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ACTUAL ISSUES OF SUPPORTING COMPATRIOTS ABROAD: INTERNATIONAL EXPERIENCE AND PROSPECTS FOR IMPROVING NATIONAL LEGISLATION

Abstract. Objective: to study the regulatory framework of the Republic of Kazakhstan to determine the rules aimed at state support of compatriots abroad and prepare a draft law based on the study of foreign experience.

Method or methodology of work: When writing a scientific article, general scientific (logical, structural and system analysis, synthesis, comparison, abstraction, induction and deduction, modeling), special techniques, methods of researching phenomena and processes (specifically historical, dialectical, formal logical, structural-functional, comparative law method) were applied.

The methodological basis for clarifying the definitions contained in regulatory legal acts was the laws of formal logic; the analysis of regulatory legal acts was performed.

Results: Analysis of international legislation, development of the draft law of the Republic of Kazakhstan "On state support of compatriots abroad".

Field of use: legislative and law enforcement.

Conclusions: The result of the research work is an attempt to prepare the first draft law in the history of modern Kazakhstan aimed at state support of compatriots abroad, focused primarily on the consolidation of ethnic Kazakhs around their historical homeland - the Republic of Kazakhstan.

Keywords: a compatriot abroad, state support of compatriots abroad, diaspora, migration process, international experience.

Introduction. In the context of the construction of an independent state and the growth of national self-awareness of the population, issues of supporting ethno-identical communities abroad acquire a special political, economic, legal, cultural, demographic significance. It is known that the international practice of interaction with foreign ethno-identical communities is built on the full support of the state – the historical Homeland of their compatriots abroad.

The issues of state support of compatriots abroad, primarily the Kazakh diaspora, are examined in different aspects: on the one hand, the current condition of state policy and national legislation, and on the other, the actual international experience. The work mainly affected the legal side of the problem, since the study of international experience on state support of compatriots abroad showed that there are socio-economic, political, moral and other aspects. At the same time, the study of support issues of compatriots abroad is inextricably linked with such components as the diaspora and the migration process, in connection with which these interrelated aspects are touched.

The policy of state support of foreign Kazakhs has been significantly updated recently in connection with the narrowing of the scope of the Kazakh language and the threat of the gradual loss of national identity and assimilation of Kazakhs living abroad. The increased support of Kazakhs abroad is due to the emergence of diverse situations in the ethnic Kazakhs' countries of residence - a significant narrowing of

the possibilities of learning and using their native language, the threat of losing traditions, culture, and ethnic identity.

Kazakhs abroad, being a non-titular nation and not having a priority right to one or another state support measure in the host countries, have always adhered to their own vision of economic survival and growth of welfare. This circumstance gave rise to a system of views among foreign Kazakhs to rely on their own capabilities and internal resources, the desire to realize entrepreneurial potential.

V. Connor notes that the relationship between the diaspora and the titular state is a key moment in the global dimension of the problem of the development of the modern diaspora structure. It is guided by the logical connection between the diaspora and the titular state that he defines the modern diaspora as a part of the people who live outside their homeland [1].

Due to the peculiarities of the host countries, in which entrepreneurial initiative and economic independence are welcomed, foreign Kazakhs are qualitatively focused on the competitive environment and business undertakings. This is a high economic potential that must be used for the development of Kazakhstan.

In the context of migration changes in the world, it is important for the state to build an effective repatriation system based on its own experience in resolving problems in this area and building new approaches to the migration process, taking into account international experience.

The migration process is a dynamically changing, but constant process, which in the conditions of the twenty-first century has turned into a “problem of world significance”. One of the phenomena of the migration process is the diaspora [2]. The changes taking place at present are associated with a new deep transformation of the world, accompanied by the movements of large groups of people outside their historical homeland.

Methods. When writing a scientific article, general scientific (logical, structural and system analysis, synthesis, comparison, abstraction, induction and deduction, modeling), special techniques, methods of researching phenomena and processes (specifically historical, dialectical, formal logical, structural-functional, comparative law method) were applied.

Results. Today, diasporal policy exists in almost all countries and claims to be an independent branch of migration policy. Accordingly, states are forced to create national legislation not only at the level of legal regulation of migration processes, but also in line with the legislative regulation of state support for the diaspora. The most developed countries of the world demonstrate their experience in state support of diasporas (for example, countries such as Israel, Germany, Poland, South Korea, etc. are the most advanced in this matter), and Kazakhstan is no exception. Thus, the commitment of our country to the unification of compatriots, and first of all, representatives of Kazakh nationality, wishing to return to their historical homeland, is being consolidated.

