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# THE RATIO OF ADOPTED EU LAWS WITH THEIR IMPLEMENTATION IN LANGUAGE POLICY (INSTITUTIONAL ASPECT): EXPERIENCE FOR KAZAKHSTAN

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**Abstract.** In recent years the European Union actively supports the idea that a coherent and harmonious society requires the guarantees of equal rights in relation to all national minorities and overcoming the linguistic difficulties. Language is an integral part of European identity, the direct means of cultural expression and intercultural communication. However, modern trends like globalization and following migration

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flows have a great influence on the conducted language policy. It is inevitable to deny that the multilingual system within the European member states, which has been stable for more than 10 years, is evolving over the recent years. In the article special attention is paid to the concrete measures that can be implemented in Kazakhstan.

*Keywords: language policy, migration, Kazakhstan, European Union.*

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## ЕО ЗАҢДАРЫНЫҢ ТІЛ САЯСАТЫНДА ІСКЕ АСЫРЫЛУЫНА СӘЙКЕС АРАҚАТЫНАСЫ (ИНСТИТУЦИОНАЛДЫҚ АСПЕКТ): ҚАЗАҚСТАН ҮШІН ТӘЖІРИБЕ

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**Андатпа.** Соңғы жылдары Еуропалық одақ біртұтас және үйлесімді қоғам барлықұлттықазшылықтарғатеңқұқықтыкепілдіктерінжәне тілдікқиындықтарын жеңуді талап ететін идеяны белсенді қолдайды. Тіл – еуропалық бірегейліктің ажырамас бөлігі, мәдени көрініс пен мәдениетаралық қарым-қатынастың тікелей құралы. Алайда жаһандану және одан кейінгі көші-қон ағындары сияқты қазіргі тенденциялар жүргізіліп жатқан тіл саясатына үлкен әсер етеді. 10 жылдан астам уақыт бойы тұрақты болған еуропалық мүше мемлекеттердегі көптілді жүйе соңғы жылдары дамып келе жатқанын жоққа шығаруға болмайды. Мақалада Қазақстанда жүзеге асырылуы мүмкін нақты шараларға ерекше назар аударылды.

*Түйін сөздер: тіл саясаты, миграция, Қазақстан, Еуропалық Одақ.*

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## СООТНОШЕНИЕ ПРИНЯТЫХ ЗАКОНОВ ЕС В СООТВЕТСТВИИ С ИХ РЕАЛИЗАЦИЕЙ В ЯЗЫКОВОЙ ПОЛИТИКЕ (ИНСТИТУЦИОНАЛЬНЫЙ АСПЕКТ): ОПЫТ ДЛЯ КАЗАХСТАНА

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**Аннотация.** В последние годы Евросоюз активно поддерживает идею о том, что целостное и гармоничное общество требует гарантий равноправия по отношению ко всем национальным меньшинствам и преодоления языковых трудностей. Язык является неотъемлемой частью европейской идентичности, непосредственным средством культурного самовыражения и межкультурного общения. Однако современные тенденции, такие как глобализация и последующие миграционные потоки, оказывают большое влияние на проводимую языковую политику. Нельзя отрицать, что многоязычная система в европейских государствах-членах, которая была стабильной более 10 лет, в последние годы эволюционирует. В статье особое внимание уделено конкретным мерам, которые могут быть реализованы в Казахстане.

*Ключевые слова: языковая политика, миграция, Казахстан, Европейский союз.*

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## Introduction

During the formation of the European community the language issue was not the key problem to solve or pay attention to. In these circumstances the first Community Regulation with focus on official languages was accepted in 1958, where four languages - Dutch, French, German and Italian - gained the status of official and working languages of the Community of six member states (France, Germany, Italy, Nederland, Belgium and Liechtenstein). However, the language question was discussed formally and did not cause debates or controversy.

Initially, multiculturalism and multilingualism were seen as the solution to the problem of migration and consequent integration measures; though many experts conclude that these initial ideas were erroneous, seeing all challenges in cultural and language policy. In practice, the leading EU countries are trying to correct the policy imposed on them by the EU leadership and are seeking to conduct their own language policy with focus on their own needs and opportunities.

