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ПОНЯТИЕ И СПЕЦИФИКА КАЗАХСКОЙ РЕПАТРИАЦИИ

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Аннотация. В статье рассматривается динамика и причины изменения в научном обороте таких терминов, как «казахи, проживающие за рубежом», «оралманы», «қандас», «репатрианты», которые являются понятием казахской репатриации и ее эквивалентом. Паказана актуальность репатриации и связанных с ней проблем и последствий, возникающих в казахстанских условиях не по принятым в мире формулам, а с использованием индивидуальных (в исторических, региональных, этнических контекстах) специальных теорий и методов. Принимая во внимание правовые и социальные причины которые за последние 30 лет способствовали изменению понятия этническая миграиия. можно сделать вывод о несостоятельности научных терминов, возникающих вследствие правового статуса и общественного мнения. Кроме того, в статье приводятся сравнения международного опыта репатриации на примере Израиля, Германии, Польши, Кореи, Японии и т. д. и рассматриваются термины, которые могут охарактеризовать миграционные процессы этнических казахов. Обьективная постановка проблемы и определения этнической миграции в отечественной науке создает условия для появления терминов в исследованниях в этой области.

Ключевые слова: репатриация, казах, оралман, кандас, правовой статус, этническая миграция, возвратная миграция, диаспора, ирредент, Казахстан

THE CONCEPT AND SPECIFITY OF KAZAKH REPATRIATION

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Abstract. The article examines the dynamics and causes of changes in the scientific research over thirty years of such terms as "Kazakhs from abroad", "oralman", "kandas", "repatriates", which are the concept of Kazakh repatriation and its equivalent. The relevance of repatriation and related problems and consequences arising in Kazakhstan's conditions is not based on formulas accepted in the world, but using individual (in historical, regional, ethnic contexts) special theories and methods. Considering the legal and social reasons that have contributed to the change of the concept of ethnic migration over the past 30 years, it can be concluded that the scientific terms arising from the legal status and public opinion are invalid. In addition, the article provides comparisons of the international experience of repatriation on the example of Israel, Turkey, Germany, Russia, Poland, Korea, Japan, etc. and discusses terms that can fully characterize the migration processes of ethnic Kazakhs. The objective formulation of the problem and definition of ethnic migration in Russian science creates conditions for the appearance of terms in research in this area.

Keywords: repatriation, Kazakh, Oralman, Kandas, legal status, ethnic migration, return migration, diaspora, irredenta, Kazakhstan

Introduction

Migration is a global phenomenon. Both the Kazakh land and the Kazakh people have been witnessing of continuous migration for centuries. One of them is the repatriation of ethnic Kazakhs. Researchers of the ethnic repatriation phenomenon note that this phenomenon began to be massively studied in the scientific literature from the second half of the 20th century, it has not yet been fully studied. Because the departure and return of different ethnic groups from their homeland has its own specifics and different trail. There are a lot of questions about how much of the Kazakh repatriation has been revealed in domestic and international science? Or did the terms in science describing this phenomenon fully reflect the essence of the Kazakh repatriation? And is it necessary to explain and compare the situation in Kazakhstan using foreign examples of repatriation (Israel, Germany, Poland, Russia, Japan, Korea, etc.)? Such questions indicate that in the conditions of Kazakhstan, repatriation and its consequences should be resolved not by the world-established formula, but individually (from the point of view of historical, regional, ethnical), using special theories and methods.

Sources and methods

The sources of the topic are the migration laws of the Republic of Kazakhstan, amendments and additions made in different years, and

resolutions of the Council of Ministers. In addition, legal acts of the United Nations and the Organization of International Migration, articles and interviews in the domestic press are also involved.

The article discusses ethnic return migration from an interdisciplinary point of view. In the process of analyzing the problem, the principle of historicity and scientific objectivity is followed. In addition, the methods of historical-typological, problematic, inductive-deductive, systemic, case study and comparative analysis are used.

Discussion

Past 30 years, many research papers and scientific articles on ethnic repatriation have been published. Among them were monographs and doctoral and Ph.D. dissertations, which examined the issue in detail. Scientists have studied the state, nature, and type of repatriation in Kazakhstan and the main directions of migration policy. The return of ethnic Kazakhs and the state after return, adaptation to society, assimilation, employment, psychological condition, and the reaction of the host community were considered by economic, sociology, philosophy, psychology, medicine, pedagogy, linguistics, journalism, and law.