“Diasporas are perhaps the most significant confirmation of the successful outcome of population migration. When migrants manage to integrate safely into the society of the host country, the original goal of the migrants is achieved. Adaptation is followed by the process of consolidation of immigrant ethnic communities – diasporas” [2].

At the present stage, the phenomenon of “diaspora” acquires a new content, which is due to the expansion of the field of phenomena designated as the diaspora, as well as an increase in the frequency of use of this concept. In this case, the issues of interaction between diasporas and state authorities are not sufficiently studied, and are not fully regulated by law. At the same time, the term “compatriots”, which is inextricably linked with the content and legal regulation of diasporal relations, is becoming relevant.

The definition of the institution of “a compatriot abroad” (in Kazakhstani legislation this term is absent – *author’s note*) requires clarification of the concept of “a compatriot”. So, according to S.I. Ozhegov it is “a person who has a common fatherland with someone” [3]. V. Dahl defines him as “born in one fatherland, native land” [4].

A.V. Shipilov, noting the particular importance of this term, wrote that “compatriots” are not only a legal, but also a spiritual category [5].

The activity in the application of these terms is due to objective circumstances after the collapse of the USSR. About this, V. Mukomel and E. Payin wrote that “the need to develop a state approach to the fates of former USSR citizens, who, after its collapse, were psychologically unprepared to identify themselves with the new statehood and come to terms with the change in their usual status roles, led to the legislative

formulation of the issue of the content of the concept of “compatriots” and the definition of subjects corresponding to it” [6].

We emphasize that the issues of migration of ethnic Kazakhs, as well as the reasons explaining why and how ethnic Kazakhs found themselves in other countries, are associated with specific historical facts and conditions. So, G.M. Mendikulova notes that the Kazakh diaspora is heterogeneous and polytypic, it was evolved over a long period and had different reasons for formation and development in each historical period [7].

The world history has similar facts. Thus, the cessation of the existence of great states – empires, the separation of countries due to special historical situations creates a phenomenon in which the concept of homeland for a significant part of the population goes beyond the officially recognized borders of one state. So it was in Germany after the Second World War. A similar situation now takes place in the DPRK and South Korea.

The research of the terms “diaspora” and “compatriots”, the reasons for their actualization, has been the subject of many scientific works [8]. So, V.M. Skrinnik, exploring the issues of determining the principles of using the above terms in relation to compatriots in the far abroad and in the CIS countries, believes that the concepts of “diaspora” and “compatriots” do not have a “well-established terminological definition” and they can be “equally used” [9]. Milton J. Esman defines the modern diaspora as an ethnic minority resulting from migration, maintaining a connection with the country of origin. He believes that the country's legislation should take into account the following legal methods of interaction between the diaspora, the country of residence and the historical homeland: the appeal of the native country for help to the diaspora; the influence of the diaspora on events in the country of residence and in the country of “outcome”; protection of the rights and interests of its diaspora from the side of the country of “outcome” [10]. S. Lallucci considers the modern diaspora as a phenomenon related most likely to the sphere of international relations, rather than jurisprudence [11].

It should be noted that the concepts of “diaspora” and “compatriots” have become the subject of primarily legislative practice in countries.

Generally, Russian researchers have made a great contribution to the study of subethnic and genealogical groups of the Kazakh people [12].

In most of the former Soviet republics in the mid-90s of the last century, basic documents have already been adopted defining approaches to the development of state policy with regard to compatriots abroad. However, an analysis of Kazakhstani legislation gave mixed results.

Subparagraph 1 of Article 1 of the Law of the Republic of Kazakhstan dated July 11, 1997 “On Languages in the Republic of Kazakhstan” defines the concept of “diaspora” [13]. Taking into account that this law establishes the legal basis for the functioning of languages in the Republic of Kazakhstan, the state's obligations to create conditions for their study and development, it ensures equal respect for all languages used in the Republic of Kazakhstan with no exception, this act does not provide the regulation of issues of state support of the Kazakh diaspora for abroad.