Moreover, the real linguistic challenges started with European enlargements. Obviously, as more countries have become members of the EU, it leads to the logical increase in the number of official and working languages. For instance, the biggest enlargement of the EU in 2007 has expanded the number of languages to 23 [1].

The current language situation in the EU is presented by 27 member states and 23 official languages. The question arises in relation to this disproportion, however, the answer is simple: some member states of the European Union use the same official language with other member states.

The result of all discussions, procedure for adopting of the official documents in relation to languages is seen in the final

documents, agreements, directives and regulations. But it is only the first stage of language regulation. Nevertheless, the second stage is more complex, including implementation and concrete measures after the adoption of the documents. This process of implementation is seen relevant to observe for defining key factors useful for Kazakhstan. In our country special attention is paid to language issues as important political tool for building national statehood, consolidation and strengthening of the national unity.

The current condition of language regime started from the law “On the languages of the Kazakh SSR” adopted on September 22, 1989 and finally accepted on June 11, 1997 in the form of the law “On languages in the Republic of Kazakhstan”. To summarize, during 1990-2010 three programs for the development and functioning of language regime were approved by the decrees of the first President N.A.Nazarbayev. Focusing on chronology, it can be stated that some important and controversial innovations were introduced during 2017-2022. For instance, in 2022 the President K.-Zh. Tokayev emphasized that “language policy should be balanced, where native language is the key to unity, another language is the key to a prosperous life”[2].

This paper is aimed to observe official documents as an institutional aspect on the supranational level; its practical implementation and influence of migration policy on the language regime within the member states (national level); identifying EU residents’ opinion concerning these measures on the individual level. Every enlargement made the European language policy to transform and accept new documents, resolutions, directives and programs. In these circumstances the migration flows were chosen as an external criterion for changing and developing

new language measures. Moreover, this analysis helped to define key measures that can be implemented in Kazakhstan. It is obvious that realities and conditions are different, but it is more important to focus on practical measures that can be useful for improving current language system in the country.

### **Theoretical and methodological base**

The scientific research was based on a three-level analysis of EU laws in the language sphere. During the study we define the functioning of language regime on supranational, national and individual levels. It is seen that European Union is conducting special measures for each level with different aims, tasks and results.

In the process of research, we used scientific methods and techniques such as analysis and synthesis, grouping method, comparative analysis. At the same time the study required the implementation of empirical methods – analysis of laws, resolutions, directives and programs.

### **Supranational level: migration flows**

On 1 January, 2021 European Union covers 447,2 million inhabitants, where 23,7 million are non-EU residents. According to Eurostat data, this amount is approximately 5,3% from the total EU population [3]. Immigrants come to the EU from different countries: Morocco - 1.9 million, Turkey - 1.9 million, China - 1.2 million, Ukraine - 1.2 million. Concerning the residence permits, in 2018 the ‘leader’ with the largest number was Syria - 963 thousand, then Albania - 877 thousand, India - 741 thousand, Russia - 717 thousand, Algeria - 704 thousand [4]. However, it is important to emphasize that behind every statistical number there are people with their values, cultures, languages. For this reason their integration in the society is one of the relevant directions in the EU

language policy.

The immigrants have different factors for getting a temporary residence permit in the EU, while the most popular include family reunification, employment, education, refugee status and subsidiary protection. According to the statistical data in 2018, three EU states Germany (22.7%), Italy (17.5%), France (13.9%) covered three-quarters of the permits [3].

The migration policy of the European Union within member states is regulated by special directives. In this context it is important to emphasize that the difference between directives and ordinary resolutions is in the binding character and implementation of measures in strictly defined deadlines. For instance, the European Commission proposed the term “civilian citizenship” in relation to immigration, integration and employment in 2003. The legislative basis for this idea was confirmed in the Directive 2003/109/EU regarding the status of third-country residents living in the EU on a long-term basis. The innovation of this directive was in reducing the minimum period of permanent residence from ten to five years. There were special requirements for gaining this status, including health insurance and sufficient income to live for the applicant and its family without government support. In these circumstances it is important to observe the reaction of member states. In 2019, in Belgium the required amount was 843 euros per month, while in Austria this figure was 903 euros [3]. It is seen that despite supranational recommendations each member state can set the amount depending on the national level of minimum wage.

