миграцию в контексте изменения окружающей среды» (Wiegel, Boas, Warner, 2019)

Отдельно необходимо отметить работу Бенуа Майера «Концепция климатической миграции». В нем определяются основные аспекты климатической миграции – гуманитарная концепция, миграция и концепция изменения климата – и оцениваются их перспективы (Mayer, 2016).

Результаты и дискуссия

Определение и концептуализация климатической миграции

Определение понятия климатической миграции представляет собой сложную, но важную задачу. В академических кругах все еще продолжается дискуссия над четким определением этого термина.

В английской литературе термин «климатическая миграция» встречается под разными вариациями, такими как «ecological migration» (экологическая миграция), «climate migration» (климатическая миграция), «climate mobility» (климатическая мобильность), «environmental migration» (миграция, обусловленная изменением окружающей среды) и другие.

Экологическая миграция – это процесс перемещения людей привычного места жительства в другое место в поисках лучших экономических, политических и социальных возможностей, вызванный изменениями окружающей среды.

«*Environmental migration*» (миграция, обусловленная изменениями окружающей среды), представляет собой передвижение отдельных лиц или групп людей, которые вынуждены покинуть места своего обычного проживания из-за негативного воздействия внезапных или постепенных изменений в окружающей среде. Эти люди могут временно или постоянно покинуть свои дома и перемещаться как внутри, так и за пределы своей страны происхождения.

«*Climate migration* (климатическая миграция) – перемещение лиц или групп лиц, которые главным образом по причинам внезапного или постепенного изменения окружающей среды в результате изменения климата были вынуждены покинуть свое постоянное место жительства или решили сделать это временно или безвозвратно в пределах государства или за пределами его границ. [...] Климатическая миграция – это подвид миграции, вызванной изменениями окружающей среды; это понятие определяет особый тип такой миграции, когда изменение окружающей среды обусловлено изменением климата» (Glossary on Migration, 2019).

Такие термины, как климатический беженец, популярны, но проблематичны. Климатическая миграция отличается от термина, климатический беженец, который привлекает внимание только к определенным формам перемещения и, таким образом, игнорирует сложности, возникающие, когда обстоятельства вынуждают людей оставаться в пострадавших местах. Этот термин

также обычно неправильно использует юридическую категорию беженца, которая фокусируется на угрозе преследования и имеет согласованное на международном уровне определение, взятое из Конвенции о статусе беженцев 1951 года (Управление Верховного комиссара ООН по делам беженцев, 2010). Таким образом действующие международные акты, регулирующие статус беженцев, не распространяются на климатических мигрантов. Это законодательство не имеет возможности адекватно решать проблемы климатической миграции и обеспечить правовую защиту.

С 2000-годов идет дискуссия о распространении действия Женевской конвенции на климатических мигрантов, или о разработке новой конвенции регулирующий этот вопрос. Однако создание новой конвенции сдерживается по политическим причинам, это может привести к гомогенизации ситуаций климатического перемещения. Также в климатическую повестку следует включить вопрос климатической солидарности, которая будет охватывать гуманитарную помощь странам и регионам, подвергнутым климатическим бедствиям, идею ответственности международного сообщества за поддержку жертвам стихийных бедствий, а также возможность решения проблем безгражданства.

Не существует единого определения климатической миграции, однако многие исследователи сосредоточили внимания на категории движения, и причинах миграции. Уолтер Келин (2010) предложил пять сценариев перемещения населения, вызванного изменением климата, основываясь на ситуации, которые наиболее непосредственно подталкивают людей к переезду:

1. Внезапные стихийные бедствия, которые вызывают в основном внутренние, но иногда трансграничные перемещения. Например, наводнения или циклоны могут побудить людей покинуть пострадавшие районы, как правило, на временной основе.

2. Постепенно наступающая деградация окружающей среды, которая ухудшает условия жизни и вызывает как внутреннюю, так и международную экономическую миграцию. Повышение уровня моря и последствия повышения средних температур (засуха, опустынивание, деградация земель) в целом можно рассматривать как миграционный «толчок», в частности, через воздействие на экономические условия в местах происхождения.

3. Конкретные случаи наводнения малых островных государств, могут вызывать международную экономическую миграцию, возможно и эвакуацию людей. Без должных инновационных мер по адаптации, низменные острова или архипелаги, такие как Мальдивы, Кирибати и Тувалу в долгосрочной перспективе не смогут обеспечить безопасным жильем свое население из-за повышения уровня моря.

4. Отнесение определенных территорий к зонам повышенного риска, слишком опасным для проживания людей, что может привести к эвакуации постоянного населения. Такие меры часто принимаются, в частности, на берегах рек или вблизи них.

5. Насилие или конфликты, усугубляемые усилением конкуренции за природные ресурсы, приводят к потокам беженцев или внутренне перемещенных лиц. Регионы с дефицитом ресурсов, вероятно, пострадают, когда уже существует напряженность в отношении доступа к ограниченным природным ресурсам. (Kälin, 2010)

Бенуа Майер (Mayer B., 2016:15-16) предлагает добавить к этому определению еще четыре категории причин или мотиваций:

- новые экономические возможности, обусловленные главным образом факторами притяжения в местах, где в результате положительных последствий изменения климата возникают новые возможности. Так, например, в некоторых северных регионах, где вода имеется в избытке (Канада, США, Россия), увеличение вегетационного периода может повысить эффективность сельскохозяйственного сектора, который часто использует сезонную иностранную рабочую силу;

- программы перемещения и переселения, которые возникли в связи с развитием проектов по смягчению последствий изменения климата или адаптации к ним. С целью снижения риска засухи могут быть построены дополнительные водохранилища, а также будут возведены дамбы для защиты населения от наводнений. В контексте крупных программ переселения плотины гидроэлектростанций часто использовались в качестве источника чистой энергии и как способ снизить риск наводнений. Некоторые проекты по строительству гидроэлектростанций финансировались за счет климатического финансирования;

- экономические стимулы, вызванные действиями по смягчению последствий изменения климата. Политика смягчения воздействий оказывает влияние на жизнеспособность кон-

кретных секторов экономики, включая промышленные, и, следовательно, на занятость, что является одновременно «выталкивающим» и «притягивающим» фактором миграции. В итоге цели по смягчению последствий могут привести к политике, которая будет влиять на модели расселения, возможно, посредством содействия демографической концентрации в центрах городов, а не их росту;

- миграция, усугубляемая климатическими изменениями, может спровоцировать цепную реакцию, заставляя других людей также принять решение о перемещении – это так называемый «эффект домино». Особенно те страны, которые часто подвергаются стихийным бедствиям, сталкиваются с ускоренным процессом урбанизации и ухудшением условий жизни, что может побудить городскую элиту, обладающую ресурсами, к эмиграции за рубеж;

Луиза Веронис и Роберт Маклеман выявили, что аспекты окружающей среды могут играть роль «во второстепенных или даже третичных факторах в более сложных и протяженных последовательностях миграции», что в конечном итоге может способствовать международной миграции на большие расстояния (Veronis, McLeman, 2014). Быстрая урбанизация может стать толчком к развитию в определенных социально-политических условиях. Однако это процесс также может способствовать формированию более значительной городской элиты, обладающей достаточными ресурсами для организации международной миграции.

Что касается фактора движения, Канкунские рамки адаптации (2010) Рамочной конвенции ООН об изменении климата предлагают государствам согласовывать свои условия и сотрудничать в вопросах «перемещения, миграции и планируемой переселенческой деятельности, обусловленной изменением климата». Это первый международный документ, в котором упоминается миграция, связанная с изменением климата, и в Канкунском соглашении представлены три типа перемещений, вызванных изменением климата:

- вынужденное перемещение (когда люди вынуждены покинуть свою страну из-за стихийных бедствий);

- миграция (когда люди уезжают из-за более длительных масштабных последствий изменения климата);

- и плановое переселение (когда некий центральный орган власти, например государство, предпринимает усилия по переселению людей).

В этих дебатах по определениям Джейн МакАдам (McAdam J., 2012:17) указывает на то, является ли движение добровольным или непроизвольным; является ли триггером быстро наступающая катастрофа или медленно наступающий климатический процесс; является ли движение внутренним или международным; есть ли политические причины связывать движение с изменением климата; и роль человеческой преднамеренности, такой как дискриминация, в стимулировании или усугублении движения.

Кроме того, для описания связи человеческого движения и изменения климата исследователи все чаще используют термин «климатическая мобильность» (Baldwin, Fröhlich & Rothe, 2019; Farbotko, 2020), который признает разнообразие форм и направлений перемещения населения в условиях изменчивости климата (Boas et al. 2019).

Широта этого термина подчеркивает диапазон многих временных рамок мобильных людей и групп населения (от временного бегства и сезонного отъезда до постоянного переселения), географии (от простого подъема в гору до другой страны) и мотиваций (от отчаянного бегства до обнадеживающих возможностей). Одним из решений о мобильности является неподвижность, которая может быть преднамеренным выбором или может быть результатом того, что люди не могут передвигаться из-за политики правительства или нехватки ресурсов. Таким образом, климатическая мобильность является более обширной концепцией, чем климатическая миграция и климатическое перемещение, под которыми обычно понимают движение, которое является добровольным или вынужденным, соответственно, а также однонаправленным и постоянным.

Использование термина «климатическая мобильность» также подтверждает, что изучение связанных с этим последствий требует больше, чем просто изучения миграционных потоков, политика справедливой климатической мобильности должна быть ориентирована как на людей, имеющих привилегию оставаться в стрессовых районах, так и на тех, кто не может переехать из-за нехватки ресурсов. Таким образом, различия в терминах позволяет применять соответствующие нормы регулирования процессов миграции, связанных с деградацией окружающей среды.

Климатическая миграция и современные тенденции

Масштабы и полные последствия климатических изменений все еще остаются не до конца

ясными. Хотя прогнозы базируются на различных допущениях и требуют осторожного подхода, данные УВКБ ООН указывают, что с 2009 года примерно 21 миллион человек ежегодно вынуждены переселяться внутри стран из-за экстремальных климатических условий и стрессов. Около 80% беженцев и переселенных лиц происходят из регионов, недостаточно подготовленных к климатическим вызовам и угрозам.

По данным международного экспертного центра мониторинга внутреннего перемещения (IDMC), с 2008 года среднегодовое количество внутренне перемещенных лиц из-за изменения климата составляет около 25 миллионов (Global Report on Internal Displacement, 2021). Это почти в три раза больше, чем количество людей, становящихся беженцами из-за вооруженных конфликтов. Климатические мигранты официально не признаны как отдельная правовая категория и определить масштабы добровольной миграции из-за экологических изменений очень сложно.

Анализ оценки Всемирного банка 2019 года показывает, что к 2050 году 143 миллионов человек вынуждены будут мигрировать внутри своих стран, причем основное количество из них придется на бедные и развивающиеся страны. Позднее, в отчете 2021 года они прогнозируют увеличения этой цифры до 216 миллионов человек, преимущественно в Африке, Азии и Латинской Америке (Groudswell Part 2, 2021).

Отчеты Глобального аналитического центра «Институт экономики и мира» (IER) предполагают, что к 2050 году количество климатических мигрантов и вынужденных переселенцев в связи с природными катастрофами может экспоненциально возрасти, достигнув 1,2 миллиарда человек (IER, 2020). Однако исследователи ставят под сомнения методы расчетов данных показателей, так как имеются неясности. Но, все же несмотря на различия в оценках, существует общее мнение о том, что без правильных действий число перемещений может значительно возрасти в ближайшем десятилетии.

Связь между экстремальными погодными условиями и миграцией, а также нестабильностью начинает вызывать беспокойство на международном уровне. К примеру, в регионах Америки, Африки и Азии изменения в климате могут спровоцировать угрозу продовольственной безопасности вследствие повышения температуры, возникновения засухи и повышения уровня воды.

Мировое сообщество обеспокоено негативными последствиями климатической миграции,

и некоторые эксперты предполагают, что, данный процесс имеет значительные геополитические риски. Так, Эрин Сикорски (Erin Sikorsky), директор аналитического центра климата и безопасности в Вашингтоне отмечает, что «есть три основных способа, которыми климатическая миграция может повлиять на безопасность и геополитические интересы. Перемещение миллионов людей, вероятно, создадут, горячие точки в политике и безопасности» (Sikorsky, 2022).

Во-первых, климатическая миграция и перемещение населения могут усугубить социальную и политическую нестабильность. Увеличивается риск социальной и политической нестабильности в странах и регионах, в связи с перемещением населения из сельских районов в городские районы. Ожидается, что большая часть климатических мигрантов первоначально происходит внутри стран. Это в свою очередь, может усложнить управления, особенно в странах, где уже имеются другие социальные и политические проблемы.

Напряженность между вновь прибывшими мигрантами и принимающей стороной может обостриться из-за нехватки ресурсов, такие как вода, земля. К примеру, в Соединенных Штатах обвиняют мигрантов и перемещенных лиц в ухудшении состояния окружающей среды, что это дополнительная нагрузка на окружающую среду.

Во-вторых, ситуацией вокруг климатических мигрантов и перемещенных лиц, могут воспользоваться негосударственные структуры в своих личных целях. Например, в некоторых регионах Западной Африки и Центральной Америки организованные преступные группировки, экстремистские и террористические организации используют мигрантов для личных целей, включая торговлю людьми и вымогательство. В других ситуациях, например в Ираке и Сирии такие группировки угрожают использования ситуации с изменением климата в политических целях, терроризируя общества или вынуждая правительства принимать определенные меры выгодные им. А также негосударственные акторы могут способствовать возникновению новых видов климатических мигрантов в контексте экологических преступлений, принуждая население к переселению.

В-третьих, проблема заключается в том, что напряженность, связанная с климатической миграцией и перемещением населения, усиливается в недемократических и слабых государствах.

Принудительное перемещение населения проявляется в местах с ограниченным доступом к демократии, особенно если государственные органы не в состоянии или не желают обеспечить базовую защиту или помощь. Некоторые правительства могут даже использовать климатические кризисы в своих политических целях (Sikorsky, 2022).

Регулирование процессов климатической миграции

Климатическая миграция приобретает интенсивный характер, и в настоящее время международные дискуссии посвящены не столько тому, как остановить потоки мигрантов, сколько о том, как управлять их перемещение справедливым образом.

Одним из ключевых аспектов управления климатической миграцией является смягчение негативных последствий глобального потепления и связанных с ним стрессов и потрясений. Эти меры включают в себя сокращение выбросов парниковых газов, ускоренный переход к зеленой энергетике и экономике, развитие зеленых технологий, а также значительное увеличение использования природных решений. Парижское климатическое соглашение, принятое 2015 году предусматривает обязательства по достижению нулевого уровня выбросов углерода, которая в свою очередь требует увеличения инвестиций в зеленое финансирование.

Еще одним ключевым аспектом в стратегии по смягчению последствий климатической миграции является адаптация к изменяющимся условиям.

В целях предотвращения последствий климатической миграции необходимо увеличить инвестиции в стратегии снижения рисков стихийных бедствий, в меры по повышению устойчивости, в том числе мониторить наводнения, засухи, землетрясения и другие стихийные бедствия, улучшить механизмы по определению, защите, оказанию помощи и поддержке климатическим мигрантам.

Другим еще одним приоритетным направлением в регулировании климатической миграции является усиление защиты прав климатических мигрантов, а также укрепление международного сотрудничества для устранения движущих сил перемещения населения. Проблематика климатических мигрантов находится в сфере деятельности Международной организации по миграции (МОМ) и Программы ООН по окружающей среде (ЮНЕП), УВКБ ООН.

Занимаясь вопросами, связанными с климатом и миграцией с 2007 года, МОМ основала Отдел по миграции, окружающей среде и изменению климата в 2015 году. Она стала одним из первых международных организаций, учредивших специализированное подразделение, посвященное климатической миграции. Основное внимание МОМ уделяет разработке политики управления миграцией, выявлению взаимосвязи между факторами окружающей среды и миграцией, пропаганде защиты и помощи, поддержке маломасштабных проектов по повышению устойчивости в районах риска. МОМ также принимает участие в сети ООН по вопросам миграции, которая способствует укреплению синергии между различными соглашениями и целями устойчивого развития, включая Парижское соглашение по климату (2015) и Сендайскую рамочную программу по снижению риска бедствий на 2015-2030 года.

УВКБ ООН оказывает помощь экологическим мигрантам, и учредило должность специального советника по климатическим действиям, чтобы привлечь внимание к данной проблеме и сформулировать ответы, но не берет на себя роль лидера, поскольку не обладает достаточным мандатом и ресурсами, чтобы заниматься этими вопросами больше.

Одним из значимых международных начинаний, направленных на разработку ответных мер на климатические изменения, является Инициатива Нансена. Эта Инициатива, запущенная в 2012 году направлена на помощь людям, ставшие беженцами в результате природных катастроф, на организацию консультаций между государствами с целью достижения единства в действиях, сотрудничеству, установлению стандартов и координации реагирования на перемещение населения через границы или внутри стран вследствие стихийных бедствий и изменения климата.

Следующие меры по регулированию климатической миграции является разработка стратегии адаптации к изменению климата. Концепция миграции как формы адаптации заключается в преобразовании вынужденного перемещения в добровольную миграцию, способствующую адаптации и смягчению последствий климатических изменений для сообществ, как происхождения, так и назначения. Мигранты, покидающие районы, пострадавшие от изменения климата, и переезжающие в места с более высоким уровнем дохода, в конечном итоге могут помочь своим родным адаптироваться путем отправки фи-

нансовых переводов и передачи накопленных знаний и опыта. Это особенно важно для климатически уязвимых стран и малых островных государств, которые сильно зависят от денежных переводов.

К наиболее уязвимым к изменению климата странам относятся: Сомали, Нигер, Гвинея-Бисау, Федеративные Штаты Микронезии, Тонга, Судан, Либерия Соломоновы Острова, Мали и Афганистан, а к наименее климатически уязвимым странам относятся: Швейцария, Норвегия, Чехия, Финляндия, Великобритания, Германия, Австрия, Канада, Новая Зеландия и Швеция (Huang, 2023).

К сожалению, наиболее уязвимые страны которым необходимо как можно быстрее адаптироваться, не имеют достаточных средств и ресурсов. Им необходима финансовая поддержка со стороны международного сообщества и развитие местных и региональных институтов, содействие в строительстве и модернизации инфраструктур, способных выдерживать экстремальные погодные условия, разработка новых сельскохозяйственных технологий, устойчивых к изменениям погоды, создание систем раннего предупреждения о природных катастрофах.

Определённо единой модели политики адаптации не существует, каждое государство или регионы должны проводить свои собственные стратегии адаптации, соответствующих их территориальным особенностям,

Заключение

Климатическая миграция не является сценарием далекого будущего, она проявляется уже сейчас вместе с все более серьезными экстремальными явлениями и постепенной деградацией. Принимая во внимание прогрессирующее глобальное потепление международное сообщество должно все больше фокусироваться на серьезных последствиях климатического воздействия, одним из последствий которого является климатическая миграция. Процессы климатической миграции характеризуются междисциплинарной спецификой, имеют комплексные причины.

В рамках данного исследования был сделан вывод, а том, что в научном сообществе концептуализация климатической миграции в процессе, определение самого понятия «климатическая миграция» все еще разрабатывается. Научные споры идут по вопросам причин, влияющих на миграцию, является ли климатические воздей-

ствия основным причинами перемещения; является ли перемещение добровольным или непроизвольным; является ли триггером быстро наступающая катастрофа или медленно наступающий климатический процесс; имеются ли политические причины связывать перемещение с изменением климата.

В статье под климатической миграцией рассматривалось перемещение населения по причине прямого или косвенного воздействия изменения климата. В статье делается вывод, что климатические изменения могут влиять на миграцию косвенно, через экономические движущие силы, например потеря средств к существованию, и политические движущие силы, например конфликты из-за ресурсов (вода, земля).

Последствия климатической миграции могут усложнить социальную и экономическую напряжённость, усилить риски, такие как бедность, голод и неравенство; большие миграционные потоки могут вызвать политическую нестабильность и конфликты, особенно если принимающие страны не готовы к и приему.

На сегодняшний день изменения климата не являются основной причиной перемещения большинства людей, но поскольку стихийные бедствия становятся более повторяющимися и

серьезными, они могут сочетаться с экономическими и другими проблемами, вызывая рост международной миграции. Вызовет ли изменения климата всплеск небезопасной, незапланированной и нерегулярной миграции, во многом будет зависеть от политик правительств адаптироваться к изменению климата и предоставить законные пути и системы, помогающие людям передвигаться. При разработке стратегии по адаптации и смягчению последствий изменения климата необходимо учитывать следующие рекомендации:

- сокращение выбросов, декарбонизация экономики и продвижение возобновляемых источников энергии, внедрение зеленых технологий;
- разработать специальные программы переселения, которые помогут мигрантам интегрироваться в новое сообщества;
- необходимо усилить международное сотрудничество и финансирование мероприятия по охране окружающей среды;
- разработать междисциплинарные образовательные программы, направленные на повышения осведомленности о климатических изменениях;
- развивать партнёрства между правительством, частным сектором и гражданским обществом.

Литература

- Baldwin, A., Fröhlich, C., & Rothe, D. (2019). From climate migration to anthropocene mobilities: Shifting the debate. *Mobilities*, 14(3), 289–297.
- Black, R., Adger W. N., Arnell N., Dercon S., Geddes A., Thomas D. (2011). The effect of environmental change on human migration. *Global Environmental Change*. Volume 21, Supplement 1. Pages S3-S11.
- Boas, I., Farbotko, C., Adams, H., Sterly, H., Bush, S., van der Geest, K., ... Hulme, M. (2019). Climate migration myths. *Nature Climate Change*, 9(11), 901-903.
- Cancun Adaptation Framework (2010). <https://unfccc.int/topics/adaptation-and-resilience/the-big-picture/introduction>
- Farbotko, C. (2020). New approaches to climate change and migration: Building the adaptive capacity of mobile populations. Migration Policy Institute. Available at <https://www.migrationpolicy.org/research/climate-change-building-adaptive-capacity>
- Fussell, E., Hunter L., Gray, C. (2014). Measuring the environmental imensions of human migration: the demographer's toolkit. *Glob Environ Chang*. Sep 1; 28: 182–191.
- Global Report on Internal Displacement (2021). Available at <https://www.internal-displacement.org/global-report/grid2021/>
- Global Report on Internal Displacement (GRID). (2022). Available at <https://www.internal-displacement.org/publications/2022-global-report-on-internal-displacement-grid/>
- Glossary on Migration. International Migration Law. No. 34. Geneva: International Organization for Migration, 2019. 247 p. ISSN: 1813-2278.
- Grecequet, M., DeWaard, J., Hellmann, JJ., Abel, GJ. (2017). Climate vulnerability and human migration in global perspective. *Sustainability*. 9(5):720; doi:10.3390/su9050720
- Groundswell Part 2: Acting on Internal Climate Migration (2021). Available at <https://openknowledge.worldbank.org/entities/publication/2c9150df-52c3-58ed-9075-d78ea56c3267/full>
- Huang, L. (2023). Climate Migration 101: An Explainer. Available at [https://www.migrationpolicy.org/article/climate-migration-101-explainer#:~:text=Many%20climate%2Dvulnerable%20countries%20are,gross%20domestic%20product%20\(GDP](https://www.migrationpolicy.org/article/climate-migration-101-explainer#:~:text=Many%20climate%2Dvulnerable%20countries%20are,gross%20domestic%20product%20(GDP)
- Institute for Economics and Peace (2020). Available at <chrome-extension://efaidnbmninnibpcapjpcglclefindmkaj/https://www.economicsandpeace.org/wp-content/uploads/2020/09/Ecological-Threat-Register-Press-Release-27.08-FINAL.pdf>

- Kälin, W. (2010). «Conceptualizing Climate-Induced Displacement» in Jane McAdam, ed., *Climate Change and Displacement: Multidisciplinary Perspectives*
- Mayer, B. (2016). *The Concept of Climate Migration. Advocacy and its Prospects*. Elgar Studies in Climate Law. 392 pp
- McAdam, J. (2012). *Climate Change, Forced Migration, and International Law*, Oxford University Press, Oxford. 319 pp.
- McAdam, J., Ferris, E. (2015). Planned relocations in the context of climate change: unpacking the legal and conceptual issues. *Cambridge J Int'l Comp L*. 4(1):137–1166.
- McLeman, R. (2013). Developments in modelling of climate change-related migration. *Clim Chang*. 117(3):599–611.
- Sikorsky, E. (2022). Climate Migration Is Now a Major Geopolitical Risk // <https://www.brinknews.com/climate-migration-is-now-a-major-geopolitical-risk/>.
- Veronis, L., McLeman, R. (2014) Environmental influences on African migration to Canada: focus group findings from Ottawa-Gatineau. *Popul Environ* 36, 234–251.
- Wiegel, H., Boas, I., Warner, J. (2019). A mobilities perspective on migration in the context of environmental change, *Wiley Interdisciplinary Reviews: Climate Change*; p. e610.

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MIGRATION POLICY OF KAZAKHSTAN: OVERVIEW OF EXTERNAL VECTOR

This article aims to provide an analysis of the external aspects of Kazakhstan's post-pandemic migration policy through the prism of evolving domestic legislation and expert assessments. Kazakhstan is becoming an increasingly important actor in migration processes in Central Asia and in the CIS generally.

The continual transformation of the region during the three decades since independence has accelerated and diversified migration within Central Asia and beyond the region. The effects of migration also significantly affect Kazakhstan, which has a diversified migration profile and regularly positions itself as a country of reception and transit. Additionally, there is an observable outflow of the young and able-bodied population. This situation requires the adoption of appropriate policies and approaches to meet the challenges and realities of migration.

This article examines the main approaches of the government of Kazakhstan to the development and implementation of its migration policy through the lens of the major trends of external migration. Its main emphasis is migration policy in relation to the regulation of the stay of foreign citizens within the nations of Central Asia and the CIS, for whom a visa-free regime exists. These foreign arrivals are mostly labor migrants. The categorization of such migrants as refugees and asylum seekers in Kazakhstan is considered.

The methodology used in the article is a survey of experts and analysis of legislation. The results of this research bring into focus the evolving legislation in the field of migration and diversification of migration policy in Kazakhstan in accordance with current trends and changes to the situation along the border.

Furthermore, an exploration of available resources on the subject reveals that greater attention is required to such aspects as an increasing proportion of female migrants, forced migration, and irregular migration patterns.

Key words: Migration policy, Kazakhstan, labor migration, refugee rights, "Otandastar Foundation (Qory)".

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Қазақстанның көші-қон саясаты: сыртқы векторға шолу

Бұл мақаланың мақсаты пандемиядан кейінгі кезеңдегі Қазақстанның көші-қон саясатының сыртқы векторын ішкі заңнама мен сараптамалық бағалау эволюциясы призması арқылы шолу талдау болып табылады. Қазақстан Көші-қон процестерінің, атап айтқанда, Орталық Азия өңірінде және ТМД кеңістігінде барған сайын маңызды акторына айналуға.

Соңғы отыз жыл ішінде өңірдің жалғасып келе жатқан трансформациясы Орталық Азиядағы және өңірден тыс көші-қонды жеделдетеді және әртарапандырады. Көші-қон әсерлері жеткілікті әртарапандырылған көші-қон бейіні бар және өзін қабылдау және транзит елі ретінде орнықты орналастыратын Қазақстанға да айтарлықтай әсер етеді. Мигранттардың ағымы сонымен бірге жас және еңбекке қабілетті халықтың белгілі бір кетуі байқалады. Мұндай жағдай барлық сын-қатерлер мен көші-қон шындықтарына жауап беретін тиісті көші-қон саясаты мен тәсілдерін талап етеді.

Мақалада Қазақстан Үкіметінің негізгі сыртқы көші-қон трендтері призması арқылы көші-қон саясатын қалыптастырудағы негізгі тәсілдері қарастырылған. Мақалада шетелдік азаматтардың визасыз режим қолданылатын Орталық Азия және ТМД елдерімен болуын реттеуге қатысты көші-қон саясатына басты назар аударылды. Бұл көбінесе еңбек мигранттары. Қазақстанда босқындар мен баспана іздеушілер сияқты адамдардың санатын реттеудің кейбір аспектілері қарастырылған.

Әдістеме ретінде мақалада сараптамалық сауалнамалар мен заңнаманы талдау қолданылды.

сәйкес Қазақстанның көші-қон және көші-қон саясатын әртараптандыру саласындағы заңнаманың дамуын айғақтайды.

Сонымен қатар, феминизация, мәжбүрлі және тұрақты емес көші-қон сияқты аспектілерге көбірек көңіл бөлу қажет.

Түйін сөздер: көші-қон саясаты, Қазақстан, еңбек көші-қоны, босқындардың құқықтары, «Отандастар» қоры».

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Миграционная политика Казахстана: обзор внешнего вектора

Целью данной статьи является обзорный анализ внешнего вектора миграционной политики Казахстана в постпандемийный период через призму эволюции внутреннего законодательства и экспертных оценок. Казахстан становится все более важным актором миграционных процессов, в частности, в регионе Центральная Азия и на пространстве СНГ.

Продолжающаяся трансформация региона на протяжении последних тридцати лет ускоряет и диверсифицирует миграцию в Центральной Азии и вне региона. Эффекты миграции существенно влияют и на Казахстан, который имеет достаточно диверсифицированный миграционный профиль и устойчиво позиционирует себя как страна приема и транзита. Наряду с этим наблюдается и определенный отток молодого и трудоспособного населения. Такая ситуация требует соответствующей миграционной политики и подходов, отвечающих всем вызовам и миграционным реалиям.

В статье рассмотрены основные подходы правительства Казахстана к формированию миграционной политики через призму основных внешних миграционных трендов. Основной акцент в статье сделан на миграционную политику в отношении регулирования пребывания иностранных граждан со странами Центральной Азии и СНГ, для которых действует безвизовый режим. Это большей частью трудовые мигранты. Рассмотрены некоторые аспекты регулирования такой категории лиц, как беженцы и лица, ищущие убежища в Казахстане.

В качестве методологии в статье использованы экспертные опросы и анализ законодательства. Результаты исследования свидетельствуют о развитии законодательства в области миграции и диверсификации миграционной политики Казахстана в соответствии с актуальными трендами и изменением ситуации по периметру границ.

Наряду с этим требуется большее внимание необходимо уделить таким аспектам как феминизация, вынужденная и нерегулярная миграция.

Ключевые слова: Миграционная политика, Казахстан, трудовая миграция, права беженцев, «Фонд «Отандастар»».

Introduction

Migration in post-Covid Central Asia is occurring within a new and complex international environment. The region maintains a migration sub-system, the contours of which cover Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan. The volume of migration in the region is increasing and extending beyond Central Asia. In addition to the intensive migration exchange, it is important to highlight Russia, which is not only a destination for Kazakh migrants but also a source of migrants into Kazakhstan. This requires the development of approaches that cover all aspects of migration and consider the rights of the main participants—migrants, states of origin, and destination countries.

Effective coordination of migration processes requires a policy that considers the specifics of re-

gional migration and its main trends. Economic and labor migration remains the main trend in the region and is now accompanied by the phenomenon of relocation of people from the Russian Federation. Existing trends such as an increase in educational flows within and outside the region, as well as an increasing proportion of female migration, persist. In such conditions, there is a pressing need to increase the potential for coordination of migration processes and developing an effective migration policy, primarily for Kazakhstan, which retains a central role in the Central Asian migration subsystem as a destination country with a mixed migration status and positions itself as a hub of transit and reception. Within the regional migration subsystem, labor migrants from Kyrgyzstan, Tajikistan and Uzbekistan arrive in the country, and migration exchanges with Turkmenistan are also observed. It should be noted

that migrant flows from Russia are increasing due to the conflict with Ukraine.

The first half of 2022 saw, for the first time, flows of migrants (*relocanty*) from Russia to Kazakhstan in connection with the geopolitical situation and the military conflict between Russia and Ukraine. These waves were associated with the announcement of partial mobilizations of Russian citizens for military service and significantly increased the transit role of Kazakhstan in Eurasia.

Significant differences in migration flows between 2021 and 2022 are connected, on the one hand, with entry restrictions for most of 2021 due to the COVID-19 pandemic; on the other hand, with the conflict between Russia and Ukraine and the mobilization announced in Russia in September 2022. The largest numbers of migrants to Kazakhstan in 2022 came from Uzbekistan, Russia, Kyrgyzstan, Tajikistan, Turkey, and Ukraine.

Along with the fact that about 5.7 million people arrived in Kazakhstan in 2022, approximately six million left during the same year. The number of CIS citizens living in Kazakhstan under the visa-free regime was about 650,000 in 2022 (Ministry of Internal Affairs of the Republic of Kazakhstan, 2022) This figure does not include those in possession of formal resident status.

According to the National Bureau of Statistics of the Republic of Kazakhstan, the number of arrivals in the country between January and June of 2023 was 13,652 people, while the number of departures was 6,996. The migration balance amounted to 6,656 people (Bureau of National Statistics, 2023). These data show an increase of 87.3% in the number of arrivals to the country compared to the corresponding period in the year prior, while the number of departures decreased by 56.7%. The main migration exchange of the country occurred between citizens of the CIS, who accounted for 89.1% of those arriving in Kazakhstan and 75.4% of departures. Of the foreign citizens coming into the country, the majority are transit migrants from CIS countries. The transit migration potential of Kazakhstan, according to the same source, also remains within the range of 5-6 million.

Estimates provided by migration experts, data from reporting agencies, and the opinions of practitioners suggest that a significant percentage of unaccounted migration from 2021, 2022, and 2023 from Central Asian countries will remain in Kazakhstan.

Regarding the internal dimension of Kazakhstan's migration policy, some of the important issues requiring attention are coordination of uneven

internal migration and ethnic migration of "Kandas" (ethnic Kazakhs from abroad) into the country.

The external branch of migration policy is concerned with strengthening the legal mechanisms for staying in Kazakhstan, coordinating transit migration, and external labor migration to and from the country. Coordination in this area includes the improvement and harmonization of domestic legislation and the development of mechanisms of intergovernmental and international multilateral cooperation.

The development of key areas of migration policy and its implementation is within the competence of the Government of the Republic of Kazakhstan (Article 8 of the Law of the Republic of Kazakhstan "On Migration of the Population" dated July 22, 2011). The Ministry of Labor and Social Protection of the Population of the Republic of Kazakhstan, specifically the Committee on Migration, is the authorized state body providing leadership in the field of population migration. Other such structures include the Ministry of Internal Affairs, the Ministry of Foreign Affairs, the Ministry of Higher Education and Science, and related agencies.

Over the past years, Kazakhstan has been pursuing policies aimed at increasing investment and tourism attractiveness for foreigners and attracting high-quality labor while maintaining a sufficient level of migration control to ensure national security.

The relevant authorities are seeking to implement a migration policy which creates favorable conditions that allow migrants in Kazakhstan to fully realize their human, economic, and social potential to contribute to the sustainable development of the country in accordance with legislative norms.

In this area, there are still gaps in the relevant legislation, so it is important to carefully study the evolution of migration policy in Kazakhstan and major changes to new realities to further improve legislation and mechanisms of cooperation amongst the countries of Central Asia.

Methodology

The article was prepared using a combined approach by working with primary sources and secondary data. An analysis was carried out to review the legislation of the Republic of Kazakhstan over the past three years regarding the regulation of external migration flows coming to Kazakhstan. Data were provided by representatives of government bodies and their official websites. Specifically, the study was based on data from the Ministry of Internal Affairs, the Bureau of National Statistics, and the Border

Guard Service of Kazakhstan. Data were collected through a combination of published sources and direct requests to experts and government agencies.

As part of this study, an expert survey of nine specialists and officials was conducted, including five from Astana and four from Almaty. Experts from government agencies, the academic community, and representatives of non-governmental organizations in Kazakhstan took part in the study.

During the survey of experts, all participants noted the high activity and productivity of government agencies in the process of developing migration policy and the adaptability to changing realities while also highlighting problems such as nonstandard approaches to recording migration statistics and low awareness of changes in migration policy.

Secondary sources are presented by publications, mostly informational websites, as well as analytical resources. Such an approach allows for an analysis of the evolution of Kazakhstan's external migration policy and confirms the complex migration profile of Kazakhstan as primarily a destination country. Furthermore, it allows for an assessment of the nation's transit potential.

Literature Review

Migration issues are relevant for Kazakhstan due to the nation's expanded migration status and increasing transit potential. Despite the relevance of migration issues in Kazakhstan and the existing foundations for sustainable legislation and the development of international migration cooperation in the region, there are still no comprehensive studies devoted to the formation and analysis of Kazakhstan's external migration policy.

There are numerous articles and works by researchers who focus on regulating migration flows in the context of the demographic situation and the main external migration trends for Kazakhstan. The work of Yeshpanova D.D. (Yeshpanova, 2009) analyzed primary features of the migration policy of Kazakhstan. Sadovskaya (Sadovskaya, 2013a, 2016b) revealed labor migration to Kazakhstan as a salient trend, pointing out the main aspects of migration and migrant policy. The works of Kappasova G.M. (Kappasova, 2014 a, 2014 b) discussed trends in migration policy of Kazakhstan towards border regions with Russia. Delovarova L.F. (Delovarova, 2016) explained migration policy through the prism of demographic development. In the research of Ilyasova G.S. and Sadykov T.S. (Ilyasova, Sadykov, 2023) some features of

migration policy were covered through historical analysis.

The review of available literature suggests that research is needed which analyzes the formation and implementation of migration policy at the present moment, given the changing situation in the Central Asian region.

Discussion and results

Migration policy and state programs of Kazakhstan aimed at coordinating issues of external migration

The migration policy of Kazakhstan has been a priority since independence. Strong foundations were laid in the early days of Kazakh independence, but the specific details of migration policy were in development until the end of the first decade of the 21st century.

This policy was formed under the influence of the main migratory trends in Central Asia and demographic situation within Kazakhstan's borders.

The state migration policy includes such aspects as the regulation of internal migration (through the creation of appropriate infrastructure and new jobs, balanced settlement, and resettlement), the reception and assimilation of "kandas" (ethnic Kazakhs), the regulation of labor migration to Kazakhstan, and the prevention of the outflow of young and talented population.

Kazakhstan has developed a sufficient legal framework in the field of migration process regulation, which is steadily being improved. The most significant is the law "On Migration" of July 22, 2011, which is being adjusted in the face of changing migration realities (Ministry of Justice of the Republic of Kazakhstan, 2011).

The state strategy for managing migration in Kazakhstan was thoroughly outlined in the Concept of Migration Policy of the Republic of Kazakhstan for 2017-2021 (Ministry of Justice of the Republic of Kazakhstan, 2017). According to this document, Kazakhstan employs a strategy of temporary migration involving foreign workers, optimal distribution of the population throughout the country, and permanent repatriation of ethnic Kazakhs.

In accordance with the Decree of the Government of the Republic of Kazakhstan "On approval of the Concept of Migration Policy of the Republic of Kazakhstan for 2017 – 2021 and the Action Plan for the implementation of the Concept of Migration Policy of the Republic of Kazakhstan for 2017 – 2021," the Migration Service Committee was created in 2017 under the Ministry of Internal

Affairs. The Committee carries out interdepartmental coordination and implementation of state policy in the field of migration, monitoring, analysis, and forecasting of migration processes, as well as work on issues of refugees and citizenship of Kazakhstan.

This reform can be considered a success, having produced a separate organ aimed at managing the main tenets of migration policy. However, government reforms to promote more effective migration regulation are needed in certain areas of migration policy. The main trends for Kazakhstan remain repatriation and labor immigration.

Part of the migration policy regarding labor migration was also implemented earlier by Eurasian Economic Union (EEU) legislation in January 2015. Section 26 of the Treaty on the EEU (Articles 96-98) created favorable conditions for migrants to work within the EEU and the possibility of movement throughout a single economic space (Eurasian Economic Union, 2014). The Treaty specifically highlights the rights and obligations of migrant workers. Migrants and their families are provided with social insurance, medical care, access to education, the right to join trade unions, and the right to access information relevant to the pursuit of these benefits, which are vital to their successful adaptation.

In 2021, in accordance with measures to further improve the public administration system of the Republic of Kazakhstan to implement the Decree of the President of the Republic of Kazakhstan dated July 19, 2021 No. 622 (President of the RK, 2021), refugee issues and the issuance of work permits for migrant workers were transferred to the jurisdiction of the Ministry of Labor and Social Protection of the Population (MLSPPRK) starting January 1, 2022. It should be noted that coordination of refugee matters is one of the weak points of Kazakhstan's migration policy.

Currently, Kazakhstan provides refugees with temporary residence for only one year, with the possibility of further extension. The experience of other countries party to the 1951 Refugee Convention shows that longer periods offer more opportunities. Granting status for only one year makes it difficult for refugees to access many of the rights guaranteed to them by international and national legislation. It is quite difficult for refugees to get a job officially due to their lack of long-term status; furthermore, they are not entitled to receive benefits (disability, survivors, unemployment, etc.), which are provided only for citizens of Kazakhstan.

As of June 30, 2023, there were 979 refugees in Kazakhstan (from Afghanistan (485), Ukraine (411)

and other countries) and 8,266 stateless persons, including 7,397 stateless persons registered with the government and 869 with undetermined citizenship registered with UNHCR (UNHCR, 2023). Refugee flows into Kazakhstan are negligible, as the country does not border Afghanistan, Ukraine, or other major countries of refugee origin.

Most refugees have lived in Kazakhstan for several decades, with their status continually renewed. There are no serious problems with the adaptation of refugees in the country; they speak the local language and strive to quickly integrate, but at the same time have family ties and communications with citizens of their native countries. However, without permanent resident status, they do not have access to most socioeconomic rights, including naturalization.

New Concept of Migration policy of the Republic of Kazakhstan for 2023 – 2027: Key aspects and novelty

In November 2022, the Republic of Kazakhstan adopted the new Concept of Migration Policy for 2023-2027, which describes and improves the main tenets of Kazakhstan's migration policy in more detail than the previous iteration (Government of Republic of Kazakhstan, 2022). Work on the document was carried out thoroughly and with the involvement of major stakeholders including related state bodies, IOM in Kazakhstan, and various NGOs, and introduced several changes to immigration policy. For example, it stipulates that to obtain Kazakhstani citizenship, basic knowledge of the state language, national history, and the Constitution is required. Despite the beneficial changes, however, adoption of the policies outlined in the new document has slowed as a result of events such as the January 2022 unrest in Kazakhstan and the outbreak of the armed conflict between Russia and Ukraine.

The document also highlights several areas of the external migration policy of Kazakhstan. One of them is to position Kazakhstan as a regional educational hub, and accordingly Kazakhstan is seen as a center of academic mobility, attractive to leading scientists and specialists in many popular fields.

Another area of migration discussed in the new Concept is business immigration. For this category of migrants, a proposed "investor visa" has been introduced to attract capital by providing qualifying arrivals with a residence permit and the right to register a business, own property, hire personnel, make financial payments, and freely carry out any operations arising from their business activities (Vaal, 2022). The document contains the provision that

foreign entrepreneurs who have invested at least 300 thousand dollars in the Kazakh economy will meet the conditions for receiving an investor visa. This measure is intended to bolster the national economy by attracting foreign wealth.

The new migration concept proposes to attract 100 of the best foreign specialists to the country in professions that are in high demand and short supply in Kazakhstan. A “valuable skills visa” with a residence permit will be introduced for such candidates and a regularly updated rating of valuable skills will be maintained.

In addition, the Concept includes issues of regulating ethnic migration by embracing the potential of Kazakhs living abroad. For this purpose, the “Ata Zholy” card was proposed, which will be issued to ethnic Kazakhs, citizens of other countries, and high-level Kazakh professionals (Vaal, 2022) to encourage them to use their talents to the benefit of Kazakhstan.