There are historical and ethnographic study on Kazakh repatriates such as A.B. Kalysh and D.B. Kasymova "The way of integration of oralmans in Kazakhstan Society: reality and call" [1] and "The field and meanings of sociocultural integration of ethnic repatriates" [2], K.K. Nurymbetova "Problems and prospects of repatriation in independent Kazakhstan: a historical analysis (1991-2008)" [3], K.N. Baltabayeva, T.A. Zh.A. Yermekbay, A.Zh. Baimagambetova "The Kazakh diaspora and return to Atameken (1991-2012))" [4], A.S. Seisenbayeva "Repatriates in the Semirechve region: ethno-cultural and migration processes" M.S. Karibayev "Ethnic repatriates in East Kazakhstan: a daily history" [6]. In these books, repatriation policy of the Republic of Kazakhstan, the implemented state programs, migration laws and measures to support repatriates are presented in detail. A complete historiography on migration, diasporic study and repatriation is developed and highlighted the works of domestic and foreign scientists. Kazakh repatriates from different country evaluate their integration into the society of Kazakhstan, focusing on their ethnic identity. Moreover, it is focused on the difficulties of socio-cultural adaptation of Kazakh repatriates to Kazakhstan's society.

Results

The problem of legal status and scientific term. When it comes to calling Kazakhs, who have returned to their homeland "oralman", "kandas", "otandas", first of all, it is necessary to consider the migration law of the Republic of Kazakhstan. This is due to the fact that researchers take as a basis

the interpretation of these terms in the migration laws of the Republic of Kazakhstan.

Before the adoption of state migration laws, acts and regulations of Kazakhstan, the names "otandastar", "kandasta", "brothers abroad", "representatives of indigenous peoples" were used. For example, in the resolution of the Council of Ministers of the Kazakh SSR No. 771 of November 18, 1991, it is written: «the procedure and conditions for resettlement in the Kazakh SSR of *people of indigenous nationalities* wishing to work in rural areas from other republics and foreign countries» [7]. The term "refuges-repatriates" has been used in Article 17, paragraph 3 of the Immigration Act which passed on June 26, 1992 [8]. And in the law of the Republic of Kazakhstan "On Population migration", adopted on December 13, 1997, the concept of "repatriate-oralman" was used together [9]. In March 2002, amendments and additions were made to the law "On migration of the population", and in accordance with 1 Article of this law the term "oralman" was used [10].

At a time when opposite opinions began to arise around this term, there were many different proposals, for example, T. Mamashev advocated the idea of the first president of the Republic of Kazakhstan N. Nazarbayev to replace the word "oralman" with the word "otandas" [11].

Some scientists in the country also opposed the use of the concept of "compatriot". "... if we take the word compatriot, it is clear that we also use this name for people of other nationalities living in Kazakhstan, even if they are not of Kazakh nationality. Because their homeland may also be Kazakhstan" [5, p. 34].

In addition, the name "baurlas" was proposed, and ethnographers such as Zh.O. Artykbayev opposed it, arguing that this name is pronounced in the Kazakh language in relation to other Turkic-speaking peoples [12].

Finally, by the resolution of the Republic of Kazakhstan dated May 13, 2020 No. 327-VI "On amendments and additions to some legislative acts of the Republic of Kazakhstan on the regulation of migration processes", it was renamed "kandas — ethnic Kazakh and (or) members of the Kazakh family of his nationality who were not previously citizens of the Republic of Kazakhstan, arrived in their historical homeland and received the appropriate status in accordance with the procedure established by this law" [13].

The fact that "oralman" or "kandas" is initially a temporary legal status valid only on the territory of the Republic of Kazakhstan. This is a special status that distinguishes them from other migrants. Only ethnic Kazakhs returning from foreign countries who are not yet citizens of the Republic of

Kazakhstan can get it. In addition, this status gives ethnic Kazakhs returning from abroad a number of special rights (social, economic benefits) and is valid only up to a certain date. That is, according to the law of the Republic of Kazakhstan, Kazakhs who return to the country are deprived of the status of "kandas" in the following cases: "A) after obtaining citizenship of the Republic of Kazakhstan; B) after the cancellation of the permanent residence permit in the Republic of Kazakhstan; C) one year after the date of obtaining the status of kandas" [14]. However, in the scientific literature, this legal status is often used in the sense of social status. That is, even if the legal status of kandas is canceled, they will be considered further on the basis of this consept.

It should be noted that such a trend is also found in other states. For example, in Russia "Sootechestveniki" (compatriots), in Israel "Aliyah" (ascent, going up), in Germany "Aussiedler" (settlers), in Japan "Nikkei" (peoples of Japanese descent from abroad), in Kyrgyzstan "Karilman", in Korea "Joseonjok" (Chinese Koreans) and "Goryeoin" (Central Asia Koreans), etc. has only value, that is, does not count as an official scientific term.

Although the current name "kandas", "oralman", "Kazakh repatriates" refers to Kazakhs who returned from near and far abroad, it is important that there is consistency in scientific terminology, and it is correct to comply with the national standard. "This is due to the fact that the scientific term denotes and classifies a certain scientific concept in the system of terminology, and shows special accuracy of the characteristic features or the relationship with others of the object of termination" [15, p. 13]. Therefore, it should be borne in mind that the unification of terms that describe a single object brings efficiency to research in this area.