The recent document that was adopted in the European migration policy was an Action plan on Integration and Inclusion 2021-2027 (COM (2016) 377 final)[5].

Concerning language policy this document states that language of the host country is the means to successfully integrate in the society. Except language learning courses the Action plan mentioned civic orientation training, which is aimed at studying laws, culture, values of the host country. Moreover, the document clearly indicates that full participation includes not only the language learning, but it is inevitable to avoid studying the legal base, cultural characteristics and mentality. In this context, the knowledge in all these fields will simplify the daily life of non-EU residents later, and will help to be aware of their responsibilities and rights.

The phenomenon of civil citizenship is aimed at overcoming the exclusivity inherent to state nationalism. The legal base in relation to a new civil citizenship establishes the rights and status of the citizens from third countries close to European residents. Some experts mention that it can be perceived as a subsidiary form of citizenship within the EU [4]. In detail, this means that supranational institutions assume the obligation to protect and guarantee the rights of individuals despite the encroachment of national governments, which leads to the emergence of a supranational form of citizenship. Moreover, in these circumstances it must be highlighted that only national migrational agencies are able to accept and issue permits for foreigners. Also, the official directive empowers nation states to introduce integration conditions - linguistic and civic tests.

It is obvious that migrants come to the European Union for earnings. Focusing on this reason, according to European statistics, the service sector is considered as the leading sector, where 65 percent of the working population is employed, which gives 70 percent of the Union's general GDP. To be more precise, it is impossible

to imagine a service sector without basic knowledge of the host country's language, where the employee should understand the elementary needs and desires of the client. In this case, it is seen that the linguistic competences are of great importance. In addition, language acquisition has a positive effect on migrants' labor income, increasing from 5 to 35 percent in general.

If the increasing role of language is an obvious issue, the effectiveness of language regime is another question to discuss. In 2005, Ginsburgh and Weber proposed the term named 'disenfranchisement rate' or rate of linguistic exclusion. This index can be determined as an official percentage among residents and non-residents who do not speak any official language as their mother tongue or foreign language. Furthermore, this rate is a percentage equal to the share of citizens who cannot understand the official EU documents - e.g. regulations, agreements, directives. The lack of language competence isolates them from legal bases and makes them pay a translator, ask a friend or relative for juristic help. However, the experts came to the conclusion that the lower disenfranchisement rate means the higher effectiveness of a language regime [6].

### **National level: migration flows**

The flow of unlimited migration to Western countries led to huge challenges, facing both migrants and the host country's society. The belonging to different civilizations between migrants and national ethnicity has become one of the key issues on political agenda. Today the problem of adaptation, socialization and integrating people is the most evident for creating a cohesive society.

It is obvious that the migration flows have a direct influence on the national composition of the society. The majority of arrived migrants are referred to the

Muslim world, in this way it led to differences in values, worldview and behaviour. However, they become the main source of labour and humanitarian resources in Europe. Due to this reason, there is an increasing wall of misunderstanding in the society, where migrants are perceived as 'others' and isolated, developing their own world with sharing national traditions, culture, values [7].

Many experts believe that the policy of multiculturalism is seen as a solution of migration issue in the society, where several ethnicities are trying to co-live. It is known that the migration was a logical decision to the depletion of human resources and ageing population. However, multiculturalism is aimed at ensuring the progressive economic development of host countries. It can be stated that the policy of multiculturalism is a political ideology and social practice that creates a common space of political and social communication within one nation-state. Moreover, the Western model of multiculturalism is suitable only for Western countries, where a key attention is paid to the right of each individual and the society as a whole to maintain their national identity and strengthen tolerance.

Moreover, it is seen that the migrants preserve their national traditions, values and culture, creating the 'parallel world'. Some Western experts believe that there is a competition between titular culture and new arrived ethnicities. Logically, they should peacefully coexist, but in reality, the society can be characterized as the mix of rivals. Observing the statistics, it can be mentioned that comparing local citizens there is a higher unemployment rate among citizens aged 20-64 and born outside the European Union. These rates are more than equal to 12,3 percent and 6,0 percent accordingly [3].