The Law of the Republic of Kazakhstan dated July 22, 2011 “On Migration of the Population” provides for the definition of the term “former compatriot”, according to which the former compatriot is a person born or previously held citizenship of the Kazakh Soviet Socialist Republic or the Republic of Kazakhstan and permanently residing abroad [14]. The definition of the indicated category of compatriots as “former” presented by the Kazakhstani legislator does not seem appropriate, since granting compatriots the status of “former compatriots” can be perceived by the public as a different attitude from the Republic of Kazakhstan than to compatriots.

As we see, the definitions enshrined in Kazakhstani legislation do not meet today's realities when the world community understands the necessity and significance of legislative regulation of issues of state support of compatriots abroad in a broader sense.

The experience of the Russian Federation is interesting in regulating this issue. So, according to paragraph 1 of Article 1 of the Law of the Russian Federation “On the state policy of the Russian Federation with respect to compatriots abroad”, compatriots are persons born in one state, living or residing in it and having signs of a common language, history, cultural heritage, traditions and customs, as well as descendants of these persons in a straight downward line. Such a definition of the term “compatriot” is absent in Kazakhstani legislation.

According to paragraph 2 of Article 1 of the Russian law "compatriots abroad are citizens of the Russian Federation permanently residing outside the territory of the Russian Federation" [15]. Characterizing these definitions, Z.M. Omarova notes that today these are the most logical and correct definitions, which fully correspond to the realities of the past and present history of Russia [16]. Kovaleva has a similar opinion [17].

Moreover, in the Declaration "On Supporting the Russian Diaspora and Patronage of Russian Compatriots" [18], compatriots consider all immigrants from the USSR and Russia and their direct descendants regardless of national and ethnicity, language, religion, race and nature of occupation, place of residence and other circumstances that are not citizens of Russia and who explicitly stated their spiritual or cultural-ethnic connection with Russia or any of its entities and confirmed this connection.

We believe that it is advisable in Kazakhstani legislation to provide a definition of the term "compatriot abroad", replacing the term "former compatriot" enshrined in the current legislation with "compatriot abroad", which, in our opinion, should strengthen ties between the Republic of Kazakhstan and persons born or previously held the citizenship of the Kazakh SSR or the Republic of Kazakhstan and permanently residing abroad.

V.V. Razdobarov and E.A. Pavlov noted: "Russia's political course towards compatriots has undergone a generally positive evolution: from misunderstanding and ignoring the problem to its recognition as one of the most important, the adoption of legal acts and the development of programs to support compatriots" [19]. Similar conclusions can be drawn for Kazakhstan as a country that had a common recent historical past with Russia. Right now, the diasporal policy and state support of compatriots abroad received a new impetus for development and an understanding has developed that supporting compatriots, protecting their rights and freedoms is the most important priority of Kazakhstan's foreign policy.

In the Message to the people of Kazakhstan, "Kazakhstan-2050 Strategy": A New Political Course for a Successful State", Nation Leader N.A. Nazarbayev noted that "the special responsibility for the implementation of the new strategic course "Kazakhstan – 2050" lies primarily with the Kazakhs. We must not forget that we can give an adequate response to the challenges of the time only if we maintain our cultural code: language, spirituality, traditions, values ... If a nation loses its cultural code, then the nation itself is destroyed. This cannot be allowed!" [20]. Yelbasy in his article "Looking into the Future: Modernization of Public Consciousness" notes that the first condition for modernization of a new type is the preservation of one's culture, one's own national code [21].

The basis for the development of legal documents in this area was the order of the Head of State N.A. Nazarbayev to the Government of the Republic of Kazakhstan, given on June 23, 2017 at the V World Kurultai of Kazakhs (protocol No. 17-32-39.1). In order to implement the order, the following were adopted: Decree of the Government of the Republic of Kazakhstan dated October 13, 2017 No. 644 "On Creation of the Non-Profit Otandastar Fund" Joint-Stock Company [22], the main purpose of which is to provide support for ethnic Kazakhs abroad and those who arrived in Kazakhstan; Decree of the Government of the Republic of Kazakhstan dated May 18, 2018 No. 280 "On approval of the Plan of measures to support ethnic Kazakhs abroad for 2018-2022" [23].

