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## LEGAL REGULATION AND INSTITUTIONALIZATION OF DIASPORA POLICY: ANALYSIS OF FOREIGN AND NATIONAL PRACTICES

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**Miruktamova Feruza Lutfullayevna**

Acting Assistant Professor Of The Department Of International Law And Human Rights Of Tashkent State University Of Law, Doctor Of Philosophy (PhD) In Law, Uzbekistan

### ABSTRACT

The article examines the essence of the diaspora phenomenon and its significance. International legal acts on cooperation with the diaspora are analyzed. Information is presented on the policies, regulations and institutional structures of foreign countries related to the formation and development of relations with the diaspora. An analysis of national legislative acts on the development of constant dialogue and cooperation with compatriots abroad was also carried out. Based on international acts and the experience of foreign countries, the author put forward proposals and recommendations for the further development of cooperation with compatriots abroad, as well as encouraging their participation in the reforms ongoing in the country

### KEYWORDS

The system of protection, sociology, Ethnology, political science, cultural studies.

### INTRODUCTION

The issue of strengthening the system of protection of the rights of compatriots living abroad, maintaining and developing relations with them is of urgent importance all over the world. Globalization and the development of modern technologies create conditions for their active participation in ensuring sustainable development.

The diaspora is understood as the transnational community of immigrants who maintain material and

emotional ties with the territory (country) of origin and at the same time adapt to the limitations and capabilities of the receiving society. The diaspora was originally formed as a community that sought to unite people on the basis of their cultural background (solidarity, identity). Therefore, the activities of diasporas are transnational in nature, and its influence is carried out through transnational mechanisms [1, 127].

Despite the fact that the phenomenon of diaspora is the object of many studies, the concept of “diaspora” still does not have a clear definition and is therefore interpreted differently by scientists. This is due to the fact that the diaspora is a complex and diverse phenomenon in various areas of scientific knowledge—history, sociology, Ethnology, political science, cultural studies, etc. it is studied in the fields as an object of research. This state of affairs itself shows the inevitability of diversity in approaches to understanding this phenomenon.

In the modern sense, the term diaspora (from the Greek διασπορά) is understood as part of a people (ethnic group) living outside their country, forming cohesive and stable ethnic groups in the settled country and having social institutions, and as a term is used from the end of the 20th century [2, 493].

Diasporas exist autonomously and engage in transnational interactions. The likelihood of participation of diasporas in such interaction increases in some cases, namely: with the unsatisfactory state of the diaspora in the country of residence; when the necessary grounds for changing relations between the host state and the country of origin arise; in the conditions of a sharp socio-political crisis in the country. The importance of a particular diaspora will depend on its national, demographic and other characteristics. Diasporas achieve their goals at the global, regional and national level mainly by influencing public institutions.

State support for compatriots abroad, i.e. diaspora policy, is intended to play a leading role in strengthening the internal consolidation of Overseas Communities and developing their potential to influence the authorities in the country of residence. The nature and intensity of the support of the ethnic community by its state directly determines the success

of its political promotion in the country of residence and the possibility of creating lobby structures [3, 401].

Today, the following can be distinguished as the existing large diasporas in the world: Germans – about 75 million, Chinese diaspora – more than 35 million, Indians – more than 25 million, Russians – more than 25 million, Poles – 21 million, Ukrainian – about 12 million, Armenian – about 8 million, Jews – about 8 million, Gypsies – about 8 million, Circassians (Adige) – more than 7.5 million, Greeks – about 7 million, Turks – more than 6.5 million, Kazakhs – more than 3.5 million, Vietnamese – more than 3.5 million, Belarusians – about 3.5 million, Azerbaijanis – about 2.4 million [4, 64].

Diasporas can probably be said to be a successful result of the process of Population migration. After migrants manage to safely join the host state society, a process of unification (consolidation) of immigrant ethnic communities – diasporas—occurs. Basque, Armenian, Russian, Palestinian, Israeli, American, Italian, Chinese, Indian, Lebanese, Cuban, Greek, Turkish, Arab and Nigerian diasporas may be recognized as communities that have achieved success and prosperity [5, 155].

Kamelii Tigau believes that immigrants maintain contact with their historical homeland, and often this connection turns out to be political or economic. As a result, a mutually beneficial and effective relationship is established between the nation of immigrants and the nation of the country that receives them [6, 26].