Consequently, the integration of

migration is the relevant issue in the framework of the European Union. The resolution of this problem is seen in the European ethno-linguistic and cultural policy, which is aimed at strengthening of multilingualism and multiculturalism, preventing xenophobia and discrimination on ethnic, linguistic and religious grounds, recognizing equal rights of ethnic groups. It is seen that the creation of a multilingual society is a necessary process to ensure the balance of cultures, interaction and mutual understanding in the society, promoting the idea of tolerance and high respect among citizens. The formation of European policy particularly in the sphere of culture and language is mainly due to the high risk of national and cultural conflicts between local communities and migrants.

However, some researchers consider that the migrational flows slow down the development of a consistent strategy of multiculturalism. They justify this idea by the adherence to completely different values and languages that cannot be fully and immediately integrated into European society. Moreover, the researchers are aware of the threat of negative perception from the majority of Europeans, that can lead to a tense socio-cultural situation within the European Union [8].

It is apparent that circumstances make the European Union take into attention the issue of migrants and develop special policies and programs for migrants' socialization. One of the key directions is seen in the following statement: "Language is the key to integration". It is worth noting that multilingualism and linguistic diversity are included in the five main areas that the Council of Europe deliberately promotes. Observing the migration issue, the rapid integration of migrants lays mainly on the host country in order to prevent conflicts and tensions

in the society.

For observing the integration of migrants through the implementation of the language policy within the European Union, Germany and France were observed as case studies. According to European legislation, national governments set their own rules for getting labor permission. One of the requirements is to take linguistic courses for gaining basic knowledge of host country's language and integrational courses of civic values, laws, culture and mentality. For instance, in Germany foreign labor migrants must be able to speak German minimum at A2 level (CEFR system), also, the same language level requirement was adopted in France. Concerning the integrational courses, their duration can vary from 400 to 600 hours, where legal system, history, culture, rights and responsibilities are taught to migrants. It is important to emphasize that the main goal of these courses is to integrate migrants without pressure, promoting and explaining European values, focusing on tolerance and respect. Additionally, it is not secret that conflicts on ethno-cultural bases happen due to misunderstanding and difference in cultures, mindset. Due to this factor, it is important to prevent some delicate issues, provide all conditions and knowledge for graduate integration of newcomers.

To sum up, it is seen that working markets Germany and France would face challenges if all foreign workers were called off. However, the process of language and cultural integration should be a two-way process, where the local society is open to different cultures [9]. These circumstances show that host countries' progress depends on their willingness to integrate migrants and make a coherent society, directing common efforts to democratic and economic development.

### **Individual level: migration flows**

The question of migrants' language skills has become a highly debated issue in Europe. Many EU countries require non-EU citizens to acquire or to test their language skills in the official language of the host country in order to obtain a residence permit or citizenship. Proficiency in the local language is often viewed as a condition for social and economic integration. Empirical evidence tends to support this view, although many emphasize that language proficiency is a necessary (but not sufficient) condition for integration. Generally speaking, proficiency in the language(s) of the host country has a positive effect on migrants' labor income in a range of 5% to 35% [6].

Back in the early 2000s the European Office for Lesser Used Languages estimated that more than 40 million people in the EU belonged to a linguistic minority. If immigrant minorities are included in the calculation, it is estimated that about 50 million people belong to a linguistic minority [12]. The European Union developed an action plan for the integration citizens from third countries. This plan serves as additional framework to support efforts concerning migrant socialization policies within the European Union.

The migrant boom made evident the need for a policy of migrant adaptation to the local life of host country. Actually, linguistic and cultural policy are under the special attention of politicians from all EU members. It is seen that the European Union develops regulation and special programs, but these documents are not obligatory, they have only a recommendation character. Every state makes the decision on the national level, for this reason some European countries do not approve the EU resolutions on their state level. For example, Belgium does not

see the need to approve EU resolutions in relation of ethnic groups, because they have developed their own system of linguistic and cultural adaptation on the state level, and this issue has been already resolved.

However, it is necessary to note that some supranational institutions like the European Commission and the Council of Europe set goals to implement special programs and make the society coherent, despite its composition. Regarding linguistic diversity and ethnicity one of the tasks of these bodies is to promote the ideas and principles of the EU among political and public figures, both at the national, supranational and international levels.