According to the data of the Ministry of Labor and Social Protection of the Population of the Republic of Kazakhstan, from 1991 to 2019 304,839 families or 1,042,589 people returned to their historical homeland and received the status of oralmans, including people of working age account for 56.3 %, children under 18 years old – 39 % and retirees – 4.7 % [24]. In the last two years, the number of ethnic Kazakhs moving to their historical homeland has a dynamics of reduction of almost half or more compared to previous years. One of the reasons is the inconsistency and lack of an accurate algorithm for interaction between government bodies, excessive bureaucratic procedures, as well as a number of other property and social reasons. So, for example, the right of ownership as one of the most important material economic rights of individuals should find legal guarantees of protection at the legislative level. This means that in the current legislation it is necessary to provide for norms aimed at protecting the property rights of ethnic Kazakhs arriving in the Republic of Kazakhstan.

A significant argument in favor of the development of state support for compatriots abroad is the lack of an integrated approach in Kazakhstan in this area, since there is no single state body with clearly defined functions for comprehensive support of compatriots abroad, while in many countries specially

authorized bodies are involved in the issues of diasporal policy (e.g. Ministry of Aliya and Integration in Israel, Ministry of Diaspora in Armenia, State Committee for Work with dispute in Azerbaijan and others).

The international legal foundation for upholding the rights of compatriots abroad is made up of the Universal Declaration of Human Rights of 1948, the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 and its protocols (in particular Protocol No.4 of September 16, 1963, Protocol No.7 of May 11, 1994, prohibiting the collective expulsion of foreigners, Protocol No.12 of November 4, 2000, establishing additional guarantees against discrimination), the International Covenant on Civil and Political Rights of 1966, the International Covenant on Economic, Social and Cultural Rights of 1966 [24].

A significant block of modern international law consists of norms aimed at protecting the rights of minorities. Among them are the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities of December 18, 1992, the UN Convention against Discrimination in Education of December 14, 1960 [25].

Let us turn to the experience of the Republic of Poland. The topic of the foreign diaspora is of great importance for Poland. “The Poles left their native country at different times in history and for various reasons: economic, political, educational, etc. Some did not leave at all; what has changed is the Polish border. Others were deported. These various circumstances determined the social status of the Polish community abroad in their countries of residence, their opportunities for promotion, and the ability to maintain knowledge of the Polish language and maintain contact with Poland (transl. – author)” [26].

The following officials and government bodies are involved in the Polish diaspora within their competence:

1) The President of Poland: the degree of activity of the head of state with regard to the problems of the Polish diaspora is regulated by the provisions of the Constitution of the Republic of Poland; during foreign visits the meetings with representatives of the Polish community are necessarily included in the official program of the president.

2) The Parliament: the Senate of Poland is currently the main state body for supporting and interacting with the Polish diaspora around the world. Directly in the Senate, the Committee on Emigration and Relations with Poles Abroad deals with these issues. In the Sejm (lower house of the Parliament of Poland – *author's note*), there is a Commission for Relations with Poles abroad. In order to expand the participation of foreign Poles in the discussion of policies regarding the Polish diaspora a special Advisory Council was created under the Speaker of the Senate, consisting of representatives of organizations of Polish Diasporas in November 2002.

3) The Ministry of Foreign Affairs of the Republic of Poland: its role in the formation and implementation of the policy of the Polish state in relation to the diaspora and national minorities is set out in the Law on Government Agencies of September 4, 1997. The role of the Ministry of Foreign Affairs of the Republic of Poland consists mainly in creating the political and legal basis for the specific activities of the Polish diaspora, which also involves numerous government agencies, parliamentary and public organizations, as well as in ensuring the proper conditions for such cooperation in relations with other countries.

4) Other state institutions: in the structure of the government, in addition to the Ministry of Foreign Affairs, the following are also involved in the implementation of policies regarding the Polish diaspora: the Ministry of National Education (department of Polish education abroad in the department of international cooperation); the Ministry of Higher Education and Science; the Ministry of Culture and National Heritage (Department of International Cooperation and Department of Cultural Heritage); the Ministry of the Interior and Administration (repatriation of ethnic Poles).

5) Non-governmental organizations – the Polish Community Association, the Foundation for Assistance to the Poles in the East Foundation, the Semper Polonia Foundation, etc.

This is just an example of Poland, which occupies one of the forefronts in matters of supporting compatriots abroad. A similar policy in relation to the considered category of persons is carried out by Israel, the Russian Federation, Germany, etc.

The above-said revealed the need to solve two main problems: 1) development of a draft state program to support Kazakhs abroad and voluntary resettlement to Kazakhstan for 2020-2030 (hereinafter

referred to as the State Program); 2) development of the draft law of the Republic of Kazakhstan “On state support of compatriots abroad” (hereinafter – the draft law), as well as related documents, including draft laws on amendments and additions to the current legislation of the Republic of Kazakhstan on issues of state support of compatriots abroad.