Along with the policy of repatriation, the “Otan-dastar Foundation” (Otanastar Qory) was created within the Ministry of Foreign Affairs in 2017 (Government of the Republic of Kazakhstan, 2017). The main mission of the Foundation is to connect Kazakhs around the world to their historical homeland. The Foundation aims to preserve national identity – to foster a nation of strong and responsible citizens, as well as to support compatriots abroad and facilitate the adaptation of arriving compatriots (Otanastar, 2023). The policy towards ethnic Kazakhs and compatriots abroad to improve communications is also an external effort which contributes not only to repatriation, but to the strengthening of new Kazakh diasporas abroad.

The new Concept of migration policy is also updating the implementation of international obligations to work with refugees, asylum seekers, and stateless persons and to help these groups within the Republic of Kazakhstan. This is an important effort which will strengthen Kazakhstan’s image as a country with a migration policy aimed at not leaving anyone behind. At the same time, Kazakhstan faces serious work to harmonize legislation regarding refugees and asylum seekers.

Finally, a new and important part of the document which should be noted is the protection of the rights of labor migrants (emigrants) who are citizens of Kazakhstan working abroad. In recent years, more and more migrants from Kazakhstan are leaving to work in South Korea, Turkey, and more recently, the United Kingdom. These trends should be researched more attentively and specified in the migration policy.

All areas covered by the new Concept of Migration Policy are important and necessary to implement. The areas highlighted above require support by additional agreements. Moreover, measures are needed for phased implementation, considering the specifics of each of the covered areas.

What sets this Concept apart from the previous one is that it provides a more expanded and diversified approach to migration, taking into account the various trends currently affecting the external dimension of Kazakhstan’s migration profile.

The Concept of Migration Policy of 2023-2027 was developed considering the basic needs and realities important for Kazakhstan and also considering the trends occurring along the perimeter of the country.

Along with this, constant changes are being made to migration policy and the rules of stay of foreign citizens in Kazakhstan.

An innovation for citizens of visa-free countries is the abolition of the so-called “visaran” regime, which was put in place in January 2023. This somewhat changed the order of stay of citizens of these countries. According to the introduced rules, foreigners not required to obtain a visa to enter Kazakhstan are limited to 30 days in the country at a time and may remain in Kazakhstan for no more than 90 total days in a 180-day period. EEU citizens are similarly limited to a maximum of 90 days out of 180 (Tengri News, 2023). These rules were introduced to ensure stricter compliance with immigration laws.

Previously, foreigners could leave Kazakhstan after the expiration of their stay and enter again, resetting the clock on the time limit. One of the reasons for this change to policy is to regulate the flow of Russian expatriates (known as “relocanty”) to Kazakhstan.

These rules do not apply to immigrants who come to Kazakhstan on a visa or to those who have received a temporary residence permit. For these groups, the period of stay in the country is limited only by the validity of these documents.

It is important to note that the government is responsive to international trends and changes. Kazakhstan signed the UN Global Compact for Safe, Orderly and Regular Migration (GCM) on December 12, 2018 (Sputnik, 2018). The Government of Kazakhstan is actively working to raise awareness of the Global Compact and promote it by accepting the collective commitment of Member States to improve cooperation in the field of international migration.

Given these developments, it is fair to say that the external migration policy of Kazakhstan is

progressive, developing quite steadily, and tends towards diversification and flexibility in accordance with international realities.

Over the past 15 years, Kazakhstan has adopted a Migration Law and two Concepts of Migration Policy. This foundation is constantly reinforced and improved in accordance with the national interests of Kazakhstan, the overall development strategy aimed at sustainable economic development and socio-political stability.

The established legislative framework and new approaches to the implementation of migration policy comply with international standards. At the same time, it is important to bring legislation into full compliance with international standards regarding the ratification of international conventions. Furthermore, the components of migration policy aimed at providing protections for all residents in the Republic of Kazakhstan must be strengthened. This concerns not only increasing work with refugees, but also with labor migrants located in Kazakhstan and citizens of Kazakhstan who migrate abroad for work.

Various experts in the field of migration policy strongly support the measures put forth in the current Concept of Migration, while noting that there is room for improvement in some areas of migration legislation. For example, it is important to pass the Anti-Trafficking Law, which is currently being developed. Additionally, discussion of the gender aspect of immigration is currently lacking and should be brought into the wider conversation surrounding migration. The country's migration policy is gender neutral, but mechanisms are needed to more clearly assess this trend both to and from Kazakhstan. Additionally, discussion of the gender aspect of immigration is currently lacking and should be brought into the wider conversation surrounding migration. The country's migration policy is gender neutral, but mechanisms are needed to more clearly assess this trend both to and from Kazakhstan.

To enhance the positive effects of migration, it is necessary to ratify international conventions, in particular the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (UN General Assembly resolution No. 45/158 of December 18, 1990).

Finally, in order to reap the benefits of the integration of refugees and stateless persons,

Kazakhstan should ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and also must bring national laws on citizenship and statelessness into line with international standards, as well as bring about Kazakhstan's accession to the 1954 and 1961 Statelessness Conventions.

Conclusion

Migration trends in the context of modern international realities are an essential component of global and regional processes.

Kazakhstan's migration policy remains an important aspect of the demographic and sustainable socio-economic development of Kazakhstan due to its diverse migration profile. The development and revision of migration legislation is carried out by the Government of Kazakhstan on an ongoing basis. Although progress has been made, there are still aspects that need to be worked on and brought up to international standards.

It is necessary to continue to improve migration policy both at the national and international levels in the context of new geopolitical and geo-economic realities, complicated by conflicts of various origins. Under such conditions, it is important to devote sufficient consideration to the development of effective measures to coordinate externally oriented migration processes while supporting the main aspects of national security and maintaining a people-oriented approach, respect for the rights of migrants, and further investigate the issue of gender in migration.

It is likewise necessary to promote and implement the Sustainable Development Goals related to migration and the provisions of the UN Global Compact for Safe, Orderly and Regular Migration of December 12, 2018. As part of the international agenda, Kazakhstan must expand its commitments to provide greater opportunities for migrant workers, and must work out and approve the National Action Plan of the Republic of Kazakhstan for the realization of the Global Compact.

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References

- “Vizaran” dlya inostrancev v Kazahstane oficial’no otmenen (2023). Tengri News 27 January, 2023. https://tengrinews.kz/kazahstan_news/vizaran-dlya-inostrantsev-v-kazahstane-ofitsialnootmenen-489609/ (in Russian)
- Delovarova, L.F. (2016) Demograficheskoe razvitie Kazahstana i osnovnye napravleniya migracionnoj politiki na sovremennoy etape. Narodonaselenie. № 1. – S. 75-82. (in Russian)
- Dogovor o Evrazijskom ekonomicheskom soyuze (2014). Konsolidirovannaya versiya. <http://pravo.eaunion.org/SESSION/PILOT/main.htm> (in Russian)
- Eshpanova, D.D. (2009) Osobennosti sovremennoj migracionnoj politiki Kazahstana. Ekonomika, statistika i informatika. № 4.- S. 105- 106. (in Russian)
- Il’yasova, G.S., Sadykov T.S. (2023) Qazaqstannyñ demografialyq damuy jáne qazırgı (in Russian)
- Il’yasova, G. (2023) Demograficheskoe razvitie Kazahstana i osobennosti migracionnoj politiki na sovremennoy etape: na osnove istoricheskogo analiza. Vestnik Kaz NPU imeni Abaya, Seriya «Istoricheskie i social’no-politicheskie nauki». 76, 4. DOI:<https://doi.org/10.51889/2959-6017.2023.77.2.015>. (in Russian)
- Kappasova, G.M. (2014) Analiz sostoyaniya migracionnoj politiki Respubliki Kazahstan v usloviyah integracii (na primere Pavlodarskoj oblasti RK, Altajskogo kraja RF i Omskoj oblasti RF) / G.M. Kappasova // Evraziystvo: teoreticheskij potencial i prakticheskie prilozheniya. Materialy sed’moj vserossijskoj (s mezhdunarodnym uchastiem) nauchno-prakticheskoy konferencii / otv.red. V.YA. Barkalov. Barnaul: Izd-vo Alt. un-ta, S. 209-220. (in Russian)
- Kappasova, G.M. (2014) Teoreticheskie i prakticheskie aspekty migracionnoj politiki Rossii i Kazahstana na primere pri-granichnyh regionov / G.M.Kappasova // Evrazijskaya Mezhdunarodnyj nauchno-analiticheskij zhurnal. SPb. Izd-vo Mezhpri-parlamentskaya Assambleya Evrazijskogo ekonomicheskogo soobshchestva (Sankt-Peterburg). – № 2 (16). S.43-50. (Theoretical and practical aspects of the migration policy of the Russian Federation and the Republic of Kazakhstan on the example of the border regions) // <https://cyberleninka.ru/article/n/teoreticheskie-i-prakticheskie-aspekty-migratsionnoy-politiki-rossii-i-kazahstana-na-primere-pri-granichnyh-regionov.pdf> (in Russian)
- Kazahstan obyazalsya pomogat’ migrantam` (2018). The Sputnik, 12 December, 2018. <https://ru.sputnik.kz/society/20181212/8455266/kazahstan-migranty-dogovor-sodeystviya.html> (in Russian)
- Kezeñdegi köşi-qon saiasatynyñ erekşelikteri: tarihi taldau negızinde // Vestnik KazNPU imeni abaya, ceriya «istoricheskie i social’no-politicheskie nauki», TOM 2 № 77. (in Kazakh)
- Migracia naseleniya Respubliki Kazahstan (2023). <https://stat.gov.kz/ru/industries/social-statistics/demography/publications/6354/> (in Russian)
- O merah po dal’nejshemu sovershenstvovaniyu sistemy gosudarstvennogo upravleniya Respubliki Kazahstan (2021). Ukaz Prezidenta Respubliki Kazahstan ot 19 iyulya 2021 goda № 622. <https://adilet.zan.kz/rus/docs/U2100000622> (in Russian)
- O migracii naseleniya (2011) Zakon Respubliki Kazahstan ot 22 iyulya 2011 goda № 477-IV. <https://adilet.zan.kz/rus/docs/Z1100000477> (in Russian)
- O sozdaniy nekommercheskogo akcionernogo obshchestva “Fond Otandastar”. Postanovlenie Pravitel’stva Respubliki Kazahstan ot 13 oktyabrya 2017 goda № 644. <https://adilet.zan.kz/rus/docs/P1700000644#20644>. (in Russian)
- Ob utverzhenii Koncepcii migracionnoj politiki Respubliki Kazahstan na 2017 – 2021 gody i Plana meropriyatij po realizacii Koncepcii migracionnoj politiki Respubliki Kazahstan na 2017 – 2021 gody. Postanovlenie Pravitel’stva Respubliki Kazahstan ot 29 sentyabrya 2017 goda № 602. <https://adilet.zan.kz/rus/docs/P1700000602> (in Russian)
- Ob utverzhenii Koncepcii migracionnoj politiki Respubliki Kazahstan na 2023 – 2027 gody. Postanovlenie Pravitel’stva Respubliki Kazahstan ot 30 noyabrya 2022 goda № 961. <https://adilet.zan.kz/rus/docs/P2200000961> (in Russian)
- Official website. Otandastar Qoty. <https://oq.gov.kz/ru/statutory-tasks>
- Sadovskaya E.YU. (2013) Mezhdunarodnaya trudovaya migraciya v Central’noj Azii v nach. HKHI veka (na primere Respubliki Kazahstan) / E.YU. Sadovskaya. M.: Vostochnaya kniga,- 572 s. (in Russian)
- Sadovskaya E.YU. (2016) Mezhdunarodnaya migraciya v Kazahstane v period suvereniteta // Kazahstan Spekr. Nauchnyj zhurnal. Almaty. OO «KROIVA» – 1 (75). S.7-42. (in Russian)
- The data is provided by UNHCR in Central Asia (2023).
- V MVD rasskazali o migracionnoj situacii v strane (2022). <https://www.gov.kz/memleket/entities/qriim/press/news/details/479277?lang=ru> (in Russian)
- Vaal., T. (2022), Pravitel’stvo Kazahstana odobrilo novuyu koncepciyu migracionnoj politiki. <https://vlast.kz/novosti/52789-pravitelstvo-kazahstana-odobrilo-novuu-koncepciu-migracionnoj-politiki.html> (in Russian)

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2-бөлім
**АЙМАҚТАНУДЫҢ
ӨЗЕКТІ МӘСЕЛЕЛЕРІ**

Section 2
**CURRENT ISSUES
OF REGIONAL STUDIES**

Раздел 2
**АКТУАЛЬНЫЕ ВОПРОСЫ
РЕГИОНОВЕДЕНИЯ**

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A NEW FRONTIER IN RELATIONS BETWEEN TÜRKİYE AND TURKIC REPUBLICS: COOPERATION IN DEFENSE INDUSTRY

In the post-Soviet era, Türkiye has been steadfast in strengthening its relations with newly independent Central Asian and Caucasian countries. These relationships initially encompassed various fields, including economics, culture, and education, but evolved towards energy cooperation and international initiatives in the 2000s. The 2010s witnessed the emergence of platforms like the Organization of Turkic States (OTS), Parliamentary Assembly of Turkic-speaking Countries (TÜRKPA), and International Organization of Turkic Culture (TÜRKSOY), fostering unity among Turkic nations. The defense and military sectors became focal points of collaboration. Türkiye has played a pivotal role in this, achieving significant success in its defense industry, with domestic production rates reaching 80% by 2022. This paper explores the historical context and key developments in Türkiye's defense industry, emphasizing its role in shaping diplomatic relations with Turkic Republics. The study also highlights Türkiye's efforts to become a regional power, fostering stability and peace in its neighborhood while expanding its influence in the defense industry sector. Collaborations with countries like Kazakhstan, Azerbaijan, Uzbekistan, and Kyrgyzstan have led to the establishment of military agreements and partnerships. These developments reflect the strategic aspirations of Turkic nations to enhance their defense capabilities and industries, with exchange of expertise and experience in the global defense arena.

Key words: security, Kazakhstan, Türkiye, Turkic Countries, defense industry, Organization of Turkic State.

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Түркия және Түркі Республикалары арасындағы қатынастарда жаңа әріптестік: қорғаныс өнеркәсібіндегі ынтымақтастық

Кеңестік дәуірден кейінгі уақытта, Түркия жаңадан тәуелсіздік алған Орталық Азия және Кавказ елдерімен қарым-қатынастарын нығайтуға берік болды. Бастапқы кезде бұл қатынастар экономика, мәдениет және білім салаларын қамтыса, 2000 жылдары энергетикалық ынтымақтастық пен халықаралық бастамаларға бағыт алды. 2010 жылдары Түркі мемлекеттері ұйымы (ТМҰ), Түркітілдес елдердің парламенттік ассамблеясы (ТҮРКПА) және Түркі мәдениетінің халықаралық ұйымы (ТҮРКСОЙ) сынды платформалардың пайда болуы, түркі халықтары арасындағы бірлікті нығайтуға ықпал етті. Қорғаныс пен әскери салалар ынтымақтастықтың негізгі орталықтарына айналды. Түркия бұл жерде шешуші рөл атқарып, өзінің қорғаныс өнеркәсібінде айтарлықтай табысқа жетті, 2022 жылға қарай ішкі өндіріс көлемі 80%-ға жетті. Бұл мақалада Түркияның қорғаныс өнеркәсібіндегі тарихи контекст пен негізгі даму бағыттары қарастырылған, сондай-ақ Түркі Республикаларымен дипломатиялық қатынастар қалыптастырудағы оның ролі ерекше атап өтілген. Сонымен қатар зерттеу, Түркияның аймақтық күшке айналуға деген ұмтылысын, өз көршілерінде тұрақтылық пен бейбітшілікті қолдауын және қорғаныс өнеркәсібі саласындағы ықпалын кеңейтуді көрсетеді. Қазақстан, Әзербайжан, Өзбекстан және Қырғызстан сынды елдермен жасалған ынтымақтастықтар әскери келісімдер мен серіктестіктердің орнауына әкелді. Бұл дамулар, түркі халықтарының өз қорғаныс қабілеттері мен өнеркәсіптерін жақсартуға, глобалды қорғаныс аренасындағы біліктілік пен тәжірибе алмасудағы стратегиялық мақсаттарын білдіреді.

Түйін сөздер: қауіпсіздік, Қазақстан, Түркия, Түркі елдері, қорғаныс өнеркәсібі, Түркі мемлекеттері ұйымы.

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Новое партнерство в отношениях между Турцией и тюркскими республиками: сотрудничество в оборонной промышленности

В постсоветскую эпоху Турция неуклонно укрепляла свои связи с новообразованными независимыми государствами Центральной Азии и Кавказа. Начавшееся с экономического, культурного и образовательного сотрудничества, в 2000-х годах взаимодействие переросло в энергетическое сотрудничество и международные инициативы. В 2010-е годы были созданы такие платформы, как Организация тюркских государств (ОТГ), Парламентская ассамблея тюркоязычных стран (ТЮРКПА) и Международная организация тюркской культуры (ТЮРКСОЙ), которые способствовали укреплению единства тюркских наций. Секторы обороны и военного сотрудничества стали ключевыми точками сотрудничества. Турция сыграла в этом решающую роль, добившись значительных успехов в своей оборонной промышленности, доведя уровень внутреннего производства до 80% к 2022 году. Данная работа исследует исторический контекст и ключевые этапы развития оборонной промышленности Турции, акцентируя внимание на её роли в формировании дипломатических отношений с тюркскими республиками. В исследовании также подчёркиваются усилия Турции стать региональной державой, способствующей стабильности и миру в своём окружении и расширяющей своё влияние в секторе оборонной промышленности. Сотрудничество со странами, такими как Казахстан, Азербайджан, Узбекистан и Кыргызстан, привело к заключению военных соглашений и партнёрств. Эти события отражают стратегические стремления тюркских наций усилить свои оборонные способности и промышленность, обмениваясь экспертизой и опытом на глобальной арене обороны.

Ключевые слова: безопасность, Казахстан, Турция, Тюркские страны, оборонная промышленность, Организация тюркских государств.

Introduction

Türkiye has consistently demonstrated a commitment to strengthening its bilateral relations with the newly independent countries of Central Asia and the Caucasus. Up until the early 2000s, these relations developed at certain levels in economic, commercial, cultural, and educational fields. However, as the 2000s progressed, the consolidation of energy cooperation and international initiatives became the hallmark of these relationships. Since the early 2010s, the creation of platforms that allow for the unification under a single umbrella within organizations such as the Organization of Turkic States (OTS), Parliamentary Assembly of Turkic-speaking Countries (TÜRKPА), International Organization of Turkic Culture (TÜRKSОY), and the International Turkic Academy has been among the leading developments. Over the last decade, we have observed the institutionalization and strengthening of ties in many areas, including defense and military sectors.

The groundwork for Türkiye's defense industry's focus on local and national manufacturing was established in the 1960s and 1970s. This sector experienced a significant expansion in the 2010s, which facilitated the creation of military and defense

industry connections between Türkiye and Central Asian nations. In recent years, the organically evolving relationships among the Turkic Republics have included areas of strategic importance, which have served to solidify bilateral and regional bonds. At the forefront of these are military and defense industry collaborations. Türkiye is leading the way among the Turkic Republics in this field with its achievements and growing capacity. Recent achievements in Turkey's defense industry, with domestic production hitting up to 80% and the effectiveness of equipment like UAVs, tanks, and missile systems, have gained international recognition, often highlighted in major global media outlets (Presidency of the Republic of Turkey, 2023).

It is imperative to learn from the defense industry successes currently achieved by Ankara and to conduct a thorough examination of the historical events that have unfolded. This analysis is also critical for determining foreign policy orientations for the developing defense industry sectors of the Turkic Republics. This is because the defense industry sector stands apart from economic, social, or environmental cooperation in the international arena, being at the forefront of protecting national interests and various local and international

sensitivities. Furthermore, when establishing defense industry relations, parties take into account many balances, responsibilities, and potential impacts. To put it more simply, although the defense industry sector operates under competitive and free market conditions like other sectors, however it is also a field where the rules are set by the exporting countries due to security policies. Therefore, in the international arena, the defense industry sector is one of the areas where political interest conflicts are most deeply felt and manifested.

In the global defense industry, while the United States leads the way, it is followed by major Western and European countries such as France and countries like Russia and China, which have shown regular development in recent years, also finding their place among the front-runners. Countries like Türkiye are also securing their position at the forefront in this field. The mentioned countries are increasing their deterrence and expanding their share in the global arms trade with their successes and superiority in various areas of the weapon industry. Therefore, it is understandable that countries that have developed earlier in the industry pose various challenges to those that are developing later, both from a realist perspective and due to national interests and policies. Among Turkic Republics Türkiye has an extensive experience which is valuable to learn lessons from it. Therefore analysis of the recent history of development stages of Türkiye and the challenges they face would be an great asset for the development process of the Turkic Republics.

Materials and Methods

This paper discusses the cooperation opportunities among the Turkic Republics through the qualitative analysis of different researches in literature and back by analysis of quantitative data taken from various international and national official sources. With analyzing the development stages and current situation of Türkiye's defense industry sector author aims to represent the difficulties on developing an defense firms and environment that would enhance the security of a country. To illustrate the obstacles within this process a historical analysis of hurdles that Ankara has gone through is critically important lesson for countries developing their defense industries. Moreover, in a greater scale strengthening security and defense industries collaborations among Türkiye and other Turkic Republics would enhance their regional security and common vision in the international arena.

Literature review

The Turkish defense industry, a sector marked by bold aspirations and intricate realities, has undergone a fascinating journey in recent decades. Examining different insightful academic articles unveils a multifaceted narrative, woven with threads of progress, persistent challenges, and strategic pivots.

Arda Mevlutoglu (2017) dives into the industry's unique structure, dominated by the Turkish Armed Forces and driven by an emphasis on developing an R&D strategy while simultaneously increasing its import-substitution as well. This way defense industry achieves self-sufficiency in many areas, however, certain concerns have been raised about its long-term sustainability. Janos Besenyo and Andras Malnassy (2022) echo this concern, stressing the need for adaptation in a rapidly evolving global landscape where new technologies emerge at breakneck speed. Striking a balance between cutting-edge quality, competitive pricing, and secure supply chains becomes crucial for navigating this dynamic environment.

Huseyin Bagci and Caglar Kurc (2016) delve into the core motivations behind Turkey's defense industrialization efforts: strategic autonomy, economic benefits, and international prestige. However, they argue that achieving complete autarky remains elusive in the short term. While export growth offers a glimmer of hope, long-term sustainability hangs in the balance. Mustafa Kibaroglu (2019) sheds light on the politically charged S-400 deal with Russia, highlighting Turkey's desire for a robust air defense system and the challenges faced in collaborating with traditional allies. This strategic move, aimed at enhancing security and garnering domestic political support, carries the potential for strained relations with NATO and looming sanctions.

Mevlutoglu (2017) points towards the 2000s economic boom as a period of significant progress but identifies export performance as the cornerstone of future sustainability. He emphasizes the need for effective coordination and communication between military and civilian actors to navigate upcoming challenges. Besenyo and Malnassy (2022) reiterate this call for adaptability, suggesting that the industry must prioritize technological advancement, cost-competitiveness, and secure supply chains to thrive in the dynamic global landscape.

As we can see from these articles in the literature review part the Turkish defense industry presents a compelling case study of ambition,

structural limitations, and external pressures. Recognizing the historical motivations, existing challenges, and future directions as outlined in these academic articles offers valuable insights into the sector's ongoing development and its potential to navigate the complexities of a competitive global environment. By embracing agility, fostering collaboration, and prioritizing strategic investments, the Turkish defense industry can continue its journey of transformation and carve its place on the world stage.

Thus, current and future partnerships are crucial for Türkiye's defense industry development, with cooperation among Turkic World countries likely enhancing Türkiye and Central Asian defense networks.

Türkiye's Defense Industry Evolution: From Embargoes to Global Leadership

Within this political conjuncture, Türkiye's defense industry sector continues its development process amidst many challenges. We can divide the development process of Türkiye, into three periods: First period the establishment of domestic defense industry companies in the 1970s-1990s, second period: Privatization and international partnerships in the 1990s-2000s, third period: Strengthening of domestic production from 2005-2023. The Cyprus Peace Operation in 1973 is considered a turning point in Türkiye's political and military history. This is because, starting from 1974, the arms import embargoes imposed on Türkiye by many Western countries, including the United States, prompted Ankara to place greater emphasis on the development of its domestic defense industry. Consequently, Turkish Aerospace Industries (TUSAŞ) and Aselsan, established in 1973, Havelsan, established in 1982, and the Machinery and Chemical Industry Corporation (MKE), which has been in production since 1950, became the main pioneering companies with the acceleration of the modernization process. By the 1990s, modernization and maintenance of aircraft and tanks were being carried out through international partnerships and programs. This process continued into the early 2000s until 2004.

In 2004, the ruling Justice and Development Party (AKP) decided at the Defense Industry Executive Committee to cancel the tenders for the purchase of tanks, helicopters, and UAVs from abroad, opting instead to meet the needs of the Turkish Armed Forces with national means. This decision provided more opportunities for the creation of new projects and the development of domestic companies. In the following years, the fruits of developed cadres

strengthened companies, and increased investments began to show, paving the way for the successes achieved in the last decade. Thus, by 2022, the domesticity rate in defense and assault weapons, vehicles, and equipment equipped with the latest modern technologies has reached 80% (Presidency of the Republic of Türkiye, 2023).

The achievements of Türkiye's defense industry, whether we look at them on a project basis or by dividing them into land, air, and sea categories, are evident in various platforms. In the air, we see the T129 ATAK attack helicopter, Anka UAV, Hürkuş training aircraft, Kızıl Elma unmanned combat aircraft, and the national fighter jet "Kaan"; on land, the modern main battle tank Altay, mine-resistant ambush-protected personnel carrier BMC Kirpi, 6x6 armored personnel carrier TULPAR, and the medium-weight class tank Kaplan MT, along with the Siper air defense system. At sea, Milgem and Ada class corvettes, TCG Anadolu, and the ARES 150 HERCULES offshore patrol vessel stand out.

These and many other weapons, vehicles, and equipment that have been completed and put into use not only meet the needs of the Turkish air, sea, and land forces within the framework of domestic capabilities but are also exported to more than 170 countries worldwide. Among these countries, the Turkic Republics, including Azerbaijan, Kazakhstan, Uzbekistan, Turkmenistan, and Kyrgyzstan, show the most interest in the products of the Turkish defense industry (Savunma sanayist.com, 2023; Stockholm International Peace Research Institute, 2023).

If we express this extensive export network in figures, in 2022 the defense industry's export figure exceeded 4.4 billion dollars, an increase of 36.9%, thus surpassing the 4 billion export target. The Bayraktar company took the top spot with exports of 1.1 billion dollars, while UAV exports constituted almost a quarter of the total export volume, holding the largest share. In terms of profitability rates, missile systems lead with an increase of 1.8 times (Savunma sanayist.com, 2023).

The success of Türkiye's defense industry companies allows them to rank high in international listings. In the top 100 defense companies list organized annually by Defense News, five Turkish companies were included in 2019, and this number rose to seven in 2020. As for the top company on the list, American Lockheed Martin has maintained its leadership as in the previous year. Similarly, the clear dominance of the USA with 45 companies within the top 100 is noteworthy. The defense industries have also been affected by COVID-19,

which has impacted the entire global economy and developments. Therefore, due to the short-term decrease in export volumes, the number of companies dropped to three in 2022. The listing is based on export figures and other data declared by the companies. Many world-renowned companies choose not to participate in this list. For example, in Türkiye, the Bayraktar company opts not to be included in this listing (Defense News, 2023).

Among the main factors in the development of Türkiye's defense industry is the strong financial support for an ecosystem open to development. To express this development process in figures, the number of defense industry companies has increased from 56 to 2,700 since the mid-2000s, with a focus on developing local and national capabilities, and the number of defense industry projects has risen from 62 to 750. The resources allocated for R&D have also increased from 49 million dollars to 2.05 billion dollars in 2022. Thus, the budgets for defense industry projects have grown over the years, reaching 60 billion dollars in 2022 from 5.5 billion dollars, and with ongoing tender projects in 2023, this figure is expected to rise to 75 billion dollars. Especially when we examine the gains made in the last 5 years, we see that the annual turnover has doubled (6.6 billion dollars), exports have grown 2.5 times (1.82 billion dollars), and R&D resources have increased by 65% (1.23 billion) (Sasad, 2023).

All these developments are adding strength to Türkiye's initiatives to conduct an independent and original foreign policy today. Ankara, being in the midst of regional conflict environments, emphasizes the policy of being a "stabilizing" force for ensuring stability and peace within its close geography and carries out relevant foreign policy moves based on this conjuncture. Integrated with this strategy, policies include reinforcing friendship ties with the Turkic Republics at an institutional level through joint structures like KazAselsan, activating "Equal Partnership" initiatives in the African geography, and launching the "New Asia" initiatives with countries on the Asian continent.

To achieve all this, Türkiye needs military, economic, and political power. Various weapons and equipment developed with recent initiatives have demonstrated successful performances in international incidents. The most shining examples are the effective air superiority provided by UAVs and armed UAVs to the side using them in the battlefields of Libya, Syria, and Azerbaijan (İnat and Caner, 2022). These military successes demonstrate Türkiye's military strength, which is one of the main cornerstones of its strategy to be a stabilizing

force. On the other hand, in addition to opening up international investment opportunities to regions that have achieved stability, the entry of Turkish businessmen and their investments into these regions to strengthen economic relations also constitutes another important leg of the stabilizing force policy. While enhancing Ankara's prestige and image in the political arena through both military and economic relations, it paves the way for the third leg, which is political collaborations.

The initiation of all these conditions has solidified Türkiye's position as a regional power, and it has implemented moves in line with its national interests, such as steps taken to reduce conflicts in Syria, trilateral meetings with Iran and Russia, the Astana process, negotiations between Ukraine and Russia, supporting Azerbaijan in the Karabakh war, and backing the central government recognized by the United Nations in Libya. For example, following Türkiye's Peace Spring operation in northern Syria, the purchase of S-400 air defense systems from Russia, and Ankara's support for Baku during the Second Karabakh War, Western countries have imposed various embargoes on Türkiye regarding arms exports and imports (Sputnik, 2023).

Among these countries, the United States, Germany, the United Kingdom, Italy, Sweden, Finland, France, the Netherlands, Canada, and Norway can be cited as examples. It can be said that the heaviest sanctions have been applied by the United States. As is known, following Türkiye's decision to purchase S-400 air defense systems from Russia, the United States began to apply sanctions to Türkiye under the Countering America's Adversaries Through Sanctions Act (Sputnik, 2023). These restrictions range from sanctions applied to officials of the Presidency of Defense Industries, difficulties in obtaining export licenses from the US, and restrictions on the use of credit from international financial institutions associated with the US. On the other hand, Türkiye has been removed from the F-35 fighter jet project and is unable to receive the aircraft it ordered. Despite these tensions between the US and Türkiye, especially regarding the F-35 issue, it should be noted that collaborations between the two countries continue.

Canada, after Türkiye's Peace Spring operation in 2019, lifted the embargoes it had imposed on Türkiye following high-level bilateral talks with Ankara (Sputnik, 2023). However, during the Second Karabakh War in 2020, following Ankara's export of UAVs and armed UAVs to Baku, Canada decided to reimpose sanctions by stopping the sale of the camera system used in the Bayraktar

TB2 armed UAVs, which was imported from a Canadian defense company, in 2020. Following this development, the CATS camera system developed by Aselsan, which has more advanced features, began to be used in the TB2s shortly thereafter (Sputnik, 2023). These efforts are being further developed, and the cameras for many weapons and equipment needed by the Turkish Armed Forces are now being developed by Aselsan instead of being imported from abroad. According to news reports, various Western defense firms that rely on Türkiye as a main supplier have either been in economic trouble or have gone bankrupt due to the embargoes imposed on Türkiye (Savunma sanayist.com, 2021). Similar obstacles have been introduced by Germany for the Altay tank produced by Türkiye's BMC company. Due to Ankara's Peace Operations in 2019, the German government banned the export of engines to be used in Altay tanks. Following this decision, Türkiye reached an agreement with South Korea for engine supply in October 2021 (Euronews, 2023). However, the ongoing submarine construction process between Germany and Türkiye continues without any embargo. This shows that both the US and Germany, as well as other countries, engage in restrictive actions that do not significantly harm their interests.

In the field of missile production, the consortium with France and Italy, EuroSam, and the SAMP-T air defense systems were suspended in 2019, citing Türkiye's Peace Spring operation as the reason. However, in 2022, following a meeting between the leaders of the three countries—Turkish President Recep Tayyip Erdoğan, French President Emmanuel Macron, and Italian Prime Minister Mario Draghi—working groups have reconvened to continue the project. At this point, the acceleration of the development of the capabilities of the domestically produced Siper air defense system towards the end of 2022 also strengthens Türkiye's hand (Savunma sanayist.com, 2023).

As can be seen, the defense industry sector is significantly influenced by political interests, shaping the foreign policies of countries. In the current changing international environment, we can see that the geopolitical security landscape allows for the disruption and violation of established economic, energy, and even military security networks and thoughts. In such an environment, the successes Türkiye has achieved in possessing a deterrent armed force are of great importance. In this direction, developing and deepening defense industry relations among the Turkic Republics will open the doors to a new field for joint collaborations. The member states

within the Organization of Turkic States, which are strengthening the institutionalization phase, will contribute to all parties through cooperation in protecting regional values and balances via joint ventures and projects.

Results and Discussion

This section Therefore, both the Central Asian countries and the member states of the Organization of Turkic States should form their arguments based on their unique ideas in the international arena and reach a consensus in terms of ideas within the concept of friendly countries. Thus, defense-oriented arguments presented as a single body in maintaining regional stability will be used by political authorities to articulate their security visions. This regional common security and stability vision to be created will represent the foreign policy vision, which is the first leg of regional stability, as in the case of Türkiye. The second leg should be the development of defense industries. The third leg should involve steps to strengthen the developing economic and trade relations based on the maintained stability.

Although the argument that there are no friendships between countries on the international stage, only national interests prevail, the Turkic Republics, sharing common origins in terms of language, religion, and history, can benefit from this heritage today by advancing their friendly relations to further levels. This will benefit them both in terms of geo-political balances and in preserving their common historical heritage.

If we were to address the current state of security ties limited to the cooperation among the leading Turkic Republics and countries that can unite under an umbrella like the Organization of Turkic States, one of the most significant initiatives in the defense industry between Kazakhstan and Türkiye is the joint defense and electronics company Kazaselsan, established between Aselsan, a leading Turkish defense industry firm, and Kazakhstan Engineering in 2011. Since its establishment, the company has been producing high-technology security products for the Armed Forces of Kazakhstan. These include communication systems, electro-optic systems, command and control systems, among many other projects.

Among the leading current developments is the agreement signed in May 2022 between Turkish Aerospace Industries (TUSAS) and Kazakhstan Engineering, based on which Türkiye's Anka UAVs can be produced in Kazakhstan. Thus, Kazakhstan will be the first country outside of

Türkiye to be granted the license and facilities to produce the ANKA (Bicer, 2022). In the same month, Kazakhstan and Türkiye also signed a military intelligence agreement. Moreover, various issues of cooperation, including military training and joint exercises, are being discussed between the defense ministries of the two countries. All these developments and more took place during the official visit of President of Kazakhstan Kassym-Jomart Tokayev to Türkiye on May 10, 2022. During this visit, numerous agreements were signed in the economic and trade fields, elevating the relationship between Kazakhstan and Türkiye to the level of strategic partnership (Akorda, 2022).

The defense relations between Azerbaijan and Türkiye have been developing over the years, with Baku gradually reducing its reliance on Soviet infrastructure and Russian arms imports. This gap has been filled with weapons, vehicles, and equipment obtained from various Western countries, including Türkiye (Stockholm International Peace Research Institute, 2019). However, the defense industry cooperation between Ankara and Baku developed rapidly after the demonstrated superiority of Turkish-exported UAVs and armed UAVs over Armenian forces equipped with Russian and various Western weapons during the Second Nagorno-Karabakh War in November 2021 (Kanik and Celik, 2021). Currently, Azerbaijan is one of the leading countries among the Turkic Republics in importing Turkish defense industry products (Stockholm International Peace Research Institute, 2023). Azerbaijani President Ilham Aliyev has stated plans to transform the Azerbaijani Armed Forces into a model suitable for the country's conditions, based on the Turkish Armed Forces (TRT Haber, 2021).

Turning to Uzbekistan, in addition to being one of the leading armed forces in the region, the relations between Tashkent and Ankara have been rapidly developing in recent years, influenced by Türkiye's field successes and the cooperation with other significant military powers like Azerbaijan and Kazakhstan. During the official visit of Uzbek President Shavkat Mirziyoyev to Ankara on March 30, 2022, 10 agreements were signed between Ankara and Tashkent during the Second Meeting of the Turkey-Uzbekistan High-Level Strategic Cooperation Council. One of the notable agreements was the signing of a Military Framework Agreement between Türkiye and Uzbekistan. Following this agreement, a Military Cooperation agreement was signed between Türkiye and Uzbekistan on October 26, 2022, institutionalizing the defense industry relations between Ankara and Tashkent and

opening new opportunities and areas of cooperation (Presidency of the Republic of Türkiye Directorate of Communications, 2020).

Regarding Kyrgyzstan, a Military and Military Technical Cooperation Roadmap agreement was signed between Türkiye and Kyrgyzstan in March 2022 (Savunma Sanayii Dergilik, 2022). Various training programs and cooperation opportunities in different fields are currently being discussed between the relevant institutions of the two countries. In October 2022, Kamchybek Tashiev, the Chairman of the National Security State Committee of Kyrgyzstan, visited Türkiye and toured the Baykar company. It is known that Kyrgyzstan has acquired at least three Bayraktar TB2 drones.

When we consider all these developments, a striking point emerges: these initiatives developed shortly after the start of the war between Russia and Ukraine in February 2022, which can be seen as a move by Central Asian countries to enhance their defense capabilities and industries rather than mere coincidence of dates. Moreover, the increasing influence of Türkiye, a friendly and brotherly country with proven advanced weapon technologies in Karabakh, Libya, and the Syrian front, also is a strategic power-balancing policy of Turkic Republics rather than a selection by chance. This indicates that the defense industry collaborations among the Turkic Republics can continue with projects and initiatives.

Conclusion

In conclusion, Türkiye's defense industry has evolved significantly, transitioning from reliance on imports to achieving global leadership, driven by strategic investments in domestic production and a focus on exporting advanced military technologies, notably UAVs. The industry's growth trajectory can be divided into three key phases: the establishment of foundational defense companies in the 1970s-1990s, a shift towards privatization and international partnerships in the 1990s-2000s, and a substantial emphasis on strengthening domestic production from 2005 to 2023. This progression was catalyzed by the arms import embargoes of the 1970s, notably following the Cyprus Peace Operation, which underscored the critical need for Türkiye to develop its indigenous defense capabilities.

This process has been shaped by strategic partnerships with Central Asian countries, built on a common cultural and historical heritage, which deepened military and technological collaborations. Moreover, such initiatives play an essential role

in advancing regional security and cooperative efforts in the region. Therefore it could be said that by 2022, Türkiye's defense industry not only met internal security requirements but also marked significant export achievements, reinforcing its influence on the international stage alongside with enriching its cooperation with countries of the region.

Türkiye's achievements in defense sector is highlighted by the production and export of a broad range of military equipment, from unmanned aerial vehicles to naval vessels, marking a significant step towards technological self-sufficiency and strategic independence. These gains emphasize Turkey's

role in regional stabilization, utilizing its defense capabilities to deepen economic relationships, enhance political collaborations, and contribute to world peace. The ongoing partnerships with Central Asia and the Turkic world open doors for joint ventures and projects that support Turkey's strategic objectives and regional equilibrium.

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References

- Akorda (2022). Joint Statement of President of the Republic of Kazakhstan Kassym-Jomart Tokayev and President of The Republic of Türkiye Recep Tayyip Erdoğan On Enhanced Strategic Partnership. <https://www.akorda.kz/en/joint-statement-of-president-of-the-republic-of-kazakhstan-kassym-jomart-tokayev-and-president-of-the-republic-of-trkiye-recep-tayyip-erdoan-on-enhanced-strategic-partnership-104238>. (Accessed on 03.10.2023).
- Bagci, Huseyin and Kurc, Caglar (2016). Turkey's Strategic Choice: Buy or Make Weapons? <https://www.tandfonline.com/doi/abs/10.1080/14702436.2016.1262742>. (Accessed on 10.02.2024).
- Besenyo, Janos and Malnassy, Andras (2022). Future Expansion and Prospects of Turkish Defense Industry. https://www.researchgate.net/publication/361646272_Future_expansion_and_prospects_of_Turkish_defense_industry. (Accessed on 10.02.2024).
- Bicer, Aysu (2022). Türkiye to Produce Drone in Kazakhstan. <https://www.aa.com.tr/en/economy/turkiye-to-produce-drone-in-kazakhstan/2584822>. (Accessed on 02.10.2023).
- Defense News (2023). For 2022 Top 100 Firms. <https://people.defensenews.com/top-100/>. (Accessed on 07.05.2023).
- Euronews (2023). 'Altay': Domestic Tank whose Engine and Transmission are Jointly Produced with South Korea. <https://tr.euronews.com/next/2023/04/23/altay-motor-ve-transmisyonu-guney-kore-ile-ortak-uretilen-yerli-tank>. (Accessed on 25.09.2023).
- Kanik, Hulya and Celik, Sinem (2021). The Role of Turkish Drones in Azerbaijan's Increasing Military Effectiveness: An Assessment of the Second Nagorno-Karabakh War. <https://www.insightturkey.com/articles/the-role-of-turkish-drones-in-azerbajans-increasing-military-effectiveness-an-assessment-of-the-second-nagorno-karabakh-war>. (Accessed on 08.10.2023).
- Kibaroglu, Mustafa (2019). On Turkey's Missile Defense Strategy: The Four Faces of the S-400 Deal between Turkey and Russia. <https://dergipark.org.tr/en/pub/perception/issue/51198/666766>. (Accessed on 10.02.2024).
- Mevlutoglu, Arda (2017). Commentary on Assessing the Turkish Defense Industry: Structural Issues and Major Challenges. <https://www.tandfonline.com/doi/abs/10.1080/14702436.2017.1349534>. (Accessed on 10.02.2024).
- Presidency of the Republic of Türkiye (2023). We Reduced Foreign Dependency in the Defense Industry from 80% to 20 Percent. <https://www.tcgb.gov.tr/haberler/410/145839/-savunma-sanayiinde-yuzde-80-leri-bulan-disa-bagimligi-yuzde-20-ler-seviyesine-dusurduk->. (Accessed on 06.05.2023).
- Presidency of the Republic of Türkiye Directorate of Communications (2020). Uzbekistan is improving military cooperation with Türkiye. https://www.iletisim.gov.tr/turkce/dis_basinda_turkiye/detay/uzbekistan-turkiye-ile-askeri-is-birligini-gelistiriyor. (Accessed on 24.10.2023).
- Sasad (2023). Sasad Performance Report. <https://www.sasad.org.tr/sasad-performans-raporu>. (Accessed on 08.05.2023).
- Savunma Sanayii Dergilik (2022). Road Map for Military and Military Technical Cooperation was Signed between Turkey and Kyrgyzstan. <https://www.savunmasanayiidergilik.com/tr/HaberDergilik/Turkiye-ile-Kirgizistan-arasinda-Askeri-ve-Askeri-Teknik-isbirligine-Yonelik-Yol-Haritasi-imzalandi>. (Accessed on 26.10.2023).
- Savunma sanayist.com (2021). Canadian Defense Company that Imposes an Embargo on Turkey Bankrupts. <https://www.savunmasanayist.com/turkiyeye-ambargo-uygulayan-kanadali-savunma-sirketi-batti/>. (Accessed on 23.10.2023).
- Savunma sanayist.com (2023). Defense Industry Exports for 2022 Have Been Announced. <https://www.savunmasanayist.com/2022-yili-savunma-sanayii-ihracati-belli-oldu/>. (Accessed on 01.10.2023).
- Savunma sanayist.com (2023). Latest Situation in Turkey's SAMP/T Program. <https://www.savunmasanayist.com/turkiyenin-samp-t-programinda-son-durum/>. (Accessed on 28.09.2023).
- Savunma sanayist.com (2023). Program Schedule of MILDEN Submarine Announced. <https://www.savunmasanayist.com/milden-denizaltisinin-program-takvimi-aciklandi/>. (Accessed on 26.10.2023).

