

K A Z A K H S T A N

SECTION A

Capital

Astana

The Government was moved there in December of 1998 from Almaty (1,172,400-1995 est.).

Area

2,724,900 sq km (1,052,100 sq mi)

Form of government

Republic

GDP—per capita

Purchasing power parity—\$3,200 (1999 est.)

Population

16,733,227 (July 2000 est.)

Ethnic composition

Kazakh	46.0%
Russian	34.7%
Ukrainian	4.9%
German	3.1%
Uzbek	2.3%
Tatar	1.9%
Other	7.1%

Official language

Kazakh is the state language while Russian is still the official language used in state sphere.

Other languages

Ukrainian, German, Uzbek, other

Legislation dealing with the use of languages

The Constitution was adopted by referendum on August 30, 1995.

The Law of the Republic of Kazakhstan on Languages in the Republic of Kazakhstan (July 11, 1997)

N 2995, Order on the Conception of the Formation of State Identity of the Republic of Kazakhstan, (May 23, 1996)

“The state has to take care of learning and developing the languages of the Kazakhstan’s population. Discrimination on the basis of not knowing the state or other languages is not allowed. Voluntary learning of the state language is to be stimulated, its role increased. Practical work must be transferred to periphery.”

N 2694, Constitutional Decree on Courts and the Status of Judges in the Republic of Kazakhstan, (December 20, 1995)

“Both Kazakh and Russian are official in the courts of the Republic; the language of the majority residing in the given locality may also be used.”

N 2368, Decree on Customs in the Republic of Kazakhstan, (July 20, 1995)

“Either Kazakh or Russian may be used in customs documentation.”

N 1, Model Contract on State Support for Investment in Priority Sectors of Economy of the Republic of Kazakhstan, (March 21, 1997)

“The given contract has to be in Kazakh and Russian for the investor of Kazakhstan; in Kazakh or Russian and English - for a foreign investor. In both cases the documents have equal juridical power.”

N 2737, Order on the Constitutional Council of the Republic of Kazakhstan, (December 29, 1995)

“Either Kazakh or Russian may be used in constitutional documentation; translation into other languages is guaranteed.”

Law of the Republic of Kazakhstan On Education, (January 18, 1992)

“Educational institutions have to take part in active learning, use and development of the Kazakh as a state language throughout the territory of the Republic as well as grant free learning of Russian.

Numerous and compactly residing ethnic minorities must be granted the conditions for founding state or state-supported educational institutions; for conducting lessons in their native language.

For non-numerous and not compactly residing ethnic groups classes, extracurricular activities and Sunday schools may be founded.”

Law of the Republic of Kazakhstan on the Internal Military Forces of the Interior Ministry of the Republic of Kazakhstan, (June 23, 1992)

“Orders and documentation in the military as well as official correspondence must be performed in the state language as well as the language of international communication.”

Law of the Republic of Kazakhstan on the Procedure of Settling of Economic Disputes by Arbitration Courts of the Republic of Kazakhstan, (February 17, 1992)

“Documentation in arbitration courts of the Republic has to be performed in Kazakh and Russian. Individuals who do not know either of the languages have the right to get acquainted with the case and take part in the actions of the arbitration court with the help of translator; to speak in his native language.”

N 343, Order “On the Implementation of the Law of the Republic of Kazakhstan On Languages in the Republic of Kazakhstan”, (May 4, 1998)

“All acts of the Ministry have to be passed in the state language (along with the translation into Russian). Documentation has to be performed in both Kazakh and Russian languages. Responses to the requests of citizens and organizations have to be in Kazakh or in the language of interethnic communication. Seals and stamps have to bear titles only in Kazakh. Free learning of the state language has to be guaranteed to the employees of the Ministry and the judiciary. Postal-telegraphic messages within the boundaries of the Republic may be in Kazakh and Russian.”

N 51, Decision On the Implementation of the State Program for Development of the Kazakh and Other Ethnic Languages in the Republic of Kazakhstan until the Year 2000, (January 21, 1992)

“Regional and city governments are to guarantee the use of Kazakh as the state language; to present timetable for introducing Kazakh in official documentation; to employ Kazakh translators in official institutions; renew country-wide teaching of Kazakh. Creation of the Foundation for Development of Languages is to be fostered. Ministry of Labor is to present the list of job positions in which the knowledge of Kazakh and Russian is required. Ministries of Education, of Publishing and Information and the Academy of Science are to provide educational institutions with readers and methodical literature in Kazakh, to expand issuing Kazakh dictionaries and learning materials. Ministry of Justice is to prepare the rules for declaring the languages of ethnic groups as official in places of their compact residence.”