General issues of ensuring, protecting and developing relations with compatriots abroad are based on the goals and principles of the UN Charter, as well as the norms of the Universal Declaration of Human Rights, the International Covenant on Civil and political rights of 1966, the International Covenant on economic, social and cultural rights and the International

Convention on the elimination of all forms of racial discrimination of; Declaration on the dissemination of ideas of peace, mutual respect and mutual understanding between peoples among young people (1965); declaration on the human rights of persons who are not citizens of a living country (1985); Convention on the rights of the Child (1989); Convention on the protection of the rights of all labor migrants and their family members (1990); Declaration on the rights of persons belonging to minorities on national or ethnic, religious and linguistic grounds (1992) is based on the goals and principles.

In addition, a number of international obligations in the field of ensuring, protecting and developing relations with compatriots abroad are contained in the normative acts of regional international organizations as well, in the European Social Charter of 1961 (article 11), the African Charter of human and peoples' rights of 1981 (article 16) and in the Supplementary Protocol of the American Convention on Human Rights Also reflected in the scope are the OSCE Helsinki Act of 1975, the Lund recommendations for the effective participation of national minorities in public and political life adopted in 1999, and the Ljubljana recommendations for the unification of different societies of 2012.

At the same time, general issues of human development, including the involvement of diasporas of compatriots abroad, were reflected in the agenda for sustainable development in 2030, in the Addis Ababa Action Program of the third international conference on development financing.

The international community approved the “Global agreement on safe, orderly and legal migration” in Morocco in 2018. The 19th goal of the global treaty is dedicated to creating conditions for migrants and

diasporas in all countries to contribute fully to sustainable development.

At the global diaspora summit on 5 April 2022, Future Agenda of Action for Global Diaspora Engagement (Dublin declaration) was adopted, which, along with existing forums and initiatives, stated that it was advisable to create a global Diaspora Alliance on political issues developing an inclusive ecosystem of cooperation between government and scientific circles, civil society and the private sector to make diaspora participation a priority. The purpose of this is to prioritize the creation of interaction with the diaspora in the development of the policies and practices of the state of origin and the host states.

In the modern world, support for compatriots abroad has become an important area of activity of many governments. In the context of the global activation of migration processes and increased competition for human resources, the stimulation of repatriation is becoming increasingly as a component of migration policy.

The creation of institutional structures for cooperation with the diaspora and the development of policies and mechanisms in the interest of the diaspora are vivid evidence of the government's commitment to raising their capital to engage and develop with the diaspora.

A policy analysis formed in this area in foreign countries shows that they can be conditionally divided into four main groups:

First model. Integrational model derived from the task of uniting diasporas as a fundamental element of the nation (Armenia, Israel, Poland);

The second model is based on the historically established obligations of the States (Germany – more than 10 million ethnic Germans settled after World War

II, France received 1 and a half million reemigrants who returned from there after the war in Algeria, Kazakhstan – managed to return about 1 million oralmans and managed to change the ethnic composition of the population in favor of the titular nation).

The third model is based on the priority of the fight against population depopulation, the fight against population decline and aging, the satisfaction of the need for additional personnel from abroad, while minimizing risks (Russian Federation, Japan). For example, Japan tried to repatriate its compatriots and their descendants, in particular from Latin America, limiting the immigration of foreigners [7, 62].

The fourth model is typical for countries that focus on returning compatriots subjected to discrimination and ethnic cleansing in foreign countries (Pakistan, Bangladesh, etc.).

Today, more than 60 countries (India, Turkey, Germany, France, Russia, China, Kazakhstan, Poland, Belarus, Ukraine, Serbia, Croatia, Japan, Israel, Georgia, Armenia, Azerbaijan, etc.) is pursuing an effective institutional diaspora policy, with significant funding from the budget each year to support diasporas abroad [3, 403].

An analysis of the experience of countries conducting effective diaspora policies towards compatriots abroad shows that in this area a number of countries have developed long-term targeted strategies and clear legal framework for their implementation.

Poland is part of a group of European states with a large national minority outside its borders.

In Poland, the system of main directions and forms of cultural relations with representatives of their ethnic group forms a bilateral structure. On the one hand,

these are state bodies. The main role here has long been played by the Senate and the Sejm, as well as the Ministry of Foreign Affairs. In Poland, state programs have been developed to provide assistance to compatriots. On the other hand, these are various community organizations and local self-government bodies [8, 142].

The Pole Card (2007) was passed in Poland not at will, but to compensate for moral and material damage to former Polish citizens and their descendants who left the state as a result of border changes after military interventions. The law provides for the issuance of a Pole card to citizens of the CIS and Baltic countries, whose origin belongs to Poles. This document allows you to obtain a long-term multiple-entry National visa for free. The country operates the Department of cooperation with Polonia within Ministry of Foreign Affairs of the Republic of Poland, established in 2008, as the body responsible for working with the Polish diaspora. The Polish government attaches great importance to the celebration of World Polonia and the day of Poles abroad on May 2, at the invitation of the first World polonium Congress (Warsaw, 2001) [7, 66].