Sputnik (2023). From the USA to Europe: Which Countries Apply Defense Industry Embargoes to Turkey? <https://sputniknews.com.tr/20220527/abdden-avrupaya-turkiyeye-hangi-ulkeler-savunma-sanayi-ambargosu-uyguluyor-1056734742.html>. (Accessed on 12.09.2023).

Sputnik (2023). From the USA to Europe: Which Countries Apply Defense Industry Embargoes to Turkey? <https://sputniknews.com.tr/20220527/abdden-avrupaya-turkiyeye-hangi-ulkeler-savunma-sanayi-ambargosu-uyguluyor-1056734742.html>. (Accessed on 22.09.2023).

Stockholm International Peace Research Institute (2023). Import/Export Trend Indicator Values Table. <https://armstrade.sipri.org/armstrade/page/values.php>. (Accessed on 07.05.2023).

Stockholm International Peace Research Institute (2023). Trends in International Arms Transfers, 2019. https://www.sipri.org/sites/default/files/2020-03/fs_2003_at_2019.pdf. (Accessed on 06.10.2023).

TRT Haber (2021). President of Azerbaijan Ilham Aliyev: Turkish Army Model is the Most Acceptable Mode For us. <https://www.trthaber.com/haber/dunya/ilham-aliyev-turk-ordusu-bizim-icin-en-makbul-modeldir-559971.html>. (Accessed on 12.10.2023).

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INDIA'S FOREIGN POLICY IN KAZAKHSTAN: ANALYSIS OF COOPERATION POTENTIAL

India is transforming its foreign policy in line with strengthening economic and political profile. The role and political ambitions of its Prime Minister, Narendra Modi, in advocating these changes are crucial. Among the directions he shifted in India's foreign policy approach was to a Central Asian region, which was demonstrated during Modi's 'historic' tour to all five Central Asian states in summer 2015. The tour was perceived as a new chapter of engagement between India and Central Asia.

Kazakhstan, being the largest trading partner in the region and a strategic partner, had high hopes for those advancements. In addition to traditional rhetoric about historical and cultural ties, India's modest engagement with Kazakhstan awaited new levels of cooperation, especially given the potential of India's economy and population. However, the analysis shows that there is still a limited capacity for economic interaction between India and Kazakhstan.

The paper aims to investigate how India's foreign policy towards Kazakhstan has evolved since Prime Minister Narendra Modi was elected in 2014, as well as the economic outcomes of these developments. First, the paper reveals India's foreign policy under Prime Minister Modi. Then the paper focuses on India's bilateral relations with Kazakhstan, covering regional and bilateral political mechanisms of cooperation. Further, the paper focuses on economic indicators, analysing bilateral trade and investment ties, and proposing future areas of cooperation. In conclusion, the paper summarises the present India-Kazakhstan relations and their potential for widening their cooperation.

Key words: India, Kazakhstan, India-Kazakhstan relations, trade, investment.

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Үндістанның Қазақстандағы сыртқы саясаты: ынтымақтастықтың әлеуетін талдау

Үндістан экономикалық және саяси профильді нығайтуға сәйкес сыртқы саясатын өзгертуде. Бұл өзгерістер енгізуде премьер-министр Нарендра Модидің рөлі мен саяси амбициялары өте маңызды. Үндістанның сыртқы саяси көзқарасындағы өзгерген бағыттардың қатарында Модидің 2015 жылдың жазында Орталық Азияның барлық бес мемлекетіне жасаған «тарихи» сапары кіреді. Бұл турне Үндістан мен Орталық Азия арасындағы қарым-қатынастың жаңа тарауы ретінде қабылданды.

Қазақстан Үндістанның аймақтағы ең ірі сауда және стратегиялық серіктесі бола отырып, бұл жетістіктерге үлкен үміт артты. Үндістанның Қазақстанмен қарым-қатынастары тарихи және мәдени байланыстар туралы дәстүрлі риторикаға қоса, Үндістан экономикасы мен халқының әлеуетін ескере отырып, ынтымақтастықтың жаңа деңгейлерін күтті. Дегенмен, талдау Үндістан мен Қазақстан арасындағы экономикалық өзара іс-қимыл мүмкіндіктері әлі де шектеулі қолданылатыны көрсетеді.

Бұл мақала 2014 жылы премьер-министр Нарендра Модиді сайланғаннан бері Үндістанның Қазақстанға қатысты сыртқы саясаты дамуын, сондай-ақ экономикалық нәтижелерін зерттеуге бағытталған. Біріншіден, мақала премьер-министр Модидің кезіндегі Үндістанның сыртқы саясатын ашады. Содан кейін Үндістанның Қазақстанмен екі жақты қарым-қатынасына назар аударады, ынтымақтастықтың аймақтық және екіжақты саяси механизмдерін қамтиды. Әрі қарай, мақала экономикалық көрсеткіштерге, екіжақты сауда және инвестициялық байланыстарды талдауға және ынтымақтастықтың болашақ бағыттарын ұсынуға бағытталған. Қорытындысында, мақала Үндістан мен Қазақстан арасындағы қазіргі қарым-қатынастарды және олардың ынтымақтастығын кеңейту үшін әлеуеттерін қарастырады.

Түйін сөздер: Үндістан, Қазақстан, Үндістан-Қазақстан қатынастары, сауда, инвестиция.

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Внешняя политика Индии в Казахстане: анализ потенциала сотрудничества

Индия трансформирует внешнюю политику в соответствии с укреплением своего экономического и политического профиля. Роль и политические амбиции премьер-министра Нарендры Моди в продвижении данных изменений имеют решающее значение. Среди областей, которые он изменил во внешнеполитическом подходе Индии – Центральноазиатский регион, которое было продемонстрировано во время «исторического» турне Моди по всем пяти государствам Центральной Азии летом 2015 года. Турне был воспринят как новая глава взаимодействия между Индией и Центральной Азией.

Казахстан, будучи стратегическим и крупнейшим торговым партнером в регионе, возлагал большие надежды на эти достижения. Помимо традиционной риторики об исторических и культурных связях, скромное взаимодействие Индии с Казахстаном ожидало нового уровня сотрудничества, особенно с учетом потенциала индийской экономики и населения. Однако, как показывает анализ, возможности экономического взаимодействия между Индией и Казахстаном по-прежнему ограничены.

Целью статьи является исследование развития внешней политики Индии в отношении Казахстана с момента избрания премьер-министром Нарендры Моди в 2014 году, а также экономические последствия этих событий. Сначала, в статье раскрывается внешняя политика Индии при премьер-министре Моди. Далее основное внимание уделяется двусторонним отношениям Индии с Казахстаном, охватывающим региональные и двусторонние политические механизмы сотрудничества. Отдельное внимание уделяется экономическим показателям, анализу двусторонних торговых и инвестиционных связей и рекомендациям будущих направлений сотрудничества. В заключении обобщаются текущие индийско-казахстанские отношения и их потенциал для расширения сотрудничества.

Ключевые слова: Индия, Казахстан, индийско-казахстанские отношения, торговля, инвестиции.

Introduction

India is recognised as one of the fastest-growing economies in the world. Its economic potential is estimated to become the third-largest economy by 2027 and the most developed nation by 2047 (Majumdar, 2023). It is already recognised as the most populous country in the world (UN DESA, 2023). Its political aspirations are acknowledged with its growing political intentions in global governance, as seen in its recent G20 presidency, where it aims to “become the voice of the Global South that is otherwise under-represented in such forums” (Sharma, 2022). India’s foreign strategy has been advocating itself as a defender of the developing world by addressing the concerns of the emerging nations in the global governance platforms.

In line with strengthening economic and political profile, India is transforming its foreign policy from the long-standing traditional policy of non-alignment to ‘multi-alignment’, which aspires to more engagement in international affairs, and India’s stance to be “a leading power rather than just a balancing power”

(Jaishankar, 2020). India’s growing prosperity, combined with the exceptional dynamism and individual aspirations of its Prime Minister Narendra Modi, enabled the Indian government to advance more optimistic policies for India’s development and a firm foreign policy position.

The role and political ambitions of its Prime Minister, Narendra Modi, in advocating these changes are crucial. Since his first election in 2014, he has been pushing his muscular foreign policy. Among the directions he shifted in India’s foreign policy approach was to a Central Asian region, which was demonstrated with Modi’s ‘historic’ tour to all five Central Asian states in summer 2015. The tour was perceived as a new chapter of engagement between India and Central Asia.

Kazakhstan, being the largest trading partner in the region and strategic partner, had high hopes for those advancements. In addition to traditional rhetoric about historical and cultural ties, India’s modest engagement with Kazakhstan awaited new levels of cooperation, especially given the potential of India’s economy and population. However, the data indicates that there is still a limited capacity for

economic interaction between India and Kazakhstan. Namely, India's share in Kazakhstan's total trade comprised only 0.41% in 2022. India ranked 11th in a list of markets for Kazakhstan's exports and 13th in the list of top importers (International Trade Centre (ITC), 2023). Underdeveloped transport infrastructure, lack of direct connectivity due to the hostility of Pakistan and China in borders, and Iran's limited capabilities due to sanctions are usually mentioned as major challenges for enhancing trade cooperation.

The paper aims to investigate how India's foreign policy towards Kazakhstan has evolved since Prime Minister Narendra Modi was elected in 2014, as well as the economic outcomes of these developments. First, the paper reveals India's foreign policy under Prime Minister Modi. Then the paper focuses on India's bilateral relations with Kazakhstan, covering regional and bilateral political mechanisms of cooperation. Further, the paper focuses on economic indicators, analysing bilateral trade and investment ties, and proposing future areas of cooperation. In conclusion, the paper summarises the present India-Kazakhstan relations and their potential for widening their cooperation.

Methodological Anchor

Acknowledging the complexity and importance of research in studying bilateral relations, the article follows a holistic perspective that combines various dynamic processes of bilateral engagement. It allows for the opening of fresh perspectives on bilateral relations, centred on the dynamic-relational transaction processes embedded in the global environment (Ludwig, 2021). By understanding driving forces, processes and dynamics of bilateral cooperation, the article seeks to unpack fresh outputs to the present engagement between India and Kazakhstan.

The research is based on the critical survey of the existing literature on India-Kazakhstan relations and India's ties with Central Asian region. Through the critical survey, the article revealed the mainstream rhetoric of bilateral cooperation that further allowed to gauge the challenges and prospects of cooperation.

For the economic analysis, the article utilised the statistical analysis of total trade dynamics between India and Kazakhstan. The product-based analysis allowed for determining the structure of bilateral trade and provided a framework for examining the likelihood of new products appearing in a mutual trade.

India's Foreign Policy Approaches

India has been using its rising political and economic power to spread its influence around the globe. India's economy, which has grown steadily over the past decades, has given Modi the ability to enact more upbeat, development-oriented policies. With transformative foreign policy, Modi made a name for himself as a global leader and policy entrepreneur (Muratbekova, 2022).

Since Narendra Modi's elevation to the prime ministership in May 2014, his foreign policy shifted towards a 'multi-alignment' strategy that differs from the previous strategies of 'non-alignment' and subsequent 'strategic autonomy'. The multi-alignment strategy is believed to be the most appropriate way to advance India's interests in an increasingly unpredictable global environment. The strategy has three main components, such as expanding India's participation in international organisations; forming strategic alliances on a bilateral basis; and broadening its opportunities by protecting its interests while lowering the possibility of a deterioration (Hall, 2016). Further this strategy was clarified by Minister of External Affairs Subrahmanyam Jaishankar, who already made a significant contribution to the advancement of concepts and strategies in India's foreign policy. He believes, that "the issue is not whether India will continue rising; that vector is reasonably assured. The question is how to do so optimally in an era of greater uncertainty", hence reaffirming India's aspirations to lead in the multipolar world (Jaishankar, 2020).

Worth mentioning, India's foreign policy has been built around three concentric circles: the immediate neighbourhood, which places the highest priority; the extended neighbourhood, comprising South Asia, Indo-Pacific, South-East Asia, West Asia, and Central Asia, where India tries to maintain its interests and balance the influence of the powers; and the rest of the world, where India envisions establishing itself as a major global actor. At present, due to its firm belief in India's rising success, Indian foreign establishment is increasingly focusing on the third circle (Scott, 2011).

Nevertheless, it is not as straightforward as it appears because India is a well-known paradox in the international system. While having sufficient reasons for being optimistic about its global aspirations, India is still facing huge challenges both at home and abroad (Stuenkel, 2012). Despite significant advances and attempts to position itself as the leader of the Global South, India continues to struggle with its inability to exert regional, let alone global, leadership.

These are implied for India's strategy in Eurasia and particularly in Central Asian region, where India lacks the ability to create a coherent vision of global order that would set it apart from the other players in the regional "new great game" (Kavalski, 2019). Namely, it was demonstrated during the past Shanghai Cooperation Organisation (SCO) summit under the Indian presidency in July 2023, when India decided to hold the summit in an online format. Given that Central Asian states are placed within the core of the SCO, the Indian government, instead of using its opportunity to advance its positions in the SCO and in the region, has decided to focus on its G20 summit instead. Fair enough, this was interpreted as saying that "New Delhi is not quite sure what priority this organisation deserves" (Sachdeva, 2023). Accordingly, it is reasonable to suggest that India is attempting to be the leader of South Asia and the Global South yet downplays the significance of Central Asia in its strategic outreach. Despite its claims of interest in Central Asia, it remains focused on its traditional agenda, such as its rivalry with China and Pakistan, enhancing its partnership with the United States and the European Union, strengthening its regional leadership in South Asia, and intensified the rhetoric of Indian leadership among the emerging economies (Peyrouse, 2011).

India's marginal practical engagement with Central Asia is usually explained by the lack of direct connectivity. Geographical obstacles in virtue of disputed borders with China and Pakistan are justified as a reason that challenges India's strategic outreach in Central Asia. India's competition with China both in its internal and external politics impacts India's engagement with Central Asia, where China, in addition to its land borders, is economically and politically among the major partners. Pakistan, due to the disputed Kashmir region that is historically linked to Central Asia, also poses challenges for India. Besides, the Pakistan factor in India's broader foreign policy significantly affects the formulation of India's economic and political engagement in Central Asia.

On the other hand, New Delhi is taking advantage of its close relationship with Russia, a major strategic partner in Central Asia. India, similar to Central Asia, has strong contacts with Russia, which are used, among other things, to expand influence in Central Asia and gain from the situation with sanctioned Russia. The common Soviet military infrastructure, for instance, provides opportunities for India's partnership with Central Asia in the military sphere.

India, meanwhile, promotes itself in Central Asia as a "true friend and partner, which does not have any political or territorial ambitions" (Warikoo, 2019). Traditionally, India relies on its past experience of regular interactions with Central Asia dating back from antiquity all the way through the Soviet era. New Delhi sees the "civilizational" proximity of India, Afghanistan, and the post-Soviet states of Central Asia as a counter to Pakistan's geographic advantages and China's economic gains in Central Asia. Accordingly, India's involvement with Central Asia is determined by whether it will rely on its image based on its historical and cultural links or establish proactive diplomatic measures consistent with its global ambitions (Kavalski, 2019).

Institutionally, India's approach in the region was framed by its "Look North Policy" (1995) and "Connect Central Asia" (2012) programmes, yet the active "Connect Central Asia" policy due to "bureaucratic technicalities and policy inaction" is viewed as sluggish rather than an effective strategy (Stobdan, 2020). Bilaterally, India had concluded strategic partnership agreements with Kazakhstan in 2009, Uzbekistan in 2011, Tajikistan in 2012 and Kyrgyzstan in 2019.

At the regional level, the India-Central Asia Dialogue, which has been held since 2019 in a foreign minister's format, has been elevated to the level of heads of state. The first India-Central Asia Summit was held virtually in January 2023, with the plan to conduct it biannually to foster institutional collaboration.

India – Kazakhstan Relations

Kazakhstan is the largest trade and investment partner of India in Central Asia. Building on the 2009 Declaration of Strategic Partnership, Kazakhstan and India have been working on a thorough dialogue in political, economic, security, and cultural spheres.

Despite India's being among the first to establish diplomatic relations with Kazakhstan, its bilateral engagement with Kazakhstan was low in India's foreign policy in the 1990s. By the early 2000s, New Delhi had reevaluated its approach to the region and to Kazakhstan, and as a result, Kazakhstan in 2009 had concluded strategic partnership with India. A political dialogue between the two countries has intensified during the last decade, especially at the highest level, as seen in frequent meetings of the heads of governments and ministers during mutual visits and on international platforms. India support Kazakhstan's efforts for promoting peace, security and stability in Asia within the Conference on

Interaction and Confidence Building Measures in Asia (CICA). Both are involved in the Shanghai Cooperation Organisation, where in addition to political and economic collaboration, parties are involved in maintaining security in the region and cooperate within the SCO Regional Anti-Terrorist Structure.

Institutionally, parties cooperate through the India-Kazakhstan Inter-Governmental Commission (IGC), which is coordinated by the Ministry of Trade and Integration from the Kazakhstan side and the Ministry of Oil and Natural Gas from the Indian side. In addition, seven Joint Working Groups operate on various aspects of cooperation, such as trade and economic cooperation; information technology; military-technical cooperation; textile industry development; the “tea debt”; transport and logistics; and cooperation in space (MEA, 2023).

In terms of economic cooperation, Kazakhstan, with its significant deposits of natural gas and oil, offers India a viable substitute for its energy sources. India imports from Kazakhstan a sizable quantity of raw materials such as oil, metals, and uranium and exports textiles, equipment, and medical supplies to Kazakhstan. The detailed analysis of economic engagement will be discussed in the following section.

Meanwhile, one of the top areas of collaboration between the two nations has been defence, and this has been growing even more since the 2015 Agreement on Defence and Military-Technical collaboration was signed. In particular, the annual military exercise KAZIND, which has been conducted between the armies of Kazakhstan and India since 2016, is regarded as an important mechanism for sharing military expertise and expand military cooperation between the two nations. Within KAZIND, armies conduct joint military training and tactical exercises to counter insurgency and counterterrorism operations in both jungle and mountainous terrains. Indian army also facilitates Kazakhstan’s UN peacekeeping mission (Chaudhury, 2023). Aside from that, Kazakhstan military students have an opportunity to pursue an education as exchange students through intergovernmental agreements or earn a degree in Indian military colleges.

Cooperation in education is presumed among the important areas of cooperation. Specifically, the Indian Technical and Economic Cooperation (ITEC) programme, which is funded by the Indian Ministry of External Affairs, is regarded as one of the most well-liked programmes that offers professionals and early career specialists short-

term capacity building courses in India. Through this programme, over 1400 professionals from Kazakhstan were introduced to Indian education and opportunities (Embassy of India). In addition, the Indian Council for Cultural Relations (ICCR), the Indian Council of Historical Research (ICHR) and the Indian Council of Social Science Research provide scholarships from Kazakhstan to obtain a degree or conduct research in India. For Indian students, the most popular medical program in India – MBBS (Bachelor of Medicine and Bachelor of Surgery) provided by Kazakhstan universities is a good alternative to obtain a medical degree that has been used by Indian students widely. While the programme was popular among the Indian students, with the war in Ukraine and Russia’s sanctions, the popularity of Kazakhstan universities for Indian students had grown exponentially with over 5,000 students studying at Kazakhstan universities (Kazinform, 2022).

Conventionally, India’s engagement with Kazakhstan is bonded on strong cultural connections. Cultural ties between India and Kazakhstan have been recognised by centuries-long interactions. This shared cultural heritage can act as a springboard for developing closer relations and understanding. The contemporary generation, thanks to Bollywood films, and Indian music and dances, is also familiar with Indian culture. In this regard, the Swami Vivekananda Cultural Centre (SVCC), originally the Indian Cultural Centre, was established in 1994 with the goal of fostering Indian customs and culture in Astana.

Hence, the bilateral contacts between India and Kazakhstan have significantly intensified. However, as PM Modi acknowledged during his 2015 trip, the potential of cooperation with the region “remains untapped” (Kavalski, 2019). India’s renewed interest in strengthening its strategic position in Central Asia and Kazakhstan, despite its progress, has not yet taken advantage of its potential.

Bilateral Trade and Investment Cooperation between Kazakhstan and India

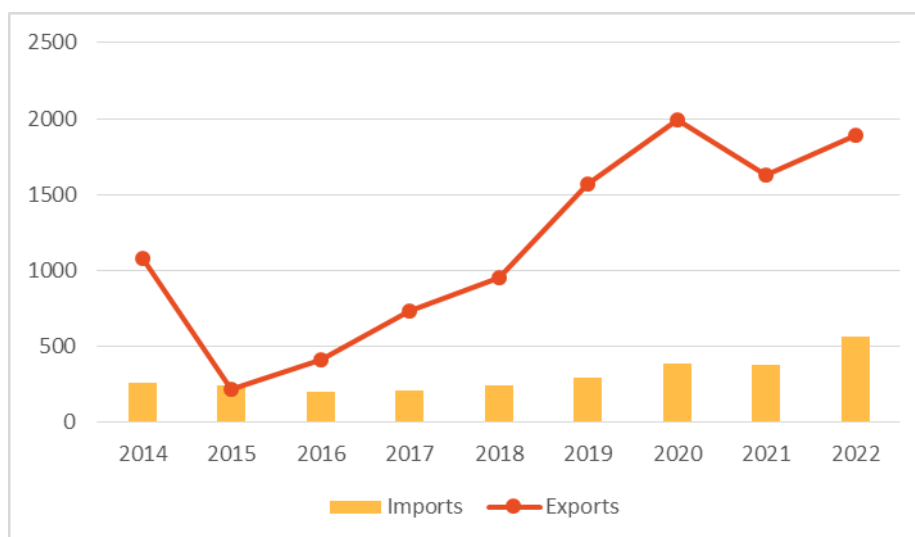
In terms of economic cooperation, India and Kazakhstan declare their goals to increase mutual trade. In order to understand the profile of bilateral trade, further the economic indicators are analysed.

Total trade between the two countries increased from 1343 million USD in 2014 to 2453 million USD in 2022 (Figure 1). Despite this growth, the shares of both countries in their total trade remain insignificant. Kazakhstan’s exports experienced substantial growth, increasing from 220 million

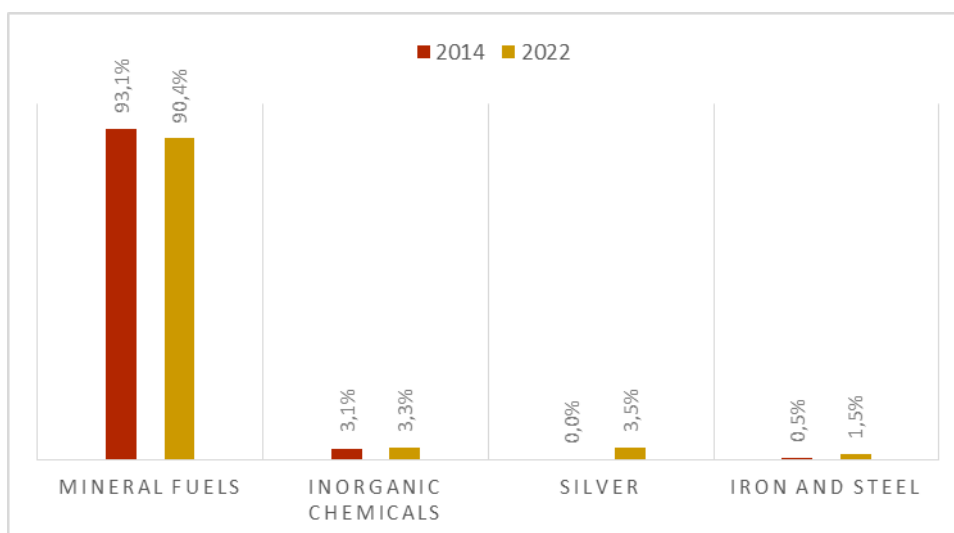
USD in 2015 to 1890 million USD in 2022. In the same period, India's supplies to Kazakhstan changed from 242 to 563 million USD (ITC, 2023).

However, product-based analysis shows that Kazakhstan's exports mainly consist of raw

materials. In particular, the share of mineral fuels in Kazakhstan's total exports to India in 2014 amounted to 93.1%, while in 2022 this indicator was equal to 90.4%. The remaining exports include inorganic chemicals and metals (Figure 2).



Source: the authors' compilation based on ITC (2023) data
Figure 1 – Kazakhstan's trade with India, million USD



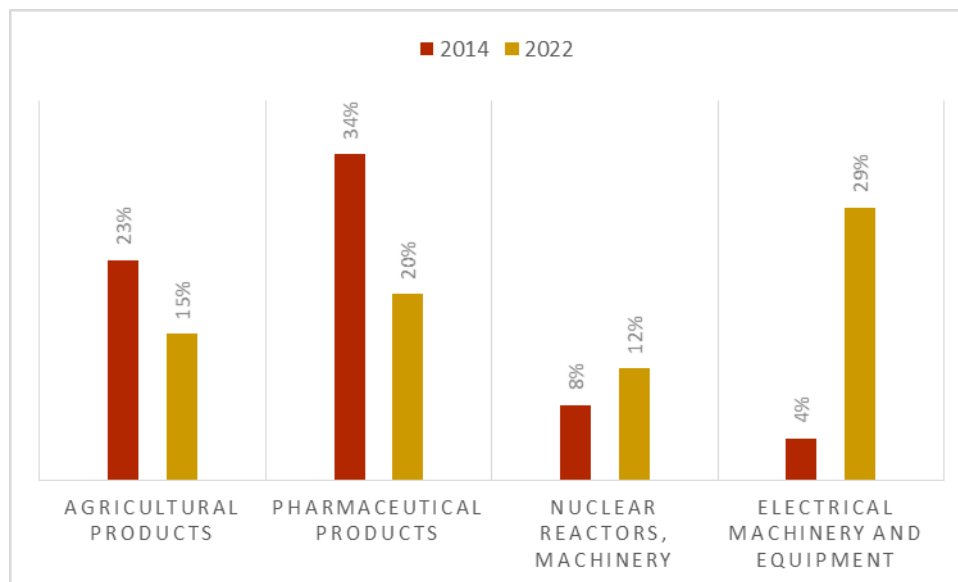
Source: the authors' calculations based on ITC (2023) data
Figure 2 – Kazakhstan's exports to India, by products, share of total exports

In turn, India's exports to Kazakhstan remain diversified (Figure 3). Despite the share of agricultural products in total exports to Kazakhstan showing a decline, the value of exports increased from 60.3 million USD in 2014 to almost 87

million USD in 2022. During the same period, exports of pharmaceutical products grew from 89 to 110 million USD, while the share decreased from 34% to 20%. Kazakhstan's imports of machinery increased substantially. Imports of

nuclear reactors and machinery grew from 20 to 66 million USD, and imports of electrical machinery surged from 11 to almost 162 million

USD. The share of electrical machinery in India's total exports to Kazakhstan jumped from a low 4% to 29% (ITC, 2023).



Source: the authors' calculations based on the ITC (2023) data

Figure 3 – India's exports to Kazakhstan, by products, share of total exports

Thus, India's exports to Kazakhstan remain diversified, while Kazakhstan continues to supply a limited number of products. Despite diversification and increasing figures of bilateral trade, there are important factors restricting mutual trade flows.

First of all, the slow industrialization of Kazakhstan and its limited capacity constrain the supply of agricultural and manufacturing products to India's growing market.

Second, geographical remoteness doesn't allow both Kazakhstan and India to penetrate each other's markets. Trade and transport costs make products less competitive. To overcome this obstacle, it is important to develop transport and port infrastructure, which will require international cooperation with the inclusion of other Central Asian countries. Iran and other parties interested in investing in these infrastructural projects might find connecting South Asia with Central Asia a good option.

Third, there are no trade agreements between India and the Eurasian Economic Union, which can intensify bilateral trade.

Finally, despite presenting itself as a new global economic power, India has low interest in investing in Kazakhstan and implementing joint projects aimed at industrialization and diversification. For

instance, according to data from the National Bank of Kazakhstan (2023), India's foreign direct investments in Kazakhstan increased from low 6 million USD in 2014 to 26 million USD in 2022. As a result, India's share in Kazakhstan's total FDI changed from 0.03% to 0.09%, which is still too moderate to signify improvements.

All these factors lead to low economic engagement between India and Kazakhstan. Some suggest that India's trade policy with Kazakhstan demonstrates one more case when India failed to become engaging, result-oriented, and economically meaningful, which is counterproductive to India's aspirations and restricts its ambition of playing a prominent role in regional and global affairs (Palit, 2021). India's dissociation and disengagement from free trade agreements also caused significant disappointments among its partners over its willingness to work closely on trade.

However, there are significant areas where Kazakhstan and India may expand their cooperation. The service sector is the fastest growing sector in India with the highest labour productivity (Mukherjee, 2013). India's GDP share of value-added services reached 48.6% in 2022 (World Bank, 2023). In 2022, IT sector exports from India amounted to 178

billion USD, while IT services dominated the export with 104 billion USD (Statista, 2023). Human capital, R&D expenditure, physical infrastructure stock and financial sector development are determined as elements that aggregate India's services exports (Sahoo & Dash, 2017). Furthermore, global demand, real exchange rate and manufacturing exports also contributed to the growth of services exports.

Thus, India may build its policy for Central Asia on its strengths, where its potential for providing services stands to be very important. To this end, during the Central Asia-India Summit, Kazakhstan's President Kassym-Jomart Tokayev invited companies from India to Kazakhstan's market. He mentioned that Kazakhstan was interested in India's experience in training of IT specialists. The President proposed to open an engineering office and IT schools for Central Asia on the basis of Astana Hub, together with the Bagmane technology park and other Indian IT giants (Total.kz, 2022). Further, the delegation from India visited Astana Hub. During the meeting, the parties considered the possibility of attracting large international technology companies to Kazakhstan. Companies from India will bring expertise to the IT market and will improve the quality of human capital in Kazakhstan. Importantly, the participants discussed the development of cooperation between Astana Hub and India's largest IT hub T-Hub in the field of human capital development. It should be mentioned that Astana Hub shows promising results in terms of services production and their exports. Hence, it is interested in penetrating new markets, where India can be a reliable partner. Close collaboration in the services sector will bring India a new status in the region as a new important player with substantial contribution to the development of new industries. Kazakhstan, in turn, should accelerate its industrialization, improve competitiveness of its agriculture and manufacturing using digital services and penetrate Indian market. Implementation of joint projects will deepen trade and investment cooperation.

Conclusion

The paper provided an overview of India's engagement with Kazakhstan, focusing on the time frame after Prime Minister Modi took office. It was

observed that while India is attempting to become among the regional powers and has solid aspirations for increasing its voice in global governance, its engagement with Kazakhstan remains on the periphery of India's major geopolitical agenda. This follows from an assessment of India's foreign policy in general, with Kazakhstan and the Central Asian region, along with an assessment of the performance of economic cooperation, which has demonstrated limited current capacity and potential to increase this engagement. The product-based research revealed that there are significant barriers preventing mutual trade flows, even in spite of diversification and rising bilateral trade numbers.

The authors believe that the IT sector could be a prospective sector for expanding bilateral relations. India's digital economy is the second fastest growing in the world, and Kazakhstan is acknowledged among the most advanced digital economies, both in terms of its digital technology and competitiveness, not only in Central Asia but also in the whole CIS region. Both India and Kazakhstan are eager to advance their IT spheres and export their IT services. Hence, new cooperation could emerge if both sides utilise their efforts.

Apart from that, expanding existing ties in education and culture could boost the touristic potential of both countries. Worth mentioning is that intensifying the air connections, along with simplifying visa requirements, has already allowed for increasing tourist flows in both directions. If both countries amplify the advertisement of each other's potential, together with tourism, it might lead to increased interest in the business sector. Simultaneously, it might lead to increased outcomes in terms of attracting investments.

In general, relations between India and Kazakhstan have grown within the frameworks of their respective governments' multi-alignment and multi-vector strategies, which aim to balance their interactions with one another in light of the geopolitical and economic dynamics that shape the region. Despite the limited economic capacity of cooperation, India and Kazakhstan could unite their efforts to open new prospects for cooperation. In addition to cooperation at the bilateral level, both parties could enhance their partnership on global forums, where both aim to amplify their voices as emerging states.

References

- Astana Hub (2022). Delegatsiya iz Indii posetila Astana Hub [A delegation from India visited Astana Hub] Retrieved 02 Nov. 2023, from <https://astanahub.com/en/article/delegatsiya-iz-indii-posetila-astana-hub>.
- Chaudhury, D.R. (2023). *Military diplomacy: How India facilitated Kazakhstan's UN peacekeeping mission*. Retrieved 23 Oct. 2023, from https://economictimes.indiatimes.com/news/defence/military-diplomacy-how-india-facilitated-kazakhstans-un-peace-keeping-mission/articleshow/100225603.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst
- Embassy of India. ITEC Programme. Retrieved 20 Oct. 2023, from <https://www.indembastana.gov.in/page/itec-programme/>
- Ian, H. (2016). Multialignment and Indian Foreign Policy under Narendra Modi, *The Round Table*, 105:3, 271-286, DOI: 10.1080/00358533.2016.1180760
- ITC (2023). Bilateral trade between Kazakhstan and India. Exports and imports. Retrieved 01 Nov. 2023, from https://www.trademap.org/Bilateral_TS.aspx?nvpm=1%7c398%7c%7c699%7c%7cTOTAL%7c%7c%7c2%7c1%7c1%7c2%7c2%7c1%7c1%7c1%7c1%7c1%7c1.
- Jaishankar, S. (2020). *The India Way: Strategies for an Uncertain World*. HarperCollins.
- Kavalski, E. (2019). The Puzzle of India's Relations with "Central Eurasia", *Asian Security*, 15:3, 304-322, DOI: 10.1080/14799855.2018.1463990
- Kazinform (2022). Boleye 5 tysyach studentov iz Indii obuchayetsya v kazakhstanskikh vuzakh [More than 5 thousand students from India study at Kazakhstani universities]. Retrieved 05 Nov. 2023, from <https://www.inform.kz/ru/bole-5-tysyach-studentov-iz-indii-obuchaetsya-v-kazahstanskikh-vuzah>
- Ludwig, A.N. (2021). The Complexity of Bilateral Relations. E-International Relations. Retrieved 01 Oct. 2023, from <https://www.e-ir.info/2021/03/25/the-complexity-of-bilateral-relations/>
- Majumdar, R. (2023). India economic outlook, October 2023. <https://www2.deloitte.com/us/en/insights/economy/asia-pacific/india-economic-outlook.html>
- MEA (2023). Sotrudnichestvo Respubliki Kazakhstan s Respublikoy Indiya [Cooperation of the Republic of Kazakhstan with the Republic of India]. Retrieved 14 Oct. 2023, from <https://www.gov.kz/memleket/entities/mfa/press/article/details/467?lang=ru>
- Mukherjee, A. (2013). The Service Sector in India. ADB Economics Working Paper Series №352. Retrieved 07 Nov. 2023, from <https://www.adb.org/sites/default/files/publication/30285/ewp-352.pdf>.
- Muratbekova, A. (2022). Leadership Styles of Xi Jinping and Narendra Modi: Impact on the Border Issue. *Eurasian Research Journal*, 4 (3), 23-38. <https://doi.org/10.53277/2519-2442-2022.3-02>
- National Bank of Kazakhstan (2023). Direct Investments according to the directional principle. Retrieved 16 Oct. 2023, from <https://www.nationalbank.kz/en/news/pryamyie-investicii-po-napravleniyu-vlozheniya>.
- Palit, A. (2021). Will India's Disengaging Trade Policy Restrict It from Playing a Greater Global Role? *World Trade Review*, 20, 203–219.
- Peyrouse, S.(2011). Domestic and International Articulations of the Indian Involvement in Central Asia. In *Mapping Central Asia. Indian Perceptions and Strategies*. Peyrouse S., Laruelle M. (Eds). Routledge.
- Sachdeva, G. (2023). India's SCO dilemma. Retrieved 14 Oct. 2023, from <https://www.deccanherald.com/opinion/sco-china-india-central-asia-sco-summit-dilemma-1234417.html>
- Sahoo, P.& Ranjan K.D. (2017). What Drives India's Surge in Service Exports? *The World Economy*, 40(2), 439-461.
- Scott, D. (2011). National "aspirations" of a rising power. In *Handbook of India's International Relations*. David Scott (Eds.) Routledge.
- Sharma, H. (2022). G20 presidency begins: India says it will be the voice of Global South. Retrieved on 31 Oct. 2023, from <https://indianexpress.com/article/india/g20-presidency-begins-india-says-it-will-be-the-voice-of-global-south-8301345/>.
- Statista (2023). Export value of IT software and services from India in financial year 2022, by type. Retrieved 22 Oct. 2023, from <https://www.statista.com/statistics/320753/indian-it-software-and-services-exports/#:~:text=IT%20sector%20exports%20from%20India,majority%20of%20the%20total%20revenue>.
- Stobdan, P. (2020). *India and Central Asia. The Strategic Dimension*. Manohar Parrikar Institute for Defence Studies and Analyses, New Delhi. K W Publishers Pvt Ltd.
- Stuenkel, O. (2012). India: the next superpower?: India's national interests and diplomatic activism: towards global leadership? IDEAS reports – special reports, Kitchen, Nicholas (ed.) (SR010). LSE IDEAS, London School of Economics and Political Science, London, UK.
- Total.kz (2022). Indiyu priglasili pomoch' v razvitii IT-sfery v Kazakhstane [India was invited to help develop the IT sector in Kazakhstan]. Retrieved 01 Nov. 2023, from https://www.total.kz/ru/news/tehnol/_date_2022_01_28_09_11_36#!.
- UN DESA (2023). UN DESA Policy Brief No. 153: India overtakes China as the world's most populous country. Retrieved 01 Oct. 2023, from <https://www.un.org/development/desa/dpad/publication/un-desa-policy-brief-no-153-india-overtakes-china-as-the-worlds-most-populous-country/>
- Warikoo, K. (2019). *Eurasia and India. Regional Perspectives*. Routledge.
- World Bank (2023). India. Retrieved 01 Nov. 2023, from <https://data.worldbank.org/country/india>.

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A COMPARATIVE ANALYSIS OF THE FORMATION OF CIVIC IDENTITY PRACTICE IN FOREIGN COUNTRIES

Nowadays, in the age of a fast-moving world and globalization maintaining and strengthening of the civic identity of society remains one of topical issues for both developing and developed countries. The question of what should be civic identity and what it should include is multifaceted and at the same time complex. Civic identity is often seen in the context of an active citizen's activities. If the problem is approached from the competencies of an active citizen point of view, then civic identity is formed on the knowledge, skills and attitudes possessed by a person. Active citizenship can also reveal the essence of civic identity. Understanding of it largely depends on the components of civic identity, which are formed depending on the ongoing government policy in this state.

A comparative historical analysis of the process of civic identity formation in foreign countries was carried out and a parallel was drawn between eastern and western states in order to identify the specifics of civic identity. Particular attention has been paid to the peculiarities of the formation of civic identity in national democratic states.

In the result of the study, the article reveals that the formation of civic identity of citizens in one state is not a model for other states. While some states only need to honor cultural traditions and mentality, some states need to increase the civic activity of citizens, promote trust in the state, and pursue common interests. This shows that the process of formation of civic identity in one country cannot serve as an example for another. The state should take into account its internal political, economic, social, and demographic characteristics when forming the civic identity of its people.

Key words: civic identity, nation states, civic society, civic position, active citizen.

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Шет елдерде азаматтық бірегейлік тәжірибесін қалыптастырудың салыстырмалы талдауы

Бүгінгі таңда қарқынды өзгеріп жатқан әлем мен жаһандану дәуірінде қоғамның азаматтық бірегейлігін сақтау және нығайту дамушы елдер үшін де, дамыған елдер үшін де өзекті мәселелердің бірі болып қала береді. Азаматтық бірегейлік қандай болуы керек және ол нені қамтуы керек деген мәселе көп қырлы және сонымен бірге күрделі. Азаматтық сәйкестік көбінесе белсенді азаматтық контекстінде қарастырылады. Мәселеге белсенді азаматтық күзиреттілігі тұрғысынан қарасақ, азаматтық бірегейлік адамның бойындағы білім, білік, дағды негізінде қалыптасады. Белсенді тұлға азаматтық бірегейліктің мәнін де аша алады. Оны түсіну көп жағдайда белгілі бір мемлекетте жүргізіліп жатқан мемлекеттік саясатқа байланысты қалыптасатын азаматтық бірегейліктің құрамдас бөліктеріне байланысты.

Мақалада шет елдердегі азаматтық бірегейліктің қалыптасу процесіне салыстырмалы тарихи талдау жасалып, азаматтық бірегейліктің ерекшеліктерін анықтау мақсатында Шығыс пен Батыс мемлекеттерінің арасында параллельдік жүргізілген. Ұлттық демократиялық мемлекеттерде азаматтық бірегейліктің қалыптасу ерекшеліктеріне де ерекше назар аударылды.

Зерттеу нәтижесінде бір мемлекет азаматтарының азаматтық тұлғасын қалыптастыру басқа мемлекеттерге үлгі емес екені анықталды. Кейбір мемлекеттерге тек мәдени дәстүрлер мен менталитеттерді құрметтеу керек болса, кейбір мемлекеттер азаматтардың азаматтық белсенділігін және мемлекетке деген сенімін арттырып, ортақ мүддені көздеуі қажет. Бұл бір елдегі азаматтық бірегейліктің қалыптасу процесі екінші елге мысал бола алмайтынын көрсетеді. Мемлекет өз халқының азаматтық болмысын қалыптастырған кезде өзінің ішкі саяси, экономикалық, әлеуметтік және демографиялық ерекшеліктерін ескеруі қажет.

Түйін сөздер: азаматтық бірегейлік, ұлттық мемлекеттер, азаматтық қоғам, азаматтық ұстаным, белсенді азамат.

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Сравнительный анализ формирования практики гражданской идентичности в зарубежных странах

Сегодня, в век быстро меняющегося мира и глобализации, сохранение и укрепление гражданской идентичности общества остается одной из актуальных проблем как для развивающихся, так и для развитых стран. Вопрос о том, какой должна быть гражданская идентичность и что она должна включать, многогранен и в то же время сложен. Гражданская идентичность часто рассматривается в контексте активной гражданской деятельности. Если к проблеме подойти с точки зрения компетенций активного гражданина, то гражданская идентичность формируется на знаниях, умениях и установках, которыми обладает человек. Активная гражданственность также может раскрыть суть гражданской идентичности. Понимание его во многом зависит от компонентов гражданской идентичности, которые формируются в зависимости от проводимой государственной политики в данном государстве.