It is known that the European Parliament is developing resolutions, special agreements and regulation. Let's consider the measures of the European Commission as a key supranational body in the sphere of strengthening multilingualism and multiculturalism. The European Commission has a strong political mandate, which includes the appointment of a Commissioner responsible for promoting multilingualism. As it was mentioned above linguistic integration is a right of independent member states, however, the European Union has influence on the language programs through special programs and educational sphere.

In the study of Belgian sociologist Dubois-Shaik F. the dichotomy of linguistic and social integration was observed. The author believes that in Western Europe migration was perceived as a problem, in this way the language issue and migrant integration are considered from the prism of scarcity rather than mutual linguistic understanding and cultural exchange among ethnicities. The sociologist undertook her research through the basic concepts of culture and national identity

[10].

Observing institutional level, it is worth noting that citizens of the European Union have guarantees of free movement within the EU Schengen Agreement. Concerning language aspect, it was stated that citizens are guaranteed the right to study and do business officially in their native language [11]. On the official level the European Union is pursuing the goal of protecting regional minority languages (for example, Basque and Catalan). Despite all European measures in relation of preserving language diversity, it is important to mention that the right of using native language extends on the list of official languages of the EU. Logically, there is an issue concerning native languages of migrants.

In 2020, 729 000 people obtained citizenship of an EU Member State, an increase of around 3 % compared with 2019. This was mainly caused by the increases in absolute terms in Spain (27 300 more residents were granted Spanish citizenship than in 2019), followed by the Netherlands (21 800 more), Sweden (16 000 more), Portugal (11 000 more) and Denmark (5 300 more). By contrast, the largest decreases in absolute terms were observed in France (23 300 fewer residents were granted French citizenship compared with 2019), followed by Germany (20 800 fewer), Belgium (6 700 fewer), and Romania (4 000 fewer) [12].

### **Practical measures for implementation in Kazakhstan**

Nowadays the current linguistic situation can be characterized by uneven distribution and knowledge of Kazakh language. For example, it is not a secret that the use of Kazakh language is higher in the southern part of Kazakhstan comparing with the northern part. This disproportion was important topic to discuss. It is obvious, that it is connected



with location of Russians and Slavic people in this region. However, special measures are conducted in the educational sphere – schools and preschool institutions. The focus on younger generation will make a solid foundation for future development. In this part of the study, we need to observe the concrete measures that can improve current situation in the linguistic sphere.

Most experts believe that the development of Kazakh language depends on the creating special environment where it becomes necessary and relevant. The current language situation is focused on the position and status of Kazakh language as the key factor in the consolidation of the society. The development of the state language and other languages of the people of Kazakhstan is implemented through state program for the period 2011-2020. The program is aimed at conducting “harmonious language policy that ensures the full functioning of the state language as the most important factor in strengthening national unity while preserving the languages of all ethnic groups living in Kazakhstan”. Focusing on the financial side of the program, more than 20 billion tenge was allocated for the implementation of the first part of the program. Moreover, according to the reports of the Accounts Committee (2014), the main goal of the Program has not being fulfilled due to several factors. They mentioned them – poor quality development of the Program and action plans, lack of the proper organization, low level of Program monitoring, absence of regulatory and methodological support, co-financing from local budgets, lack of analysis of the current language situation.

The study of language policy requires to observe the political aspect in the modern period due to the lack of resources in this field [13]. The scientific materials are appearing in order to study current

language situation, its development, ideology and policy. Most of them are focused on the political factors of language policy. For instance, in his work the representative of the Center for Language Development Strategy of the Republic of Kazakhstan

B. Khasanuly focused on the development of the fundamental principles of the language policy. Moreover, in his article he pointed out that in the democratization of the country the most important factor is the development of the state language and native languages in Kazakhstan. He also mentioned that language policy is considered a national, professional and fundamental need [14].

Another Kazakhstani researcher R.M.Zhumashev believes that the state language is the main component of the language policy aimed at the revival and strengthening of spirituality, the sustainable development of the society [15].