The key solution to this issue, in our opinion, would be the possibility of including in the Constitution of the Republic of Kazakhstan the norms that enshrine the support by the Republic of Kazakhstan of their compatriots living abroad as one of the duties of the state.

Conclusion and discussion. We propose to develop documents aimed at regulating state support for compatriots abroad, which should meet the needs of Kazakhstani society, meet modern challenges and, as a result, more clearly define the issues of support for compatriots living abroad.

The first such document may be a draft state program developed in accordance with international and national acts in the field of human rights. The document would represent the main approaches and vision of state policy on the consolidation of Kazakhs around the world around their historical Motherland, as well as the reception, arrangement and employment of returnees. The feasibility of developing the draft state program is dictated by the lack of a single interconnected set of program documents regulating the state support processes for the Kazakh diaspora living abroad and voluntary immigrants to Kazakhstan, due to the need to strengthen support for the Kazakh diaspora abroad.

In international practice, modern states that have such a significant foreign policy and economic deposit as a diasporal resource are increasingly promoting it globally. Modern diasporal entities themselves are trying to create a system of ties with their ethnic homeland. “No less relevant is the pragmatic need for the national diasporas themselves to maintain at a sufficient level the elements of their own national identity, originality and, accordingly, to resist assimilation challenges that are invariably present to one degree or another within the framework of a foreign national environment” [27].

Preservation of ethnic identity, containing the national code, history, national traditions and culture, helps to strengthen the confidence of the diasporas in their future. “Interaction in the field of culture is one of the most important and qualitative indicators of the level of relations between modern states” [28].

In different countries, the level of cultural and socio-economic development of the Kazakh diaspora is very different from each other depending on where they live. A comprehensive improvement of work with the Kazakh diaspora abroad can be carried out only on condition of constant and targeted state support and a well-thought-out system of measures ensuring the maximum satisfaction of the socio-economic, cultural, educational needs of the Kazakh diaspora, creating opportunities for those wishing to return to their historical homeland.

From the moment of gaining state independence, Kazakhstan began to pursue its own policy of ethnic repatriation that meets the trends of globalization of the world community and aims to use migration flows in the interests of strengthening national security, improving the country's demographic situation and sustainable social and economic development of the country [29].

The draft state program will be designed for the current period of development of the country and for the long term, it takes into account world experience in ethnic diasporal politics, in particular of such countries as Israel, Germany, Poland, Russia, etc., and also defines strategic goals, objectives, principles and priority directions support policies for compatriots abroad in conjunction with the expected prospects for the economic, social and demographic development of the Republic of Kazakhstan, foreign policy, integration and globalization processes in the world.

The development of the draft law of the Republic of Kazakhstan “On state support of compatriots abroad” would be a consistent step in creating conditions for the development and maintenance of communication between Kazakhstan and our compatriots living abroad, which could help to resolve a number of issues that are relevant for the country.

The feasibility of legislative regulation of the legal status of the Kazakh diaspora is dictated by the lack of a single special legal act regulating the support of ethnic Kazakhs living abroad. However, the development and adoption of such a special legal act meets the requirements of international law. Article 2 of the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted on December 18, 1992, proclaims their “right to establish and maintain free and peaceful contacts with other members of their group and without any discrimination with persons

belonging to other minorities, as well as contacts across borders with citizens of other states with whom they are associated by national, ethnic, religious or linguistic ties” [30].

The purpose of state support for compatriots is to provide legal protection for the interests of compatriots, as well as the conditions under which they could live as foreign citizens in equal rights, maintain contact with their historical homeland, return to Kazakhstan and obtain citizenship of the Republic of Kazakhstan.

State support by the Republic of Kazakhstan of compatriots living abroad should be based on the following basic principles: 1) inalienability and belonging of everyone from birth to the basic rights and freedoms of a man and a citizen; 2) non-interference in the internal affairs of another state; 3) the need to ensure civil, social, economic, legal, cultural, educational, informational and other rights and freedoms of compatriots abroad, their legitimate interests in the states of residence in accordance with generally recognized principles and norms of international law; 4) interaction of states in the field of ensuring the rights and freedoms of compatriots abroad.