В статье проведен сравнительно-исторический анализ процесса формирования гражданской идентичности в зарубежных странах и проведена параллель между восточными и западными государствами с целью выявления специфики гражданской идентичности. Особое внимание уделено особенностям формирования гражданской идентичности в национально-демократических государствах.

В результате исследования в статье выявлено, что формирование гражданской идентичности граждан одного государства не является моделью для других государств. Если некоторым государствам необходимо лишь чтить культурные традиции и менталитет, то некоторым государствам необходимо повышать гражданскую активность граждан, способствовать доверию к государству и преследовать общие интересы. Это показывает, что процесс формирования гражданской идентичности в одной стране не может служить примером для другой. Государство должно учитывать свои внутривнутриполитические, экономические, социальные и демографические особенности при формировании гражданской идентичности своего народа.

Ключевые слова: гражданская идентичность, национальные государства, гражданское общество, гражданская позиция, активный гражданин.

Introduction

The issues of formation, preservation of sovereignty and further existence of national states currently remain relevant in the world. The importance of increasing the desire to ensure the integrity of the state in globalizing conditions and the experience of building a state as a full-fledged subject of international relations, distinguished by internal political stability. In our sense, one of the important factors influencing the achievement of this goal also ensures the stabilization of civic identity. However, it is necessary to take into account that the sense of citizenship and in general, transformation of society into a single nation affects the history of the emergence of the state, the possession of sovereignty and the acquisition of independence.

The reasons why the process of the emergence of states and the formation of a nation followed different paths. In some cases, the state comes into being first and the nation later becomes an “imagined communities”. In other cases, the idea of the nation is used as a tool towards the independence and sovereignty of the state. The first case took place mainly

in Western countries, in the countries of America and Africa, which arose as a result of migration and resettlement. The global development path is observed in the countries of Eastern Europe, the republics of the former USSR and some parts of Asian countries.

Studying the features of the formation of civic identity in foreign countries will give us the opportunity to understand how should happen the process of civic identity formation, and what model of its formation is optimal for our country through the example of foreign countries.

Materials and methods

This article represents the results of a comparative analysis of the process of formation of civic identity in foreign countries. The source base of this article is presented by scientific works of domestic and foreign authors on the peculiarities of nation formation and civic identity. The strongest interest to the issue of political comparative research in this work aroused the experience of new democratic states that emerged on the territory of the former

USSR. In accordance with the principles of comparative political science, the experience of post-Soviet states, socio-political realities that have similarities with Kazakhstan – a common history and the same prerequisites for the formation of civic identity were considered.

Literature review

Civic identity was first widely discussed in Western countries. The explanation is that in these states such concepts as citizen, civic society, and state first appeared. Therefore, when considering civic identity, special attention was paid to the works of Western scientists. The Canadian philosopher W. Kymlicka, noting the important place of cultural community, thinking it the right way to unite all citizens into a common community through a single culture. However, there is a concept according to which membership in a common community is possible only due to small cultural characteristics, some sort of uniqueness. W. Kymlicka believes that the path of nation formation in the USA is the most rational (Kymlicka W., 2001: 560). According to him, the formation of a nation in the United States did not proceed through the destruction of small national (ethnic) identities and individual cultures, but through their development and preservation. As a result, a common national identity was born, uniting many small cultures. From the point of view of the liberal approach, a common civic identity can be created through collective action in support of the principles of justice and the liberal form of democracy, as well as through “mutual trust” of citizens (Jason A., 2004: 85-108).

Liberal values in the minds of citizens, along with such categories as respect for others and tolerance, increase the need for social protection within their own interests. A number of scholars view civic identity through the prism of liberal citizenship (Smith A.D., 1991: 233). The idea of proponents of this method is the need to consider civic identity in the context of sociocultural values and characteristics. For example, Anthony Smith believes that the formation of national identity includes a set of values, symbols, signs, memories, myths and traditions (Smith A.D., 2001: 191). That is, in this method, civic identity is viewed from the point of view of the formation of national identity. Among them, the main one is the issue of forming a national state. Moreover, the main goal of a nation is defined as the formation of a national state. Russian scientists who believe that the importance of national-cultural self-determination in the development of interethnic

and intercultural interaction in strengthening civic identity is increasing also considered a similar approach (Papyan B., 2009: 47).

Rodgers Brubaker, studying the process of formation of national identity in the Eastern European post-Soviet states, emphasizes its ethnic component. The scientist recognizes the states of Eastern Europe and Eurasia as states that have entered a transition period, and said that in creating a nation they protect the interests of the ethnic group that forms the state on the basis of ethnic identity (Brubaker R., 1996: 320). Based on the analysis of this research, one can conclude that, civic identity from a socio-ethnocultural point of view is better explained on the example of Eastern European states.

Results and discussion

At the present, the concept of “national identity” is used to denote civic identity in the United States of America. The nation in America is more often understood in a political context. Back in the 19th century, the United States began to pay special attention to the formation of national unity of the state. In this regard, American textbooks on “basics of citizenship” began to appear. The American Social Science Association (1865), the Academy of Political Science (1880), and the Bulletin of Political Science (1886) played an important role in preparing migrants for entry into American society, civic society, and the democratic education of citizens.

National identity in America consists of three components: political institutions, socio-economic status, and the cultural identity of the people. Political institutions should be understood as balance of power, law, legitimacy of power, two-party system (state of the people, state created for the people), constitution (Bill of Rights, civic liberalism), rule of law (nation state). Supranational identity is reflected in the leadership role of the United States in international organizations, economic and military power recognized by all states at the international level, and the leadership of Western values in the western region of the world.

The socio-economic prerequisites for the formation of civic identity determine the individualistic role of each person. In particular, one’s responsibility, a high level of mobilization in response to challenges posed by third parties, as well as the role of society (aggregation and articulation of interests) and, most importantly, a high total group identity, individual upbringing regardless of ethnic,

racial, gender and other characteristics (education, financial success, etc.). S. Huntington, in his work "Who are we?" argues that national identity will be higher until the enemy is outside (Samuel P. Huntington, 2004a: 17).

Cultural identity in the United States contributes greatly to the formation of a common civic identity. In this case, special attention is paid to the following components of cultural identity: religion, English language, historical ethnic diversity, the role of literature and art, community of rights and responsibilities.

In American history, the origins of civic identity were ethnic, racial, and ideological identities. As evidence of this, it can be mentioned that the African-American race has been discriminated against for some time. Ethnic, religious, cultural, ideological diversity, as well as the lack of a common historical past, contributed to the emergence of the American nation. The idea of the American Creed, first proposed by Thomas Jefferson, occupied an important place. This idea itself arose in the 17th-18th centuries and its main elements were the English language, 10 concepts of evangelization, the rule of law, the responsibility of rulers and subordinates, protestant values, including individualism, work ethic, and belief in the improvement of this life. After the announcement of this idea and the opportunities provided by the American government, many migrants began to arrive in America. The "Statue of Liberty," located on what is present day Ellis Island. It was erected as a symbol of this American Dream.

Undoubtedly, English Protestant culture also plays a large role in the formation of American national identity. Protestant culture unites American citizens and distinguishes them from others (Samuel P. Huntington, 2004b: 19).

In addition, patriotic education is of great importance in the formation of American civic identity at the present stage. After all, the current domestic policy of the States is that the use of state symbols (toys, clothes, in interiors) from early childhood, starting with the younger generation, that is, from the birth of a child, contributes to the assimilation of American values and images.

The fact that the president-state visits the national flag next to every house testifies to a high level of citizenship and patriotism. In addition, for US citizens, public holidays are of great importance. In particular, for American citizens, June 4th "Independence Day" is a special holiday. On this day you can see "blue, red, white" colors of the national flag everywhere, the state gymnasium sounds in every organization, in the house.

Stanley Hoffman reveals the core essence of American identity by two factors: the "material factor" – ethnic diversity resulting from immigration, and the "ideological factor" – the liberal democratic creed (Gunnar M., 1998a: 72).

Currently, a number of considerations, including Kazakhstani ones, believe that the American model of nation-building is the most reliable. It is argued that Kazakhstan should adopt the experience of America, but without taking into account historical and cultural conditions that are varied and too far from each other (Kydytbekuly D., 2012: 12). However, of particular interest should be the model for the development of patriotic feelings among US citizens.

When looking at official documents and political ideology, we are no different from the US. In both states, citizens have the same rights and freedoms, regardless of the person's place of birth, language, religion, or ethnicity (Sengirbay M., 2014). However, the main difference is the existence of a titular, state-forming nation. American national policy is called the policy of the "melting pot" – the mixing of all peoples into a single nation. It absorbed several drops and created one large culture. Therefore, some scientists, as well as representatives of the national-patriotic community, believe that the US tradition in foreign civilian nations cannot serve as our basis.

In Great Britain, the process of forming civic identity has a centuries-old history and is currently a pressing issue. This state is also multi-ethnic, one of the multicultural states that implements the idea of a "big society" and a multicultural model. According to E. Smith, the nation in Great Britain was formed over many years as a "core" in which ethnicity was a priority. So, civic identity disappeared in the 18th-19th centuries based on state nationalism. It should not be forgotten that Great Britain consists of autonomous parts. Therefore, civic identity in a state is developed in the form of a supranational identity. An important component of this process is the English language, which contributes to the development of cultural unity, the culture of the English language, the history and pride of the English people.

The following components have a special place in the formation of the civic identity of Great Britain as a whole:

- civic duty and behavior, including systematic participation in elections;
- a sense of legitimacy, trust in political power and support for the monarchy;
- priority of public order, the ability of the population to solve government issues;

- the concept of an “ethnic” nation (Heath A., Roberts J., 2008).

Their own culture and mentality have been formed to unite the British, and, most importantly, there is a national character and behavior common to the entire people. That is, the ancient English tradition – a special model of civic identity – plays a special role in this.

William Brubaker in his work concludes that the language of the ethnic groups and tribes living in this territory acts as a unifying factor among the citizens of European states (Brubaker W., 1990a: 280). However, at the present stage, the process of influx of immigrants characterizes the problems of formation of civic identity in these states. Recently, the policy of multiculturalism has been criticized and seen as a “threat” of division society into small group identities and disintegrating society. For example, according to a survey conducted in Belgium, Germany, France, Denmark, Holland, Great Britain and Sweden, citizens expressed a negative opinion about the idea of a multicultural society (Coenders M., Scheepers P., Lubbers M., 2005: 12). This indicates that in a modern multi-ethnic society, the liberal content of civic identity has begun to be sharply criticized.

For Western nation states, it is first of all necessary that the state correspond to a unitary, in other words, egalitarian type of state identity. Secondly, citizens must have a special sense of belonging to the state. At the same time, one must be ready to sacrifice oneself for the sake of the future of state, to perform “sacred acts.” Third, membership in a state must be based on national identity. That is, the political community must be a cultural community, have a common language and a common mentality, and be a legitimate representative of the nation. If there is no nation spreading the same language in that state, the other members must be assimilated. Fourthly, membership in the state must be carried out in compliance with democratic principles. Fifth, each person must be a member of only one state. Sixth and finally, membership must be socially oriented (Brubaker W., 1990 b: 280). The type of civic identity in Western European and North American countries, which arose based on civic nationalism, has its own distinctive characteristics. This statehood is reflected in the influence of tradition on civic politics. For example, there are differences in the mechanisms of civic identity formation between Germany, Sweden, the UK, the USA and Canada.

The states of the USA and Canada are states formed on the basis of immigration, which cannot be said about Western European states. This does not mean that European states did not have an

immigration process at all. The appearance of a nation in these states indicates that it arose around one nation, which has its own centuries-old history of formation.

American scientists believe that a sense of political identity and a constant sense of belonging to one’s nation-state are of great importance. To create a civic culture, symbols that unite citizens and their sincere feelings are needed. They need mobilizing general factors, such as an event that will become one of the symbols, or faith in a leader with high charisma. For example, in order to strengthen civic identity in the German state, the government must fulfill its responsibilities and promises to the people (Brubaker W., 1990c: 280). That is, social trust and civic cooperation as components of civic identity in the realization of belonging to a particular political system express their significant influence.

The second feature is that the formation of state identity in these countries is carried out through membership in the nation. However, in both groups the concept and content of the nation differ from each other. While France, Germany, Sweden are among the unitary states, Switzerland, Great Britain, the USA and Canada are among the federal states. This establishes the spatial zone of the nation. However, there are differences between Western European countries. For example, the formation of the nation of France was initially carried out at the point of mutual intersection of politics and culture. Meanwhile, identity in Germany was based on culture.

Currently, there are many statements that civic identity directly depends on the internal economic situation in the country. However, citizens have their own needs in terms of economic and ethnic status. On the example of Canada, it can be seen that, despite its economic well-being, in the formation of the civic identity of the nation in Caen, there were identity conflicts between English-speaking and French-speaking citizens. In the formation of civic identity, conflicts occurred between ethnic identities.

While citizenship is a prerequisite for immigrant association (citizenship in the political sense) for the French population, citizenship in Germany is determined by ethnocultural relations (Brubaker W., 1990d: 280). However, in modern political practice it can be observed that cultural and ethnic types of identity are becoming increasingly dominant. According to V. S. Martyanov, the European Union shows the short viability of the “melting pot” ideology. This idea shows that the assimilation of an ethnic minority is not a dream come true; the struggle of subcultures in multicultural societies continues to become more complex (Martyanov B., 2011:

39). Some scholars call this phenomenon “cultural dormitories.” Because in these states the population of mixed-race people continues to increase day by day. And their contribution to the development of the state and civic society is not determined (Muir R., Wetherall M., 2010: 5).

Multiculturalism in these states has its own characteristics. On the example of a large influx of immigrants in Western European countries, one can observe the emergence of small cultural and ethnic enclaves within the state. Enclaves allow the preservation and strengthening of the language, culture and religion of an ethnic group. This means that nation formation in Western states was combined with democratic ideas. The main key element of a nation is citizenship, all members of the nation consist of equal and free citizens participating in the democratic political process (Kymlicka W., Norman W., 1995: 301). Without a sense of citizenship, the formation of a nation is impossible. After all, only citizenship contributes to the involvement of society in political life and the representation of its interests.

This leads to the conclusion that the formation of a nation in Western states has not only civic prerequisites, but also an ethnic and cultural component. This is also manifested in American nationalism in the history of the formation of the American nation as a model of true “citizenship nationalism”. For example, S. Huntington comes to the conclusion that the formation of the American nation was greatly influenced by Anglo-Saxon Protestantism, which is based on the racial, ethnic and religious characteristics of citizens (Samuel P. Huntington, 2004c: 49).

Ethnic nationalism and civic nationalism cannot be considered as opposing concepts in the path of nation formation. Civic and ethnic components are present in every state. The problem lies only in their mutual proportions and mechanisms of influence (Gunnar M., 1998b: 72).

In order to identify the specifics of civic identity, a parallel was drawn between eastern states using the example of Western states. At the present stage, among Asian states, the nation-building experience of Singapore is of greatest interest. Like many eastern countries, in countries free from colonial power, Singapore is in the first place of accelerated modernization development. Singapore is one of the most multi-ethnic countries in the world. Singapore’s population is heterogeneous. It contains not only linguistic, but also religious, cultural, and traditional versatility. However, the unifying factor was the English language, which united traditional values. It is believed that the “economic success” achieved by the state through modernization of the

economic system has also contributed greatly to the formation of civic identity in Singapore. Singapore’s economic miracle and systematic policy aimed at ensuring social security, in turn, were perceived as a motivating force that unites the state, people, and society.

Singapore is a leading example of civic identity formation for post-industrial societies. As part of the ideology of shared values, the state sought to form and maintain an “Asian identity” focused on a rigid social hierarchy (Leitch B., 1991). Social policy has made a great contribution to the formation of civic identity in Singapore. The state set the goal of improving living conditions in the country through economic success. At the same time, special attention was paid to the issues of housing, healthcare, improving living standards, wages, etc.

The former USSR countries are of particular interest. After the collapse of the Union of Soviet Socialist Republics, all 15 states (Estonia, Lithuania, Latvia, Azerbaijan, Georgia, Russia, Uzbekistan, Moldova, Ukraine, Belarus, Turkmenistan, Armenia, Tajikistan, Kazakhstan, Kyrgyzstan) were named after indigenous peoples. The state was named after the indigenous ethnic groups, and the language of the indigenous ethnic groups was chosen as the state language. The formation of civic and ethnic identity took place simultaneously. It became increasingly difficult to make changes in the self-awareness of citizens in the supranational Soviet identity. In post-Soviet states, civic identity began to be formed by the following circumstances:

- coexistence of civic identity with ethnic identity;
- enrichment of civic identity with democratic values;
- the presence of a “Soviet man” component in civic identity;
- change of state symbols, values (the flag, coat of arms, anthem, state language, etc. were described);
- civic identity began to be realized through civic, cultural integration;
- a new state-civic identity began to form.

The ethnopolitical situation that emerged in the states of the USSR largely determined the civic and ethnic identity of the population. Both of these identities, in turn, acquired a complex character in the Soviet civic consciousness. Formally, there were two citizenships in the USSR: one all-Union, the other republican. However, the importance of republican citizenship was less important than union citizenship (Mitsekevich A., 1996: 4).

As Nurtai Mustafayev found out, for many post-Soviet states the problem of forming civic identity is becoming increasingly relevant (Mustafaev N.,

2013). At the same time, it should be noted the political essence, the meaning of the formation of a nation. The fact is that liberal values, equality and mutual cooperation between ethnic groups have had a positive impact on the multi-vector policy of Kazakhstan. Moreover, the creation of optimal conditions for preserving the culture and traditions of an ethnic minority not only ensured internal stability, but also contributed to the establishment of friendly relations with neighboring states on the world stage and conferring the title of a tolerant state.

Currently, numerous scientific articles, dissertations, and monographs are being published on the problem of the formation of civic identity in the Russian Federation. In general, when analyzing these scientific works, the overwhelming majority is dominated by the tendency to consider civic identity from the point of view of patriotism, political socialization, and political culture. This, of course, first of all makes a great contribution to maintaining the integrity, sovereignty, and tranquility of the state. After all, Russia is a federal state. The process of their nation formation is carried out by forming a common “supranational” or “state-civic” identity for all peoples, uniting several autonomous states.

Thus, the following are defined as the structure of civic identity in Russia:

- state identity – awareness of a person’s belonging to a specific state, acceptance of constitutional rights and obligations;
- patriotism – filling state identity with value content;
- citizenship – the assimilation of the qualities of a citizen capable of really influencing public life and as an active member of the state (Yushin M., 2007: 17).

The experience most similar to the process of formation of the civic identity of Kazakhstan is the model of nation-building in Estonia. In many modern literatures, the Estonian model of transformation of post-Soviet states is called successful. Kazakhstan and Estonia were in a similar situation. We can say that both states avoided ethnic contradictions. The Republic of Estonia is currently an independent democratic parliamentary republic. In the year of independence, the composition of the Estonian population consisted of Estonians 61.5%, Russians 30.3%, Ukrainians 3.1%, Belarusians 1.8%, Finns 1.1%, others 2.2%. The Estonian language was recognized as the state language, and Russian as the language of general use (Estonia: 2023, www.wikipedia.org). The national-state structure of this state is characterized by two trends: firstly, as a democratic state (support for the liberal concept of civic identity),

and secondly, the integration of ethnic groups, ethnic culture and language. However, problems arose that influenced the formation of a common civic identity for Estonia. Some scholars argue that this was primarily due to the Russian language.

Estonian scientist Raivo Vetik in his work “Nation building in the context of post-communist transformation and globalization: the example of Estonia” argues that the Russian language was an obstacle to the development of the civic identity of the Estonian people (Vetik R., 2012: 10). In this regard, the Estonian government faced the following tasks: solution of the linguistic problem; determination of general plans for the future of the state; strengthening and deepening democracy; strengthening trust in the state.

Conclusion

As a result of the analysis, it can be noted that the formation of civic identity in Eastern European states was carried out on the basis of ethnic identity. Scientists note that in the formation of civic identity it is necessary to pay attention to ethnocultural features, including the features of the state-forming indigenous ethnic group. It is concluded that nation formation is inappropriate to focus solely on civic or ethnic identity. According to the examples above, civic identity does not displace ethnic identity. On the contrary, they complement each other. Therefore, we consider it necessary in Kazakhstan to form a common civic identity for the entire population, based on ethnic characteristics. At the same time, it can be noted that it is necessary to form national identity, creating maximum conditions for the formation and development of the ethnic identity of each people.

The study reveals that the formation of civic identity has its own distinctive features. While some states only need to honor cultural traditions and mentality, some states need to increase the civic activity of citizens, strengthen trust in the state, and advocate common interests. This shows that the process of formation of civic identity in one country cannot serve as an example for another. The state must take into account its internal political, economic, social, and demographic situation when forming the civic identity of its people.

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References

- Brubaker R. (1996). *Nationalism Reframed: Nationhood and the National Question in Europe*, Cambridge, Cambridge University Press, 320 p.
- Brubaker W. (1990). *Citizenship and Nationhood in France and Germany*. Submitted in partial fulfillment of the requirements for the degree of Doctor Philosophy in the Graduate School of Arts and Sciences, Washington, Columbia University, 280 p.
- Coenders M., Scheepers P., Lubbers M., (2005). *Majorities Attitudes toward Minorities // European Union Monitoring Centre on Racism and Xenophobia*, Vienna, 12 p.
- Estonia, Wikipedia, // www.wikipedia.org.
- Gunnar M. (1998). *An American Dilemma: The Negro Problem and Modern Democracy*, New York: Harper, 72p.
- Heath A., Roberts J. (January 2006). *British Identity: Its Sources and Possible Implications for Civic Attitudes and Behaviour*, ResearchGate, // https://www.researchgate.net/publication/228650177_British_Identity_Its_Sources_and_Possible_Implications_for_Civic_Attitudes_and_Behaviour.
- Jason A. (February 2004). *Liberal Citizenship and Civic Friendship*. Political theory. Vol.32 No.1. 85-108 p.
- Kydyrbekuly D. (2012). “Alys ta Zhakyn America [America is far and near]”, *Egemen Kazakhstan*, 12 p.
- Kymlicka W. (2001). *Politics in the Vemacular: Nationalism, Multiculturalism and Citizenship*, Oxford, Oxford University Press, 560 p.
- Kymlicka W., Norman W. (1995) *Return of the Citizen: A Survey of the recent Work on Citizenship Theory*. Albany: State University of New York Press, 301 p.
- Leitch B. (1991). *Singapore: A country Study*, Library of congress, <https://www.loc.gov/item/90025755/>.
- Martyanov B. (2011). “Konflikt identichnostej v politicheskom proekte moderna: mul'tikul'turalizm ili assimiljacija? [Identity conflict in the political project of modernity: multiculturalism or assimilation?]” *Identity as a subject of political analysis: Collection of articles based on the results of the All-Russian Scientific and Theoretical Conference*, Moscow, 39 p.
- Mitsekevich A. (1996). “Kommentarij zakonodatel'stva gosudarstv – uchastnikov SNG o grazhdanstve [Commentary on the legislation of the CIS member states on citizenship]”, Moscow, 4 p.
- Muir R. (2010). *Wetherall M. Identity, Politics and Public policy*, London: IPPR, 5 p.
- Mustafaev N. (2013). “Najti sebja [Find yourself]”, // <https://dialog.kz/comment/47580>.
- Papyan V.Ju. (2009). “Nacional'no-kul'turnoe samoopredelenie kak faktor uprochneniya grazhdanskoj identichnosti sovremenogo rossijskogo obshhestva: dissertacija na soiskanie uchenoj stepeni kandidata politicheskikh nauk. [National-cultural self-determination as a factor in strengthening the civil identity of modern Russian society: a dissertation for the degree of candidate of political sciences]”, Stavropol, 47 p.
- Samuel P. Huntington (2004). “Kto my? Vyzovy amerikanskoj nacional'noj identichnosti [Who Are We? The Challenges to America's National Identity]” Translation from English by A. Bashkirov, Moscow: ACT Publishing House LLC: Transitektiv LLC, 17 p.
- Sengirbai M. (2014). “Bizge ulttyk memleket kerek pe? [Do we need a nation state?]”, *Saigez.kz*, // <https://saigez.kz/546-mukhtar-sengirbai-bizge-ulttyk-memleket-kerek-pe>.
- Smith A.D. (1991). *National Identity*, Reno: Las Vegas, 233 p.
- Smith A.D. (2001). *Interpretations of national identity: Modern roots*. Studies of national identity, Aldershot: Ashgate, 191 p.
- Vetik R. (2012) *Nation-Building in the context of Post-Communist Transformation an globalization: The case of Estonia*. Internationaler Verlag der Wissenschaften, Estonia, 10 p.
- Yushin M. (2007). “Politicheskie mehanizmy formirovaniya grazhdanskoj identichnosti molodezhi v sovremennoj Rossii: avtoreferat na soiskanie stepeni kandidata politicheskikh nauk [Political mechanisms for the formation of civic identity of youth in modern Russia: abstract for the degree of candidate of political sciences]”, Tula, 17 p.

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ЦИФРЛЫҚ ДИПЛОМАТИЯ НАВИГАЦИЯСЫ: БҰҰ ЖӘНЕ ЕО ДЕҢГЕЙІНДЕ ЖАСАНДЫ ИНТЕЛЛЕКТТІ РЕТТЕУДЕГІ КӨПЖАҚТЫ ҮНТЫМАҚТАСТЫҚ

Мақалада цифрлық дипломатияның маңыздылығына баса назар аудара отырып, БҰҰ және ЕО деңгейінде жасанды интеллектті реттеудегі көпжақты ынтымақтастықтың маңызды рөлі туралы айтылады. Үнемі өзгеретін жаһандық басқару ландшафтында ол жасанды интеллект дамуын қадағалау үшін БҰҰ мен ЕО аясында әзірленген стратегияларға назар аударады. Зерттеу жасанды интеллект реттеуімен байланысты қиындықтар мен мүмкіндіктерге жарық түсіруге бағытталған және тиімді реттеуші жауаптарды қалыптастырудағы ұжымдық әрекеттің маңыздылығын көрсетеді. Жасанды интеллект, халықаралық қатынастар және басқарудың қиылысын зерттей отырып, зерттеу цифрлық дәуірдегі этикалық және стратегиялық саясатты құру туралы қазіргі дискурста үлес қосуға тырысады.

Әдістемелік тұрғыдан зерттеу жасанды интеллектті реттеуге қатысты бар әдебиеттерді, бағдарламалық құжаттарды және көп мүдделі тараптардың бастамаларын жан-жақты шолуға негізделген. Нәтижелер жылдам өзгеретін технологиялық ландшафтта жасанды интеллектті реттеу қиындықтарын және пайда болған мәселелерді тиімді шешу үшін көп мүдделі тараптардың ынтымақтастығы қажеттілігін көрсетеді. Мақаланың құндылығы – зерттеу дамып келе жатқан технологияларды реттеудегі көпжақты ынтымақтастықтың дамып келе жатқан динамикасына перспективалар беру арқылы жасанды интеллектті басқару және цифрлық дипломатия саласындағы түсіністікті арттыруға ықпал етеді. Тәжірибелік тұрғыдан нәтижелер жасанды интеллектті реттеуге қатысатын саясаткерлер мен мүдделі тараптар үшін құнды ұсыныстар береді, бұл реттеуші олқылықтарды жою және жасанды интеллектті жауапты дамытуға жәрдемдесу үшін күш-жігерді үйлестірудің маңыздылығын көрсетеді.

Түйін сөздер: жасанды интеллект, көпжақты ынтымақтастық, цифрлық дипломатия, жасанды интеллектті басқару, Біріккен Ұлттар Ұйымы, Еуропалық Одақ.

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Navigating the Digital Diplomacy Frontier: Multilateral Cooperation in AI Regulation at the UN and EU Levels

This paper delves into the critical role of multilateral cooperation in regulating artificial intelligence (AI) at both the United Nations and European Union levels, highlighting the realm of digital diplomacy. Amidst the ever-evolving landscape of global governance, it focuses on strategies within UN and EU frameworks to oversee AI development. The research aims to shed light on the challenges and opportunities inherent in regulating AI and emphasizes the importance of collective action in formulating effective regulatory measures. By analyzing the intersection of AI, international relations, and governance, the study seeks to contribute to the ongoing discourse on shaping ethical and strategic policies in the digital age. Methodologically, the research employs a comprehensive review of existing literature, policy documents, and multilateral initiatives related to AI regulation.

The findings highlight the complexities of regulating AI in a rapidly evolving technological landscape and underscore the need for multilateral cooperation to address emerging challenges effectively. In terms of value, this research contributes to advancing the understanding of AI governance and digital diplomacy, providing insights into the evolving dynamics of multilateral cooperation in regulating emerging technologies. Practically, the findings offer actionable insights for policymakers and stakeholders

involved in AI regulation, highlighting the importance of coordinated efforts to address regulatory gaps and promote responsible AI development.

Key words: artificial intelligence, multilateral cooperation, digital diplomacy, artificial intelligence governance, United Nations, European Union.

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Навигация в цифровой дипломатии: многостороннее сотрудничество в регулировании искусственного интеллекта на уровне ООН и ЕС

Статья затрагивает важную роль многостороннего сотрудничества в регулировании искусственного интеллекта как на уровне ООН, так и ЕС, подчеркивая значимость цифровой дипломатии. В условиях постоянно меняющегося ландшафта глобального управления она сосредотачивается на стратегиях, разработанных в рамках ООН и ЕС для надзора за развитием ИИ. Цель исследования заключается в проливании света на вызовы и возможности, связанные с регулированием ИИ, и подчеркивает важность коллективного действия в формулировании эффективных регулирующих мер. Анализируя пересечение ИИ, международных отношений и управления, исследование стремится внести свой вклад в текущий дискурс о формировании этических и стратегических политик в цифровую эпоху.

Методологически исследование опирается на всесторонний обзор существующей литературы, документов политики и многосторонних инициатив, связанных с регулированием ИИ. Выводы подчеркивают сложности регулирования ИИ в быстро меняющемся технологическом ландшафте и необходимость многостороннего сотрудничества для эффективного решения возникающих вызовов. С точки зрения ценности, данное исследование способствует продвижению понимания в области управления ИИ и цифровой дипломатии, предоставляя взгляды на развивающиеся динамики многостороннего сотрудничества в регулировании новых технологий. Практически результаты предлагают ценные рекомендации для политиков и заинтересованных сторон, участвующих в регулировании ИИ, подчеркивая важность координации усилий для устранения регуляторных пробелов и стимулирования ответственного развития ИИ.

Ключевые слова: искусственный интеллект, многостороннее сотрудничество, цифровая дипломатия, управление искусственным интеллектом, Организации Объединенных Наций, Европейского Союза.

Кіріспе

Жасанды интеллект (ЖИ) денсаулық сақтауды жақсарту, энергия тұтынуды азайту және өнімділікті арттыру сияқты қоғамға айтарлықтай пайда әкелуі мүмкін. Дегенмен, ол біржақтылық пен кемсітушілік, жеке өмірге қол сұғылмаушылықты бұзу және автономды қару жасау мүмкіндігі сияқты елеулі тәуекелдермен ерекшеленеді. ЖИ технологияларының қарқынды дамуы халықаралық қоғамдастықта айтарлықтай шиеленіс туғызуда. Ол ЖИ саласындағы көшбасшылық үшін жаһандық жарыста және ЖИ технологиясын реттеудің негізгі мәселелерін талқылауда көрінеді. ЖИ ұлттық стратегияларын қабылдаған әлемнің экономикалық жетекші жиырма елі ЖИ дамуының жалпы жолдарын шамамен бірдей деп есептейді, бірақ мемлекеттердің мүдделері сәйкес емес және кейде тіптен бір-біріне қайшы келеді. Мемлекеттердегі ЖИ технологияларының

дамуының әртүрлі деңгейлері қазірдің өзінде әлемді «бар және жоқ» – технологиялары бар және технологиялары жоқ елдерге немесе әлеуметтік топтарға бөлуге алып келді.

ЖИ адамдардың игілігі үшін қызмет етуі керек деген әлемдік консенсусқа қарамастан, тек ЕО ғана этиканы бірінші орынға қояды, ал Америка Құрама Штаттары (АҚШ) пен Қытай Халық Республикасы (ҚХР) шамадан тыс реттеу артта қалуға әкелуі мүмкін деп санайды. Кез келген ел, ең алдымен, технологиялық тәуелсіздікке қол жеткізу үшін өз деректеріне бақылау орнатуы қажет. Екіншіден, үлкен деректер тиімді ЖИ жүйелерін құрудың негізгі ресурсы болып табылады. Дүние жүзінде деректердің ашықтығына қатысты екі полярлық тенденция бар: Экономикалық ынтымақтастық және даму ұйымы (OECD) позициясы қолдаған американдық көзқарас, «деректерге шекарасыз қол жеткізуге» бағытталған және ұлттық шекараларға ақпарат

ағынын қатаң шектейтін қытайлық көзқарас (Kozyulin 2021).

Әлемде жауапты интеллектіні дамытуға бағытталған мемлекеттік және жеке ұйымдардың декларациялары мен бағдарламалары санының артуы байқалады. Олардың көпшілігі жалпы қағидаларға тоқталса, соңғы екі жылда бұл қағидаларды толыққанды саяси негізде іс жүзіне асыруға күш салынды. Бұл мағынадағы көшбасшылар ЖИ үкіметте қолдану бойынша канадалық директивалар, Сингапурдың ЖИ басқару моделі, адамға бағытталған ЖИ жапондық әлеуметтік принциптері және ЖИ этикасы мен қауіпсіздігін түсінуге арналған британдық нұсқаулық болды. Одан кейін АҚШ-тың ЖИ реттеуші федералды агенттіктеріне арналған ұсынымдары және осы агенттіктердің ЖИ қалай пайдалануы керектігі туралы атқарушы бұйрық шықты. Жақында Еуропалық Одақ (ЕО) ЖИ реттеуін қабылдау туралы ұсынысы ЖИ реттейтін кешенді заңнамалық схеманы енгізудің алғашқы әрекеті болды. Бұл ретте халықаралық ынтымақтастықты толық жаһандық үйлестіру ретінде түсіндіруге болмайды. Өйткені елдер ұлттық стратегиялық басымдықтары, құқықтық дәстүрлері, экономикалық құрылымдары, демографиясы және географиясы бойынша заңды түрде ерекшеленеді. Осыған қарамастан, халықаралық ынтымақтастық елдерге ЖИ бойынша жемісті «ынтымақтастығына» қатысуға мүмкіндік беретін тең ойын алаңын жасай алады. Негізгі қағидаларды келісу және мүмкіндігінше бірлескен нәтижелерге қол жеткізу, сонымен қатар жаһандық ауқымды қамтитын ең жақсы шешімдер үшін бәсекелесу деңгейін арттыру арқылы. Ортақ қағидағаттар мен құндылықтарға негізделген берік ынтымақтастық ЖИ табысты ұлттық дамудың негізі болып табылады.

Зерттеу әдістері

Біріккен Ұлттар Ұйымы (БҰҰ) және ЕО деңгейінде ЖИ технологияларын пайдалануды реттеудегі көпжақты ынтымақтастық мәселелерін зерттеу үшін сапалы әдістер, эволюциялық жаһандық зерттеулер, құжаттарды талдау және т.б. қолданылды. Сапалық әдіс мәтіндік деректерді жинауға (жеке сұхбат мәтіндері, енгізілген бақылау деректері және т.б.) және оларды арнайы аналитикалық әдістер арқылы әрі қарай құрылымдауға негізделген. Сарапшы ғалымдар мен практиктердің пікірлерін талдау БҰҰ және ЕО деңгейінде ЖИ технологияларын пайдалануды реттеудегі көпжақты

ынтымақтастықтың проблемалық мәселелері бойынша қосымша білім алуға және бірнеше бастапқы гипотезаларды тұжырымдауға мүмкіндік береді. Эволюциялық тәсілді қолдану негізгі жаһандық процестердің мәнін анықтауға және олардың қоғамдық қатынастарды өзгертудегі рөлін ашуға мүмкіндік береді. Құжаттарды зерттеу әдісі жалпыға қолжетімді ақпараттың шектеулі көлемімен байланысты бақылау әдісінің бір түрі ретінде, сондай-ақ мемлекеттердің, БҰҰ және ЕО органдары мен институттарының АИ саласындағы көпжақты ынтымақтастық саласында шынайы ниеттерін және қолданыстағы бағыттары мен тенденцияларын анықтаудың негізгі әдісі ретінде пайдаланылды.

Әдебиетке шолу

Жаһандық саясат пен экономиканың өзгеруіне ЖИ әсері

Қазіргі халықаралық қатынастардағы АИ рөлі мәселесі негізінен өзгермелі әлемдік саясат пен экономикаға АИ әсерінің әртүрлі аспектілерін талдайтын батыс авторларының еңбектеріне негізделген. Бұл мәселені зерттеген пионерлердің қатарында Н. Вайнердің 1950 жылы жарық көрген және ЖИ арналған «The Use of Human Beings» кітабын айтуға болады. Бұл автор адамдар мен компьютерлерді біріктіретін кибернетика тұжырымдамасын жасады деп саналады. Негізгі тұжырымдама жүйелік басқаруды қолдану арқылы кері байланыс орнатылды. Ол адамның мінез-құлқы осындай кері байланысты пайдаланудың мысалы болып табылады және оны машиналар арқылы модельдеуге болады деп есептеді. Дж. Брокманның (2019 ж.) «Possible Minds» ЖИ туралы редакциялаған эсселер топтамасынан шыққан ұжымдық монографиясы осы мәселеге алғашқы пәнаралық көзқарас ретінде қарастырылуы керек, өйткені автор ғылымның әртүрлі салаларындағы көшбасшыларды таныстырады, олар ЖИ ғылым саласына үлес қосқан.

Нью-Йорк университетінің профессорлары өздерінің жаңа «The Reboot of AI» кітабында (2019) ЖИ мен әлемнің дамуы арасындағы байланысты зерттейді. Сарапшылар ЖИ пен халықаралық қатынастар саласындағы зерттеулерді бір-бірінен бөліп қарауға болмайтынын ескертеді. ЖИ жүйесі өз міндеттерін және оның айналасындағы әлемді толық түсінбесе, бұл қауіпті салдарға әкелуі мүмкін. Жүйе ортасындағы ең аз күтпеген өзгерістер оның дұрыс жұмыс істемеуіне әкелуі мүмкін.

Бұған дейін көп мысалдар: алауыздықты тудыру, алдауға оңай детекторларды жасау, кемсітушілікті жасайтын жұмысқа қолдану жүйелері және кейде көлік жүргізушіні немесе жаяу жүргіншіні өлтіретін апатқа ұшыраған жүргізушісіз көліктер болған. Жалпыға ортақ тұрақтылық пен дамуға қол жеткізу үшін күш біріктіруге шақырады. Жалпы ЖИ зерттеу – бұл жай ғана қызықты зерттеу мәселесі емес, оның нақты мақсаттары бар дейді авторлар (Marcus, and Davis 2019).

Үлкен нәтижелерге қол жеткізген елдерде ЖИ дамытуға арналған істеген жұмыстарына ерекше назар аудару керек. Жетекші мемлекеттердің (АҚШ, ҚХР, ЕО) ЖИ технологияларын дамыту тәжірибесін талдау және осы саладағы ынтымақтастық еуропалық, американдық және қытайлық авторлардың еңбектерінде ЖИ дамыту саласындағы мемлекеттік саясаттың әртүрлі аспектілерін зерттеу жасалған. Коулз, Морли және басқалар (Coles, Morley and et al (2021)) мәлімдемелер мен саясатты талдау арқылы цифрлық егемендік арқылы еуропалық құндылықтарды қорғауды зерттеді. Сондай-ақ осы бағытта келесі зерттеулер мен мақалалар бар: Regulation of AI in China and the European Union: Comparing Goals and Promoting Ethical Outcomes (2022); China's Cyberspace Governance (2021) Regulation of Algorithmic Recommendation Management in Internet Information Services (2019); Drafting China's National AI Governance Team (2019).

АҚШ ЖИ саласындағы сөзсіз көшбасшы екені белгілі. Соған қарамастан, американдық ғалымдар соңғы технологиялардың ел басшылығына ықпалын белсенді түрде талқылауда. Бұл мәселе бойынша америкалық сарапшылар қауымдастығы екі үлкен топқа бөлінген. Осылайша, Дж. Хопкинс университетінің профессоры, халықаралық қатынастар жөніндегі кеңестің мүшесі Фаррелл мен Джорджтаунның профессоры Ньюман АҚШ қарсыластарына да, одақтастарына да үстемдік ететін әлемдегі ең жоғарғы держава екеніне сенімді. Жаһандық технологиялық жүйелердің басты элементтерін тиімді бақылау маңызды. Алайда, ақпараттық желі орталықтандырылмаған және көпшілігі Америкада орналасқан «тар жерлерге» байланысты (Фаррелл, Ньюман, 2023). Олардың қарсыластары бұл мәселе бойынша абайлап сөйлеп, ЖИ индустриясын кез келген реттеу геосаяси шығындарға әкелетінін ескертеді (Toner, Xiao, және т.б. 2023).

Карнеги қорының өкілі М. Шиен Қытайдағы ЖИ саясаттандыру мәселесін көтереді: «...

Қытайдың генеративті ЖИ туралы соңғы заңнамасы компаниялардан «негізгі социалистік құндылықтарды» қолдауды талап етеді, ал Ч. Шумер (АҚШ Сенатындағы көпшіліктің жетекшісі) американдық ЖИ жүйелері «біздің демократиялық құндылықтарымызға сәйкес келуін» талап ететін заң шығаруға шақырды. Бұл автор АИ дамуындағы этикалық және технологиялық мәселелердің жүйелілігі туралы мәселені көтереді. Қытайлық тәсілді сынай отырып, М. Шиен «бұл құрылым мен үдеріске бағытталған сабақтарды байыппен қабылдау керек, өйткені олар өте бағалы болуы мүмкін», – деп санайды (Sheehan 2023). Қытай билігі саяси құпия ақпарат ағынын бақылау мен қытайлық ЖИ дамуына жәрдемдесу арасындағы тепе-теңдікті табуға тырысады, – деп есептейтін В.Хеншалл онымен келіседі. Бұл тепе-теңдікке қалай қол жеткізілетіні Қытай азаматтарының саяси бостандықтары мен Қытайдың ЖИ индустриясының жетістігіне әсер етіп қана қоймайды. Бұл сонымен қатар ЖИ саласындағы әлемдік үстемділік жарысы контекстіндегі ЖИ саясаты туралы АҚШ заң шығарушыларының пікірлеріне әсер етуі мүмкін (Henshall 2023).

Еуропалық авторларды ЕО-ның цифрлық әлемдегі рөлі де алаңдатады. Олар үшін ерекше маңызды сұрақ: 2010 жылдардың соңында әлемнің 150 елінің көпшілігі үшін құпиялылық туралы заңдардың үлгісіне айналған Деректерді қорғаудың жалпы ережесімен жасалған виртуалды әлемнің супер реттеушісі ретінде ЕО рөлін күшейте алады ма? Шындығында, Одақ өзінің реттеу жүйесіне сүйенуді жалғастыра алмайды. Оның орнына, ол өзінің ЖИ саласын нығайтуға, әсіресе еуропалық стартаптардың өмірін жеңілдететін ЕО цифрлық бірыңғай нарығын құру арқылы күш-жігерін еселеуі керек. Еуропалық реформалар орталығының сараптамалық орталығының пікірінше, Еуропаның ЖИ державасына айналуы екіталай болғандықтан, ол сонымен қатар компанияларды бизнеске технологияны енгізуге күш салуы керек (The Economist 2023).