At the same time, if we consider the concept of "kandas" as an interdisciplinary term, then it should be able to fully describe and be stable the process of ethnic Kazakhs and return to Kazakhstan, which has become an object of study not only in the field of law, but also in other sciences. It is in the current conditions that it is difficult to say that this result has been achieved.

When analyzing the above data, the concept defining the legal status created to regulate relations between the state and a citizen cannot be a term based on a stable and national standard that characterizes the nature of an individual or a certain group.

The concept of repatriation in science. In the world scientific circulation, the term return migration, ethnic return migration, diasporic return migration and repatriation are often used. Now let's dwell on these concepts separately. First, it means return migration is the process or action of returning to the point of origin or departure.

According to the statistics Department of economic and Social Affairs of the United Nations, "return migrants are people who return to their home country after becoming an international migrant in another country (short or long term) and intend to stay in their home country for at least one year" [16, p. 15].

In the context of International Organization for Migration (IOM), return migration is described as the movement of people who leave their place of residence and return to their country of origin after crossing international borders. It does not matter that there is ethnic migration here. It can also be internally displaced persons within the territorial border of the country, discharged soldiers, transit migrant workers, refugees, or political asylum seekers [17, p. 15]. Despite the unambiguous definition of the concept of return migration proposed by the UN and IOM, it is used in different ways in different countries.

Next, the concept of ethnic return migration emphasizes the ethnic origin of the returning person or group in comparison with return migration. According to G. Sheffer, "ethnic return migration is the return of members of a particular ethnic group to their homeland after living abroad for one or more generations. This is a special type of international migration, because diaspora groups, while maintaining their ethno-cultural identity" at home abroad", after several generations are fully established in the same host society" [18, p. 25].

Another concept that is used to describe return migration is co-ethnic migration. John D. Skrentny, Stephanie Chan, John Fox and Denis Kim point out that co-ethnic is a group of people who are not citizens or citizens of a national state, but who have a common connection by blood and origin [19].

The next term is diasporic return or diasporic homecoming migration. According to the famous American scientist T. Tsuda's interpretation, "diasporic return or diasporic homecoming migration refers to certain political repressions or diaspora ethnic groups scattered across different territories for economic reasons and united by a sense of love for the country of ethnic origin" [20, p. 31].

In general, migration and diaspora are closely related concepts. In migration, the concept of diaspora is used to identify the types of migrant and migrant groups, their causes, and types. Typically, diaspora return migration occurs in three different patterns, the first, economic diaspora, in economics these are also referred to as labor migrants. One such diaspora is the working Japanese, who moved to Brazil masse at the beginning of the 20th century, and the Korean diaspora, who emigrated to America. The examples of these groups T. Tsuda prefers to use the term diasporic return or diasporic homecoming migration.

The second, victim diaspora – peoples who forcibly moved from their country to another place for various political, religious, cultural, ethnic, linguistic, national reasons. Victim diaspora is also called a catastrophic diaspora by some scientists. A striking example of this in migration are the Jews. However, it is common practice to consider the return of Jews to Israel as ethnic return rather than diaspora return.

Third, nonmigratory diaspora is a type of diaspora that occurs not due to migration or change of residence, but due to various political conflicts and border changes of national states due to a contract. The population living here near the border remains on the territory of the neighboring state and is a diaspora, even if they live in their homeland.

Some scholars also refer to diasporic return as ethnic unmixing, that is, part of an ethnic group that lives scattered in other countries. In his dissertation "Migration and ethnic diversity in the Soviet and Post-Soviet space", Youngook Jang notes that until 1991, the national and migration policy of the Soviet Union had a unique opportunity to allow other ethnic groups to maintain their national identity (the status of a National Autonomous Republic), and after the collapse of the Soviet Union, some non-indigenous ethnic groups remained in the diaspora, where they have long lived legally. For example, according to the 1989 All-Union census, the number of people living outside the Republic, "of which it is a titular nation, was 73 million. Of these, Russians are 25 million, and other ethnic groups are 12 million" [21, p. 17].

Another widely used concept, repatriation, which has two interpretations in international law and migration policy, is also closely related to this return migration.

In a narrower sense, repatriation is used in national law as the right of a refugee or prisoner of war to return to the country of which he is a citizen. In a narrower sense, repatriation is used in national law as the right of a refugee or prisoner of war to return to the country of which he is a citizen. And according to the extended interpretation, a repatriate is a person who, for reasons of a socio-economic or personal nature, is a citizen or voluntarily moved to his country of ethnic origin for permanent residence. In this regard, the governments of some countries and their state programs consider repatriation as a kind of return migration, that is, the process of returning to the ethnic homeland. An ethnic homeland often refers to a country or region that people associate with the ethnic origin of their or their ancestors (unless they previously migrated from here). As a rule, this condition is determined by ethnic and religious ties.