It is proposed in the draft bill to provide a new conceptual framework. We believe that it is necessary to introduce new legal categories into circulation, such as: “compatriot abroad”, “state support of compatriots abroad”, “Kazakhs abroad”, “Kazakh diaspora”, “Kazakh Card”, “applicant for receiving the Kazakh Card”, “Kazakh Card Holder”, “Otandas Automated Information System”, etc.

The Kazakh diaspora is a bridge that expands the boundaries of the capabilities of our people, contributing to the modernization of the public consciousness of the nation to preserve national identity, close interaction and mutually beneficial cooperation. In the draft bill, the Kazakh diaspora is defined as “a part of the Kazakh people (ethnic community), living outside the country of historical origin, possessing signs of a common language, history, cultural heritage, traditions and customs, representatives of which are citizens of a foreign state”.

One of the most important tasks of the draft bill is to resolve the issue of the need to vest the First President of the Republic of Kazakhstan – the Leader of the nation, the President of the Republic of Kazakhstan, the Prime Minister of the Republic of Kazakhstan, and the Parliament of the Republic of Kazakhstan with powers providing for the care of compatriots abroad. The international experience of a number of countries shows that the state support of compatriots abroad, ethnic minorities from the state, the historical homeland, begins with the legal regulation of the competence of state authorities. It is the adoption of the relevant draft bill in Kazakhstan that will make it possible to specify the competence of state bodies in the field of state support of compatriots abroad.

It should be noted that earlier, under the Government of the Republic of Kazakhstan, there was an advisory board - the Commission on Compatriots Living Abroad, the main task of which includes studying the problems associated with the life and activities of Kazakhs abroad; rendering assistance in creating the necessary conditions for the development and strengthening of comprehensive ties with compatriots living abroad, etc. Today, taking into account the need for comprehensive support of Kazakhs and compatriots abroad, in June 2019 an Interdepartmental Commission was established to develop cultural and humanitarian relations with compatriots abroad under the Government of the Republic of Kazakhstan, which carries out the following tasks: 1) development of proposals and recommendations for improving and developing cultural and humanitarian relations with his fellow countrymen abroad; 2) coordination of the activities of state bodies in the field of development of cultural and humanitarian relations with compatriots abroad [31].

Of special note is that within the framework of the draft bill aimed at regulating state support of compatriots abroad, for the first time in the history of the country, an attempt will be made to develop a Kazakh Map by analogy with the Green Card (USA), the Pole Card (Poland). It is assumed that the Kazakh Map will become not only a document confirming that a person belongs to the Kazakh people, but also an important tool to support compatriots living abroad in order to maintain their ties with their homeland and national cultural heritage. The draft law plans to provide for the basic conditions for obtaining a Kazakh Card, as well as the rights of its holders. During the development of such important documents, various difficulties are possible; in particular, the problem is that the current legislation of Kazakhstan does not yet regulate the issues of determining the ethnicity of ethnic minorities who want to establish a connection with their historical homeland. A study of the experience of a number of countries showed that some countries are quite tough on the mechanism for determining national characteristics up

to knowledge of their native language (Germany), others do not focus on national characteristics, the main thing is that the applicant recognizes himself as part of a certain nation's people, appreciates the culture and the customs of this people, wants to maintain ties with the ethnic or historical homeland (Russian Federation, Republic of Korea, Turkey).

The draft bill should contain forms of state support for foreign compatriots and voluntary immigrants who wish to become owners of the Kazakh Map, in particular, in the implementation of social, economic, legal, cultural, educational and other rights.

As a result of legal monitoring of legislative acts of the Republic of Kazakhstan, it was revealed that:

1) the current regulatory legal framework as a whole is aimed at determining and regulating the status of oralmans (currently, the norms related to the legal support of oralmans are contained in the texts of more than 65 legal acts of the Republic of Kazakhstan, which presents a certain difficulty in the process of law enforcement), while the content of the term "oralman" does not cover ethnic Kazakhs living in other countries – Kazakh diasporas;

2) the norms of the relevant legal acts not only narrow the circle of subjects related to participants in public relations regulated in the draft bill, but also cause some criticism of society;

3) the current national legislation does not contain legal norms aimed at determining the "Kazakh Map", which, in turn, does not meet the realities of international practice in supporting ethnic groups.

Analyzing the above, we can conclude that the feasibility of preparing the documents indicated in this scientific article is explained by the need to improve work not only with ethnic Kazakhs, but also with former compatriots abroad who left Kazakhstan in the 90s, in order to create they have favorable conditions for establishing ties with Kazakhstan.