Background notes

The two official languages in Kazakhstan are Kazakh and Russian. Kazakh is a part of the Nogai-Kipchak subgroup of northeastern Turkic languages, heavily influenced by both Tatar and Mongol. Kazakh was written for the first time only in the 1860s, using Arabic script. In 1929 the Latin script was introduced. In 1940 Stalin decided to unify the written materials of the Central Asian republics with those of their Slavic rulers by introducing a modified form of the Cyrillic alphabet. In 1992 the return of a Latin-based alphabet came under discussion, but the enormous costs involved appear to have stopped further consideration of the idea.

Many of the ethnic Russian-speakers have their “roots” in Kazakhstan. They have lived there for many generations, were born and raised there and have little or no connection with Russia as their “historical motherland”. These people favor remaining in Kazakhstan. In 1993, 40% of Russians did not want to leave the Republic.

The problem in Kazakhstan is much wider than that of language. Cultural differences, economic difficulties, the sharpened issues of ethnicity, language and citizenship, have all strengthened anti-Russian stereotypes among the Kazakh population and created an unfavorable atmosphere for the Russian-speakers of Kazakhstan. In this situation many Russian-speakers made a decision to move from Kazakhstan to Russia, with which they associate their cultural, economic, as well as career expectations and opportunities.

SECTION B

Where does one observe language to be a problem in the country?

In late 1991 the Soviet Union collapsed, and the independent state of Kazakhstan emerged. The Russian-speaking population for whom Kazakhstan had been their homeland as a member state of the Soviet Union, suddenly found themselves living in a country where the Russian nationality was no longer considered the leading one.

The post-Soviet policy in the country was aimed at strengthening the positions of the Kazakh language at the expense of the Russian. This had been done in spite of the fact that, for the majority of population in Kazakhstan, Kazakh is not the lingua franca.

Ethnic Russian-speaking people feel discriminated against for their lack of the Kazakh language. Kazakhstan's government, however, claims that the requirement to know a specific language for occupying certain positions, especially those requiring communication in different languages, cannot be considered discriminatory.

To what extent are minority groups in this country disadvantaged by their language?

In the late Soviet period, fewer than 5% of Russians could speak Kazakh, although the majority of Kazakhs could speak Russian. After the dissolution of the Soviet Union, Russian speakers started to feel the threat of Kazakh becoming the sole language. On the other hand, according to some estimates, as much as 40% of the Kazakh population was not fluent in Kazakh.

The standard language of business was and continues to be Russian. Even for those who are fluent in Kazakh, Russian continues to be the "world language". They consider Kazakh to be a difficult language in science and business because it has never developed a modern technical vocabulary.

The schools reflect the practical superiority of the Russian language as well. Despite efforts to increase the number of schools where Kazakh is the primary language of instruction, Russian appeared to continue its domination in the mid-1990s. In 1990 children in about twice as many schools were taught in the Russian than in Kazakh language. Although institutions of higher education now show a strong selection bias in favor of Kazakh students, Russian is used as a language of instructions for the

majority of subjects. Nevertheless, lecturers who teach in Kazakh are paid 15-20% more than those who instruct in Russian.

The 1995 Constitution did not provide for dual citizenship, but it alleviated Russian concerns by declaring Russian as an official language. That status means that Russian would continue as the primary language of communication for many ethnic Kazakhs, and it will remain acceptable for use in schools (a major concern of Russian citizens) and official documents. However, since 1995 there is a requirement that in no less than 15 years all state employees must know Kazakh.

What does it cost in terms of money, time and government resources to police the country's language restrictions?

The issue of languages is a politicized and contentious one in Kazakhstan. The instability of this issue has been increased by Russia's controversial proposals, beginning in 1993, that Kazakhstan's Russians should be granted dual citizenship. Although President Nazarbayev rejected such a policy, the language controversy prompted him to postpone deadlines for implementation of laws making Kazakh the sole official language.

The use of language in everyday life e.g. education, broadcasting and other

Kazakhs constitute 46% of the population in Kazakhstan, Russians 34% and other nationalities about 20%. Russian remains the prevailing language of instruction (e.g. in 1991, Kazakh was the language of instruction for only 17.6% of the students at institutions of higher education and 34.4% of the students at general secondary schools). Russian is a popular working language in official institutions as well as a language of communication. In 1992 only 2% of Russians and 40% of ethnic Kazakhs claimed to be fluent in Kazakh. According to 1994 data from the State Committee on Languages, out of 55,008 State organizations of the Republic, only 16.6% used both Kazakh and Russian languages, while 70.3% used only Russian. Out of the 223 regions of the Republic, 131 operate in the Russian language only.