Колумбия университетінің профессоры және заң мектебінің өкілі Ана Брэдфордтың зерттеуі үш басым цифрлық держава – АҚШ, Қытай және ЕО арасындағы жаһандық шайқас мәселесін қорытындылайды. Брэдфорд үш бәсекелес реттеу тәсілін зерттейді – американдық нарыққа бағытталған модель, қытайлық мемлекетке бағытталған модель және адам құқықтарына негізделген еуропалық реттеу моделі – және үкіметтер мен технологиялық компаниялардың

осы реттеу тәсілдері халықаралық салада соқтығысқан кезде туындайтын сөзсіз қақтығыстармен қалай күресетінін талқылайды. Жаһандық ықпал үшін күресте қандай цифрлық империя жеңетіні ашық сұрақ болып қала береді, бірақ олардың қарсы стратегиялары барған сайын айқын бола түсуде (Bradford 2023).

Жаһандық экономикалық өзара тәуелділіктің күшеюі жағдайында ЖИ технологияларының әлемдік экономикалық өсуге, еңбек нарығына, сондай-ақ қаржы секторына әсер ету мәселесі сұранысқа ие. Оң жақтары да, оларды экономикаға енгізуден туындайтын қауіптер де талданады. Жетілдірілген технологияларды қарызға алатын дамушы елдердің салыстырмалы түрде аз экономикалық пайда беретін ЖИ технологияларын ілгерілетуге ынтасы аз. ЖИ пайдалану еңбек нарығындағы тепе-теңдікті де өзгертеді. Цифрлық дағдылардың төмен деңгейін талап ететін кәсіптердің үлесі 2030 жылға қарай 40%-ға төмендейді. Бұл процестер сыйақы құрылымына да әсер етеді. Жұмыспен қамту мен жалақыдағы айырмашылықтың артуы еңбек нарығындағы бәсекелестікке әкеледі. Тиісінше, адамдардың негізгі қажеттіліктерін қанағаттандыру еңбек емес табыс көздері (әлеуметтік төлемдер, негізгі табыс) есебінен жүзеге асырылуы қажет (Ivanovsky 2021).

Өнімділік және экономикалық өсу мәселелері; ЖИ жұмыспен қамтуға әсері; және ЖИ табыс теңсіздігін арттыра ма және осы негізде ЖИ бөлу құрылымына және кіріс теңсіздігіне ықтимал теріс әсерін азайту үшін мемлекеттік саясатты қалай жүзеге асыру керек деген сұрақ (Solos, and Leonard 2022) жұмысында талданған. ЖИ әлемдік саудаға әсері мәселелері Л. Янның «Роботтар және жасанды интеллект: жаңа экономикалық дәуір» (L. Jan 2022) жұмысында талданады, онда өнеркәсіптік роботтар, автоматтандыру және ЖИ халықаралық өсуге, саудаға, өнімділікке, жұмыспен қамту, жалақы және әлауқатқа қалай әсер ететіні талқыланады. Бұл еңбек роботтар мен ЖИ жаһандық экономикаға қалай әсер ететініне қатысты жаңа тәсілдерді түсіндіреді (Ing, and Grossman 2023). Бірнеше мақалалар ЖИ халықаралық қатынастар мен қоғамға ықпалының белгілі бір бағыттарына арналған. Мысалы, «Жасанды интеллекттің толық әлеуетін қалай жүзеге асыруға болады» деген мақаланың негізгі мақсаты – ЖИ бәсекелестік артықшылықтарды қалай жасай алатындығын және ЖИ толық әлеуетін жүзеге асыруға кедергі келтіретін негізгі кедергілерді күшейтетінін анықтау үшін бизнес және ме-

неджмент саласындағы бар ЖИ әдебиетін қорытындылау (Hang, and Chen 2022).

Осылайша, ғылыми әдебиеттерге шолу ЖИ тек геэкономиканы ғана емес, сонымен бірге мемлекеттердің геосаясатын да өзгертеді, мемлекетаралық ынтымақтастық үшін жаңа тәуекелдерді сақтайды және тіпті жасайды деген қорытынды жасауға мүмкіндік береді. Авторлар негізінен әлемнің жетекші мемлекеттері мен интеграцияларының мүдделеріне назар аударады. Дегенмен, дамушы елдердегі, оның ішінде Қазақстандағы жағдай іс жүзінде зерттелмеген және отандық және шетелдік сарапшылар тарапынан осындай тақырыптар көтерілмейді. Бұл Қазақстан Республикасының жаһандық цифрлық кеңістікке енуі үшін мүмкіндігінше отандық зерттеулердің қажеттігін көрсетеді. ЖИ тек геэкономиканы ғана емес, сонымен бірге мемлекеттердің геосаясатын да өзгертеді, мемлекетаралық ынтымақтастық үшін жаңа тәуекелдерді сақтап ғана қоймай, оларды тұдырады. Жетекші зерттеушілер негізінен алпауыт мемлекеттер мен интеграциялық субъектілердің мүдделеріне басты назар аударады. Дамушы елдердегі, соның ішінде Қазақстандағы жағдай іс жүзінде зерттелмеген және отандық және шетелдік сарапшылар тарапынан қарастырылмаған. Бұл Қазақстанның жаһандық цифрлық кеңістікке ену мүмкіндіктері туралы отандық зерттеулердің қажеттілігін көрсетеді.

ЖИ технологияларын пайдалануды реттеудегі көпжақты ынтымақтастық бойынша зерттеулер

Мемлекеттік және халықаралық ынтымақтастық деңгейінде цифрландыру және АИ саласындағы саясатты қалыптастыру теориясы бойынша негізінен шетелдік авторлардың бірнеше жұмыстары жарияланды.

а) Керри және Мелтцер (Kerry, Meltzer and et al 2022) және т.б. жаһандық ауқымдағы ЖИ саласындағы ынтымақтастық мәселелерін зерттеді. Зерттеу нәтижесінде авторлар осы саладағы мемлекеттік саясат бойынша ұсынымдарды тұжырымдады: климаттың өзгеруін бақылау және басқару және құпиялылықты арттыру технологияларының дамуын жеделдетуде ЖИ пайдалану бойынша бірлескен ғылыми-зерттеу және тәжірибелік-конструкторлық жұмыстарға басымдық беру. Осы кешенді ұсынысты жүзеге асыру үшін осы екі салада бірлескен ғылыми-зерттеу жобаларын жүзеге асыру және осы және басқа қадамдарды

зерттеу үшін ЖИ бойынша ынтымақтастық форумы (Forum for Cooperation on AI) қатысушыларымен және басқа да тиісті сарапшылармен семинарлар өткізу бойынша нақты қадамдар ұсынылады.

б) Брукингс институтының (Вашингтон, АҚШ) сарапшылары осы әртүрлі саясатты құру күш-жігерін қалай үйлестіруге болатынын зерттей отырып, халықаралық ынтымақтастықты арттырудың ең маңызды себептеріне («неліктен») назар аударды; ынтымақтастықты арттыруға ең дайын болып көрінетін мәселелер мен саясат бағыттары («не»); сондай-ақ халықаралық ЖИ стандарттарын, реттеуші ынтымақтастықты және жаһандық мәселелерді шешу үшін бірлескен ғылыми зерттеу жобаларын («қалай») ілгерілетуде маңызды нәтижелерге қол жеткізу үшін пайдалануға болатын құралдар мен форумдарға назар аударды. Есептің соңында авторлар алдағы топтық талқылауларда зерттеуді ұсынатын тақырыптарды тізімдейді (Progress Report 2021).

с) ЕО ғалымдары мен сарапшылары ЖИ жүйелеріне арналған этикалық қағидаларды: адамның жеке басын құрметтеу, зиянның алдын алу, бейтараптық және болжамдылық зерттейді. Еуропалық комиссия жұмыс істеп тұрған ЖИ бойынша алғашқы құқықтық базаны ұсынды. ЖИ бойынша бұйрық туралы ұсынысты Комиссия 2021 жылдың сәуірінде жариялады. Ол 4 түрлі деңгейге: рұқсат етілмейтін тәуекел, жоғары тәуекел, шектеулі тәуекел және минималды тәуекел, бөлу арқылы нақты ЖИ пайдалану тәуекелдерін жоюға бағытталған. Сонымен қатар, ЖИ ережесі еуропалықтардың өздері қолданатын ЖИ сенімділігін қамтамасыз ету үшін жоспарлануда. Реттеу сонымен қатар озық ЖИ экожүйесін құру және ЕО-ның жаһандық бәсекеге қабілеттілігін нығайтудың кілті болып табылады (Shaping Europe's Digital 2021).

д) АҚШ-тың жетекші ғалымдары 2016 жылы қабылданған ғылыми жұмыс жоспарына сәйкес АИ саласында зерттеулер жүргізді, онда «құндылықтар негізінде қақтығыстарды шешудің» салыстырмалы түрде техникалық үш әдісі бар. Ғалымдардың АҚШ үкіметіне арналған стратегия бойынша ұсыныстары төмендегідей болды: ЖИ зерттеулеріне ұзақ мерзімді инвестиция салу; адам мен АИ ынтымақтастығының тиімді әдістерін әзірлеу; ЖИ пайдаланудың этикалық, құқықтық және әлеуметтік салдарын түсіну және жою; ЖИ жүйелерінің қауіпсіздігін қамтамасыз ету; ЖИ оқыту және тестілеу үшін

жалпыға қолжетімді деректер жиынын және орталарды әзірлеу; стандарттар мен сынақтар арқылы ЖИ технологияларын өлшеу және бағалау; ұлттық ЖИ зерттеулері мен тәжірибелік-конструкторлық жұмыс күшінің қажеттіліктерін жақсырақ түсіну (National Science and Technology Council 2016). Осы және басқа зерттеулердің негізінде екі бағдарламалық құжат қабылданды: Американың ЖИ саласындағы көшбасшылығын жеделдету; және АҚШ Сауда палатасының ЖИ принциптері.

Стэнфордтың адамға бағытталған ЖИ институтының тәуелсіз бастамасымен құрылған және ЖИ индексінің комитеті басқаратын академиялық және салалық орталардың ғалымдары мен сарапшыларының пәнаралық тобы, ЖИ индексі ЖИ даму тенденциялары туралы жыл сайынғы есептерді дайындайды. Осылайша, жыл сайынғы есептерде ЖИ индексі ЖИ қатысты деректерді қадағалайды, салыстырады, өңдейді және визуализациялайды, бұл шешім қабылдаушыларға адам мүдделерін ескере отырып, ЖИ жауапкершілікпен және этикалық тұрғыдан алға жылжыту үшін маңызды әрекеттер жасауға мүмкіндік береді. Өткен жылғы басылым кең ауқымды академиялық, жеке және коммерциялық емес ұйымдардың деректерін, сондай-ақ кез келген алдыңғы басылымға қарағанда көбірек өздігінен жиналған деректер мен түпнұсқа талдауды, соның ішінде техникалық сипаттамалар туралы кеңейтілген тарауды, робототехника зерттеушілерінің жаңа сауалнамасын қамтыды. 25 елдегі ЖИ заңнамасының әлемдік жетістіктері туралы деректер және ЖИ этикасының техникалық көрсеткіштеріне терең талдау жасалған жаңа тарау қосылды (The AI Index Report 2022).

Алайда, жоғарыда аталған зерттеулерде Қазақстан сияқты дамушы елдердің ЖИ технологияларын пайдалана отырып, жаһандық цифрлық кеңістікке интеграциялану мүмкіндігі қарастырылмады, бірақ олардың ғылыми нәтижелерін жоба үшін пайдалануға болады. Ғылыми әдебиеттерге шолу қазақстандық академиялық қоғамдастықтың жоба мәселелері бойынша өз дискурсын дамытпағанын көрсетті. Шетелдік ғылыми институттар мен сарапшылардың жұмыстарын талдау Қазақстан сияқты дамушы елдерде ЖИ саласындағы мемлекеттік саясатты дамыту бойынша жұмыстың жоқтығын көрсетеді, бұл талқылауға бастамашылық етуді және отандық дискурс пен баяндауды құруды талап етеді.

Нәтижелер

ЖИ реттеу бойынша халықаралық әмбебап бастамалар

Қазіргі уақытта АИ-ді арнайы реттейтін кешенді халықаралық құқықтық базаның жоқтығына қарамастан, «жұмсақ құқық» деп аталатын әмбебап халықаралық актілер бар (соның ішінде БҰҰ және оның институттары); ЕО органдарының актілері; ЖИ әзірлеуге және енгізуге байланысты этикалық және құқықтық мәселелерді шешуге бағытталған халықаралық үкіметтік және үкіметтік емес ұйымдардың актілері (ұсынымдары, бастамалары және нұсқаулары).

а) БҰҰ қамқорлығымен жаһандық ЖИ ынтымақтастығын қолдау аясында 2019 жылы «Цифрлық ынтымақтастықтың жол картасы» құжаты әзірленді, онда БҰҰ Бас хатшысы ЖИ саласындағы жаһандық ынтымақтастық бойынша осы саладағы қосу, үйлестіру және әлеуетті арттыруға қатысты мәселелерді шешу үшін көпжақты консультативтік-кеңесші орган құруды ұсынды (UN Roadmap for digital cooperation 2020).

б) БҰҰ әртүрлі елдердің бір топ ғалымдары жүргізген зерттеулерге сүйене отырып, жаһандық сын-қатерлерге жауап беруді жақсарту үшін ЖИ жасаған эксперименттері туралы БҰҰ-ның 36 агенттігінің есептерін қамтитын «UN Activities on AI (2019)» жинағын басып шығарды. Ол аштықпен күресу, азық-түлік қауіпсіздігін қамтамасыз ету, климаттың өзгеруінің салдарын азайту, барлығының денсаулығын нығайту және ақылды, тұрақты қалаларға көшуді жеңілдету үшін ЖИ пайдалану тәжірибесін сипаттайды. Зерттеу ЖИ-мен байланысты проблемаларды түсінуге, этикалық және адами мәселелерді шешуге мүмкіндік береді. Цифрлық ынтымақтастықтың жол картасы БҰҰ Бас хатшысының инклюзивтілікке, үйлестіруге және әлеуетті арттыруға қатысты мәселелерді шешу үшін ЖИ саласындағы жаһандық ынтымақтастық бойынша көпжақты консультативтік орган құру туралы ұсынысын қамтиды. Осы ұсыныс ЖИ 2022 жаһандық ынтымақтастықты қолдау аясында ғылыми талқылаулар мен консультациялар өткізіледі (Support for Global Cooperation in AI 2022).

ЖИ реттеу мәселелері Халықаралық электр байланысы одағының, ЮНЕСКО-ның, БҰҰ-ның Сауда және даму жөніндегі конференциясының, Дүниежүзілік зияткерлік меншік ұйымының және т.б. сайттарында белсенді түрде зерттеледі және талқыланады.

с) Халықаралық электр байланысы одағы (ITU) – ақпараттық-коммуникациялық технологиялар саласындағы БҰҰ-ның мамандандырылған мекемесі. ITU мемлекеттік және жеке сектор мүшелерінің ынтымақтастығы АКТ саласындағы болашақ саясат пен реттеуші ортаны, халықаралық стандарттарды және АКТ қызметтеріне қолжетімділікті таратудың озық тәжірибелерін анықтауға ықпал етеді. 2022 жылдың ақпан айында Ақпараттық-коммуникациялық технологиялар (ICT) тұрақты дамуды ілгерілету үшін ЖИ пайдаланудағы жаһандық ынтымақтастықты арттыруға арналған жаңа ЖИ негізіндегі ұжымдық платформаны іске қосты. «AI for good» нейрондық желісі саласындағы зерттеулер үкімет пен сала арасындағы алмасуды жеделдету, сондай-ақ 2030 жылға дейінгі кезеңге Тұрақты даму мақсаттарына (SDGs) қол жеткізу үшін серіктестіктерді қалыптастыруға жәрдемдесу мақсатында жүргізіледі. Смарт ЖИ негізінде таңдауы бар жаңа желілік құрал пайдаланушыларға инноваторлармен және сарапшылармен байланысуға, инновациялық идеяларды әлеуметтік әсер ету мүмкіндіктерімен байланыстыруға және ЖИ әлеуметтік игілік үшін пайдалануды талқылау үшін қауымдастықты біріктіруге көмектеседі (UN 2022). Жаһандық ЖИ стандарттарын әзірлеу бойынша жұмыс әртүрлі халықаралық ұйымдарда елеулі өзгерістерге әкелді. Олар Стандарттау жөніндегі халықаралық ұйым, Халықаралық электротехникалық комиссия және Электротехника және электроника инженерлері институты сияқты стандарттарды әзірлеу ұйымдарындағы ЖИ техникалық аспектілерін, сондай-ақ жауапты ЖИ этикалық және саяси аспектілерін қамтиды.

д) ЮНЕСКО 2022 жылдың сәуір айында ЖИ этикалық аспектілері бойынша ғаламдық онлайн консультациясын бастады, бұл бүкіл әлемдегі адамдарға ЖИ халықаралық сарапшылар тобының жұмысына қатысуға мүмкіндік береді. Арнайы сарапшылар тобына ЖИ этикалық аспектілері бойынша ұсыныс жобасының бастапқы жобасын дайындау тапсырылды. Жоба ЖИ әзірлеуге және қолдануға арналған бірінші жаһандық нормативтік құжат болды. ЮНЕСКО ұсынымы ортақ құндылықтар мен принциптерді, сондай-ақ ЖИ этикалық аспектілеріне қатысты нақты саясат шараларын анықтайды. Құжаттың рөлі мүше мемлекеттерге БҰҰ Жарғысында және Адам құқықтарының жалпыға бірдей декларациясында бекітілген негізгі құқықтарды құрметтеуге көмектесу, сондай-ақ ЖИ жүйелерін

зерттеу, жобалау, әзірлеу және енгізу, адамның әл-ауқаты, қоршаған ортаны қорғау және тұрақты даму сияқты факторларды ескеруін қамтамасыз ету болып табылады (Ad Hoc Expert Group 2020).

е) ЮНКТАД есептері (2021 ж.) трансшекаралық цифрлық деректер ағындарын басқаруға бірыңғай көзқарастың қажеттілігін негіздейді. Зерттеу авторлары жаңа тәсіл технологияларды дамытудың пайдасын барынша арттыруға және олардың әділ таралуын қамтамасыз етуге арналған деп есептейді. Сарапшылар цифрлық деректердің дүниежүзілік алмасуын құруға және оны қоғамдық игіліктер ретінде тануға шақырады, бұл цифрлық экономиканың маңыздылығын және Интернет желіде бизнес жүргізуге деген сенімді арттырады. Сарапшылардың пікірінше, жаңа жаһандық жүйе интернеттің одан әрі бөлшектенуіне жол бермеуге, жетекші цифрлық платформалардың үстем жағдайынан туындайтын саяси мәселелерді шешуге, жаһандық бұлттағы теңсіздікті азайтуға тиіс. БҰҰ Бас Ассамблеясы мен БҰҰ Экономикалық және Әлеуметтік Кеңесінің зерттеушілер тобы жыл сайынғы зерттеулерді дайындауда, оның нәтижелерін 2025 жылы Ақпараттық қоғам форумы бойынша дүниежүзілік саммит (WSIS) мақсаттарын жүзеге асыруда қол жеткізілген прогреске үлкен шолу түрінде Саммиттен кейін жинақталған тәжірибе және БҰҰ-ның тұрақты дамуға қол жеткізу жөніндегі жалпы міндеттемесі аясында қорытындылау жоспарлануда. Шолуда ақпараттық қоғам құруда қол жеткізілген нәтижелерге және күтуге болатын озық технологияларға назар аудару жоспарлануда (Report of the UN Secretary-General 2022).

г) Дүниежүзілік зияткерлік меншік ұйымы деректері бойынша технологияның көптеген салаларында ЖИ таралуы бірнеше зерттеулер мен саясат мәселелерін қарастырады. Олардың басты идеяларын келесідей тұжырымдауға болады: машинада жасалған жұмыстар мен өнертабыстарды, ЖИ және ЖИ негізінде жатқан деректерді теңдестірілген қорғауды қамтамасыз ету үшін ағымдағы ІР жүйесін өзгерту қажеттілігімен байланысты. Дүниежүзілік зияткерлік меншік ұйымы ЖИ саясаты үшін ЖИ салдары туралы ғылыми талқылауды бастауға арналған ашық процесті бастады (WIPO, 2020).

h) БҰҰ Адам құқықтары жөніндегі Жоғарғы Комиссарының кеңсесі цифрлық әлемдегі құпиялылық және цифрлық әлемдегі адам құқықтарын қорғау мәселелеріне назар ауда-

рады. ОНЧР сәйкес, цифрлық технологиялар адам прогресінің қуатты құралына айналып, адам құқықтарын ілгерілетуге және қорғауға елеулі үлес қоса алады. Сонымен қатар, үлкен деректер технологиялары, соның ішінде ЖИ негізіндегі әзірлемелер цифрлық ортаны құруға ықпал етеді, онда үкіметтер мен бизнеске адам мінез-құлқын бақылау, оны талдау, болжау және тіпті оған бұрын-соңды болмаған жағдайда әсер ету үшін көбірек мүмкіндіктер беріледі. Егер мұндай технологиялық әзірлемелер тиімді кепілдіктер болмаған жағдайда енгізілсе, олар адамның қадір-қасиетіне, автономиясына және жеке өміріне, сондай-ақ жалпы адам құқықтарын жүзеге асыруға үлкен қауіп төндіреді (ОНЧР, 2022).

i) БҰҰ-ның адам құқықтары жөніндегі механизмдерінің 180 000-ға жуық жеке бақылаулары мен ұсынымдарын қоса алғанда, адам құқықтары жөніндегі ұсыныстардың ұдайы өсіп келе жатқан көлемін басқару бойынша зерттеулер ОНЧР үшін маңызды. Бұл материалдарға барлығының, соның ішінде қалың жұртшылықтың, мемлекеттік органдардың, үкіметтік емес ұйымдардың және БҰҰ агенттіктерінің қолайлы қол жетімділігін қамтамасыз ету мәселелері, сондай-ақ жоғарыда аталған ұсыныстардың әлемдегі адам құқықтарының жағдайына оң әсер ету мәселелері қаралды (ОНЧР, 2022).

Бұған БҰҰ-ның Адам құқықтары жөніндегі басқармасының сарапшысы П. Хикстің сөздері дәлел бола алады: ЖИ қазірдің өзінде біздің өміріміздің бір бөлігіне айналды. ЖИ Адам құқықтарын бұзу, кемсіту, жеке өмірге қол сұғу және құқықтарды бұзу құралына айнамайды. Біз адам құқығын қорғауды дамыту және қоғамды жақсарту, құрметтеу үшін ЖИ пайдалану бойынша күресті кейінге қалдыра алмаймыз. Осыған байланысты 2021 жылы БҰҰ-ның Адам құқықтары жөніндегі басқармасы ЖИ алгоритмдерін, атап айтқанда, адам құқықтарына қауіп төндіретін қоғамдық орындардағы адамдарды бақылайтын бетті сканерлеу жүйелерін пайдаланатын кейбір технологияларды пайдалануға мораторий жариялауға шақырды. 2021 жылы Женевада өткен БҰҰ Адам құқықтары кеңесінің сессиясында олар халықаралық деңгейде мұндай технологияларды пайдалануды реттейтін заңнамалық базаны шұғыл түрде қамтамасыз етуге шақырды (Bachelet, 2021).

j) Тағы бір маңызды халықаралық бастама – 2020 жылдың маусымында 15 қатысушының

қатысуымен басталған Жаһандық ЖИ серіктестігі (қазір олардың саны 29). GРАІ G7 шеңберінде осы саладағы идеялар мен реттеу саясатын жүзеге асыру құралы болып табылады. Жаһандық ЖИ серіктестігі – бұл ЖИ жауапты дамуы мен қолданылуын ынталандыру үшін үкіметтерді, өнеркәсіпті және азаматтық қоғамды біріктіретін көпжақты форум. Ол халықаралық ынтымақтастықты ілгерілетуге, зерттеулер мен әзірлемелерді қолдауға және ЖИ басқарудың үздік тәжірибелерін дамытуға бағытталған. 2022 жылғы 21-22 қарашада Токиода (Жапония) GРАІ саммиті өтті, онда Жаһандық ЖИ серіктестігіне қатысушы елдердің министрлері GРАІ 2022 министрлік декларациясын қабылдады.

к) Сарапшылардың пікірінше, АИ саласында халықаралық деңгейде екі үлкен саясат кеңістігінің қалыптасу процесі жүріп жатыр. Бірінші кеңістік Экономикалық ынтымақтастық және даму ұйымы арқылы құрылуда және АҚШ пен ЕО-ның зерттеулер, әзірлемелер, инфрақұрылымдар, инвестициялар және стандарттар саласындағы сөзсіз үстемдігімен ЖИ саласындағы әлемдегі ең ірі көшбасшыларды біріктіреді. Екінші кеңістік ҚХР-ның технологиялық және қаржылық қуатына негізделген. Осыған байланысты, назар аударарлық бастамалардың бірі 2019 жылдың мамырында 42 мемлекет қабылдаған ЖИ бойынша Экономикалық ынтымақтастық және даму ұйымы (OECD) қағидаттары болып табылады. Қағидаларда АИ саласындағы зерттеулер мен әзірлемелерге инвестицияларға қатысты саясаткерлерге арналған ұсыныстар бар; ЖИ үшін цифрлық экожүйені құру; ЖИ үшін қолайлы саяси жағдайды қамтамасыз ету; адам әлеуетін құру және еңбек нарығына өту үшін ЖИ технологияларын дайындау; сенімді ЖИ үшін халықаралық ынтымақтастық. Осы бастамаларға қосымша, кейбір халықаралық шарттар мен келісімдер ЖИ жанама түрде реттейді, мысалы, автономды қару жүйелерін пайдалану туралы ережелерді қамтитын кейбір кәдімгі қарулар туралы БҰҰ конвенциясы. Осы Конвенцияға қатысушы мемлекеттер түбегейлі жаңа құқықтық реттеу қажеттілігі бар ма немесе қолданыстағы халықаралық гуманитарлық құқық жеткілікті ме деген сұраққа қатысты әртүрлі ұстанымдарды ұстанады.

ЖИ реттеу бойынша еуропалық бастамалар

ЖИ технологияларын пайдалануды реттеу саласындағы ЕО ғалымдары мен сарапшылары

ЖИ жүйелеріне арналған этикалық постулаттар: адам тұлғасына құрмет, зиянның алдын алу, бейтараптық және болжамдылықтығы зерттеді. ЕО адамға бағытталған ЖИ қозғалысының көшбасы болды. Еуропалық мемлекеттер этиканы АИ-ны қолданудың кез келген тәсілдерін әзірлеуде «ірге тасына», «жауапты бәсекеге қабілеттілікті» қамтамасыз етудің кілтін айналдыруға ұмтылады. Еуропалық комиссияның түсіндірмесі бойынша, қауіпсіз ЖИ үш қасиетке ие болуы керек – заңға бағыну, этикалық және сенімді болу, бірақ этика бірінші орында (European Commission 2019).

Еуропалық Комиссия ЖИ қатысты тәуекелдерді жойып, Еуропаға әлемде жетекші рөл атқаруға мүмкіндік беретін ЖИ бойынша тұңғыш құқықтық базаны ұсынды. ЖИ туралы ережеге қатысты ұсынысты Комиссия 2021 жылдың сәуірінде жариялады. Ол ЖИ спецификалық қолданумен байланысты тәуекелдерді жоюға бағытталған, оларды 4 түрлі деңгейге бөледі: рұқсат етілмейтін тәуекел, жоғары тәуекел, шектеулі тәуекел және минималды тәуекел. Сонымен қатар, ЖИ ережесі еуропалықтардың өздері қолданатын ЖИ сенуіне кепілдік береді. Реттеу сонымен қатар ЖИ саласындағы озық тәжірибелердің экожүйесін құру және ЕО-ның жаһандық бәсекеге қабілеттілігін күшейту үшін маңызды. Ережелер ЖИ Үйлестірілген жоспарымен келісілген (Shaping Europe's Digital Future 2021).

Еуропалық тәсіл осындай технологияларды пайдаланушылар мен әзірлеушілер үшін қауіпсіз және инновацияға қолайлы ортаны құрайтын сенімді АИ-ді болжайды. Еуропалық Комиссия сенімді ЖИ құруға ықпал ететін өзара байланысты 3 құқықтық бастаманы ұсынды: 1) ЖИ жүйелеріне тән негізгі құқықтарды біріктіру және қауіпсіздік тәуекелдерін жою үшін ЖИ үшін еуропалық құқықтық база; 2) азаматтық-құқықтық жауапкершілік шеңбері – жауапкершілік ережелерін цифрлық дәуірге және ЖИ бейімдеу; 3) салалық қауіпсіздік заңнамасын қайта қарау (мысалы, Машиналар ережелері, Өнім қауіпсіздігі жөніндегі жалпы директивалар және т.б.).

«Жасанды интеллект туралы ақ кітап» (White Paper on Artificial Intelligence) қатал жаһандық бәсекелестік жағдайында 2018 жылғы ЖИ Еуропалық стратегиясына негізделген ЕО мүше-мемлекеттерінің мұқият ортақ көзқарасын болжайды. Құжатқа сәйкес, проблемаларды шешу және ЖИ мүмкіндіктерін пайдалану үшін ЕО тұтастай әрекет етіп, ЖИ дамыту мен енгізуге

жәрдемдесу үшін еуропалық құндылықтар негізінде өз жолын анықтауы керек. «Ақ кітаптың» маңыздылығы осы мақсаттарға жетудің саяси нұсқаларын көрсетуден тұрады. ЕО жоғары қауіпті ЖИ технологиялары мен бет-әлпетті тану және автономды көліктер сияқты қолданбаларға міндетті талаптар жиынтығын қамтитын ЖИ үшін нормативтік базаны ұсынды. Осы нормативтік құқықтық актілер базасының жобасы қазір ЕО-ға мүше мемлекеттерде қарастырылуда. Цифрлық құқықтар туралы Еуропалық декларация және 2022 цифрлық онжылдықтың қағидаттары ЕО-ның ЕО-ның негізгі құндылықтары мен іргелі құқықтары арқылы адамдарға бағытталған қауіпсіз, сенімді және тұрақты цифрлық трансформацияға ұмтылуын көрсетеді. 2018 жылғы сот жүйелерінде және айналадағы шындықтарда ЖИ пайдаланудың Еуропалық этика хартиясы ЖИ негізіндегі құралдар мен қызметтерді әзірлеуге және енгізуге жауапты мемлекеттік және жеке тұлғаларға арналған және сот шешімдері мен деректерін өңдеуге арналған. Ол сондай-ақ нормативтік құқықтық базаға, осындай құралдар мен қызметтерді әзірлеуге, бақылауға немесе пайдалануға жауапты мемлекеттік қызметкерлерге де қатысты.

Қорытынды

Міндетті халықаралық-құқықтық реттеудің негіздері ретінде ЖИ қолданудың бірнеше маңызды аспектілерін қарастыруға болады, олар төмендегідей. ЖИ жүйелерінің жұмыс істеуі үлкен деректерге көбірек тәуелді болғандықтан, халықаралық реттеу құпиялылық құқықтарын қорғауды қамтамасыз ету және жеке деректерді теріс пайдалану немесе пайдалануды болдырмау үшін қажет. ЖИ жүйелері жеке адамдар мен топтар үшін елеулі теріс салдар тудыруы мүмкін біржақтылық пен кемсітушіліктен имунитетке ие емес. Халықаралық реттеу ЖИ дамыту мен пайдаланудағы осындай жағымсыз көріністерді жоюға көмектесе алады. ЖИ халықаралық реттеу ашықтық пен есептілікті, сондай-ақ мемлекеттердің (жеке тұлғалар мен ұйымдардың) оларды пайдаланудан келген кез келген зиян үшін жауапкершілігін қамтамасыз етуге көмектеседі. ЖИ жүйелері ақаулы немесе дұрыс пайдаланылмаса, физикалық зиян келтіруі мүмкін. Халықаралық реттеу бұл жүйелердің жеке адамдар мен жалпы қоғам үшін қауіпсіз жобалануын және пайдаланылуын қамтамасыз етуге көмектеседі. Автономды қаруды қолдану

(адам өлтіретін роботтар деп те аталады) жаһандық қоғамдастықта күрделі этикалық және құқықтық проблемаларды тудырды. Халықаралық-құқықтық реттеу халықаралық гуманитарлық және адам құқықтарына сәйкес осындай қаруды әзірлеу мен қолдануды қамтамасыз ету үшін қажет.

ЖИ халықаралық деңгейде құқықтық реттеуде екі түрлі көзқарас пайда болды. Біріншісі – АИ үшін халықаралық стандарттар мен нұсқауларды әзірлеу. Екінші тәсіл – ЖИ әзірлеу мен пайдаланудың ең төменгі стандарттарын белгілейтін халықаралық шарттар сияқты міндетті құқықтық құжаттарды әзірлеу. Жалпы алғанда, сарапшылар арасында ЖИ қатысты құқықтық және этикалық мәселелерді шешу үшін халықаралық ынтымақтастық пен үйлестіру қажет екенін мойындау артып келеді. ЖИ халықаралық реттеу ерекшеліктері әлі де талқыланып жатқанымен, қауіпсіздік пен жалпы қоғам үшін пайдалылықты қамтамасыз ету үшін реттеудің қандай да бір нысаны қажет екені анық. ЖИ халықаралық құқықтық реттеуі ЖИ қарқынды дамып келе жатқан табиғатына сәйкес келетіндей икемді болуы керек. ЖИ дамуын жалғастыруда және жаңа технологиялар мен қолданбалар пайда болған кезде, нормативтік база осы өзгерістерге бейімделе алуы және ЖИ этикалық және адам құқықтары стандарттарымен әзірленіп, қолданылуын қамтамасыз етуі керек.

ЖИ халықаралық-құқықтық реттеудің бар проблемалары келесі тармақтарды қамтиды. Осылайша, әртүрлі елдерде ЖИ үшін әртүрлі құқықтық актілер бар, бұл халықаралық стандарттар мен ережелерді әзірлеуде қиындықтар тудыруы мүмкін. ЖИ пайдалануды реттейтін этикалық қағидалар бойынша консенсустың болмауы жалпы қабылданған халықаралық стандарттар мен ережелерді әзірлеуді қиындатуы мүмкін. Көптеген заң шығарушылар мен заңгерлер ЖИ туралы шектеулі техникалық түсінікке ие болуы мүмкін, бұл тиімді ережелер мен стандарттарды әзірлеуді қиындатады. Тіпті халықаралық стандарттар мен ережелер туралы келісім бар болса да, оларды әртүрлі елдерде енгізу және орындау проблемалық болуы мүмкін. ЖИ реттеу бойынша халықаралық ынтымақтастық геосаяси, экономикалық және басқа себептермен шектеледі, бұл тиімді халықаралық стандарттар мен ережелердің дамуын бәсеңдетуі мүмкін. Мемлекеттер өздерінің ұлттық мүдделеріне қайшы келетін ЖИ халықаралық ережелерінің қабылдануына күмәндануы мүмкін. ЖИ техно-

логиялары қарқынды дамып келеді, бұл уақыт өте өзекті және тиімді болып қалатын ережелер мен стандарттарды әзірлеуді қиындатады. Осы қиындықтар мен қиындықтарды шешу әртүрлі елдердің саясаткерлері, заңгерлері және техникалық сарапшылары арасындағы ынтымақтастық пен ынтымақтастықты қажет етеді.

ЖИ халықаралық-құқықтық реттеу перспективалары ЖИ ықтимал тәуекелдері мен пайдасы, сондай-ақ әртүрлі елдердегі қолданыстағы заңнамалық және нормативтік база сияқты әртүрлі факторларға байланысты. Дегенмен, жоғарыда көрсетілгендей, ЖИ қауіпсіз, этикалық және адам құқықтарын сақтай отырып дамыту

мен пайдалануды қамтамасыз ету үшін қандай да бір реттеу нысанының халықаралық деңгейде мойындалған қажеттілігі бар. ЖИ қарқынды дамып келе жатқандықтан, оны әзірлеуге және енгізуге байланысты құқықтық және этикалық мәселелерді шешу үшін мемлекеттер мен халықаралық ұйымдар арасындағы халықаралық ынтымақтастық пен өзара іс-қимыл қажеттілігі артып отыр.

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Әдебиеттер

- Bradford A. (2023). *Digital Empires: The Global Battle to Regulate Technology*, New York, Oxford Academic. <https://doi.org/10.1093/oso/9780197649268.001.0001>.
- Council of Europe Recommendation (2019). *Unboxing artificial intelligence: 10 steps to protect human rights*. Retrieved from <https://www.coe.int/pl/web/commissioner/-/unboxing-artificial-intelligence-10-steps-to-protect-human-rights>
- Council of Europe (2018). *CEPEJ European Ethical Charter on the use of artificial intelligence (AI) in judicial systems and their environment*. Retrieved from <https://www.coe.int/en/web/cepej/cepej-european-ethical-charter-on-the-use-of-artificial-intelligence-ai-in-judicial-systems-and-their-environment> (Accessed on October 15, 2023).
- European Commission (2022). *European Declaration on Digital Rights and Principles*. Retrieved from <https://digital-strategy.ec.europa.eu/en/library/european-declaration-digital-rights-and-principles#> (Accessed on October 16, 2023).
- European Commission (2021). *Proposal for a Regulation establishing agreed rules on artificial intelligence*. Retrieved from <https://digital-strategy.ec.europa.eu/en/library/proposal-regulation-laying-down-harmonised-rules-artificial-intelligence> (Accessed on November 19, 2023).
- European Commission (2020). *White Paper on Artificial Intelligence: a European approach to excellence and trust*. Retrieved from https://commission.europa.eu/publications/white-paper-artificial-intelligence-european-approach-excellence-and-trust_en (Accessed on October 29, 2023).
- European Commission (2019). *Ethic Guidelines for Trustworthy AI, Independent High-Level Expert Group on Artificial Intelligence*. Retrieved from <https://ec.europa.eu/digital-single-market/en/news/ethics-guidelines-trustworthy-ai> (Accessed on November 18, 2023).
- European Commission (2018). *Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee, and the Committee of the Regions Artificial Intelligence for Europe*. Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2018%3A237%3AFIN> (Accessed on October 15, 2023).
- Farrell, H. & Newman, A. (2023). *Underground Empire / How America Weaponized the World Economy*.
- Hang, H. & Chen, Z. (2022). *How to realize the full potential of artificial intelligence in the digital economy?* *Journal of Digital Economy*, 1(3), 180-191.
- Henshall, W. (2023). *How China's New AI Rules Could Affect U.S. Companies*. Retrieved from <https://time.com/6314790/china-ai-regulation-us/> (Accessed on October 15, 2023).
- Ing, L. Y. & Grossman, G. M. (2023). *Robots and AI A New Economic Era*.
- International Telecommunication Union (2019). *United Nations Activities on Artificial Intelligence*. Retrieved from https://www.itu.int/dms_pub/itu-s/opb/gen/S-GEN-UNACT-2019-1-PDF-E.pdf (Accessed on November 19, 2023).
- ITU (2022). *Artificial intelligence turbo-charges AI for Good. United Nations tech agency launches AI-powered matchmaking to accelerate sustainable development*. Retrieved from <https://www.itu.int/ru/mediacentre/Pages/PR-2022-02-01-AI-for-Good.aspx> (Accessed on October 11, 2023).
- Ivanovsky, B. G. (2021). *Economic effects from the introduction of «artificial intelligence» technologies. Social innovations and social sciences*, 2, 8-25.
- Kerry C. F., Meltzer J. P. & Renda A. (2022). *AI cooperation on the ground: AI research and development on a global scale*. Retrieved from <https://www.brookings.edu/wp-content/uploads/2022/11/FCAI-October-2022.pdf> (Accessed on September 27, 2023).
- Kerry, C. F. & Meltzer, J. P. & Renda, A. & Engler, A. C. & Fanni, R. (2021) *Strengthening international cooperation on AI*. Retrieved from <https://www.brookings.edu/research/strengthening-international-cooperation-on-ai/> (Accessed on November 19, 2023).

Kozyulin, V. (2021). Multilateral cooperation in the field of regulation of the use of artificial intelligence technologies. Security Index – Scientific notes of the PIR Center, 16-30.

Larsen, B. (2019). Drafting China's National AI team for governance. Retrieved from <https://digichina.stanford.edu/work/drafting-chinas-national-ai-team-for-governance/#:~:text=China's%20government%20has%20become%20increasingly,key%20AI%20technologies%20and%20applications> (Accessed on October 10, 2023).

Marcus, G. & Davis E. (2019). Rebooting AI: Building Artificial Intelligence We Can Trust Kindle.

National Science and Technology Council. Networking and Information Technology Research and Development Subcommittee (2016). The National Artificial Intelligence Research and Development Strategic Plan. Retrieved from https://www.nitrd.gov/PUBS/national_ai_rd_strategic_plan.pdf (Accessed on October 27, 2023).

Office of the United Nations High Commissioner for Human Rights (2022). Privacy in the digital world and human rights. Retrieved from <https://www.ohchr.org/ru/privacy-in-the-digital-age> (Accessed on October 15, 2023).

Roberts, H. & Cowls, J. & Casolari, F. & Morley, J. & Taddeo, M. & Floridi, L. (2021). Safeguarding European values with digital sovereignty: an analysis of statements and policies. Internet Policy Review, 10(3). <https://doi.org/10.14763/2021.3.1575>

Rodrigues, R. (2020). Legal and human rights issues of AI: Gaps, challenges and vulnerabilities. Journal of Responsible Technology, 4, <https://doi.org/10.1016/j.jrt.2020.100005>.

Sheehan, M. (2023). What the U.S. Can Learn from China About Regulating AI. Retrieved from <https://foreignpolicy.com/2023/09/12/ai-artificial-intelligence-regulation-law-china-us-schumer-congress/> (Accessed on October 29, 2023).

Solos, W. K. & Leonard, J. (2022). On the Impact of Artificial Intelligence on Economy. Science Insights, 41(1), 551-560. <https://doi.org/10.15354/si.22.re066>

The Economist (2023). Why the EU will not remain the world's digital über-regulator. Retrieved from <https://www.economist.com/europe/2023/09/21/why-the-eu-will-not-remain-the-worlds-digital-uber-regulator> (Accessed on October 19, 2023).

The AI Index Report (2022). Measuring trends in Artificial Intelligence. Retrieved from <https://aiindex.stanford.edu/report/> (Accessed on October 29, 2023).

The White House (2019). Accelerating America's Leadership in Artificial Intelligence. Retrieved from <https://trumpwhitehouse.archives.gov/articles/accelerating-americas-leadership-in-artificial-intelligence/> (Accessed on September 12, 2023).

Toner, H. & Xiao, J. & Ding, J. (2023). The Illusion of China's AI Prowess. Regulating AI Will Not Set America Back in the Technology Race.

UNESCO (2022). A guide for policy makers. Artificial Intelligence Technologies in Education. Place de Fontenay, Paris, France.

UNESCO (2020). Ad Hoc Expert Group (AHEG) for the Preparation of a Draft text of a Recommendation the Ethics of Artificial Intelligence. Retrieved from https://unesdoc.unesco.org/ark:/48223/pf0000373434_rus (Accessed on October 11, 2023).

United Nations High Commissioner for Human Rights (2022). Integrating human rights into the framework of the Sustainable Development Goals through artificial intelligence. Retrieved from <https://www.ohchr.org/ru/stories/2022/05/ai-ensures-human-rights-are-heart-sdgs> (Accessed on November 18, 2023).