Thus, the main result of this work is the need to adopt the first draft law in the history of modern Kazakhstan aimed at state support of compatriots abroad, focused primarily on the consolidation of ethnic Kazakhs around their historical homeland.

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**ШЕТЕЛДЕГІ ОТАНДАСТАРДЫ ҚОЛДАУДЫҢ ӨЗЕКТІ МӘСЕЛЕЛЕРІ:
ХАЛЫҚАРАЛЫҚ ТӘЖІРИБЕ МЕН ҰЛТТЫҚ ЗАҢНАМАНЫ
ЖЕТІЛДІРУДІҢ ПЕРСПЕКТИВАЛАРЫ**

Аннотация. Жұмыстың мақсаты: шетелдегі отандастарды мемлекеттік қолдауға бағытталған нормаларды анықтау тұрғысынан Қазақстан Республикасының нормативтік құқықтық базасын зерттеу және шетелдік тәжірибені зерделеу негізінде заң жобасын әзірлеу.

Жұмыс жүргізу әдісі немесе әдіснамасы: ғылыми мақаланы әзірлеу кезінде жалпы ғылыми (логикалық, құрылымдық және жүйелік талдау, синтез, салыстыру, абстрағирлеу, индукция және дедукция, модельдеу) процестерді зерттеудің арнайы тәсілдері, әдістері (нақты-тарихи, диалектикалық, формальды-логикалық, құрылымдық-функционалдық, салыстырмалы құқықтану әдісі) қолданылды.

Нормативтік құқықтық актілердегі анықтамаларды нақтылау үшін әдіснамалық негіз ретінде формальды логика заңдары қолданылды; нормативтік құқықтық актілерге талдау жүргізілді.

Жұмыс нәтижелері: халықаралық заңнаманы талдау, «Шетелдегі отандастарды мемлекеттік қолдау туралы» Қазақстан Республикасы Заңының жобасын әзірлеу.

Нәтижелерді қолдану саласы: заңнамалық және құқық қолдану қызметі.

Қорытынды: зерттеу жұмысының нәтижесі заманауи Қазақстан тарихындағы шетелдегі отандастарды мемлекеттік қолдауға бағытталған алғашқы заң жобасын дайындау әрекетімен байланысты, сондай-ақ ол, бірінші кезекте, этникалық қазақтарды тарихи Отаны – Қазақстан Республикасы аймағында біріктіруге бағытталған.

Түйін сөздер: шетелдегі отандас, шетелдегі отандастарды мемлекеттік қолдау, диаспора, көші-қон процесі, халықаралық тәжірибе.

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**АКТУАЛЬНЫЕ ВОПРОСЫ ПОДДЕРЖКИ СООТЕЧЕСТВЕННИКОВ ЗА РУБЕЖОМ:
МЕЖДУНАРОДНЫЙ ОПЫТ И ПЕРСПЕКТИВЫ СОВЕРШЕНСТВОВАНИЯ
НАЦИОНАЛЬНОГО ЗАКОНОДАТЕЛЬСТВА**

Аннотация. Цель работы: исследование нормативной правовой базы Республики Казахстан на предмет определения норм, направленных на государственную поддержку соотечественников за рубежом, и подготовка законопроекта на основе изучения зарубежного опыта.

Метод или методология проведения работы. При написании научной статьи применялись общенаучные (логический, структурный и системный анализ, синтез, сравнение, абстрагирование, индукция и дедукция, моделирование), специальные приемы, методы исследования явлений и процессов (конкретно-исторический, диалектический, формально-логический, структурно-функциональный, метод сравнительного правоведения).

Методологическую основу для уточнения определений, содержащихся в нормативных правовых актах, составили законы формальной логики; проведен анализ нормативных правовых актов.

Результаты работы. Анализ международного законодательства, разработка проекта Закона Республики Казахстан «О государственной поддержке соотечественников за рубежом».

Область применения результатов: законодательная и правоприменительная деятельность.

Выводы. Итогом исследовательской работы является попытка подготовить первый в истории современного Казахстана законопроект, направленный на государственную поддержку соотечественников за рубежом, ориентированный, в первую очередь, на консолидацию этнических казахов вокруг исторической родины – Республики Казахстан.

Ключевые слова: соотечественник за рубежом, государственная поддержка соотечественников за рубежом, диаспора, миграционный процесс, международный опыт.

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