Did the country ratify any international treaty dealing with the protection of minorities?

The Treaty Between the Russian Federation and the Republic of Kazakhstan on the Legal Status of the Citizens of the Russian Federation, permanently residing in the Territory of the Republic of Kazakhstan, and the Citizens of the Republic of Kazakhstan, Permanently Residing in the Territory of the Russian Federation, January 20, 1995, Moscow.

What else can be found out about languages and minorities?

According to news reports from June 19, 2000 Kazakh President Nursultan Nazarbayev called for creating a fund for the protection of the Russian language. He said, "Kazakhs need the Russian language like bread, every day." He noted as well that Kazakh is the state language in the country, while Russian is the official language used on the same terms as the state language.

Speaking at a press conference in Almaty on October 18, 2000, Yurii Bunakov who is one of the leaders of Kazakhstan's Russian minority suggested that in order to prevent further Russian emigration, the Kazakh leadership should postpone the implementation of legislation calling for all business correspondence to be conducted in Kazakh until 2003. Bunakov said that special programs should be organized to help Russian-speakers learn the Kazakh language. Bunakov also argued that more Russians should be appointed to government posts. He noted that only 8% of government employees are Russians, although Russians account for 40% of the country's population.

APPENDIX A

MAP OF KAZAKHSTAN



APPENDIX B

KAZAKHSTAN - CONSTITUTION

Constitution as adopted by referendum on August 30, 1995

Article 7

(1) The State language of the republic of Kazakhstan shall be the Kazakh language.

(2) In State institutions and local self- administrative bodies, the Russian language shall be officially used on equal grounds along with the Kazakh language.

(3) The State shall promote conditions for the study and development of the languages of the people of Kazakhstan.

Article 14

(2) No one shall be subject to any discrimination for reasons of origin, social, property status, occupation, sex, race, nationality, language, attitude towards religion, convictions, place of residence, or any other circumstances.

Article 19

(2) Everyone shall have the right to use his native language and culture, to freely choose the language of communication, education, instruction, and creative activities.

Article 41

(2) A citizen of the Republic shall be eligible for the office of the President of the Republic of Kazakhstan if he is by birth not younger than 35 and not older than 65, and has a perfect command of the State language and has lived in Kazakhstan for not less than 15 years.

Article 58

(1) The Chambers shall be headed by their chairpersons who are elected by the Senate and the Majilis from among the deputies who have a perfect command of the state language, under secret ballot by a majority of votes from the total number of the deputies of the Chambers. ...

Article 93

With the purpose of implementation of article 7 of the Constitution, the Government, local representative and executive bodies must create all necessary organizational, material and technical conditions for fluent and free-of-charge mastery of the State language by all citizens of the Republic of Kazakhstan in accordance with a special law.

LAW OF THE REPUBLIC OF KAZAKHSTAN ON LANGUAGES IN THE REPUBLIC OF KAZAKHSTAN

This Law ascertains legal principles of languages functioning in the Republic of Kazakhstan, responsibilities of the state in establishing the conditions for their study and development, ensuring equally respectful attitude to all languages used in the Republic of Kazakhstan without exception.

CHAPTER 1

GENERAL PROVISIONS

Article 1. (Principal notions)

The following notions are made use of in this Law:

- Diaspora - part of the people (ethnic community), living outside the country of its historic origin;
- Onomastics - section of linguistics studying, proper names, history of their origin and transformation;
- Orthography - spelling, a system of rules determining uniformity of the ways of expressing speech (words and grammar forms) in writing;
- Toponymy - section of onomastics studying names of geographical objects, regularities of their origin, change, functioning;
- Transliteration - a word-for-word expression of texts and individual words of one graphic system by means of another;

Article 2. (Object of regulation of this Law)

The object of regulation of this Law shall be social relations arising in conjunction with usage of the languages in the activity of state, non-state organizations and local self-government. This Law shall not regulate

usage of languages in relations between individuals and in religious associations.

Article 3. (Legislation on languages in the Republic of Kazakhstan)

Legislation on languages in the Republic of Kazakhstan shall be based on the Constitution of the Republic of Kazakhstan, comprising this Law; other normative legal acts thereof, related to the usage and development of languages. Legislation on languages shall apply to citizens of the Republic of Kazakhstan, foreigners and stateless persons permanently residing in the Republic of Kazakhstan.