However, there are various conflicting opinions among scientists on the area of use of the term repatriation. According to R. Hut, «the concept of

repatriation should not be applied to all Poles from the East, among them there are people who were born, grew up on the outskirts of the territory of Poland and are not bidirectional, but only unidirectional immigrants, that is, Migrants. In this regard, he proposes the term "uojczyzienie – impatriation – impatriation – domestication" to describe the migration to the homeland of a generation of people of the same ethnic group but born in another state» [22, p. 46]. R. Hut notes that he does not support the use of this term in relation to the poles of the East, who, due to the territorial division between Poland and the Soviet Horde, remained on the territory of another state, but lived in his native land.

Description and specifics of the Kazakh repatriation. When analyzing the above examples, the question arises of which term or concept will be appropriate to describe the return of ethnic Kazakhs to our country. Guided by the way in which each term is interpreted in its own way in different states, in the field of science and in the works of individual scientists, the main problem here is not which term is used, but what is important to give an internal content to that term.

Therefore, when determining the return migration of ethnic Kazakhs, it is necessary to come from the following two points: a) external structure-the return of a thing or person to the place to which it belongs in general; b) internal content – the withdrawal at the expense of certain circumstances, that is, the return of a returning individual or group to a country that does not have ethnic ties, but is a citizen, and has ethnic ties, but is not a citizen.

From the point of view of the external structure of repatriation of Kazakhs on the sidelines, all the terms repatriation, ethnic return migration, co-ethnic migration, diaspora return migration can fully reveal this situation. As for the internal content, it is better to start the issue with the historical and territorial location, which was formed due to the departure of Kazakhs abroad from Kazakhstan and stay outside the current borders of Kazakhstan.

G.M. Mendikulova for the first-time classified Kazakhs abroad into two groups: irredenta and diaspora. It is this classification that plays an important role in determining the internal content of the return migration of Kazakhs on the outskirts. In addition, another important point is the concept of historical boundaries. This is because the Kazakh diaspora was formed not only due to emigration, but also due to the change of state borders in different historical and political periods.

For example, the Kazakh diaspora are a group of Kazakhs who have moved from their homeland and settled on the lands of another state. Among them are Kazakhs from Afghanistan, Iran, Turkey, and Europe. As for irridenta Kazakhs, G.M. Mendikulova believes that Kazakhs living outside the territory of Kazakhstan in Russia, China, Uzbekistan cannot be attributed to

the "diaspora" at all. Because they live in their homeland, and they are defined by the term "irredenta" [23].

Therefore, the phrase "return to the modern territory of independent Kazakhstan" would be more appropriate for them than to use the phrase "return to the homeland". In general, such irridenta groups T. Tsuda refers to the nonmigratory diaspora [20], R. Considered by Brubaker as ethnic unmixing [24].

Now, taking into account these specified features, we will focus on the internal content of the return migration of Kazakhs, in the case of the return of Kazakhs of the Diaspora: A) all returning Kazakhs were not born and did not live in the modern territory of Kazakhstan; B) they are at least the second, third generation born in another country; C) return to the place of origin of their ancestors, to their homeland; and in the case of irredenta Kazakhs: A) not born and did not live in the modern territory of Kazakhstan; B) a group of Kazakhs who lived in their homeland, but returned to the modern territory of Kazakhstan.

Therefore, the return of ethnic Kazakhs to their homeland is the return of ethnic Kazakhs living outside their homeland to the present territory of the Republic of Kazakhstan due to historical and political decisions.

Several types of repatriation of ethnic Kazakhs can be listed as follows:

first, it is voluntary; second – motivated by the direct organization of the Republic of Kazakhstan; third – irridenta and diasporic nature; fourth – permanent, that is, long – term; fifth – long-distance and short-distance; sixth – from various political and cultural backgrounds (Soviet, Islamic, Chinese, Mongolian, etc.).

Conclusion

Since the creation of the migration law of the Republic of Kazakhstan, repatriation of ethnic Kazakhs in the near and far abroad, which has become one of the main directions of this law, has been considered as one of the examples of ethnic migration in both world and domestic science. This ethnic migration has become the object of study of various disciplines, and many works have been published. However, the term contradictions in this literature indicated the need for a scientific concept independent of public opinion and legal status.

Summing up the analysis in the main part, it is proposed to indicate «repatriation of ethnic Kazakhs or Kazakh repatriation» as a consistent scientific term, the external structure of which is based on an international standard, the internal content is supplemented by historical, cultural, regional features of Kazakh repatriation, and its participants – Kazakh repatriates.

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