UNO (2021). Michelle Bachelet called for a moratorium on the use of artificial intelligence systems. Retrieved from <https://news.un.org/ru/story/2021/09/1409912> (Accessed on November 18, 2023).

UNO (2022). Progress achieved in the implementation of and follow-up to the outcomes of the World Summit on the Information Society at the regional and international levels. Retrieved from https://unctad.org/system/files/official-document/a77d62_ru.pdf (Accessed on October 15, 2023).

UNO (2022). Support for global cooperation in the field of artificial intelligence. Retrieved from <https://www.un.org/techenvoy/ru/content/artificial-intelligence> (Accessed on October 11, 2023).

UNO (2020). Roadmap for digital cooperation: implementation of the recommendations of the High-level Panel on Digital Cooperation. Retrieved from <https://www.un.org/ru/content/digital-cooperation-roadmap/> (Accessed on November 19, 2023).

UNO (2021). UNCTAD: A unified approach to managing cross-border digital data flows is needed. Retrieved from <https://news.un.org/ru/story/2021/09/1410912> (Accessed on October 27, 2023).

U.S. Chamber of Commerce (2023). Principles on Artificial Intelligence? Retrieved from https://www.uschamber.com/assets/archived/images/chamber_ai_principles_-_general.pdf (Accessed on October 29, 2023).

WIPO (2020). WIPO Conversation on Intellectual Property and Artificial Intelligence: Third Session. Retrieved from https://www.wipo.int/meetings/en/details.jsp?meeting_id=59168 (Accessed on November 19, 2023).

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СТАНОВЛЕНИЕ И РАЗВИТИЕ ОБРАЗОВАТЕЛЬНОЙ СИСТЕМЫ В ТУРЦИИ

В данной статье, авторы рассматривают вопросы связанные со становлением и развитием системы образования в Турции. Сегодня Турция является одним из лидеров на рынке образовательных услуг в Центральной Азии. Лицеи, школы, колледжи и университеты аффилированные с официальной Анкарой пользуются огромным спросом. Особая популярность связана с тем, что в отличие от традиционных учреждений образования, турецкие заведения сумели доказать свою конкурентоспособность. Помимо этого большинство казахстанских вузов имеют соглашения с турецкими вузами по программам двойного диплома, академического обмена или стажировок. Популярность также обусловлена тем, что для большинства населения турецкие вузы является уникальной возможностью получить зарубежное образование по доступной цене. Опыт становления системы национального образования и вхождения в мировое образовательное сообщество является уникальным и требующим тщательного изучения. Конечно, по качеству образования определенных международных рейтинговыми агентствами, турецкие вузы уступают европейским, американским и иным зарубежным странам. Турция старается использовать популярность своих заведений как инструмент продвижения своих национальных интересов и формирования своего позитивного имиджа. В статье авторы провели исторический обзор развития системы образования в Турции начиная от эпохи заката империи до нынешних дней.

Ключевые слова: Турция, образование, «мягкая сила», национальные интересы, конкурентоспособность, лицеи, Центральная Азия.

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Formation and development of the educational system in Türkiye

In this article, the authors consider issues related to the formation and development of the education system in Turkey. Today, Turkey is one of the leaders in the educational services market in Central Asia. Lyceums, schools, colleges and universities affiliated with the official Ankara are in great demand. The special popularity is due to the fact that, unlike traditional educational institutions, Turkish institutions have managed to prove their competitiveness. In addition, most Kazakh universities have agreements with Turkish universities on dual degree programs, academic exchange or internships. The popularity is also due to the fact that for the majority of the population, Turkish universities are a unique opportunity to receive foreign education at an affordable price. The experience of the formation of the national education system and entry into the global educational community is unique and requires careful study. Of course, Turkish universities are inferior to European, American and other foreign countries in terms of the quality of education determined by international rating agencies. Turkey is trying to use the popularity of its establishments as a tool to promote its national interests and form its positive image. In the article, the authors conducted a historical review of the development of the education system in Turkey from the era of the decline of the empire to the present day.

Key words: Turkey, education, «soft power», national interests, competitiveness, lyceums, Central Asia.

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Түркияда білім беру жүйесінің қалыптасуы мен дамуы

Бұл мақалада авторлар Түркияда білім беру жүйесінің қалыптасуы мен дамуына байланысты мәселелерді қарастырады. Бүгінгі таңда Түркия Орталық Азиядағы білім беру қызметтері нарығындағы көшбасшылардың бірі болып табылады. Ресми Анкарамен аффилирленген

лицейлер, мектептер, колледждер мен университеттер үлкен сұранысқа ие. Дәстүрлі білім беру мекемелерінен айырмашылығы, түрік мекемелері өздерінің бәсекеге қабілеттілігін дәлелдей алды. Сонымен қатар, қазақстандық жоғары оқу орындарының көпшілігінде қос диплом, академиялық алмасу немесе тағылымдама бағдарламалары бойынша түрік жоғары оқу орындарымен келісімдері бар. Танымалдылық сонымен қатар халықтың көпшілігі үшін Түрік ЖОО-лары қол жетімді бағамен шетелдік білім алудың бірегей мүмкіндігі болып табылатындығына байланысты. Ұлттық білім беру жүйесін қалыптастыру және әлемдік білім беру қауымдастығына кіру тәжірибесі бірегей және мұқият зерделеуді талап етеді. Әрине, халықаралық рейтингтік агенттіктер анықтаған білім сапасы бойынша түрік университеттері еуропалық және басқа шет елдерден төмен. Түркия өз мекемелерінің танымалдылығын өзінің ұлттық мүдделерін ілгерілету және өзінің оң имиджін қалыптастыру құралы ретінде пайдалануға тырысады. Мақалада авторлар Түркияда империяның күн батуынан бастап қазіргі күндерге дейінгі білім беру жүйесінің дамуына тарихи шолу жасады.

Түйін сөздер: Түркия, Білім, «жұмсақ күш», ұлттық мүдделер, бәсекеге қабілеттілік, лицейлер, Орталық Азия.

Введение

Образование является основным инструментом достижения человеком успеха в разных аспектах, а также в достижении идеалов мира, свободы, социальной справедливости и всеобщей целостности. Кроме того, образование влияет на все сектора как движущая сила социального и экономического развития. Образование обеспечивает достижение индивидуальных целей человека, его жизненную ответственность, формирование всех способностей и творческих потенциалов. Каждое государство имеет свою уникальную систему образования. Известно, что эта система устанавливается и развивается в соответствии с социальными, культурными, политическими и экономическими характеристиками своего общества.

Системы образования различаются от страны к стране, в зависимости от известных исторических факторов, философии нации, а также культурных и политических факторов. Система образования Турции имеет свою долгую историю, а также современные и практические аспекты.

В эпоху когда «мягкая сила» начинает играть важнейшую роль в формировании позитивного имиджа государства, один из ее важных проявлений как система образования все больше становится объектом для исследования в политической науке. Большинство стран начинают использовать систему образования в целях распространения своего политического влияния в определенной стране, также для формирования из граждан той страны класса людей которые в дальнейшем будут составлять основу «сил симпатий».

Сегодня Турция становится одним из важных игроков в центрально-азиатском регионе, помимо некоторых факторов как общность цивили-

зации, единая религия и схожий язык, Турция становится актуальным за счет геополитической ситуации прежде всего связанных с ослаблением позиций России в регионе вследствие войны в Украине. Помимо геоэкономических предпочтений стран региона, Турция становится одним из популярных направлений для образования среди молодежи региона.

История «геополитического проникновения» Турции в регионе состоит несколько этапов, имевших разные результаты для Анкары.

В начале 90-х гг прошлого столетия, новые независимые государства региона стали искать ориентиры в мировой политике. Турция могла бы сыграть роль «старшего брата» на смену Москве. Но первые попытки превратить регион в сферу своего влияния помещали ряд факторов, такие малоизвестность Турции, экономическая непривлекательность. В указанный период Турцией был проделан немалый вклад в процесс формирования своего позитивного имиджа, в первую очередь это открытие учебного заведения названного в честь великого суфия –Ходжа Ахмеда Яссаави. Помимо этого были открыты университет имени Сулеймана Демиреля, и ряд средне специальных учебных заведений и лицеев. Особая популярность турецких лицеев была связана с тем, что большинство выпускников показывали высокие результаты на вступительных экзаменах в ВУЗы Казахстана (Sultanmuratov, 2020). Аналогичным образом были открыты ряд учебных заведений в других странах региона, но после ухудшения отношений между Анкарой и Ташкентом все они были закрыты (Ergashev, 2022). В Туркменистане они были в 2011 году, в Кыргызстане и Таджикистане, не смотря на трудности они сохранили свои позиции, при этом выпускники показывают значительные успехи (Хасанов, 2014).

Большинство турецких лицеев были связаны с деятельностью Ф.Гюлена, попытка государственного переворота в Турции летом 2016 года и последовавшая травля на сторонников Гюлена привели к закрытию или ребредингу лицеев. Несмотря на вышеуказанное сегодня турецкие лицеи, университеты пользуются широкой популярностью в Казахстане.

По сравнению с ведущими странами Европы и Северной Америки, Турецкая образовательная система имеет довольно не богатую историю, но все таки сумела проявить свои качества и конкурентоспособность. В глобализирующемся мире больше всего важным оружием, как правило, являются обучение и знания. Так что пора проводить реформы это должно быть сделано без потерь. Потому что завтра мы также можем потерять возможности, которые у нас есть сегодня. Рост благосостояния и богатства страны зависит от возможностей получения образования. Вот почему мы придерживаемся мнения, что образованию следует уделять гораздо больше внимания

Целью данной статьи является изучение эволюции системы образования Турции, становление ее основ как фактора популяризации Турции в странах Центральной Азии.

Обзор литературы

Исследования турецкой образовательной системы имеют хорошо развитую историографию. Исследование истории первоначального формирования турецкой образовательной системы было проведено Эрой Полат Онбаша в 2023 году. В этом исследовании автор уделил значительное внимание вопросам, связанным с общественным восприятием недавно созданной светской образовательной системы, и, основываясь на своей работе с документами, они собрали различные факты о критике этой новой образовательной модели в обществе.

Среди многочисленных исследований, посвященных образованию в Турции, особенно следует упомянуть работу Сехназ Нигяр Челик в 2023 году о качестве образования в турецких университетах. Автор выделил основные вызовы и критические проблемы в сфере образования в Турции с помощью качественного анализа. Вопросы контроля за качеством образования и взаимодействия между центральными и местными органами власти в секторе образования были в центре внимания группы ученых из Министерства образования и университетских преподавателей, в том числе Элиф Семге Гюзелер-

ген, Денис Бараншель Чинар, Казым Челик и Абдурахман Ташриоген (2023). Авторы считают, что усилия по внедрению реформ в систему контроля качества образования не увенчались успехом и что необходимы дальнейшие улучшения. Арас Бозкурт, Дженгиз Хакан Айдын и Яшар Кондакчи (2022) в своем исследовании обсуждают вопросы, связанные с цифровизацией образовательной системы и доступностью турецких университетов. Авторы считают, что растущее население Турции и возможности турецких университетов нельзя сравнивать, и они утверждают, что только от 8 до 10 процентов населения смогут получить высшее образование без внедрения системы дистанционного обучения и повышения доступности и открытости образования.

Сравнительное исследование практики оценки в турецких, европейских и американских университетах было проведено Бурку Озканом, Нурданом Калаичем и Тинг Ли в 2023 году. Большинство исследований по Центральной Азии посвящено деятельности турецких образовательных фондов и правительственных программ, которые в последние годы приобрели особый научный интерес.

В своей работе «Исследуя отношения между тюркоязычными государствами на современном этапе» казахстанский автор М. Эгамбердиев подчеркивает роль Турции и считает, что ее активное культурное и образовательное присутствие способствует укреплению идентичности, обмену знаниями и опытом. Растущую популярность турецких учебных заведений в Центральной Азии, особенно в Кыргызстане, можно объяснить их уникальными методами управления и преподавания. К такому выводу пришли Л.Гагбансуа и К. Ибрагим в своем исследовании, опубликованном в 2007 году.

Методология исследования и методы

Методология исследования основана на принципах неолиберальной теории международных отношений, которая рассматривает систему образования как важный фактор реализации политики «позитивного имиджа» государства за рубежом. В качестве методов исследования были выбраны общенаучные методы анализа и синтеза. Также были применены методы исторического анализа, позволяющие нам оценивать конкретные события, принимая во внимание конкретный исторический период, политические рамки и контекст. Кроме того, мы проана-

лизировали соответствующие законодательные документы в области образования в Турции, чтобы систематизировать информацию.

Научное обсуждение

В этом разделе нашего исследования мы считаем уместным обсудить правовые основы, лежащие в основе конкретных аспектов формирования, развития и управления национальной системой образования Турции.

Османская империя также не смогла избежать западного влияния, и были предприняты усилия по преобразованию функционирования различных государственных институтов, особенно в военном секторе и сфере образования. Одной из таких инициатив стало создание в 1857 году Министерства образования и генеральной инспекции под названием «Маариф-и Умумие», что стало важным шагом в организации и регулировании вопросов образования в Турции в период Османской империи.

Эта реформа, направленная на предоставление систематических и всесторонних образовательных услуг, послужила основой для развития системы образования Турции. Документы, принятые по итогам этой реформы, подчеркивали необходимость создания Министерства образования для обеспечения ее эффективного осуществления. Абдурахман Сами-паша был назначен первым министром, а Хайрулла Эфенди – его первым заместителем. Это сотрудничество между двумя чиновниками легло в основу создания новой системы образования в Турции в республиканский период.

Закон № 430, принятый 3 марта 1924 года, оказал значительное влияние на организацию и управление системой образования в течение этого времени. Это законодательство, обычно называемое «унификацией образования», отменило законы шариата и надзор вакуфов и передало ответственность за образование в медресе от религиозных властей Министерству образования. Эта мера послужила основой для постепенного закрытия этих учебных заведений.

Как вам известно, это решение было направлено на централизацию образовательных, педагогических и научных учреждений, находящихся в ведении Министерства образования, с целью оптимизации вопросов образования. Логика решения была обоснована, прежде всего, желанием решить проблему двух отдельных образовательных систем, мешающих друг другу. Сторонники принятия этого закона утверждали,

что объединение системы образования будет способствовать развитию национальной идентичности и сплоченности народа.

Другим важным событием стала тенденция приглашать опытных международных экспертов для обмена опытом и предоставления консультаций относительно реформы турецкой образовательной системы. Хотя предложения, выдвинутые этими иностранными экспертами, не были полностью приняты, можно сказать, что они внесли свой вклад в адаптацию системы к современным стандартам.

22 марта 1926 года был принят Закон об организации образования, заложивший еще одну основу для институционализации Министерства образования. В результате принятия этого законодательства в рамках министерства был создан департамент по подготовке кадров, и его значение в надзоре за политикой в области образования и ее реализации стало очевидным.

После вступления Закона в силу в рамках Национального министерства образования были созданы различные департаменты и комитеты, включая Главное управление начального образования, языкового представительства, авторского права и перевода. С тех пор в целях улучшения координации административных структур были внесены определенные изменения, включая закрытие Департамента народного образования и передачу его функций Генеральному директорату. Кроме того, были приняты конкретные меры по повышению грамотности взрослого населения путем создания национальных школ для обучения взрослых в различных частях страны. Эти усилия демонстрируют приверженность турецкого правительства расширению образовательных возможностей и повышению стандартов по всей стране.

Базовая организационная структура, созданная в республиканский период в Турции, заложила основу для последующих изменений в системе образования. С течением времени все большее число министерств и департаментов рассматривалось как признак бюрократизма в сфере образования. С 1939 года созывается Национальный совет по образованию, где эксперты и официальные лица встречаются раз в год для обсуждения важных вопросов, связанных с образованием. Этот форум собрал вместе учителей, ученых, правительственных чиновников, профсоюзы и представителей широкой общественности для обсуждения вопросов образования, предложения решений и повышения качества образования.

Стоит отметить, что Национальный совет по образованию служит важной платформой для демократического обмена идеями и разработки политических рекомендаций в этой области. Чтобы справиться с растущей рабочей нагрузкой и повысить качество услуг, Министерство образования в 1946 году приняло закон № 4926, направленный против самого министерства. Основой для принятия этого закона послужила необходимость реструктуризации Министерства с целью создания различных департаментов и отделений, отражающих диверсификацию образовательных функций и услуг. В результате были созданы дополнительные департаменты и генеральные директораты, такие как Главное управление здравоохранения в 1959 году и Главное управление издательского образования в 1960 году.

В 2011 году организационная структура Министерства была реформирована на основании Закона № 652. Это привело к значительным изменениям в структуре министерства, которая теперь отражает его разнообразный круг задач и включает в себя несколько департаментов и управлений, ответственных за различные аспекты образования, административные функции и вспомогательные службы. Эти реформы являются отражением динамичного характера управления образованием в Турции, а также меняющихся потребностей общества, философских основ образования и политического климата.

Европейский опыт для турецкой системы образования

В 1971 году началось тесное сотрудничество между европейскими и турецкими учебными заведениями, что привело к внедрению передовых европейских стандартов. Эти стандарты включали систему выставления оценок, стандартизацию методов обучения и реализацию таких программ, как Erasmus и Socrates. Общая цель этих инициатив состояла в том, чтобы улучшить качество турецкого образования и более тесно привести его в соответствие с европейскими стандартами.

Социально-экономические проблемы, с которыми столкнулась Турция в 1980-х годах, послужили толчком для новых реформ в системе образования. Низкий уровень развития отечественной промышленности привел к тому, что выпускники турецких университетов часто были недостаточно подготовлены к конкуренции со своими сверстниками из других европейских стран. Комплекс проблем в сфере

образования Турции возникает из-за неспособности современного понимания образования соответствовать требованиям информационной эпохи. Некоторые эксперты утверждают, что турецкая национальная образовательная система находится в ловушке между современной и постмодернистской образовательными парадигмами. В то время как в некоторых частях страны образовательный процесс, требуемый веком информации, осуществляется частными учебными заведениями, подавляющее большинство школ продолжают работать по принципам индустриального образования. В результате необходимость реформы нашей системы образования очевидна во всех ее аспектах. Усилия, направленные на трансформацию, должны предприниматься серьезно и непрерывно. Важно не забывать, что сфера образования отличается от других областей, и ее уникальные характеристики очень важны. Это общий принцип всех времен, который гласит, что образование является основой социального, экономического и культурного развития, и что именно благодаря образованию характеристики современной эпохи распространяются на социальную структуру (Yeni Eğitim, 2023).

Несмотря на многочисленные реформы, Турция не полностью вестернизировала себя. Турция стремится сделать образование по-настоящему национальным, разрабатывая свою образовательную политику и учебные программы, основанные на ее уникальных национальных особенностях. При таком подходе Турция обладает значительным потенциалом стать обществом, основанным на информации. Однако для достижения этой цели требуется понимание текущей эпохи и содействие социально-культурному развитию общества.

Процесс вестернизации в Турции вызвал беспокойство у некоторых слоев населения. Скептики европоцентризма считают, что в результате либеральных реформ некоторые люди отвернулись от своей религиозной и национальной идентичности и фундаментальных ценностей своей культуры.

Выводы

Цели и принципы турецкой образовательной системы в отношении желаемого общества и страны неясны. Цели демонстрируют довольно разнообразную структуру, и из-за отсутствия четких целей и стратегий чиновники от образования пытаются исправить ситуацию и не при-

лагают усилий для улучшения качества образования в долгосрочной перспективе. В результате то, что необходимо сделать в отношении образования, определяется определенными статистическими показателями.

Дети из экономически успешных и культурно значимых семей пользуются этими преимуществами и приумножают их за счет существующей системы образования. Турция является одним из самых востребованных образовательных направлений в мире, и ее новая система образования занимает первое место как по качеству, так и по эффективности. Система высшего образования в Турции охватывает все учебные заведения, предлагающие образование и профессиональную подготовку, начиная со средней школы и заканчивая бакалавриатом и далее, а также учреждения, предоставляющие формальное образование сроком не менее двух лет.

Согласно Конституции Турецкой Республики, все граждане имеют право на бесплатное и высококачественное базовое образование на своем родном языке. Турецкий язык является обязательным предметом во всех аккредитованных учебных заведениях, независимо от того, управляются ли они турецкими или иностранными учреждениями. С 2012 года в Турции внедрена новая образовательная система, которая требует от студентов в общей сложности 12 лет обучения, разделенных на три этапа: четыре года базового образования, четыре года среднего образования и четыре года обучения в университете. Министерство образования отвечает за управление образованием страны и предоставляет учебные материалы, такие как учебные программы и т. д. и он отвечает за создание системы образования в Турции, координацию деятельности государственных, частных и некоммерческих организаций, строительство и развитие школ, а также за строительство и развитие школ.

Министерство образования готовит учебные программы и правила, согласованные и согласованные Высшим советом национального образования. Дирекции национального образования, назначаемые министром, но подчиненные губернатору, регулируют вопросы образования в провинциях. Федеральное правительство несет ответственность за все расходы на государственное образование. Около 10% общего бюджета направляется на национальное образование.

Учебный год обычно начинается в середине сентября и заканчивается в середине июня, хотя между городскими и сельскими районами могут наблюдаться незначительные различия. В течение

дня в школе проводятся занятия утром и во второй половине дня. Однако в школах с большим количеством учащихся может быть раздельное расписание.

Школы обычно работают пять дней в неделю (с понедельника по пятницу), а общая продолжительность занятий составляет от 35 до 40 часов в неделю.

Турецкая система образования включает в себя формальные и неформальные образовательные программы. В Турции насчитывается более 200 университетов. Каждый год тысячи студентов выбирают, в каком городе учиться. Стамбул – один из крупнейших городов мира для студентов, с 57 университетами. Среди них 44 являются частными учебными заведениями, в то время как 13 являются государственными университетами. В Стамбуле находится примерно 29% всех университетов Турции, что делает его мегаполисом для студентов. Почти треть всех иностранных студентов, обучающихся в Турции, находятся в Стамбуле. Стамбул зарекомендовал себя как популярное место для студентов благодаря разнообразию вариантов размещения и возможностей для отдыха. Большинство студентов согласны с тем, что Стамбул предлагает что-то уникальное для изучения даже после нескольких лет проживания. Анкара, крупный город с населением около 5,4 миллиона человек, является еще одним популярным выбором для студентов. В городе расположено впечатляющее количество университетов, что делает его отличным местом для учебы.

Измир, третий по численности населения город Турции, хорошо известен как популярное туристическое направление. В нем расположены девять университетов, что делает его популярным выбором для академических занятий. В Анталии, одном из самых известных городов Турции, есть три частных учебных заведения и два государственных университета. Расположенный недалеко от Средиземного моря, Сакарья – быстро растущий город, в котором находится университет Сакарья. Яркая атмосфера города объясняется его близостью к Стамбулу, которая привлекает значительное внимание. (Türkiye'de Eğitim Sistemi, 2023).

Заключение

Когда Турция предприняла попытку вестернизации после реорганизации «Танзимата», французская образовательная модель была единственным доступным в то время вариантом. Во

Франции были созданы финансируемые государством средние школы, которые переняли методы и учебные программы французских школ. Усилия по модернизации образования в Османской империи в 18 веке были тщательными, часто включавшими сохранение существующих структур и внесение выборочных изменений, а не полную перестройку. С принятием Конституции 1924 года создание более либеральной атмосферы открыло новые возможности, хотя опасения по поводу преемственности прежней практики оставались. Общество за объединение и прогресс, которое отвечало за руководство политикой в области образования, стремилось согласовать свои образовательные реформы с более широким турецким обществом. Несмотря на усилия по выработке более унифицированного подхода, проблемы с координацией сохраняются, препятствуя достижению успешных результатов.

После создания Турецкой Республики в 1923 году усилия по модернизации достигли своей наиболее значительной фазы. Принятые меры были основаны на западных представлениях о современности и ориентированы на здравый смысл с целью создания современного государства. Основатели республики начали проводить политику модернизации в политической, экономической, культурной и социальной сферах. Кемалистские принципы заложили основу для

фундаментальных характеристик нового режима, включая республиканизм, национализм, революционаризм, этатизм, популизм и секуляризм. В отличие от западных стран, где секуляризм и просвещение являются синонимами, турецкая модернизация включала секуляризм вместе с принципами свободы, национализма, индивидуализма и науки.

Образование является важным компонентом усилий по модернизации, направленных на внедрение этих принципов в жизнь отдельных людей. Государство признает важность образования как решающего фактора в продвижении страны к современной цивилизации. Приобретение современных знаний считается необходимым для распространения универсальных знаний и построения структур, основанных на научных принципах. Сегодня в Турции идут интенсивные дебаты относительно усилий по демократизации системы образования, включая вопросы, касающиеся культурной, административной и образовательной практики. Образование продолжает играть важнейшую роль в этом процессе модернизации, и правительство продолжает подчеркивать важность образования как средства достижения страной мировой известности. Внедрение современных знаний рассматривается как неотъемлемая часть передачи универсальных принципов и внедрения научных методов

Литература

- Bozkurt, Aras, Aydin Cengiz, Kondakci Yasar. (2022). Digital Transformation and Openness in the Turkish Higher Education System.
- Celik, Sehnaz. (2023). Critical Pedagogy in Turkish Education System: Academicians' Opinions. *International Journal of Educational Research Review*. 8. 10.24331/ijere.1346303.
- Egamberdiyev, M. (2023). Cultural transformation of Turkic states in the system of integration organizations. *Journal of Oriental Studies*. 106. 10.26577/JOS.2023.v106.i3.05.
- Ergashev A.S., Grishin O.E. Turkish educational policy in Central Asia. *Post-Soviet Issues*. 2022;9(3):319-326. (In Russ.) <https://doi.org/10.24975/2313-8920-2022-9-3-319-326>
- Gagbansua, L. & Keles, Ibrahim. (2007). Managerial and Educational Features of a Turkish University in Central Asia. *Bulgarian Journal of Science and Education Policy*. 1.
- Guzelergene, Elif & Cinar, Deniz Baransel & Celik, Kazim & Nayir, Funda & Tanriogen, Abdurrahman. (2023). Supervision in the Turkish education system. *Supervision*21. 69. 10.52149/Sp21/69.2.
- Özcan, Kalayci, Nurdan, Li, Ting. (2023). A Comparative Analysis of the Institutional Quality Evaluation Processes in Turkish, European, and American Higher Education Systems. 12. 85-98.
- Polat Onbasi, Esra. (2023). A Critique of the Turkish Education System During the Early Republic Period (1923-1943) Based on Syed Ahmet Arvasi's Idea. *IJUM Journal of Educational Studies*. 11. 71-84. 10.31436/ijes.v11i2.489.
- Sultanmuratov, N., Kukeyeva, F., Chukubayev, Y., Baizakova, K. (2020). Kazakh-turkish lyceums: promotion of gülenism in Kazakhstan. *Central Asia and The Caucasus*, 21(2), 017–027. <https://doi.org/10.37178/CA-C.20.2.02>
- Türkiye'de Eğitim Sistemi (2021). <https://turkeylifeinvest.com/tr/education-system-in-turkey>
- Yeni Eğitim Paradigması ve Türk Eğitim Sisteminde Dönüşüm Gerekliliği (2003). https://dhgm.meb.gov.tr/yayimlar/dergiler/milli_egitim_dergisi/160/arslan-eraslan.htm

- Гюль А. (2016). Историография становления университетского образования в Турции: проблемы и перспективы. Вестник Омского государственного педагогического университета. Гуманитарные исследования, (2 (11)), 78-81.
- Хасанов Азат (2014). Турецкие лицеи в Таджикистане. Евразийский Союз Ученых, (8-4), 107-110.

References

- Bozkurt, Aras, Aydin Cengiz, Kondakci Yasar. (2022). Digital Transformation and Openness in the Turkish Higher Education System.
- Celik, Sehnaz. (2023). Critical Pedagogy in Turkish Education System: Academicians' Opinions. International Journal of Educational Research Review. 8. 10.24331/ijere.1346303.
- Egamberdiyev, M. (2023). Cultural transformation of Turkic states in the system of integration organizations. Journal of Oriental Studies. 106. 10.26577/JOS.2023.v106.i3.05.
- Ergashev A.S., Grishin O.E. Turkish educational policy in Central Asia. Post-Soviet Issues. 2022;9(3):319-326. (In Russ.) <https://doi.org/10.24975/2313-8920-2022-9-3-319-326>
- Gagbansua, L. & Keles, Ibrahim. (2007). Managerial and Educational Features of a Turkish University in Central Asia. Bulgarian Journal of Science and Education Policy. 1.
- Guzelergene, Elif & Cinar, Deniz Baransel & Celik, Kazim & Nayir, Funda & Tanriogen, Abdurrahman. (2023). Supervision in the Turkish education system. Supervision21. 69. 10.52149/Sp21/69.2.
- Özcan, Kalayci, Nurdan, Li, Ting. (2023). A Comparative Analysis of the Institutional Quality Evaluation Processes in Turkish, European, and American Higher Education Systems. 12. 85-98.
- Polat Onbasi, Esra. (2023). A Critique of the Turkish Education System During the Early Republic Period (1923-1943) Based on Syed Ahmet Arvasi's Idea. IIUM Journal of Educational Studies. 11. 71-84. 10.31436/ijes.v11i2.489.
- Sultanmuratov, N., Kukeyeva, F., Chukubayev, Y., Baizakova, K. (2020). Kazakh-turkish lyceums: promotion of gülenism in Kazakhstan. Central Asia and The Caucasus, 21(2), 017–027. <https://doi.org/10.37178/CA-C.20.2.02>
- Türkiye'de Eğitim Sistemi (2021). <https://turkeylifeinvest.com/tr/education-system-in-turkey>
- Yeni Eğitim Paradigması ve Türk Eğitim Sisteminde Dönüşüm Gerekliği (2003). https://dhgm.meb.gov.tr/yayimlar/dergiler/milli_egitim_dergisi/160/arslan-eraslan.htm
- Gyul' A. (2016). Istoriografiya stanovleniya universitetskogo obrazovaniya v Turczii: problemy i perspektivy. Vestnik Omskogo gosudarstvennogo pedagogicheskogo universiteta. Gumanitarnye issledovaniya, (2 (11)), 78-81
- Khasanov Azat (2014). Tureczkie liczei v Tadzhikestane. Evrazijskij Soyuz Uchenykh, (8-4), 107-110.

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3-бөлім
**ХАЛЫҚАРАЛЫҚ ҚҰҚЫҚТЫҢ
ӨЗЕКТІ МӘСЕЛЕЛЕРІ**

Section 3
**CCURRENT ISSUES
OF INTERNATIONAL LAW**

Раздел 3
**АКТУАЛЬНЫЕ ВОПРОСЫ
МЕЖДУНАРОДНОГО ПРАВА**

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THREE DIMENSIONS FOR SCO TO IMPROVE LEGISLATION

The 21st century is the “era of international organizations”. the SCO is facing a realistic dilemma of “insufficient rule orientation”, “imperfect international law system” and “uneven level of rule of law among its members”. International law has its own structural dilemma of uncertainty, which lies in structure, language and doctrine, and overturns the existing international law system. Within the framework of the SCO, the traditional normal way can’t quickly and effectively establish legislation. The argumentative paradigm is rooted in the “intersubjectivity” of the international community, reshaping the effectiveness and source scope of international law, and using this paradigm can quickly and effectively build a set of international law system for SCO. This paradigm needs value guidance in line with universal rationality. The “community with a shared future for mankind” proposed by the Chairman Xi Jinping is expected to achieve the multi-dimensional goals of common prosperity, universal security, openness and win-win results, equality and inclusiveness, and joint construction, which can provide a value orientation for the development of SCO international law. This paper focuses on the SCO, tries to elaborate the problems faced by the SCO from the perspective of international law, and puts forward the research paradigm of improving the construction of SCO international law and the value orientation of “community with a shared future for mankind” on the basis of its system, in order to further clarify the direction of efforts to build the SCO legal system. Under the guidance of the theory of community with a shared future for mankind, the SCO’s practice of argumentative international law can improve the legal system construction within the organization on the basis of maintaining regional peace, and then contribute to the SCO’s participation in world governance and the promotion of the rise of Asia.

Key words: norms, indeterminacy, argumentalism, community with a shared future, SCO.

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ШЫҰ-НЫҢ ЗАҢНАМАСЫН ЖЕТІЛДІРУДЕГІ ҮШ ӨЛШЕМ

XXI ғасыр – халықаралық ұйымдар дәуірі. ШЫҰ жеткіліксіз ереже бағдары, жетілмеген халықаралық құқық жүйесі және мүшелері арасындағы заң үстемдігінің біркелкі емес деңгейі деген шынайы дилеммамен бетпе-бет келіп отыр. Халықаралық құқықта құрылымда, тілде және доктринада жатқан және қолданыстағы халықаралық құқық жүйесін бұзатын белгісіздіктің өзіндік құрылымдық дилеммасы бар. ШЫҰ шеңберінде дәстүрлі қалыпты әдіс заңнаманы тез және тиімді түрде бекіте алмайды. Дәлелдемелік парадигма халықаралық қоғамдастықтың интерсубъективтілігіне негізделген, халықаралық құқықтың тиімділігі мен бастапқы көлемін қайта қалыптастырады және осы парадигманы пайдалану ШЫҰ үшін халықаралық құқық жүйесінің жиынтығын тез және тиімді құра алады. Бұл парадигма әмбебап ұтымдылыққа сәйкес құндылық бағдарын қажет етеді. Төраға Си Цзиньпин ұсынған адамзаттың ортақ болашағы бар қоғамдастық ортақ өркендеу, жалпы қауіпсіздік, ашықтық пен жеңіс нәтижелер, теңдік пен инклюзивтілік және бірлескен құрылыс сияқты көп өлшемді мақсаттарға қол жеткізеді деп күтілуде. ШЫҰ халықаралық құқығының дамуына құндылық бағдары. Адамзат үшін ортақ болашағы бар қауымдастық теориясының жетекшілігімен ШЫҰ-ның дәлелді халықаралық құқық тәжірибесі аймақтық бейбітшілікті сақтау негізінде ұйымның құқықтық жүйесін құруды жақсарта алады, содан кейін ШЫҰ-ның әлемдік басқаруға қатысуына ықпал етеді. Азияның көтерілуіне жәрдемдесу.

Түйін сөздер: ережелер, белгісіздік, полемизм, ортақ болашақ қауымдастығы, Шанхай ынтымақтастық ұйымы.

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Три аспекта совершенствования законодательства ШОС

XXI век – это эпоха международных организаций. Шанхайская организация сотрудничества сталкивается с реальной дилеммой недостаточной ориентации на правила, несовершенной системой международного права, неравномерного уровня верховенства права в государствах-членах. Структурная дилемма, связанная со структурой, языком и принципами международного права, подрывает существующую систему международного права. В рамках ШОС традиционный нормальный подход не позволяет быстро и эффективно формировать законодательство. Парадигма работы уходит корнями в межсубъектность международного сообщества, изменяет сферу действия и источники международного права, используя эту парадигму для быстрого и эффективного построения системы международного права ШОС. Эта парадигма должна соответствовать ценностной ориентации универсальной рациональности. В данной статье основное внимание уделяется ШОС, предпринята попытка разработать проблемы, с которыми сталкивается ШОС, с точки зрения международного права, а также выдвинута исследовательская парадигма совершенствования конструкции международного права ШОС и ценностной ориентации «сообщества с единой судьбой человечества». на основе ее системы, с целью дальнейшего уточнения направления усилий по построению правовой системы ШОС. Под руководством теории сообщества единой судьбы человечества практика аргументированного международного права ШОС может улучшить построение правовой системы внутри организации на основе поддержания регионального мира, а затем способствовать участию ШОС в мировом управлении и содействии возвышению Азии.

Ключевые слова: правила, неопределенность, аргументизм, сообщество судьбы, ШОС.

Introduction

With the end of the cold war and the collapse of the bipolar pattern, the international rule of law has increasingly become the focus of the international community. In the face of the gradual disorder of the international community, Kofi Annan, the former Secretary General of the United Nations, once said with passion: “attach importance to the rule of law and create a favorable environment for sustainable economic growth!”(2012) Law is the beginning of governance. The rule of law can promote all actors in the international community to respect the common values of mankind, such as humanism, harmonious coexistence, sustainable development, etc., and promote the international community to take this as the logical starting point and value criterion to construct “a model and structure that spans the national level and restricts their behaviors, establishes mutual relations, defines their rights and obligations, and handles related affairs”(Zhipeng, 2009). In the process of building the international rule of law, comprehensive and professional organizations, multilateral and regional organizations have played an important role. As David W. Kennedy said, “the international community in the 20th century is an international community ‘towards organization’”(David, 1987). The motive force of the Shanghai Cooperation

Organization (SCO) is to fill the power vacuum caused by the collapse of the geopolitical center in Central Asia after the collapse of the Soviet Union. In essence, it is a cooperation mechanism based on political mutual trust and security dependence. However, with the revival of East Asia, especially China’s economy, the legal mechanism of economic and trade cooperation within SCO has stronger vitality than the traditional legal mechanism of political security. The experience of nearly a hundred years tells us that the most prominent feature of the upgrading of the global governance model is the progress of system construction towards the ideal of rule of law, which has promoted the improvement of the rule of law level of international economic and trade governance. However, due to the uneven level of the rule of law in Party States, the emphasis of emerging countries on their own sovereignty and the characteristics of the organization’s operation mechanism (the SCO is not generally a top-down construction like the EU, but a public product agreed by Party States through consultation), the efficiency of the SCO in the legislative dimension lags behind, which hinders the possibility of further cooperation among party states within the SCO. Therefore, to achieve the long-term development of the SCO and even the global economy and society, improving the rule of law within the SCO has become an important issue.

The SCO's GDP accounts for one quarter of the world's total, which plays an important role in driving the development of the world's economy, and the creation of SCO's laws requires repeated communication and consensus among member states under the principle of sovereign equality. Therefore, it's rash, at least not serious, to rashly provide a draft law for the SCO. However, in his speech "promoting the 'Shanghai spirit' and building a community with a shared future" delivered at the 18th meeting of the Council of heads of SCO party states in 2018, the Chairman Xi Jinping put forward the proposition of "SCO community with a shared future", which "conforms to the development trend of the times, faces the common challenges facing mankind, and guides the development of international relations with advanced ideas"(Yan 2018), which is not only of great guiding significance to the development of international relations, it also provides value guidance for improving the construction of international rule of law within SCO.

Theoretical Discussion and Previous Studies

Since the establishment of SCO on June 15, 2001, it has only been more than 20 years. In the face of the profound changes unseen in a century, the young SCO inevitably has more or less defects in the construction of the rule of law. Law is the beginning of governance. Promoting the rule of law in global and regional governance is a universal consensus to promote economic prosperity. The shaping history of international law in the international community over the past century also provides experience for us to examine the lack of rule of law within SCO. This paper believes that the lack of rule of law in SCO is mainly reflected in the following three aspects: macro dimension, the legal system of SCO is not perfect; Micro dimension, lack of rule orientation; In the subject dimension, the level of rule of law in Member States is uneven.

1. The impacts of legal system of SCO in content dimension

As pointed out above, the motive force for the establishment of SCO is to fill the power vacuum caused by the collapse of the political center in Central Asia after the collapse of the Soviet Union. Looking back on the development of the rule of law of SCO in the past 20 years, the core of its legal system construction has always focused on security cooperation, focused on military and political cooperation among governments, and lacked a complete economic and trade treaty system. Even

though the design of the legal system of SCO has involved the fields of economy, trade and humanities, its breadth and depth have been unable to meet the growing economic, trade and cultural needs among Party States. Specifically, the imperfection of the SCO legal system is manifested in the following two aspects: First, the SCO's legal system focuses on military security and lacks economic, trade and humanistic legal regulations; Second, the legal construction within the SCO excessively relies on government cooperation and ignores the care of private and personal exchanges.

First of all, SCO member states have successively joined the WTO, realizing regional convergence and promoting the rapid development of regional economy. Especially after the revival of China's economy in the new century, the trade pattern with China as the core has been formed, and the advantageous resources among member countries have also been effectively allocated. For example, so far, the SCO's economic aggregate has reached US \$20 trillion, accounting for a quarter of the world's economic aggregate, and its total foreign trade has reached US \$7 trillion (2021). Because member states are highly complementary in the field of trade, the trade development potential of SCO remains strong. However, less than one tenth of the more than 20 SCO legal documents involve economic and trade cooperation, and economic and trade cooperation is concentrated in the field of energy. For example, the SCO charter regards economic and energy cooperation as an important area of SCO cooperation. The constitution of the SCO energy club adopted in Moscow in 2007 has become a programmatic document for SCO energy cooperation. It is undeniable that SCO still lacks a specialized legal system in the field of economy and trade, and the economic and trade cooperation among member states still relies mainly on WTO or other multilateral international legal mechanisms. Zhang Yi, a Chinese scholar, pointed out that "the 'cooperation' of SCO starts from the need for security, and thrives on economic, trade and cultural cooperation."(Yi 2018) Therefore, improving the construction of legal system in the field of economy and trade has also become an important condition for SCO to play a role in promoting regional economy.

Secondly, the current legal system of the SCO lacks care for people and individuals. Traditional international law mainly regulates the relationship among sovereign states, and international academia generally defines international law as a legally binding rule governing the relationship among states. However, it is undeniable that with the in-depth

development of the rule of law and the international human rights movement, individuals have gradually attracted the attention of international law, and human rights conventions such as the Universal Declaration of human rights and the International Covenant on Civil and political rights have gradually gained the status of international jus cogens, which also shows that the immortal human value is the common rationality among different civilizations, countries and races, which also leads some scholars to believe optimistically: “With the development of the international community, the status of individuals will eventually become the most important, and gradually international law will be directly applied to individuals.”(Binghua, 1997) Looking at the legal system of SCO, its legal construction mainly depends on the cooperation between governments, and the attention to individual and non-governmental exchanges is obviously insufficient, which leads to the low level of legal regulation of individual rights and obligations of SCO, which is significantly lower than the current development level of international law.

2. The impacts of legal system of the SCO in norm dimension

From the practice of international law in the past century, it can be seen that sovereign equality is the basis for the stability of the international order, but it is undeniable that the horizontal logic of international law is full of contradictions in reality, because the international community is faced with the gap between sovereign states in the mainstream discourse and universal imperial political practice. “Empire is used to describe a super large political entity that exists universally in history. It is not only a stable order containing internal complexity and diversity, but also a philosophical thought and political effort in pursuit of universalism.”(Shigong 2019) They use legal means to build an international order that appears to be “sovereign equality” through the free imperial system compiled from scientific, technological, financial, legal and cultural concepts, But in essence, “there is always a central and marginal imperial order in the global economic system.”(Shigong, 2019) the major powers take geopolitical measures against countries that are not subject to them politically and economically, and exclude these countries from the trading system. “In the current era of globalization, if any country or company is isolated from globalization and becomes an economic and political island, which is unable to participate in globalization, it means that

it is deprived of the basic right to develop and even survival in this world.”(Shigong, 2019) Therefore, although the Charter of the United Nations explicitly stipulates that all countries in the world are equal in sovereignty, legal equality cannot ignore the gap in strength among countries, which is also the status dual-track structure of the international community (horizontal equality and vertical inequality). “Law is politics.”(Louis, 1995) international law is the normative expression of international politics. Sovereign States fight for their own political interests. As the transfer of sovereignty, international law is often subverted because countries give up self-restraint. Therefore, international law is in a passive and passive defensive position. How to change the way of exercising national sovereignty and realize de politicization in order to achieve the rule of law? The most important condition is that the international community should establish perfect international law, make countries and international organizations change from power orientation to rule orientation, and restrict the exercise of state power with stable expectations and reliable rules. This is what Montesquieu said, “the exercise of power will not stop until there is a border.”