Article 4. (State language of the Republic of Kazakhstan)

The state language of the Republic of Kazakhstan shall be the Kazakh language. The state language shall be the language for state management, legislation, legal proceedings and office work, functioning in all spheres of social relations in the entire territory of the state. The duty of each citizen of the Republic of Kazakhstan shall be mastering of the state language, being the major factor in consolidating the people of Kazakhstan. Government, other state, local representative and executive bodies shall be obliged to:

- develop the state language in the Republic of Kazakhstan to the utmost, strengthen its international authority;
- create all necessary organizational, material and technical conditions for unrestrained and free learning of the state language by all citizens of the Republic of Kazakhstan;
- render assistance to the Kazakh Diaspora in maintaining and developing the native language.

Article 5. (Usage of the Russian language)

The Russian language shall be officially used on a par with the Kazakh language in state organizations and local self-government bodies.

Article 6. (The state's concern of the languages)

Each citizen of the Republic of Kazakhstan shall be entitled to use a native language, to freely choose the language for communication, upbringing, education and creation. The state shall take care of the conditions for study and development of the languages of the peoples of Kazakhstan. In the places of close settlement of national groups their languages may be used in conducting activities.

Article 7. (Inadmissibility of preventing functioning of the languages)

Infringement of the citizen's rights of language shall be inadmissible in the Republic of Kazakhstan. Actions of officials preventing the functioning and study of the state and other languages represented in Kazakhstan, shall entail responsibility in pursuance of the legislation of the Republic of Kazakhstan.

CHAPTER 2

LANGUAGE IN STATE AND NON-STATE ORGANIZATIONS AND SELF-GOVERNMENT BODIES

Article 8. (Usage of the languages)

The languages for work and office work in state bodies, organizations and local self-government bodies of the Republic of Kazakhstan shall be the Kazakh language, the Russian language being officially used on a par with the Kazakh language. In the work of non-state organizations the state and, if required, other languages shall be used.

Article 9. (Language of the acts of the state bodies)

Acts of the state bodies shall be worked out and adopted in the state language, if required, they may be developed in the Russian language providing as far as possible the translation thereof into other languages.

Article 10. (Language of documentation management)

Record management of statistical, financial and technical documentation in the state bodies system, organizations of the Republic of Kazakhstan regardless of the forms of property, shall be effected in the state and the Russian languages.

Article 11. (Languages for responses to appeals of the citizens)

Responses of the state and non-state organizations to the citizens' appeals and other documents shall be issued in the state language or the language of the appeal.

Article 12. (Language in the Armed Forces and law-enforcement bodies)

Functioning of the state and the Russian languages shall be ensured in the Armed Forces of the Republic of Kazakhstan, likewise in all kinds of

military and militarized units, in organizations of state control and inspection, of legal protection of citizens and in law-enforcement bodies.

Article 13. (Language of legal proceedings)

Legal proceedings in the Republic of Kazakhstan shall be conducted in the state language, the Russian and other languages being equally applicable therewith in legal proceedings in case of necessity.

Article 14. (Language of proceedings in administrative infringements of the law)

Proceedings in administrative infringements of the law shall be conducted in the state language and, if required, in other languages as well.

Article 15. (Language of transactions)

All transactions of legal and natural persons in the Republic of Kazakhstan carried out in writing shall be set forth in the state and the Russian languages, the translation into other languages being, attached in necessary cases. Transactions with foreign national and legal persons performed in writing, shall be expounded in the state language and the language acceptable for the parties.

CHAPTER 3

LANGUAGE IN THE SPHERE OF EDUCATION, SCIENCE, CULTURE AND MASS MEDIA

Article 16. (Language in the sphere of education)

Setting up of children's pre-school institutions functioning in the state language is ensured in the Republic of Kazakhstan and in places of close settlement of national groups - in their languages. The language of education and upbringing in children's homes and organizations equated therewith shall be ascertained by the local executive bodies with regard to the national composition of the contingent thereof. Secondary, special secondary and higher education shall be ensured in the Republic of Kazakhstan in the state, Russian and, if necessary and possible, in other languages. The state and the Russian languages shall be obligatory subjects both at the state and non-state educational institutions and shall be entered in the list of subjects in the educational document.

Article 17. (Language in the sphere of science and culture)

Functioning of the state and the Russian languages shall be provided in the Republic of Kazakhstan in the sphere of science including execution and defense of theses. Cultural activities shall be conducted in the state and, if required, in other languages.

Article 18. (Language of press and mass media)

Functioning of the state and other languages shall be ensured for printed matter and mass media of the Republic of Kazakhstan. With the view of creating the necessary language medium and functioning of the state language in full value, the volume of broadcasts in the TV and radio channels irrespective of the forms of property thereof, should not be less in duration than the total volume thereof in other languages.