Some experts like Kazakh researcher E. Suleimenova considers that the language policy in Kazakhstan is balanced. “This means that we strive to keep the interests of different ethnic groups in balance. If there is no balance, then, accordingly, harmony and peace in the country will be violated” [16].

In modern Kazakhstan the special attention in language planning should be given to children and youth, with the focus on educational field. It is important to emphasize that in recent years it is seen the increase in preschool institutions, secondary and higher educational institutions with the Kazakh language of instruction [15].

Some experts propose that the development of Kazakh language requires to accept the law on languages, which should be added by the list of professions where the knowledge of Kazakh language

is obligatory. In these circumstances the list of professions should be carefully discussed and observed taking into account public opinion through surveys, interviews, debates. Moreover, this initiative can be completed by the adoption of European experience - European language portfolio as a part of traditional CV, where the candidate can present certificates of language acquisition. For instance, the creation of standard CV similar to Europass can simplify labor relations. To motivate the current employees, the certificates can influence on the level of salary or extra-earnings.

Moreover, it can be noted that some certificates do not represent the real knowledge of applicants. In these circumstances it is useful to apply European experience, where in order to get the citizenship candidates should take language courses with definite number of hours 400-600 hours. However, in our country the duration of courses can vary depending on the qualifications needed for the profession from the list.

Observing language situation in European countries, it was found that some conduct linguistic courses on the voluntary basis. They are conducted by volunteers or activists. This practice is also used in Kazakhstan, but it is not so popular and systemic. It can be stated that the most enthusiastic students will find the voluntary courses. Moreover, in the era of information technologies there is no need to rent a special space for conducting courses, the answer is simple: they can be on-line.

To sum up, Kazakhstan is following its own path in building language policy, however, some practical measures can be useful for implementation. On the one side, the state adopts the documents, but on the other side the whole work is concentrated on its implementation.

## Conclusion

The policy of multilingualism is a fundamental value of the European Union. It is obvious that in 2002 controversial issues and debates in relation of cost and complexity of processes appeared, however, the enlargement in 2007 demonstrated that it is an irreversible process. In this context European member states chose to turn their ‘weakness’ into a strength, focusing on the openness of local residents, building intercultural dialogue and providing conditions for migrants. The European Union promotes the development of democratic instruments to regulate the language situation. For example, the Lisbon Treaty introduced the European Civil Initiative (EGI), which creates conditions for EU citizens to participate directly in EU democratic processes. If at least one million citizens in at least one third of the Member States support this initiative, they have the right to put forward legislative proposals, which the European Commission must consider within the prescribed period of four months. The European Commission's “Proposals for the Regulation of the European Parliament and the Council through Civil Initiative” describes the purpose and justification of this democratic innovation as: “This new position is a significant step forward in the democratic life of the Union. It provides a unique opportunity to bring the Union closer to citizens and to facilitate a broader discussion of EU policy issues by uniting citizens from a number of countries to resolve one specific issue”.

However, this civil initiative reveals the contradictions of the European democratic vision of creating “united in diversity”: linguistic diversity is supported and protected at the EU level, however, linguistic diversity is actually limited. In this case, it is worth noting that Article 4 on proposals for changes in the activities

of the EP states that the organizer of a civil initiative needs to register the initiative with the Commission, informing about the subject, purpose and justification of the application “in one of the official languages of the EU”. Thus, this provision of the European Commission threatens the right of citizens to apply to a European institution in their native language if it is not recognized as an official language.

Linguistic diversity is a symbol of European democracy, but linguistic diversity can also complicate political dialogue and exchange of ideas in a community where there is no single means of communication. Thus, linguistic diversity contradicts the ideals of the “four freedoms” of the EU - freedom of movement of goods, people, movement of services and capital, but despite this, multilingualism is recognized as a fundamental European value, protected by EU treaties and the Charter of Fundamental Rights of the European Union and supported by a number of

Community initiatives.

To summarize, the European experience shows that all three levels – supranational, national, individual – requires the high knowledge of languages by creating competitive environment. For Kazakhstan the language system can be also transformed through the creation of environment where all three languages are seen necessary for living a prosperous life. The path of accepting special documents, concepts, programs is only formal part on the national level, while the work starts from the motives of people on the individual level.

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