Reviewing the construction of the legal system of SCO, the development process of its rules is relatively slow. From the Charter of the Shanghai Cooperation Organization to the Joint Communiqué following the 20th Meeting of the Council of Heads of Government, it can be seen that the legal system of the SCO is dominated by the declaration, joint declaration and other framework and principled legal texts. Although the simplified power and responsibility system can provide value guidance for a wide range of dispute issues, it is slightly inadequate in the operation of law enforcement. Secondly, as pointed out above, SCO is not a top-down construction, but a public product based on political mutual trust and security dependence. Its legal system is built on the basis of equal consultation. Although this consultation method is conducive to safeguarding the sovereignty of Member States, it is also unable to effectively and timely handle some outstanding issues to a certain extent, The important force to ensure the effectiveness of international law is the effective implementation of law. Therefore, how to depoliticize the exercise of SCO power and properly resolve disputes among member states under the guidance of rules has also become an urgent problem to be solved to strengthen the respect of rules by SCO member states and realize the legalization of economic and trade cooperation.

3. *The level of rule of law in Member States is uneven*

The rule of law can provide effective guarantee for social operation, including economic and social development, which has become an indisputable proposition. But “the concrete and suitable rule of law for a country is not a set of abstract principles and rules without background, but involves a knowledge system. A living and effective operation of the rule of law society needs a lot of constantly changing specific knowledge” (Li, 1995). In other words, the rule of law is local. However, this does not mean that the rule of law is just a shell filled with local knowledge, which contains a number of values accepted by the common rationality of mankind, and countries use this value as a benchmark to shape their own concept of rule of law. In this sense, the rule of law has become a concept of “non-nationalization”, “standardization” and “convergence”, which also provides an objective standard for measuring the level of rule of law among countries.

The majority of SCO member states are emerging countries with a low level of rule of law. For example, armed conflict broke out from January 1 to 9, 2022, resulting in 225 deaths, including 19 law enforcement agency personnel; The disputes and conflicts between India and Pakistan over the territory of Kashmir have lasted for more than half a century; Another example is the military conflict between Russia and Ukraine. These armed conflicts undoubtedly pose a great threat to world and regional peace and restrict the economic and cultural development between regions. Although the rule of law can't avoid war and armed conflict, but “at the national level, the rule of law provides predictability and legitimacy for national actions” (2012). Therefore, how to improve the level of rule of law in SCO member states is not only related to the prospects of cooperation among Member States, but also related to the vital well-being of the people in the region. It is also the key for SCO to achieve the goal of rule of law.

“From the perspective of legal development, international legal norms and domestic legal norms not only achieve internal harmony and consistency within their respective legal systems, but also are interrelated, infiltrating and promoting each other in general” (Long & Xigen, 2001). To improve the level of the rule of law in SCO member states, Member States should not only learn from the advanced experience of the rule of law, but also realize the innovation and development of their own laws in combination with their local cultural traditions. Taking the legal construction in the field

of economy and trade as an example, SCO member states have joined the WTO one after another. The WTO is regarded as a model of contemporary international organizations. By weakening the influence of power in the international trade order and strengthening the effectiveness of rules to properly solve trade disputes, it objectively deepens the respect and belief of member states in the rule of law, and then realizes the rule of law in the international trade order. SCO members have gradually realized the docking with the current WTO rules in the WTO. SCO member states should fully absorb the advanced experience of WTO rule of law construction, comply with the international development trend, and strive to build a higher level of international economic and trade law rules on the existing level of SCO economic and trade rules. At the same time, as pointed out above, any model regulation of rule of law construction is limited by limited rationality, and it is impossible to exhaust all the information and knowledge of legal activities in a society, and it is impossible to make scientific creation on the complex civilizations in the world. It is hasty, even unscientific, to regulate an effective modern rule of law system without investigating the particularity of local civilization and relying solely on the successful rule of law templates of other countries. Therefore, SCO member states must, on the basis of absorbing the advanced experience of the WTO in the rule of law in economy and trade, apply their rationality in social life, and seek ways to solve various legal conflicts that can maximize their interests, “and on this basis, in people's interaction, that is, mutual adjustment and adaptation, and gradually form a set of rule system that is compatible with their development and changes in social life” (Li, 1995).

Method

The rule of law can create a favorable environment for the sustainable development of SCO, but how to promote the legislation of SCO requires lawyers to contribute their wisdom in combination with the current development status of international law. For a long time, “normativity” has been seen as the basic attribute of international law, and has formed a profound academic tradition, which has established the positive, scientific and judicial characteristics of international law. Undoubtedly, ruleism attempts to bring all international relations under the governance of international law, partially realizing the de-politicization of international governance. However, ruleism overemphasizes the

positivity and scientific of international law, which not only ignores the reality of the dual-track structure of the international community, but puts jurists in a passive position, limiting their abilities to understand and handle world politics. It hinders scholars' concern about the real world. Especially with the rise of critical international law, understanding and overcoming the uncertainty of traditional ruleism and reconstructing the disciplinary boundary and legitimacy of international law research have become another mainstream of the international law in the new century, profoundly changing the paradigm of international law research and creation, and emphasizing the "intersubjectivity" of International law has become the mainstream. This paper argues the adoption of the argumentative paradigm is in line with the experience and political imagination of SCO.

1. Critical on ruleism

In the early modern society, the international society was regarded as disorderly, and the relationship between countries and between people was in a state of war. With Grotius' pioneering rule governance in the theory of international relations, international law was gradually transformed into a practical legal language system. In the process of positivization and scientification of international law, international law has constantly conquered international politics and tamed national sovereignty, and the international community has also been moving towards civilization. However, the rule of international law emphasizes the scientificity and positivity of the articles of law, and the international law, as the transfer and compromise of sovereignty, is inevitably open and uncertain, which also leads to the challenge and challenge of the rule of international law from the second half of the 20th century.

First, international law has the structural characteristics of uncertainty. International law is different from domestic law. The essential characteristics of compromise and decentralization determine the openness, fuzziness and contradiction of legal terms. Because international law is the transfer of the sovereignty of the Contracting States, the treaties concluded by the Contracting States must be flexible, even vague, in order to safeguard their own interests, and then give their political acts the appearance of legitimacy through free interpretation; Secondly, the international community has never produced a supranational central organization, which directly leads to the inevitable conflict of laws among the endless global conventions and

regional treaties. For example, the conflict between the "individual criminal responsibility" clause in the Rome Statute and the "principle of sovereign equality" in the Charter of the United Nations, and the difference in the scope of terrorist acts between the Shanghai Convention on combating terrorism, separatism and extremism and the Convention on the prevention and punishment of terrorism. The second paragraph of Article 1 of the Shanghai Convention on combating terrorism, separatism and extremism clearly defines acts that threaten political stability such as "undermining public security or forcing political organs or international organizations to commit or not to commit certain acts" as terrorist acts, while the Convention on the prevention and punishment of terrorism focuses on the field of "personal, property and public security". As Li Ming, a Chinese scholar, pointed out, "the decentralized structure of the international community has greatly exacerbated the uncertainty of international law and made uncertainty a structural feature of international law"(Ming 2020).

Second, the mixed nature of international law determines that there is no clear boundary between international law and morality, politics and policies. In 2012, the Secretary General of the United Nations pointed out in his speech to the General Assembly on Justice: a programme of action to strengthen the rule of law at the national and international levels: "The rule of law is the core concept of the organization's mission... This concept calls for measures to ensure compliance with the following principles:... Separation of powers..."(2012). This means that in order to realize the international rule of law, the legislative power, judicial power and administrative power must be distinguished, but the subject of international law is mainly the state, and the international community doesn't have a central authority, so the state is both the legislator and the law applicator. The creation of law is a political process, while the application of law is an objective process. Therefore, the goal of separating international law from politics, policy and morality is objectively impossible to achieve.

Third, the rule doctrine attaches importance to hard law, ignores soft law, emphasizes the judicial center, and ignores the multiple application of international law. The rule doctrine pays attention to the positivity and scientificity of legal texts. It believes that only the rules of formal resources specified in Article 38 of the statute of the International Court of justice are effective international law, and the corresponding international soft laws need to find their normative significance from the hard law.

For example, customary international law needs to be legally confirmed and codified by the General Assembly resolution before it has independent normative significance (1996), or the resolution of the United Nations General Assembly can also be used as a proof of the legal certainty of the international community on specific legal issues (1986). The fundamental reason why ruleism pays attention to the positivity and scientificity of the rules of international law is that traditional international law focuses on “judicial trial”, thus ignoring the international soft law that occupies an absolute volume and has no coercive force in international law. The ruleists believe that the main function of international law is the function of adjudication, while international soft law doesn’t have coercive force, so it doesn’t belong to international law. However, it is worth noting that the application of international law by international judicial organs is an exception rather than a normal situation in the international community. In fact, the application of international law in most cases is manifested in the unilateral invocation of international law by States, or the submission of their own claims of international law in international disputes. For example, since its establishment, the International Criminal Court has only examined 31 situations. Since its establishment in 1945, the main role of the International Court of justice has been to provide judicial opinions to member states rather than judicial decisions. In contrast, it is common for countries to invoke international law and unilaterally put forward their own international law claims. For example, in the conflict between Russia and Ukraine, China proposed a peaceful solution of political rather than judicial solution, which was recognized by the vast majority of countries in the world, and both Russia and Ukraine put forward corresponding international law claims for their sovereign acts.

Fourth, the rule-based approach of international law has covered up the realistic order of national competition with universalism, which is a gap with the practice of international law of large countries. The ruleism assumes that the meaning of international law is universal and common, and the international law understood and applied by sovereign states is the same discourse system and has the same meaning. This seemingly value free attitude actually implies such a logic that international law has and only has one narrative and one interpretation. However, in the practice of international law, sovereign states, especially large countries, often don’t determine their rights and obligations from the perspective of rules, but by

integrating their own policies into the language of international law and expressing their interests in the form of law, so as to provide legal legitimacy for their own policies and political actions. In this sense, “the main function of international law isn’t rule enforcement and dispute settlement, but to allow countries to turn their individual interests, demands and foreign policies into universal legal claims ”(Yifeng, 2023). For example, Pierucci, a French Alstom employee, pointed out in the book *American Trap* that the United States maintains its economic interests through political action by internationalizing its FCPA. Therefore, the method of international law based on rules cannot build a unified ideological foundation of the international community, nor can it solve the contradiction between the universalism of rules in the mainstream discourse and the practice of international law of great power competition.

2. Introduction of argumentative international law method

Post-modernity is a common challenge for all social sciences, as is international law. With the rise of critical jurisprudence, the deconstruction of hegemonism by the TWAIL, and the start of postcolonial research, the traditional rule doctrine attempts to regard international law as a neutral, value free, universalist rule form, which is already unsustainable. Emerging countries criticize the Eurocentrism of international law, trying to improve their voice in the international community, and then, the “intersubjectivity” of the international community has become a structural problem that international law must face. The argumentalism of international law is to criticize ruleism and reconstruct international law under this background by using the concepts of philosophy of language, debate theory and debate practice. It holds that “the debate of international law is a dialectical process between standardization and concreteness, and mutual cancellation. The objectivity of international law is difficult to achieve”. “International law is a debating practice aimed at persuading target groups such as courts, peers, politicians and readers of legal texts of the legal correctness of the positions they defend, that is, legitimacy, justice, permissibility and effectiveness.”(Matti, 2019) The logical starting point of argumentalism lies in the “intersubjectivity” of the international community, which recognizes that a state is both the maker and executor of international law; International law is not only hard international law, but also soft international law such as declarations, agreements and declarations; The

function of international law isn't limited to judicial decisions, but diversified; Countries' understanding of international law isn't uniform and universal, but they interpret and create international law according to their respective interests. From the perspective of argumentalism, international law is no longer a static objective rule, but a dynamic process in which multiple subjects interpret, confront and compete for the right to speak. According to the logic of argumentalism, international law is no longer the confirmation of law and illegality, but the debating practice of legality and illegality. Its focus is from the confirmation of rules to the political, legal and technical strategies used to compete for the right of legal interpretation. The key to judge whether the behavior of a State conforms to international law is whether it can strengthen, promote and persuade or force other countries to accept the political process of individual interpretation. "It is a war of words related to the construction of the world and the distribution of power"(Jean, 2012).

From the above brief description of argumentalism, it can be seen that it is deeply rooted in the reality of the international community. It isn't a simple objective description of the transformation of international law from static to dynamic, but a revolution in the paradigm of international law. From the epistemological point of view, the "persuasive skill" of argumentalism overcomes the drawbacks of the essentialism understanding of international law by ruleism, and instead understands and applies international law in the way of constructivism. In other words, international law isn't an objective and universal rationality, but a subjective construction of the legitimacy of action given by state actors through the discourse of international law, which has the characteristics of relativism; From the perspective of methodology, the core of argumentalism isn't the rules of international law, but the subject of international law who creates and interprets rules. As a "skill of language/persuasion", argumentalism believes that the main role of international law is how state actors talk to and persuade other countries in international exchanges. In a word, the argumentative approach to international law deconstructs the tradition of ruleism from an internal perspective. It not only respects the status dual-track structure of the international community, but also integrates philosophical and linguistic theories into the knowledge system of international law, fully explains the legitimacy basis of unilateral legislative actions, law enforcement acts and force measures of States, and broadens the research vision of international law.

3. The debating method conforms to the legislative mechanism

As pointed out above, the SCO's legislative path is carried out by consensus among member states under the principle of sovereign equality, and the SCO's economic and cultural legal system has been unable to meet the growing economic and cultural needs of Member States. In other words, there is an urgent need to build the SCO's legal system with the ruleism international law method, but the formulation efficiency is low. Argumentalism is different from the essentialism understanding of international law by ruleism. It doesn't require all Member States to reach a complete consensus on the economic and trade legal system of the SCO. Member states can adjust the economic and trade relations among member states through bilateral agreements or multilateral agreements. This doesn't require the full consent of all Member States to a proposal. It only requires the consent of the countries participating in the agreement, or the proponent to persuade other countries not to object. Argumentalism fits perfectly with the legislative mechanism of SCO.

First of all, argumentalism widens the scope of the sources of international law, effectively improves the law making ability of the subjects of international law, and can make up for the lack of SCO economic and trade legal system in a short time. The traditional rule doctrine believes that the source of international law is limited to international treaties and international customs, and a large number of declarations, agreements, protocols and other legal practices that haven't yet reached the standard of empirical law are excluded from the source of international law, while the argumentalism believes that any individual precedent can be a powerful evidence when the subject of international law invokes international law and endows its political action with legitimacy. In this sense, the source of international law isn't a standard to define law and illegality, but a tool by which the subject of international law can confirm the legitimacy of its political action. "The application and creation of international law are integrated"(Yifeng, 2023). when the subject of international law invokes the rules of international law and convinces other countries, it is creating the rules of international law, and this creation will be invoked by later ones. Such legal rules growing in international practice are sufficient to form. In view of the lack of economic and trade legal system within the SCO and the increasingly frequent economic and trade activities among Member States, it has become a general trend to quickly form an effective economic

and trade legal system, and the introduction of the argumentative method of international law can effectively solve this dilemma.

Secondly, argumentalism helps all SCO members to participate in the creation of international law and avoid hegemonic practice of international law. The argumentalist approach to international law is different from the universalist understanding of international law by ruleism. It opposes the simple realization of international rule of law through the formal rule of law, and believes that the fundamental reason for the uncertainty of international law lies in the conflict of interests among countries over the distribution results brought about by rules. Therefore, the argumentative method bases the creation of international law and the distribution of interests on the interests of sovereign states. Any country can review its own diplomatic and international law practice, so as to confirm the current effective rules of international law. This way can better reflect the unique interests of all countries, and provide political space for opposing the monopoly of the discourse power of international law by major powers and pursuing international fairness and justice. The status of SCO member states is complex. Its member states include not only world powers such as China and Russia, but also small regional countries such as Uzbekistan and Kyrgyzstan. Argumentalism can fully reflect the interests of small countries and promote their active participation in the construction process of international law.

Thirdly, argumentalism meets the demands of emerging countries for the maintenance of sovereignty, and more fully expounds the constitutive relationship between international law and sovereign power. The SCO member states are all emerging developing countries. The traditional rule of law believes that the main role of international law is to restrict sovereign power with international law, so as to build a stable international rule of law order. In other words, the rule doctrine believes that international law and sovereign power are antagonistic, including Kofi Annan, the former Secretary General of the United Nations. For example, Annan once pointed out: "The rule of law is the core concept of the organization's mission. This concept refers to the governance principle that all people, institutions and entities, whether belonging to the public sector, including the state itself, are publicly released, equally implemented and independently adjudicated, and maintain consistent legal responsibilities with international human rights norms and standards. This concept

also requires measures to ensure compliance with the following principles: the supremacy of the law, equality before the law, and respect for the law and legal responsibility, fair application of the law, separation of powers, participatory decision-making, legal reliability, avoidance of arbitrariness, and procedural and legal transparency."(2005) However, this romantic liberal imagination conceals the legitimization of international law on colonialism, violence, war and aggression during the expansion of early capitalism, as well as the political reality of contemporary hegemonic countries using the discourse power of international law to build a "world empire"(Shigong, 2019) and legitimize their economic colonization. All SCO member states oppose imperialism, but it must be recognized that the international community is still in a competitive state of "the relationship among countries is the same as the relationship among wolves". Therefore, when SCO signs international treaties with other imperialist countries outside the organization, it can limit the autocracy and arrogance of the power of great powers to a certain extent by using the method of rational dialogue and restraint.

Finally, the argumentative method emphasizes the "intersubjectivity" of the international community, which can better clarify the social distribution function and operation mechanism of international law. Aristotle pointed out as early as 2000 years ago: "Justice can be divided into distributive justice and corrective justice. The former is embodied in public law, while the latter is embodied in civil law and criminal law... In the field of distributive justice, the focus is to give everyone what they deserve"(Carl, 2021). That is, law is a rule about the distribution of interests. There is no doubt that Aristotle's argument is about domestic law, but in the field of international law, Aristotle's argument is equally valid. For example, the Plaza Accord between the United States and Japan was signed to safeguard the economic interests of the United States, and the unequal treaties signed by China since modern times, such as the Nanjing Treaty and the Beijing treaty. In the practice of international law, argumentalism insists that international law is not only a set of argumentation skills, but also contains the significance of distributing the wealth, resources, leadership, reputation and other interests of the international community through argumentation. In this sense, international law has changed from the pure basis of judicial decisions to the daily norms for the construction of power relations and distribution principles among States, which also makes international law more easily accepted by

more countries and establishes the foundation for the construction of international rule of law.

Results

Argumentalism rose at the end of the last century and hasn't yet developed a systematic and mature theory. As the debating method of international law is a competitive and antagonistic way of law making, it means that there are value ambiguity, interest confrontation and position opposition among the argumentative parties. How to build an argumentation platform that allows participants to have rational dialogue and seek consensus? This requires us to create a basic consensus so that the debating parties can debate and make laws under the basic consensus. "By global ethics (basic consensus), we don't mean a global ideology, nor a single unified religion that transcends all existing religions, nor does it mean that one religion governs all other religions. By basic consensus, we mean a basic consensus on some binding values, some irrevocable standards and personality attitudes" (Hansi & Kuschel, 1997). Without such a basic consensus as a value orientation, the debating parties will inevitably fight for their own interests until the death, and the society will be threatened by chaos or dictatorship sooner or later. The debating parties, especially small countries, will feel hopeless sooner or later.

1. The value connotation of the community with a shared future for mankind

In 2013, the Chairman Xi proposed the ideology "community of shared future for mankind" to protect rule of law and the well-being of all mankind. Since the proposal was put forward, it has aroused the keen attention of international jurists. Law, the beginning of governance, "the construction of a community with a shared future for mankind has an inherent and inevitable connection with the realization of the international rule of law" (2018). Look at the initiative from the perspective of international law. The essence of "community with a shared future for mankind" is to create a beautiful world of lasting peace and common prosperity, which is in accordance with the concept Tian Xia Yi Jia and the aims the Charter of the United Nations, and linked by the common interests of mankind, through the efforts of all countries and mutual cooperation among countries. From this perspective, the community with a shared future for mankind initiative not only contains the goals of human society and the advanced concept of new international relations,

but also provides value guidance for the creation of international rule of law.

On the one hand, the ideology proposed by Chairman Xi fully embodies the "principle of sovereign equality", which is in accordance with the determination of emerging countries to safeguard their sovereignty, and is also consistent with the law-making mechanism of the SCO. The five purposes of a community with a shared future for mankind complied with the principle of "sovereign equality". First of all, sovereignty is the foundation to the construction of the international order. The experience of international exchanges over the past hundreds of years has shown that the most important criterion for regulating relations among countries and maintaining lasting peace is to respect the sovereignty of other countries, which is also the criterion commonly observed by the United Nations and all agencies and organizations; Secondly, universal security is the premise of common prosperity, and the premise of security reflects principles of "not threatening with force" and "respect for the sovereignty of other countries" stipulated in the Charter of the United Nations; Finally, openness, inclusiveness and co-construction of a beautiful world can only be achieved through the cooperation of all countries in the world on the basis of mutual respect, and respect for sovereign equality is its due meaning. The construction of SCO's legal system requires repeated consultations and communication among member states under the principle of sovereign equality, and ultimately reach an agreement. The "community with a shared future for mankind" initiative focuses on the sovereign equality of Member States, "developing friendly international relations based on respect for the principle of equal rights and self-determination of peoples, and promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion" (Zhipeng, 2017). It can be seen that the ideology initiative not only conforms to the value of the Charter, but also meets the SCO member states' pursuit of the value of sovereign equality, and endows the SCO member states with a higher value pursuit.

On the other hand, the "community with a shared future for mankind" initiative put forward by the Chairman Xi Jinping is not only universal rational, but also rooted in the multicultural reality of Asia, with obvious Oriental wisdom. In the dimension of universal rationality, the theory of community with a shared future for mankind considers the future of the world from the perspective of all mankind on the

basis of respecting national sovereignty and equality, highlighting the theoretical breadth of the idea of ideology, which is based on the overall development of the human beings and also pays attention to individuals; In the characteristic dimension, the ideology fully demonstrates the connotation of “harmony culture” in Asia. Under the help of the grand ideals of tian xia yi jia, the philosophy of yi he wei gui, yu lin wei shan and yi lin wei ban, the values of ren ai, ji suo bu yu, wu shi yu ren, and the great power feelings of yi tian xia wei ji ren and tian xia zhu yi, the ideology has developed and transformed the existing international law, and has adopted the thinking mode of Confucian philosophy. The ideal of pursuing creativity has put forward the political concept of equality and cooperation, the economic concept of win-win cooperation, the cultural concept of inclusiveness and mutual learning, the ecological concept of harmonious coexistence, and the security concept of co construction and sharing, which has injected Oriental wisdom and Asian characteristics into the development of international law.

2. the value standard of the laws of SCO member states

The international law method of argumentalism provides a path for SCO to improve its legal system and efficiency legislation, while the theory of “community with a shared future for mankind” establishes the value standard for the argumentation procedure of SCO member states and points out the direction for SCO in the legislative dimension. These values include politics, economy, culture, ecology, security and other aspects, as follows:

First, the political view of equality and cooperation. The theory of “community with a shared future for mankind” caters to the “intersubjectivity” of argumentalism, and advocates that countries should actively build a partnership rather than alliance, advocate dialogue rather than confrontation. This means that all countries should respect each other’s sovereign equally and, through active coordination, enable each country to cooperate and respect each other, in order to achieve common development. Both the ancient Silk Road and China’s active diplomacy today have provided powerful opportunities for the development of relevant countries, which also reflects the Confucian culture of “harmony among all nations”(xie he wan bang). The community with a shared future for mankind advocates the international view of equality, justice and harmonious coexistence, which reflects the Confucian culture of “the world is for the public”(tian xia wei gong). The initial mission of

SCO is to maintain regional security, maintain and strengthen peace, security and stability in Central Asia and East Asia, and jointly combat terrorism, separatism and extremism in all forms. Although argumentalism is conducive to countries’ pursuit of their own interests, the international view of harmonious coexistence requires Member States to abandon confrontation, adhere to cooperation, and not sacrifice the security of other countries for their own interests. “Harmony is the Tao of the world”(he ye zhe, tian xia zhi da dao ye). Confucian culture stresses peace, good neighborliness and friendship, and pacifies other countries through a comprehensive and accessible way of behavior, which also reflects the non-expansion and non-excessive elements in Asian culture.

Second, the economic idea of win-win cooperation. Marx once said, “everything people struggle for is related to their gains and losses”(Karl & Engels, 1995). The positive experience of economic globalization and the painful lessons of the two world wars tell us that countries around the world have become an inseparable community of interests in international exchanges. Confrontation and plunder between countries will only continue to squeeze the space for human survival and development. Peace and development are the historical themes for realizing the common well-being of all mankind. The theory of community with a shared future for mankind is based on the current international political situation. On the one hand, it recognizes the positive role of major countries in promoting regional and global development. On the other hand, it also emphasizes the “value both justice and interest”, pays attention to dividend distribution, and strives to narrow the development gap and solve the problem of unbalanced development. First of all, the “cake” of global interests must be enlarged, and the enlargement of the “cake” requires major countries to assume more responsibilities. It is undeniable that “whether it is the promotion of economic globalization or the construction of EU integration, if we lose the strong impetus of developed countries in the past half century, the global economic development will be much worse”(Bingxi, 2007). Developed countries, or big countries, have higher technological and economic capabilities, can promote technological progress in economic development, and provide more possibilities for world economic development. In the SCO, with the economic rise of China and Russia, China and Russia should assume more responsibilities in the relevant legal and economic fields to help the economic development of other

SCO member states. Confucian culture advocates that “when you are not satisfied, you should take care of your moral cultivation. when you are satisfied, you should strive to benefit everyone in the world.” Since ancient times, Confucian culture has been full of beautiful vision for the future society, and is committed to building a shared and co-constructed “Great Harmony Society”. In other words, the “cake” of global interests should not only be bigger, but also be divided properly. Since the rules of international law are just the normative expression of the distribution of interests in the world, the theory of community with a shared future for mankind requires the international community to pay attention to the distribution of interests and strive to solve the problems of inequality between the rich and the poor. Although the traditional international order led by European and American countries has promoted the leapfrog development of the international community, they also monopolize most of the development dividends. “At present, hundreds of millions of people in the world are still in extreme poverty and most are in underdeveloped areas ” (2019). Therefore, the theory of community with a shared future for mankind opposes the exclusive sharing of interests by major countries. Instead, it wants to “combine justice and interest”(yi li bing zhong) and “enrich people with interests”(li yi feng min). Only by distributing development dividends fairly, narrowing the development gap between countries, finding common interests of all parties, and creating inclusive and mutually beneficial development prospects, can countries live in harmony and develop together to maximize their interests.

Third, the cultural concept of inclusiveness and mutual learning. Culture is the foundation of a nation’s sustainable development. At present, the world is full of various cultures, and the conflicts and divisions caused by culture are increasing day by day. Samuel Huntington, an American scholar, pointed out: “In the post-Cold War world, the most important difference between people isn’t ideological, political or economic, but cultural... In this new world, the most common, important and dangerous conflict is not between social classes, the rich and the poor, or other groups divided by economy, but between people belonging to different cultural entities ”(Samuel, 2010). Although the traditional order of international law recognized that international law applied equally to all States in terms of rules, the word “civilized” was added before the concept of “states” in Article 38, paragraph 1, item 4, of the statute of the International Court

of justice. This article attempts to exclude the application and interpretation of international law by “uncivilized” nations through the classification of nations. Combined with the long-term practice of international law, Europe and the United States proudly regard backward regions such as Asia, Africa and Latin America as “the white man’s burden” (William, 2008). The western world has long excluded many civilizations except Europe and the United States from “civilized countries”, and cultural discrimination has also become the institutional foundation of traditional international law. The theory of community with a shared future for mankind is based on the Confucian concept of “all things grow together without harming each other”(wan wu bing yu er bu xiang hai), and advocates the cultural concept of inclusiveness, mutual learning, and mutual integration. This idea of inclusive culture is in line with the purpose -“all civilizations are equal”- of the Charter of the United Nations. The SCO member states have huge cultural differences, including Islamic civilization, Orthodox civilization, Confucian civilization, etc. the theory of community with a shared future for mankind requires Member States to recognize the legitimacy of the cultural development of each nation, respect and fully accommodate the cultures of other countries. At the same time, the theory of community with a shared future for mankind requires that civilizations should exchange and learn from each other. Only by establishing the concept of civilization of equality, mutual learning, dialogue and inclusiveness can civilizations eliminate barriers between each other and truly realize the cultural integration among SCO member states.

Fourth, the ecological concept of harmonious coexistence. The rule of law is an important prerequisite for the protection of human rights, but the “term human rights often refers to individual human rights in the western context” (Zhongfa & Diyang, 2022), ignoring the dimension of collective human rights. As a basic human right, environmental right is an important part of collective human rights. However, environmental law, as an international soft law, has no coercive force, which also opens the door for powerful countries to seek their own development and damage the human rights of other countries. For example, the philosophical basis of traditional international law is the modern western world outlook of “subject-object dichotomy”, which regards man as an absolute subject and reduces nature to the object of cognition and practice. Therefore, the relationship between man and nature also inherits the relationship between possession and

being possessed – the bourgeoisie wantonly destroys ecology in pursuit of its own interests, leading to serious ecological problems and threatening the ecological security and sustainable development ability of its own country and other countries, thus seriously violating human rights. The concept of human rights advocated by the theory of community with a shared future for mankind includes not only individual human rights, but also collective human rights. While protecting individual human rights, it also takes into account the balance and common development of collective human rights, and opposes some subjects such as specific countries, classes and interest groups from seizing the dominant position of the people as a whole and enjoying the interests originally belonging to the people. In terms of ecological protection, the theory of community with a shared future for mankind advocates that man and nature are an organic unity, and the Confucian thought of “exploiting resources according to the laws of nature”(zhi tian ming er yong zhi) is deeply embodied in the theory of community with a shared future for mankind. This theory advocates that man should follow the natural law in his interaction with nature, and shouldn't arbitrarily seize natural resources, threaten the ecological balance, and thus damaging the environmental rights and interests of other countries.

Finally, the security concept of co-construction and sharing. As mentioned earlier, in the hundreds of years of development of international law, its essence is to build an international order around the interests of major countries, and the international order itself has become a tool for major countries to safeguard their own interests and drive small countries. In order to compete for interests, big powers often ignore the rules of international law, wantonly interfere in the internal affairs of other countries, and even take armed action, which seriously threatens international security. Universal security is an important aspect of the theory of community with a shared future for mankind. The theory advocates “striving to build a world free from fear and universal security... In the face of increasingly complex and comprehensive security threats, it isn't good to fight alone, let alone to believe in force. We should adhere to the new security concept of common, comprehensive, cooperative and sustainable, and create a security pattern of fairness, justice, co-construction and sharing”(Jinping 2014). Consultation means listening to the opinions of many parties, because in the face of increasingly complex security threats, almost all major international events need to be negotiated by all countries. Only in this way can

we build a more democratic international order and eliminate potential security risks; Co-construction emphasizes the cohesion of multiple forces. In the context of globalization, the relationship of mutual benefit among countries is more obvious. Building a new international order requires efforts from many aspects. This is not only the adherence to the principle of international sovereign equality, but also the due meaning of promoting the SCO member states to assume responsibility and jointly build the SCO international legal system. Only through goodwill, fraternity, mutual assistance and democratic co-construction can conflicts be avoided and eliminated.

Conclusion

With the increasing advancement of globalization, global issues related to the interests of mankind have emerged one after another. The construction of the SCO community with a shared future provides a good strategy for the peaceful and stable development of central and East Asia. The SCO has always maintained and practiced the concept of universal security, which plays an important role in promoting lasting peace, development and stability in the region and even in the international community. However, the legal system construction of the SCO in the fields of economy, trade and human rights development isn't perfect. In view of the fact that SCO member states are all emerging developing countries and the unique law making mechanism of SCO, it is necessary for SCO to adopt the argumentative paradigm that advocates “intersubjectivity” to improve its legislation efficiency. The argumentative paradigm of international law opposes the false universalism of international law and dispels the Western centrism of international law, which not only conforms to the trend of “rising in the East and falling in the west” in today's international society, but also promotes the legal culture consciousness of SCO member states- “Any existing legal system and its related legal order can't be justified only on its own... It must be considered according to the relationship between the existing legal system, legal order and the nature or trend of the whole social order of a country in a specific time and space”(Jinping, 2014).

The argumentative paradigm of international law recognizes the “intersubjectivity” of international law, fully clarifies the relationship between international law and sovereign power, and can better clarify the social distribution function and operation mechanism of international law. However,

the argumentative paradigm of international law pays too much attention to argumentation skills, so it needs to be guided by the value norms. The theory of community with a shared future for mankind is a new type of civilization program contributed by China. The “political concept of equality and cooperation”, the “economic concept of win-win

cooperation”, the “cultural concept of inclusiveness and mutual learning”, the “ecological concept of harmonious coexistence” and the “security concept of co-construction and sharing” presented by that theory are not only the development of the Charter of the United Nations, but also the Asian program for world peace and development.

References

- Binghua, L. (1997). *International Law (Volume I)*, trans. by Pu Guozhe and Pu Yongji, China University of political science and Law Press. p.501.
- Bingxi, Z. (2007). Rethinking Economic Globalization. *China International Studies*, No.86. pp.89-90.
- Carl, F. (2021). Philosophy of law from a historical perspective, trans. by Zhang Chao. The commercial press. p.25.
- David, W. K. (1987). The Move to Institutions. *Cardozo Law Review* No. 8, pp.841-988.
- Hansi, K. & Kuschel, (1997). *Global Ethics: the parliamentary declaration of world religions*. Sichuan people’s Publishing House. p.12.
- ICJ, (1986). *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, Judgement of 27 June 1986, ICJ Reports 1986. p.100.
- ICJ. (1996). *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion of 8 July 1996. ICJ Reports 1996, pp.254-255.
- Jean, d’ A. (2012). Wording in International Law. *Leiden Journal of International Law*. No.25. pp.575-602.
- Jinping, X. (2014). *Xi Jinping on governance (Volume III)*. Foreign Language Press. p.433.
- Karl, M. & Engels, F. (1995). *Complete works of Marx and Engels (Volume I)*. People’s Publishing House. p.187.
- Li S., (1995). Reform of the law, construction of the rule of law and its local resources. *Chinese and foreign law*, No.5, pp.1-9.
- Long, L. & Xigen, W. (2001). Jurisprudential thinking on the relationship between international law and domestic law – Also on the views of Asian countries on this issue. *modern law*, No.1, pp.13-19.
- Louis H., (1995). *International Law: Politics and value*. trans. by Zhang Naigen, Ma Zhongfa, et al, China University of political science and Law Press.p.4.
- Matti, K. (2019). *From Apology to Utopia: The Structure of International Legal Argument*. Cambridge University Press. pp.14,68,70,96,219.
- Ming, L. (2020). The nature and role of international law: Reflection on critical international law. *Chinese and foreign law*, No.3, pp.801-825.
- Samuel, H. (2010). *Clash of civilizations and reconstruction of world order*, trans. by Zhou Qi, Liu Fei, et al. Xinhua press. pp.5-6.
- Shigong, J. (2019). The internal logic of super large political entities: “empire” and world order. *cultural aspects*, No.2, pp.18-28.
- Shigong, J. (2019). The judicial arm of the Empire – the legal support of American economic hegemony. *cultural aspects*, No.4, pp.84-93.
- The 66th session of the United Nations. (2012). *Justice: a programme of action to strengthen the rule of law at the national and international levels*. United Nations Document No. a/66/749.
- UN Doc. (2005). A/res/60/1. Sep 1st 2005.
- William, E. (2008). *The white man’s burden*, trans. by Cui Xinyu. CITIC press. p.1.
- Yan, W. (31 Oct. 2018), *Persisting in promoting the construction of a community with a shared future for mankind and striving to build a better world – Study Xi Jinping’s <on persisting in promoting the construction of a community with a shared future for mankind>, people’s daily*.
- Yi, Z. (2018) *Cooperation leads to interests, cooperation leads to benefits, cooperation leads to prosperity – written on the occasion of the 18th meeting of the Council of heads of state of the member states of the Shanghai Cooperation Organization*, *Guangming Daily*.
- Yifeng, C. (2023). Beyond the rules: the dialectical turn of international law. *Journal of Peking University (philosophy and social science edition)*, No.1. pp.162-174.
- Zhipeng, H. (2009). International rule of law: definition of a concept. *political and legal forum* No.4, pp.63-81.
- Zhipeng, H. (2017). Contribution of the concept of a community with a shared future for mankind to human rights. *human rights* No.5. pp.1-6.
- Zhongfa, M. & Diyang, X. (2022). On the value structure of international law under the concept of a community with a shared future for mankind. *Wuhan University international law review*, No.2. pp.1-20.

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CRIMINALIZATION OF ECOCIDE ACTS FROM THE PERSPECTIVE OF DOGMATIK

In the face of the globalization of risk society and the increasingly serious ecological crisis, the international community proposed to formulate the ecocide in the Rome Statute in response to the public's physical security. However, the environmental legal interest is abstract, and the responsibility of the infringer of legal interest is difficult to distinguish. The reckless formulation of the ecocide leads to the absence of legal interest protection mechanism, which is symbolic legislation. Symbolic legislation, in order to reflect legislators' concern for social issues, is very easy to subvert the theoretical system of the Rome Statute based on freedom and behavior, so that damages its human rights protection function. Dogmatik has the function of explaining law, criticizing and guiding legislation. Through the etymological interpretation of the doctrine, this paper puts forward the axiomatic dogmatik and clarifies the structure of dogma – overall norms – specific norms – criminal law knowledge – specific cases within the axiomatic dogmatik. And this structure provides a path for the criminalization of ecocide: The basic value of the Rome Statute lies in the protection of human well-beings and the right to life (axiomatic dogma), and the protection of environmental rights should take human well-beings and the right to life as the boundary (specific legal interests); Include typical ecological acts such as land encroachment and serious environmental pollution that violate human well-beings and right to life into genocide and crimes against humanity closely related to them (specific norms/criminal law knowledge); It can not only curb the ecocide, but also maintain the internal coordination and external stability of the Rome Statute.

Key words: symbolic legislation, criminal law function, dogmatik, legal interest.

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Догматика тұрғысынан экоцид әрекеттерін қылмысқа жатқызу

Тәуекелді қоғамның жаһандануы мен күрделі экологиялық дағдарыс жағдайында халықаралық қауымдастық қоғамның физикалық қауіпсіздігіне жауап ретінде Рим Статутында экоцидті тұжырымдауды ұсынды. Алайда, экологиялық құқықтық мүдде абстракттілі, ал заңды мүддені бұзушының жауапкершілігін ажырату қиын. Экоцидті ұқыпсыз тұжырымдау символдық заңнама болып табылатын заңды мүдделерді қорғау механизмінің жоқтығына әкеледі. Заң шығарушылардың әлеуметтік мәселелерге деген қамқорлығын көрсету үшін символдық заңнама Рим Статутының еркіндік пен мінез-құлыққа негізделген теориялық жүйесін бұзу өте оңай, бұл оның адам құқықтарын қорғау функциясына нұқсан келтіреді. Догматиктің заңды түсіндіру, заң шығаруды сынау және бағыттау функциясы бар. Доктринаның этимологиялық түсіндірмесі арқылы бұл жұмыс аксиоматикалық догматиканы алға тартады және аксиоматикалық догматика аясындағы догма – жалпы нормалар – нақты нормалар – қылмыстық-құқықтық білім – нақты жағдайлар құрылымын нақтылайды. Және бұл құрылым экоцидті криминализациялауға жол береді: Рим Статутының негізгі құндылығы адамның әл-ауқаты мен өмір сүру құқығын қорғауда жатыр (аксиоматикалық догма), ал қоршаған ортаны қорғау құқығын қорғау адам денсаулығына жақсы әсер етуі керек. -болмыстар және өмір сүру құқығы шекара ретінде (нақты заңды мүдделер); Адамның әл-ауқатын және өмір сүру құқығын бұзатын жерге қол сұғу және қоршаған ортаның елеулі ластануы сияқты типтік экологиялық актілерді геноцидке және олармен тығыз байланысты адамзатқа қарсы қылмыстарға қосу (нақты нормалар/қылмыстық құқықты білу); Ол тек экоцидті тежеп қана қоймай, сонымен бірге Рим статутының ішкі үйлестіруін және сыртқы тұрақтылығын сақтай алады.

Түйін сөздер: символдық заңнама, қылмыстық құқық функциясы, догматикалық, заңды мүдде.

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Криминализация актов экоцида с точки зрения догматики

Перед лицом глобализации общества риска и все более серьезного экологического кризиса международное сообщество предложило сформулировать термин экоцид в Римском статуте в ответ на физическую безопасность населения. Однако экологический правовой интерес абстрактен, и ответственность нарушителя правового интереса трудно различить. Неправильная формулировка экоцида приводит к отсутствию механизма защиты правового интереса, которым является законодательство. Символическое законодательство, призванное отразить озабоченность законодателей социальными проблемами, очень легко подорвать теоретическую систему Римского статута, основанную на свободе и поведении, что наносит ущерб его функции защиты прав человека. Догматика выполняет функцию объяснения законов, критики законодательства и руководства им. Посредством этимологической интерпретации доктрины в данной статье выдвигается аксиоматическая догматика и разъясняется структура догма – общие нормы – конкретные нормы – знания уголовного права – конкретные случаи в рамках аксиоматической догматики. И эта структура открывает путь для криминализации экоцида: основная ценность Римского статута заключается в защите благополучия человека и права на жизнь (аксиоматическая догма), а защита экологических прав должна исходить из благополучия человека и права на жизнь в качестве границы (специфические юридические интересы); Включать типичные экологические деяния, такие как посягательство на землю и серьезное загрязнение окружающей среды, которые нарушают благополучие людей и право на жизнь, в геноцид и тесно связанные с ними преступления против человечности (конкретные нормы/знания уголовного права). Это может не только обуздать экоцид, но и поддержать внутреннюю координацию и внешнюю стабильность Римского статута.

Ключевые слова: символическое законодательство, функция уголовного права, догматизм, юридические интересы.

Introduction

Since human beings entered the industrial civilization, problems such as greenhouse gas emissions, oil leakage, deforestation, dumping of toxic substances and so on, which accompanied economic development, have increasingly threatened the ecosystem on which all lives depend. In order to curb the increasingly serious ecological extinction, more and more countries advocate that the ecocide shall be listed as the fifth crime (Kuanaliyeva, Shulanbekova, Rakhimova, Abisheva, 2022) of the Rome Statute. Although the formulation of ecocide can play the deterrent function of international criminal law and curb the intensification of ecological extinction to a certain extent, this paper believes that the establishment of ecocide is a kind of symbolic legislation that reflects the international community's sentiment or value preference for social issues (Kindermann, 1988) in a risk society with criminal legislation, and can't play a substantive regulatory effect. And the symbolic legislation pays attention to the tool value of criminal law and limits the freedom of the people to the minimum, which is a subversion of the freedom and rights protection function of traditional criminal law. How to regulate the ecological extinction on the basis of safeguarding the function

of freedom and rights of criminal law has become a historical proposition that international criminal law must face directly at present.

Theoretical Discussion and Previous Studies

1. Criticism on Symbolic Legislation of Ecocide

In the 1980s, German scholar Ulrich Beck pointed out that at the moment when nature and tradition have lost their infinite effectiveness and depend on human decisions (Xiaoyuan & Zhan, 2005), human beings have entered a risk society. Frequent world conflicts, environmental pollution, terrorism, cyber attacks and other events seem to prove the proposition of a risk society. With the introduction of the concept of risk into the traditional criminal law based on contract and freedom, the traditional criminal law has been challenged unprecedentedly in its legislative orientation, nature and function, of which the biggest challenge is the symbolic legislation made by legislators to appease people's emotions.