CHAPTER 4

LANGUAGE IN THE NAMES OF INHABITED LOCALITIES, PROPER NAMES, VISUAL INFORMATION

Article 19. (Procedure for usage of toponymic names, names of organizations)

Traditional, historically formed Kazakh names of inhabited localities, streets, squares, as well as of other physic-geographical objects should be reproduced in other languages in compliance with transliteration rules. Names of state organizations, structural subdivisions thereof shall be given in the state and the Russian languages. Names of joint ventures, foreign organizations should be given with transliteration in both the state and the Russian languages.

Article 20. (Spelling of personal names, patronymic and surnames)

Spelling of personal names, patronymic and surnames in official documents should comply with the legislation and normative acts of the Republic of Kazakhstan.

Article 21. (Language of requisites and visual information)

Texts of seals and stamps of the state bodies shall comprise the names thereof in the state language. Texts of seals, stamps of organizations regardless of the forms of property shall be drawn up in the state and the Russian languages. Forms, signboards, advertisements, advertising, price lists and other visual information shall be set forth in the state and the Russian languages and, if required, in other languages too. Labels (tags) with special data, marking, instructions for the products

manufactured in Kazakhstan, should contain the necessary information in the state and the Russian languages. Labels (tags) with special data, marking, instructions for the products of foreign manufacture shall be provided with translation into the state and the Russian languages at the expense of the importing organizations. All texts of visual information shall be placed in the following order: from the left or the top - in the state language, from the right or the bottom - in the Russian language and shall be written in the equal in size letters. If required, the texts of visual information may be given additionally in other languages. In this case the type size should not exceed the requirements specified by normative legal acts. Oral information, advertisements, advertising shall be given in the state, Russian and, if required, other languages.

Article 22. (Language of post and cables)

Post and cables within the Republic of Kazakhstan shall be made in the state or the Russian languages and outside thereof - in compliance with the established international regulations.

CHAPTER 5

LEGAL PROTECTION OF LANGUAGES

Article 23. (State protection of languages)

The state and other languages in the Republic of Kazakhstan shall be protected by the state. The state bodies shall provide necessary conditions for functioning and development of these languages. Development of the languages shall be ensured by the State Program stipulating the priority of the state language and a stage-by-stage transfer of office work to the Kazakh language. The list of professions, specialties and posts requiring the knowledge of the state language in the certain volume in compliance with qualification requirements, shall be identified by the laws of the Republic of Kazakhstan. The Government of the Republic of Kazakhstan shall form the appropriate state commissions for terminology, onomastics and, if required, other structures.

Article 24. (Responsibility for infringement of the legislation on languages)

First leaders of the state bodies, organizations of any form of property as well as legal and natural persons claimed guilty of violating the legislation of the Republic of Kazakhstan, shall bear responsibility in pursuance of the laws of the Republic of Kazakhstan. The official's refusal to accept citizens' appeals justified by being ignorant in the state or other languages, likewise any prevention to use the state and other

languages in the sphere of their functioning, shall involve responsibility specified by the legislation of the Republic of Kazakhstan.

Article 25. (Authorized state body)

The authorized body the activity whereof being regulated by the relevant Provision approved by the Government of the Republic of Kazakstan, within its competence shall be obliged to:

- ensure implementation of unified state policy in the sphere of development of the languages;
- develop the State Program for functioning and developing the languages and accomplish its realization;
- execute control over observance of the laws on languages, consider cases of infringement thereof and make decisions on them;
- coordinate the onomastic and terminological work in the Republic of Kazakhstan.

The authorized body shall be entitled to:

- execute, in compliance with its competence, the state control over observance of the laws on languages;
- request ministries, departments, central and local executive bodies, organizations regardless of the forms of property, for information, data, documents in observance of the laws, the State Program for functioning and development of the languages;
- fulfill other functions that may be specified by the legislation.

Article 26. (Ensuring the observance of this Law)

Personnel, material-and-technical, financial, educational and methodical support for implementation of the provisions of this Law shall be charged with the Government and other state bodies of the Republic of Kazakhstan.

CHAPTER 6

USAGE OF LANGUAGES IN RELATIONS WITH FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS

Article 27. (Language in international activity)

Activity of diplomatic representations of the Republic of Kazakhstan and representations thereof in international organizations shall be implemented in the state language using, if necessary, other languages. Bilateral international agreements shall be concluded as a rule, in the state languages of the contracting parties, multilateral international agreements - in the languages ascertained with the consent of the parties thereto. Official receptions and other activities with representatives of other states in the Republic of Kazakhstan shall be conducted in the state language with translation into other languages.

President of the Republic of Kazakhstan

N. Nazarbaev

Almaty, July 11, 1997

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