(1) Establishing Ecocide is Symbolic Legislation

The law is based on society, and the wave of risk society constantly presents new criminal phenomena to legislators. In order to deal with risks and the

social panic caused by risks, legislators attempt to formulate a special law, rule or criminal law provision for each new social phenomenon (Ferri, 1990), so that legal norms can play their preset ability to positively affect the facts of specific social activities, and let society lead to positive development (Kindermann, 1988). However, this kind of legislative action is often just to simply meet the social expectations, by constantly revising the criminal law, it is announced that the country has begun to take corresponding actions to resist risks, and gradually bring the risks recognized by the public into the legal norm system of symbolic legislation (Albrecht, 2007). In other words, the actions of legislators only convey to the public the emotions and value preferences that threaten social problems or risks in a formal sense, and don't play a substantive regulatory role in itself. As Clause Roxin, a German criminal jurist, said: (Symbolic criminal legislation) is not intended to serve the protection of legal interests. It is not necessary to ensure a peaceful common life, but to seek purposes other than criminal law, such as legal provisions to appease voters or express the state's self-image (Roxin, 2006).

Symbolic legislation has been criticized by the legal circle since its inception, but symbolic legislation is not an analytical concept without destructive power, but a combat term with normative significance, and this concept must be used very carefully (Hassemer, 1989). Therefore, there must be a clear standard to determine whether a legislative action belongs to symbolic legislation. After nearly a century of theoretical penetration, the legal community has formed a relatively unified identification standard for symbolic legislation, that is, judging from the two dimensions of form and substance: On the formal side, based on the symbolic interaction theory – people's behavior depends on what they believe rather than what they actually are – The normative value construction attribute of symbolic legislation is more to express a certain posture and position of legislators than to have a practical function; On the substantive side, symbolic legislation has always been an emotional treatment of factual issues. It realizes other social effects by enacting laws and regulations, and has no function of protecting legal interests on the empirical level. According to this standard, this paper believes that the legislative action of adding ecocide to the Rome Statute under the current theoretical background belongs to symbolic legislation.

In essence, the legal interest protection mechanism of ecocide is absent. It is mainly reflected in the following aspects:

First, there is no clear definition of ecocide. Criminal legislation must follow the principle of clarity, which is the basic meaning of the principle of rule of law. Only when the criminal code clearly tells people what is prohibited, can people restrict their behavior by this standard. But up to now, the international community has not yet formed a unified definition of ecocide (International Expert Panel for the Legal Definition of Ecocide, 2021).

Secondly, there is no eligible legal interest in ecocide. The purpose of ecocide is to prevent the occurrence of ecological risks by preventing the danger of environmental pollution, which means that the concept of legal interests of ecological crimes has evolved from anthropocentrism to ecocentrism. However, the legal interest view of ecocentrism takes the protection of ecological security by human society as its purpose. It is essentially a collective rather than an individual legal interest, which is contrary to the individualistic criminal law idea based on contract and freedom, as Hassemer said: If the criminal law is used to protect the collective or diffuse legal interests, such as the criminal law used to protect the environment, this is very problematic (Krems, 2016).

Thirdly, the liability of legal interest infringement of ecological extermination may be attributed wrongly. Even if there are infringed legal interests, if the legislator fails to accurately define the cause of infringement of legal interests, it will also lead to symbolic legislation. In practical experience, most environmental hazards come from the cumulative effect of billions of small acts, rather than a single evil actor (Robinson, 2022). Therefore, it is undoubtedly difficult, even impossible, for legislators to achieve accurate attribution of criminal results in billions of acts.

In terms of form, the addition of ecocide has symbolic significance, but its practicality is limited. In the symbolic dimension, the recent ecological crisis reminds people of the importance and urgency of managing the environment. The international community, especially the International Criminal Court, needs to fight against ecological risks through criminal law to show the attitude and position of the international community in managing ecological risks. However, it is very simple to criminalize environmental pollution in the Rome Statute, but the deeper problem is that it is quite difficult to construct a fair and reasonable criminal law scheme to solve environmental pollution problems. First of all, the principle of proportionality is the inherent requirement of the critical concept of legal interest. When formulating legal norms, legislators must balance the rela-

relationship between measures and objectives. The standard of criminalization of ecocide – the seriousness of the crime – obviously does not allow legislators to determine an appropriate proportion between development and environmental protection; Secondly, the result of seriously harming the environment is often a historical responsibility – the ecocide is carried out by the developed countries in the north, and the result is borne by the developing countries in the south. Most of the environmental hazards are the cumulative effect of many harmful acts, and the punishment of consequentialism may lead to the misplacement of criminal responsibility; Moreover, the International Criminal Court has been overloaded in the fight against the crimes under its jurisdiction. It is unlikely that the International Criminal Court will deal with ecological extinction cases for at least a decade (Кенжалиев, 2022).

(2) Symbolic establishment of ecocide harms the function of international criminal law

The Rome Statute takes the maintenance of human well-beings and the elimination of the history of impunity as its own responsibility. It is an important force for the international community to protect and maintain peace and protect human rights. The symbolic inclusion of the ecocide lacking legal interest protection mechanism and practicality in the Rome Statute will not only lead to internal disorder of the Rome Statute, but also damage the legal interest protection, human rights protection and practical functions of international criminal law, as Hassemer said: (Symbolic legislation) makes the greatest function of criminal law lie in symbolic function, and this symbolic function has become the common (and independent and important) connotation of modern criminal law (relative to the inherent classical prediction of criminal law), also known as the main function of modern criminal law, and has become the feature and crisis of modern criminal law (Hassemer, 1989).

The symbolic establishment of the ecocide will cause internal disorder in the Rome Statute

If the law is to have dignity and authority, it is necessary to unify the legal norms themselves (Youyu, 1984) Because the law is the expression of civil rights and justice, the internal incongruity of the law will inevitably violate justice and damage human rights. When the newly established provisions are inconsistent with the original legal provisions, it means that one of them must be overturned or substantially repealed, but before being overturned, the judiciary will inevitably be in trouble.

Article 25 of the Rome Statute clearly stipulates that the subject of responsibility for international

crimes is natural person who has reached the age of 18, and the subject of responsibility is unique. However, the interaction between state and enterprise behaviors promotes the expansion of production and profits by accelerating the pace of ecological destruction (Micheal & Averi, 2021), and state and enterprise are the main perpetrators and responsibility bearers of ecological extinction crimes. Therefore, the inclusion of ecocide in the Rome Statute will inevitably lead to tension between ecocide and individual criminal liability clauses. Secondly, Article 30 of the Rome Statute stipulates that the subjective state of international crimes is knowingly and intentionally. However, most of the ecological destruction acts are not intentionally committed by enterprises or countries, but are generated unconsciously with the development of production (Marco, 2021). In order to effectively curb ecological destruction acts, many scholars propose to introduce recklessness or strict liability into the Rome Statute. The adjustment of criminal elements will inevitably lead to the reshaping of the criminal theory of international criminal law or the overthrow of previous cases, which will undoubtedly damage the authority and dignity of the Rome Statute.

Symbolic establishment of ecocide impairs the protection function of legal interests of international criminal law

As pointed out above, the legal interest protected by the ecological extermination is an abstract and collective legal interest, which makes the traditional criminal law protecting specific legal interests lose the function of telling legislators the boundaries of reasonable punishment (Roxin, 2006). At the same time, the abstraction and diffusion of legal interests also make legal interests no longer presuppose the existence of a specific object. If ecocide is included in the Rome Statute, it means that the international criminal law will punish abstract dangerous criminals, because ecocide's legal interests are environmental rights. Protecting the environment means that as long as there is an abstract danger of damaging the ecological environment, the international criminal law can intervene, unlike the other four kinds of crimes, only when there is a danger or threat of infringement of legal interests. Therefore, the punitive boundary of international criminal law will shift from consequentialism to behaviorism. The punishment mechanism based on actual harm, and the result and causality between behavior and result, which are the basis of free criminal law, will be weakened or even lost because of the pre-position of legal interest protection. Such development will shake the behavioral criminal law, the rule of

law principle, the principle of proportionality, the principle of criminal responsibility based on the principle of individual rules, the principle of non-self-incrimination in the procedural law, the suspect criminal law or police intervention, and even the need to use the consultation mechanism in complex proceedings (Hassemer, 1989). Eventually, international criminal law will become a policy oriented political treaty, and the function of protecting the legal interests of international criminal law will no longer exist.

Symbolic establishment of ecocide impairs the human rights protection function of international criminal law

The preamble of the Rome Statute clearly points out that its value basis is safeguarding human well-beings, that is, the protection of human rights. International criminal law governs the most serious international crimes. Since international criminal law is a stigmatization and negative evaluation of the most serious crimes, it should strictly abide by the principle of modesty. Because the function of criminal law to protect human rights is not only embodied in the principle of rule of law, but also reflected in the appropriateness of criminal law to adjust social order. Because criminal rule of law governance is embodied in punishing crimes and protecting good people, but the degree and quantity of punishing crimes are based on the premise of safeguarding citizens' freedom and rights to the maximum extent, so the scope and intensity of punishment of criminal law can't be expanded arbitrarily, and criminal law must be used as the last means to regulate social conflicts, which is the internal logic of criminal law's modesty.

Ecocide, as an abstract dangerous crime, is characterized by its early criminalization and severe punishment. The early and spiritual concept of environmental legal interest protection is gathering a powerful force to impact the modesty of traditional criminal law (Yanhong, 2015), which greatly expands the degree and quantity of the application of international criminal law. In addition, development is bound to be accompanied by the depletion of environmental resources. The United Nations Declaration on the Right to Development clearly states that the right to development and other human rights are universal, indivisible, interdependent and inter-related and are an integral part of all basic human rights. The Rome Statute punishes the most serious international crimes, which is the most thorough and serious stigmatization and moral negation of criminal acts. Therefore, when the Rome Statute punishes ecocide, it must be at the cost of impairing the human right to development.

Symbolic establishment of ecocide harms the pragmatic function of international criminal law

The value of law is not limited to order, fairness, freedom, etc. Many legal norms are based on practicality and maximum benefits (Stein & Shander, 2004). Laws can adjust social relations only when they are enforced. If they are not enforced, it is like there is no law.

Ecocide is a symbolic legislation that the international community wants to carry out in the face of the increasingly serious ecological crisis. Its most direct purpose is to eliminate the fear of ecological crisis through legislation, and to find a safe spiritual home for the people. However, as pointed out above, the result of environmental hazards is often the cumulative effect of multiple harmful acts. How to achieve scientific accountability is still a difficult problem to solve. Therefore, the symbolic formulation of the ecocide will damage the practicality of the Rome Statute. In addition, the legitimacy of criminal law largely depends on the legitimacy of its legal interest protection mechanism, as pointed out by Chinese scholar Chen Jialin: Punishing a certain behavior through penalty must be an effective means to achieve the purpose of regulating such behavior. If even using penalty to punish a certain behavior can't achieve the goal of consistent such behavior, then setting of penalty norms violates the principle of proportionality and shouldn't be allowed (Jialin, 2013). Both right to development and environmental right are components of human rights. What goes with economic development is the destruction of resource exploitation and the environment. How to balance the relationship between development and the environment. At present, the international community has not yet formulated scientific standards. Therefore, it is undoubtedly lack of the most basic legitimacy to recklessly include ecocide in the Rome Statute.

Discussion

Although the symbolic formulation of the ecocide can quickly create a sense of security for the international community through legislation, the face project lacking the core of the legal interest protection mechanism is bound to have no real power to protect the environment. However, as a serious threat to peace and human welfare, ecocide must be curbed. This paper introduces the methodology of dogmatik to expand the interpretation of relevant provisions of the Rome Statute, and brings typical ecocide into the jurisdiction of the Rome Statute. Although dogmatik is the research paradigm of

criminal jurisprudence, but international criminal law is a branch of criminal law (Ambos, 2017), therefore, dogmatik that guides and helps criminal legislation also has the function of criticizing and guiding international criminal law. Adopting the path of dogmatik can not only avoid a series of limitations brought about by symbolic legislation, such as lack of legal interests protection function, lack of proper legal interests, and disorder of internal system, but also realize the deterrent function of the Rome Statute in punishing illegal acts. First of all, dogma is the basic value embodied and observed by the overall laws and regulations, which can fully reflect the fundamental interests of the international community, and has the symbolic significance of the value construction of international criminal law; Secondly, the internal structure of dogma – overall norms – specific norms – knowledge system – cases, guided by the axiomatic dogmatic, enables dogmatik to critically interpret the Rome Statute, and to include behaviors that seriously endanger the ecological environment without changing the existing content of the Rome Statute, so as to achieve the effect of protecting the environment and punishing ecocide.

1. The dogma of axiom: protecting human well-beings is the logical starting point for the criminalization of ecocide

At present, there are positive law dogmatic and jurisprudential dogmatic in the academic circle, but both of them ignore the meaning of the dogma itself, and both believe that the dogma is a purely rational arbitrary process that has not criticized its own ability (Ruthers, 2013). Dogmatik takes the positive law as the premise, which is not proved by reason, but eliminated by authoritative declaration and acceptance derived from belief, and takes it as the starting point to carry out the standardization work of systematization and interpretation of the positive law. However, with the increasingly prominent drawbacks of dogmatism and the criticism of meta discourse theory by postmodern relativism, the dogmatik of positive law and the dogmatik of jurisprudence have been questioned (Lei, 2018). Through the etymological analysis of the concept of dogma, this paper holds that the dogma of law is the basic value or axiomatic value of law, and the dogmatik should be axiomatic dogmatik.

The concept of Dogma originated from theology. For the theological theoretical system, it is the essence of the Bible, not the Bible itself as the basis for its theoretical construction. Although the Bible is God's Word, repeating the words of

the Bible with the same words distorts the meaning of the Bible. Therefore, as an internal emotion and consciousness, the dogma is an eternal truth extracted from narrative scriptures (Erickson, 2012). The dogma of law in the dogmatic of law, like the dogma in theology, is the basic value of stability, authority and universality contained in the legal text. These basic values and the highest basic principles, especially when they are determined in the Constitution, can claim absolute effectiveness, that is, they constitute an unchanging 'pillar of doctrine' and support the overall structure of the legal order (Lutes, 2015). This basic value of law is the axiomatic principle from the essence of things, which provides the basis and origin for other legal elements (Wenxian, 2011). It has universal applicability and authority beyond time, space and region. Moreover, the basic value or axiomatic dogma beyond the positive law is independent and open, which can not only provide direction for the dogmatik interpretation of the legal text, but also provide a legal interest basis for the criminalization of a certain act, and can also examine the legislation in a priori way, which is the basis for good law and good governance. The dogmatik of positive law can't overcome the shortcomings of positive law itself, such as lagging behind, arbitrary legislators, and loss of justice in specific case (Von Jhering, 2010); However, the dogmatik of jurisprudence can't solve the dilemma of general theory is difficult to form and lacks intelligence (Zhiwei, 2022). Therefore, the axiomatic dogma with openness and independence is the most effective and close to the original purpose of dogma.

As far as international criminal law is concerned, the Rome Statute is the most important legal text of international criminal law. Its basic values are contained in the preamble, namely, protecting human well-beings, maintaining world peace, and ending the history of impunity. In this paper, a series of basic values of the Rome Statute are all centered around a core value – protecting human well-beings. Whether it is to maintain peace, end conflicts, or fight against international crimes and protect good people, its purpose is to protect basic human rights and human well-beings. Therefore, the legal dogma of international criminal law should be protecting human well-beings. The environmental right is one of the basic human rights. All countries must maximize their available resources and fulfill their obligations in dealing with environmental challenges (David Boyd's speech to the Human Rights Council in 2020, 2020). The International Criminal Court isn't an exception – this provides

a legitimate and just basis for the criminalization of ecological extinction. The Rome Statute must shoulder the responsibility of punishing the serious damage to the environment and respond to the ecocide that threatens world peace and damages basic human rights. Under the constraints of the legal dogma of protecting human well-beings, although the international community can't recklessly carry out symbolic legislation, it can adopt a dogmatik approach to expand the interpretation of relevant provisions and bring the ecocide with serious harm into the jurisdiction of the Rome Statute.

2. Axiomatic dogmatik provides a way to criminalize ecocide

Traditional dogmatik believes that law is not the object of ridicule, and dogmatik scholars can only effectively interpret it on the basis of positive law, but axiomatic dogmatik is not only a formal classification system that only classifies (Lutes, 2015), but also evaluates and supplements the norms of positive law based on current justice and human rights, as Larenz said: We regard the norm of positive law as a whole, whether it is a norm in a special system or a norm in a self-contained field, and the whole is based on a certain purpose and value that needs to be achieved. According to these basic ideas, if a situation should be regulated, but the norm does not exist or is unreasonable, then there is a loophole in the meaning of the whole (Larenz, 2005).

However, judging whether a specific norm conflicts with the axiom of legal dogma requires a reference standard. The abstract axiom is obviously not competent for this task, and it is bound to require a more detailed specific value as a reference. That is, the internal value system of dogmatik must be from high to low, from abstract to concrete, which forms the internal structure of dogmatik dogma – overall norms – specific norms – knowledge system (criminal law theory) – specific cases. This structure provides a scientific paradigm for legal dogmatik to guide criminal legislation and interpret criminal law norms. First of all, legislators should not make symbolic legislation in order to cater to the public sentiment and blindly pursue the explicit function of criminal law, and each legal norm must conform to the legal dogma; Secondly, each norm must clearly express the harmfulness of the regulated behavior; Thirdly, the legal interests of specific norms should conform to their positioning and value pursuit in the whole legal system; Finally, through legal interpretation, we can make the norms conform to the social development and make the legal value reach the specific case.

To sum up, the introduction of axiomatic dogmatik into international criminal law can provide a scientific path for the criminalization of ecocide. First of all, the basic value concept of protecting human well-beings has laid a legitimate foundation for the criminalization of ecocide; Secondly, on the basis of reality, critically measure the relationship between development and environment, and set the scope for the criminalization of ecocide; Finally, although the dogmatik has a critical function, its interpretation of specific norms aims to build a harmonious system dominated by the dogma of law within the Rome Statute and objectively maintain the stability of the Rome Statute.

Results

Dogmatik links legal value with specific norms, so as to match the actual situation with the rules. We must carefully consider and weigh the living relationship to be standardized, the possibility of existing norms, the whole of which norms will be added to the norms to be formulated, and the influence of this part of norms to be formulated on other normative fields (Larenz, 2005), so as to better realize the function of international criminal law.

1. Introduction of the principle of proportionality: establishing the scope of environmental legal interest

Whether a certain social life interest should be protected by criminal law depends on the concept of legal interest, which is the value judgment standard for determining the scope of criminal punishment (Shantian, 1978). However, with the risk of society, many scholars believe that the liberal criminal law with legal interests as the core can't meet the needs of social development. It is necessary to explore the guiding principle of criminal legislation that replaces the principle of legal interests protection (Mingkai, 2017). Therefore, the principle of proportionality was introduced into criminal law. Although the principle of proportionality has the disadvantage of lacking the examination and clarity of the legitimacy of the purpose (Mingkai, 2017), which can't replace the basic position of the principle of legal interest protection in the liberal criminal law, the introduction of the principle of proportionality into the criminal law can overcome the limitation of the abstraction of legal interest to a certain extent, and achieve the balance between the punitive measures and the protection of legal interest.

It is pointed out above that ecological crisis is accompanied by economic development, and the both

are inseparable, as described by western scholars: The function of capital, its relentless driving force, accumulates a destructive and collapsing natural cycle, and transforms it into a 'broken linear process', which transcends the constraints and boundaries of nature, leading to the 'metabolic rift' between human beings and nature as described by Marx (South, Abaibira, etc., 2021). The environmental right and the right to development are both different aspects of basic human rights, and they have different emphasis only because of different times. In the past, neither international environmental law nor international criminal law took coercive measures to curb production development, because growth driven capitalism objectively promoted social development. However, in the face of increasingly serious ecological crisis, during the process of capital expansion in production and industrialization, there is an additional economic process of plunder or theft (Crook, Short, South, 2018) – in which violence, bloodshed and killing are often rife – colonialism.

Development, in the Declaration on the Right to Development, is clearly defined as (people) enjoying the benefits of economic, social, cultural and political development, which means that all development must be people-oriented. Therefore, the way of seeking development by colonial means has no justification in the field of international human rights law. Therefore, fighting colonialism and safeguarding human's right to life is the minimum scope of ecological extinction under the jurisdiction of the Rome Statute with the purpose of protecting human well-beings.

Due to the tension between the ecocide behavior summarized by the international community and the Rome Statute in terms of responsibility, subjective state, gravity threshold, etc., and the fact that the ecocide behavior can't be categorized, the time for formulating the ecological extinction crime is not yet coming. However, in the face of the increasingly serious ecological crisis, the international community must give play to the binding force of the Rome Statute, and include some representative ecocide acts that are closely related to the crimes governed by the Rome Statute into the Rome Statute, which can not only make an example to others, but also actually safeguard the justice and authority of the Rome Statute.

2. *The specific path of criminalizing ecocide*

(1) Cultural colonization of land grabbing can be included in genocide

In practice, the crime of genocide in the Rome Statute only governs the act of physically destroying

a race in part or in whole. However, the definition of the Genocide Convention and the ad hoc court shows that: Genocide not only includes the physical destruction of the oppressed groups, but also includes the cultural destruction of the national model of imposing oppressors. First, at the object level, genocide includes cultural genocide. Article 6 of the Rome Statute clearly stipulates that the object of the crime of genocide is national, ethnic, racial and religious groups. These four objects focus on different aspects to define groups. Nationalities mainly emphasize the unity of political dimensions, while races focus on the unity of historical and cultural dimensions. The Oxford Dictionary defines race as a group of people with the same ancestors and origins. The ICTY held that race refers to a group whose members share the same language or culture (ICTY-96-4-T, 1998). From the above definition, physical destruction and cultural destruction can make a group disappear. In other words, the destruction of life and thinking mode and cultural symbols also constitutes genocide. The Rome Statute stipulates that forced transfer of children is one of the manifestations of genocide. As we all know, children grow up in a group, learn the language of the group, accept the influence of the group's culture, and believe in the religion of the group. When they grow up, they naturally become members of the group. Forcing children of a group to transfer will naturally reduce the number of members of a group. However, this reduction is not in the physical sense, but in the social and cultural sense. The Rome Statute defines this act as genocide, which undoubtedly indicates that genocide includes not only physical destruction, but also cultural destruction.

The conversion of land from natural land to industrial land is an inevitable result of economic development. However, as the scholar Wolfe said: Land is life, or at least it is necessary for life. Therefore, the struggle for land can be – in fact, often – a struggle for life (Wolfe, 2006). When violent ecological destruction expels or kills certain races to obtain their land, there is no doubt that the Rome Statute can govern these acts. However, when the land is occupied only by means of violence, the residents on the land are not killed, or they are incorporated into the expanding capital development relationship in the form of violence, the Rome Statute lacks the reason for jurisdiction. However, it is worth noting that the social livelihood and livelihood structure of some groups depend on the direct connection with specific land areas and the knowledge embedded in the land from generation to generation, and the unique ecology, landscape and related livelihood

practices attached to the land are unique components of the cultural identity, world outlook and social cohesion of these groups. Therefore, whether violent or non-violent land occupation is equivalent to directly destroying the cultural system of these groups, leading to their social death, that is, cultural extinction. When the cultural system of these groups is destroyed, all these communities resist these processes (land occupation, cultural extinction) in different ways and at different times, and formulate community response and survival strategies against the background of national violence and survival risks (Wise, 2021). This strategy is usually violent, even revolutionary, which leads to ethnic cleansing or large-scale human rights crisis.

The large-scale human rights crisis caused by land occupation is not a theoretical inference, but a practical experience. For example, in Sudan, due to the invasion of modern capitalist countries, the land and resources of the residents of Sudan were plundered. In this process, Sudanese society lost the conflict resolution mechanism attached to the land, the land tenure system and the resource distribution system between different tribes – the traditional historical culture attached to the land was replaced by modernity and capitalist economic relations, and the cultural customs left over from history, collective memory, customary power – after the elimination of traditional culture that once determined the relationship between community, land and nature, the social order based on traditional culture could not be maintained, which led to the class orientation of people's identity, and the regional relations that had previously existed together as a whole fell into tension. In addition, after the land was occupied, the food system of local residents was destroyed, and the rural population was more and more vulnerable to the impact of climate and fell into food crisis (Watts, 1983). The emergence of these situations has led to the instability of the common social structure. In this case, some groups are more vulnerable to the influence of the state's exploitative tribalism, the strategy of racial divide and rule, and the recruitment of state supported militias. The latter, in turn, are mobilized by the above-mentioned racist trends of thought, and become the main tool for the confluence and displacement of genocide (Wise, 2021).

To sum up, when there is a causal relationship between land occupation and cultural genocide, the ecocide of land occupation should be considered as a crime of genocide.

(2) Serious pollution should be regarded as a crime against humanity

The Rome Statute deals with the excessive, extensive, long-term and serious damage to the natural environment caused by military attacks in international armed conflicts in the context of war crimes. It will not be repeated here. However, acts of serious environmental pollution often occur in peacetime. How to exercise jurisdiction over acts of serious environmental pollution in peacetime deserves the attention of the international community.

The concept of murder in the past international criminal justice practice mainly includes three elements: 1. The victim died; 2. The death was caused by the illegal act or omission of the defendant or his subordinates; 3. When killing, the defendant or his subordinates intentionally killed or caused physical injury to the victim, knowing that such physical injury is likely to cause the victim's death, and the defendant's behavior must be the substantial cause of the victim's death (ICTR-96-4-T, 1998). However, with the development of the times, Article 7 (1) (a) of the Elements of Crime, when defining the concept of murder, believes that the word murder can be interchanged with the concept of causing death. The provisions of the Elements of Crime mean that as long as there is a causal relationship between the victim's death and the actor's act or omission, and that the victim's death is caused by actors knowingly and intentionally, then, no matter how they behave, they can constitute murder.

The broad interpretation of murder in the Elements of Crime provides the possibility for the criminalization of acts that seriously pollute the environment. If murder is committed through acts that seriously pollute the environment, and as long as the constitutive requirements are met, that is, there is a causal relationship between acts that seriously pollute the environment and the death of the victim, and the perpetrator intentionally does so when the victim dies, or at least the perpetrator is aware that his serious pollution behavior will lead to the death of others, then this behavior constitutes murder in crimes against humanity. Admittedly, such murders must be based on the premise of large-scale and systematic killing of civilians. However, acts that seriously pollute the environment are not actions taken against a specific person, but actions that will affect a region or even a country, with the characteristics of large-scale and systematic.

Article 7 (2) (d) of the Rome Statute stipulates that the expel or forcible transfer of population includes the expel of the person concerned from the area where he or she lawfully resides through expel or other coercive acts without the grounds permitted

by international law. The Elements of Crimes further define that expel can also be the transfer of one or more persons to another country or place through expel or other coercive acts. The subjective state of forced expel is knowingly, that is, in addition to knowing other elements of crimes against humanity, it must also intentionally cause such expel, or realize that expel is the inevitable result of its behavior. The Rome Statute does not clearly define the concept of forced expel, and the judicial practice of the International Criminal Court didn't clarify the nature and extent of forced transfer (Hall & Stahn, 2016). In response to this situation, the Elements of Crime has refined expel, believing that the term forcibly includes threat of force or coercion, but not limited to force (Elements of Crimes, 2013). The definition of forced expel in the Elements of Crime originates from the judicial practice of the ICTY – in the Stakic case, the Appeals Chamber held that forced expel includes threats of force or coercion, such as threats caused by fear of violence, coercion, detention, psychological oppression or abuse of power against these or another people, or the use of a coercive environment (IT-97-24-ES, 2011). In the judicial practice of the ICTY, forced expel mainly focuses on the causal relationship between the criminal's behavior and the victim's leave. In other words, as long as the victim is forced to leave without other real options, it constitutes forced expel.

It is worth noting that the Elements of Crime considers that the constituent elements of forced expel also include the lack of reasons allowed by international law, but it is clear that serious pollution of the environment isn't an act in accordance with international humanitarian law or human rights law. Under the condition of having the necessary intention and knowledge, the behavior of the actor seriously endangering the environment can be included in the category of forced migration, because the behavior of seriously polluting the environment itself may force population migration (Cooper, Behnke, Cronk, etc., 2021). For example, deforestation may force people who depend on forests to be displaced, and the Chernobyl nuclear accident has caused 135000 people to leave their homes.

Although Article 7 (1) (8) of the Rome Statute stipulates that any identifiable group or collective shall be persecuted on the basis of politics, race, nationality, ethnicity, culture, religion, gender as defined in paragraph 3, or on other grounds recognized as different from international law, and shall be committed in combination with any of the acts referred to in this paragraph or any of the crimes within the jurisdiction of the Court, paragraph 2

(7) further stipulates that persecution refers to the intentional and serious deprivation of basic rights against the characteristics of a group or collective in violation of international law. However, it is undeniable that in the practice of international criminal law, pure persecution hasn't been truly implemented in international judicial practice (Prosperi & Terrosi, 2017). As the jurist Holmes said, the life of law lies in implementation (Holmes, 2007), and the clauses that aren't implemented are virtually non-existent. Therefore, this paper believes that the extensive function of the persecution clause should be activated to better play the role of the Rome Statute.

An important reason that restricts the implementation of the crime of persecution is its criminal intent – Article 7 (1) (g) of the Elements of Crime requires that persecution must be based on the intentional deprivation of basic rights on discriminatory grounds. Deprivation of basic rights includes not only the deprivation of various personal rights, but also the deprivation of property rights. For example, the ICTY pointed out in the Blaskic case that: If property is destroyed because of discrimination, it may constitute a potential act of persecution. When the destroyed property is not only private property, but also closely related to the interests of specific communities, such as collectively owned property or land, it also constitutes a crime of persecution (IT-95-14-T). In addition, the ICTY is also aware that (IT-94-1-T) if on discriminatory grounds, property attacks that destroy the livelihood of some people (including the economic basis of their livelihood) may also be persecution. The reason why the ICTY defines this way is that it recognizes the fundamental link between indigenous peoples and their territories. Although there is no universally recognized definition of indigenous people in international law, some standards can be determined according to relevant legal documents, including: Maintain historical continuity with the past; show specific territorial ties, including ties with ancestors living in the region; unique and specific social, economic, cultural and political institutions, which are different from the political form of the country where the group is located; collective self-identity, etc. (ILO C169, 1989). It can be inferred from the relevant definitions in ILO that indigenous people mainly refer to the ancestral society that believes that they are rooted in the place where they live and raised by them, and that they are different from the more modern social parts established in these territories later (Zambrano, 2009). The ICTY recognized that the link between indigenous peoples

and their territories is fundamental to their existence, and therefore undermining this relationship between indigenous peoples and their territories is a serious violation of their fundamental rights.

The ICTY expanded the content of basic rights to property rights, which means that the content of discrimination has also been expanded accordingly, that is, discrimination in the economic dimension is also a kind of discrimination, because in international political theory, economy is the basis of political construction, and only by adopting advanced economic models can we build a free and democratic political model. From Montesquieu and Adam Smith in the 18th century, to social theorists such as Comte, Durkheim, Weber and Marx in the 19th century, and to American modernization theorists in the 20th century, in fact, they are all constantly seeking a universal history facing all mankind from the economic, social and political development of materialism, and finding a goal or significance model to guide the direction of human future development. Thus, it provides the historical experience of human development from the low primitive state to the advanced modern and even post-modern. It is on this theoretical basis that Francis Fukuyama, an American scholar, put forward the proposition that a free and democratic political system based on the capitalist market economy is the end of history (Fukuyama, 2014). Capitalism and colonialism also rely on this arbitrary idea to constantly expand the market economy and bring indigenous people into the capitalist market economy system (Crook, Short, South, 2018). Modern economic people driven by capital destroy or interfere with the natural habitat on the land by means of deforestation, exploitation of natural resources, environmental pollution, etc., and forcibly remove them from their ancestral land or forcibly expel them, it breaks the links between indigenous peoples and their territories and ecosystems, thereby threatening their integrity as a group. In other words, the act of bringing indigenous people into the market economy system and then seriously damaging their land, resources and ecology, which leads to the withdrawal of indigenous people from their native land, obviously destroys the inheritance relationship between indigenous people and their land, which is a serious violation of their basic rights and a kind of persecution.

In principle, illegal acts that cause serious environmental pollution may also constitute other inhuman acts as stipulated in Article 7 (1) (k) of the Rome Statute. In interpreting paragraph 7 (1) (k), the Elements of Crimes states that acts that may

constitute other inhuman acts must at least cause great physical or mental suffering or serious injury (ICC-01/04-01/07-717). This means that as long as the perpetrator intentionally causes serious physical and mental suffering to the victim, or seriously violates the victim's human dignity, and in fact causes great suffering to the victim's body, mind and spirit due to his/her absence, the perpetrator may constitute a crime against humanity of other inhuman acts.

As a miscellaneous provision, other inhumane acts are open, emphasizing the results rather than the special nature of the perpetrator's acts, which provides a huge possibility for serious pollution acts to be included in crimes against humanity. Imagine that indigenous people or rural communities are often disconnected from modern society. When modern society uses these technologies or industrial methods that are completely disconnected from them to develop or destroy the living environment of these people, or directly deprive them of their land, it may cause them severe mental pain, because the spiritual connection between indigenous people and the land they live in cannot be separated, as the Inter American Court of Human Rights said:

It must be recognized and understood that the relationship between indigenous communities and their lands is the fundamental basis for their cultural, spiritual life, integrity and economic survival. For these peoples, their community relationship with ancestral territories is not just a relationship of ownership and production, but consists of material and spiritual elements, which must be fully integrated and enjoyed by communities, so that communities can preserve their cultural heritage and pass it on to future generations (IACHR, Arguments before the Inter-American Court of Human Rights in the case of *Yakye Axa v. Paraguay*, 2005).

When the land on which the indigenous people depend is seriously polluted, so that they have to give up their lands and leave, even if modern science and technology cannot show that they have suffered serious mental pain, as long as the serious pollution is deliberately committed by the perpetrator, such acts can also constitute other inhumane acts in the Rome Statute.

Conclusion

In the face of various risks caused by the excessive development of industrial society, the international community has turned its interest in criminal legislation to risk prevention, so that it can make a rapid criminal response to emerging risks.

However, in order to achieve this goal, symbolic legislative phenomena have emerged endlessly. Politics has come to the boundary allowed by law. The value of freedom and human rights protection of criminal law is at risk of being damaged by political values. Symbolic legislation is an ancient, primitive and intuitive response of human beings to evil. Although it is fast, it is emotional and may also be irrational. In the face of the increasingly serious ecological crisis, at the same time, we must adhere to the criminal law to modestly protect the freedom and rights of people, use the dogmatik method to expand the interpretation of the current Rome Statute, and include the typical representative ecocide such as land occupation and serious pollution into the

jurisdiction of the Rome Statute, which is the proper meaning of protecting human well-beings. The dogmatik not only has the function of explaining law, but also has the function of criticizing and guiding legislation. By using the dogmatik to expand the interpretation of the Rome Statute, we can not only avoid the limitation of symbolic legislation lack of legal interest protection function, but also avoid the internal disorder of the Rome Statute caused by reckless legislation. The most important thing is to interpret typical ecocide as genocide and crimes against humanity in a dogmatik way, which can maintain the function of safeguarding freedom and rights of international criminal law while dealing with the risk of ecological crisis.

References

- Albrecht P. A. (2007). Das nach-präventive Strafrecht, In, Institut für Kriminalwissenschaften und Rechtsphilosophie Frankfurt a. M. (Hrsg.). *Jenseit des rechtsstaatlichen Strafrechts*, p.5. (in Germany)
- Ambos K. (2017). Belling's Theory of Crime in the Past 100 Years: The Revival of the Concept of Causal Crime at the International Level?, Trans. by Zhang Zhigang, *Journal of Suzhou University (Law Edition)* No 4, pp.143-152. (in Chinese)
- ASP (2020), Independent Expert Review of the International Criminal Court and the Rome Statute System Final Report. 30 Sep.
- Cooper B., Behnke N. L., Cronk R., etc. (2021). Environmental health conditions in the transitional stage of forcible displacement: A systematic scoping review, *Science of the Total Environment* No 762, pp.1-12.
- Crook M., Short D., South N. (2018). Ecocide, genocide, capitalism and colonialism: Consequences for indigenous people and global ecosystems environments, *Theoretical Criminology* No 3, pp.298-317.
- David Boyd's speech to the Human Rights Council in 2020. (2020). <http://www.ohchr.org/zh/stories/2020/03/expert-calls-resolution-right-healthy-environment>.
- Erickson M. (2012). *Introducing Christian Doctrine*, Trans. by Chen Zhigang, Shanghai People's Publishing House, p.8, 11. (in Chinese)
- Ferri E. (1990). *Sociology of Crime*, China People's Public Security University Press, p.100. (in Chinese)
- Fukuyama F. (2014). *The End of History and the Last Man*, Trans. by Chen Gaohua, Guangxi Normal University Press, p.9. (in Chinese)
- Hall C. K., Stahn C. (2016). Article 7, In, O. Tridderer, K. Ambos [eds.], *The Rome Statute of the International Criminal Court: A Commentary*, C. H. Beck/Hart/Nomos, pp.192-196.
- Hassemer Vgl. (1989). *Symbolisches Strafrecht und Rechtsgüterschutz*, *NStZ*, p.556, 1001-1019, 1008. (in Germany).
- Holmes O. W. (2007). *The life of law lies in implement – Holmes legal anthology*, Trans. by Minghui, Tsinghua University Press, p.13. (in Chinese)
- IACHR (2005). Arguments before the Inter-American Court of Human Rights in the case of *Yakye Axa v. Paraguay*. Cited in: I/A Court H.R., *Case of the Yakye Axa Indigenous Community v. Paraguay*. Merits, Reparations and Costs. Judgment of June 17, 2005. Series C No. 125
- ICC. Decision on the Confirmation of Charges, Katanga and Ngudiolo Chui. (2008). ICC-01/04-01/07-717. 30 Sep. 2008.
- ICTR. (1998). *Prosecutor v. Akayesu*. ICTR-96-4-T.
- ICTY. (1997). *Prosecutor v. Tadic*. IT-94-1-T. 7 May.
- ICTY. (2000). *Prosecutor v. Blastic*. IT-95-14-T. 3 Mar.
- ICTY. (2011). *Prosecutor v. Stakic*. IT-97-24-ES. 15 Jul.
- Indigenous and Tribal Peoples Convention. (1989). Art. 1.2. (ILO C169).
- International Criminal Court. (2013). *Elements of Crimes*, Art. 7(1)(d), fn.12.
- International Expert Panel for the Legal Definition of Ecocide, *Commentary and Core Text* (2021).
- Jialin C. (2013). *Foreign Criminal Law: Basic Theory and Research Trends*, Huazhong University of Science and Technology Press, p.11. (in Chinese)
- Kindermann Vgl. (1988), *Symbolische Gesetzgebung*, In, Grimm/Maihofer (Hrsg.), *Gesetzgebungstheorie und Rechtspolitik*. *Jahrbuch für Rechtssoziologie und Rechtstheorie* 13, p.222. (in Germany)
- Krems K. (2016), *Safety, Risk and Criminal Law*, Trans. by Jiang Su. in Liang Genlin [ed.], *Forum on Contemporary Criminal Law Thoughts: Criminal Policy and Criminal Law Changes*, Peking University Press, p.297. (in Chinese)
- Kuanaliyeva G. A., Shulanbekova G. K., Rakhimova G. N. M., Abisheva N. (2022). Osobennosti ugolovlogo prostupka Oso-bennosti ugolovного проступка и преступления, *Bulletin of Kaznu law* No 2, pp.98-106.

- Larenz C. (2005). On the Necessity of Law as Science – Speech at the Berlin Law Society on April 20, 1966, Trans. by Zhao Yang, Comparative Law Research No 3, pp.144-155.(in Chinese)
- Lei L.,(2018). What is jurisprudence—— Based on a brief review of the history of German theory after the 19th century, Legal System and Social Development No 4, pp.100-124.(in Chinese)
- Lutes B. (2015). Legal Doctrine and Legal Policy under the Influence of Judges, Trans. by Ji Hongming, Beihang Legal Review, pp.137-161.(in Chinese)
- Marco C. (2021). The Draft Convention Ecocide and the Role for Corporate Remediation. Some Insights from the International Monsanto Tribunal and a Recent Research Proposal, International Criminal Law Review No 1, pp.154-180.
- Micheal L., Averil F. (2021). Green Criminology and State-Corporate Crime: The Ecocide-Genocide Nexus with Examples from Nigeria, Journal of Genocide Research No 2, pp.236-256.
- Mingkai Z. (2017). Principle of Legal Interest Protection and Proportion, China Social Sciences No 7, pp.88-108.(in Chinese)
- Prosperi L., Terrosi J. (2017). Embracing the Human Factor, Journal of International Criminal Justice No 15, pp.509-525.
- Robinson D. (2022). Ecocide-Puzzles and Possibilities, Journal of International Criminal Justice, pp.1-35.
- Roxin C. (2006). The task of criminal law is not to protect legal interests?, Trans. by Fan Wen, Criminal Law Review No 2, pp.146-165.(in Chinese)
- Ruthers B. (2013). Jurisprudence, Trans. by Ding Xiaochun and Wu Yue, Law Press, pp.136-137.(in Chinese)
- Shantian L. (1978). Special Theory of Criminal Law (Volume I), Sanmin Book Company, p.4.(in Chinese)
- South N., Abaibira M. A., etc. (2021). Genocide and ecocide in four Colombian Indigenous Communities: the Erosion of a way of life and memory, The British Journal of Criminology No 4, pp.965-984.
- Stein P., Shander J. (2004). The Legal Value of Western Society, Trans. by Wang Xianping, China Legal Publishing House, pp.2-3.(in Chinese)
- von Jhering R. (2010). Ist Die Jurisprudenz Eine Wissenschaft?, Trans. By Li Juntao, Law Press, pp.103-104.(in Chinese)
- Watts M. (1983). Silent Violence: Food, Famine, and Peasantry in Northern Nigeria, University of California Press, p.43.
- Wenxian Z. (2011). Jurisprudence, Higher Education Press, p.74.(in Chinese)
- Wise L. (2021). The Genocide-Ecocide Nexus in Sudan: Violent Development and the Racial-Spatial Dynamics of (Neo) Colonial-Capitalist Extraction, Journal of Genocide Research No 2, pp.189-211.
- Wolfe P. (2006). Settler Colonialism and the Elimination of the Native, Journal of Genocide Research No 4, pp.387-409.
- Xiaoyuan X., Zhan Z. (2005). Globalization and Risk Society, Social Science Literature Press, p.7.(in Chinese)
- Yanhong L. (2015). Objection to Early Criminal Governance of Environmental Crime, Politics and Law No 7, pp.2-13.(in Chinese)
- Youyu Z. (1984). Collected Papers on Legal Theory, People's Publishing House, p.46.(in Chinese)
- Zambrano V. (2009). La Dichiarazione delle Nazioni Unite sui diritti dei popoli indigeni, La Comunita' Internazionale No 1, pp.55-80.
- Zhiwei C. (2022). Is There a Real Doctrine: Identification and Function of the Doctrine of Law, Society under the Rule of Law No 2, pp.109-126.(in Chinese)

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