Diaspora infrastructure in France is relatively wider than in other EU member states. In recent years, France has participated in a large-scale project to create a diaspora through various institutions: ministries, a diplomatic network, advisory and representative bodies, as well as a parliamentary representation. In recent years, French political parties have also significantly increased their participation abroad.

Responsibility for French citizens living abroad is held by the Ministry for Europe and Foreign Affairs . French immigrants can count on the extensive diplomatic network of France in their country of residence – it is the third largest in the world after the United States



and China – includes 213 consulates and more than 500 diplomatic missions.

France has organized official forums through advisory bodies held in France or their country of residence to communicate with compatriots abroad. In 1948, a formal decree established the High Council for French Abroad, but in 2004 it was replaced by the Assembly for French Abroad. Its main task is to prepare conclusions of a mandatory nature for the French government on issues related to French citizens abroad.

As part of its policy of granting suffrage to overseas citizens, France had established discrete representation through reserved seats in the lower and upper houses of the national parliament. There are 11 geographically defined extraterritorial constituencies for elections to the Lower house (Assemblée Nationale) based on the overseas demographic distribution of French citizens (since 2011). In the Upper house (Sénat), 12 seats are reserved for representatives of overseas citizens, but they are not geographically defined, as these representatives are indirectly elected by consular advisers. Through this practice, France guarantees to represent the interests of emigrants in its parliament [9, 194].

It should be noted that, in order to create a favorable environment for the diaspora within the framework of tourism, in some countries, educational trips for young people, academic exchange programs and show programs have been adopted that offer VIP tours for workers and officials who are on a business trip. Such tourism programs are usually offered through public-private partnerships and aim to further develop strong emotional ties with the state of origin.

In particular, according to the Taglit-Birthright program, since 1999 Israel has invited hundreds of

thousands of Jews from all over the world between the ages of 18 and 26, or rather, Jews who have never visited Israel as part of educational programs and have not lived in Israel for the past 12 years. This 10-day tour aims to further strengthen their political and ethnic ties to Israel. Today, Birthright Israel is the largest educational tourism organization in the world.

In Israel, the Ministry of Jerusalem and Diaspora Affairs is responsible for the relationship between the state of Israel and the Jewish diaspora and is considered to be the government agency that comments on Israel's policy on the issue of the international arena.

The ministry works in close cooperation with Israeli embassies and consulates around the world and the Israeli agency, which provides humanitarian and legal protection to Israelis Abroad [10, 74].

In a number of foreign countries, in particular, Azerbaijan, Georgia, Latvia, Russia, Ukraine, the Republic of Belarus and Kyrgyzstan, the legal status of compatriots and their United Diasporas is regulated by a separate law. In particular, in Ukraine since 2004, the Law “On Ukrainians Abroad” has been in force [11]. Under the Cabinet of Ministers of Ukraine, the National Commission on issues of Ukrainians abroad operates. There are about 1000 Ukrainian diaspora organizations in the world [12, 15].

Azerbaijan was the first state in the region to employ a policy of attracting diasporas. In 2002, the law “About the state policy connected with the Azerbaijanians living abroad” was passed. The purpose of passing the law is to protect the basic rights and freedoms of Azerbaijanis living abroad; to strengthen ties between Azerbaijanis living abroad, state bodies and non-governmental organizations; to provide Azerbaijanis living abroad with information about the internal and foreign policy of Azerbaijan; it consisted in protecting

and strengthening the independence and sovereignty of the country, attracting Azerbaijanis living abroad to its economic, social and cultural development. The State Committee for work with the Diaspora, a specialized institution in the country, operates in the implementation of the policy of attracting the diaspora. He is responsible for establishing and supporting relations with the Azerbaijani diaspora and supporting his efforts to ensure national unity to Azerbaijanis around the world. The World Congress of Azerbaijanis is a discussion space for Diaspora activists who seek to protect the rights and freedoms of their compatriots, promote the protection and support of Diaspora interests, and develop strategies for working with Diaspora youth. One of the main goals of state support for Diaspora cooperation is to take care of the work of the pro-Azerbaijani lobby under the leadership of the diaspora aimed at increasing the role and importance of Azerbaijan's interests in world and European politics [13, 7].

With the acquisition of independence, Uzbekistan has established a course of support and interaction with compatriots abroad. The declaration of state sovereignty and the law “On the foundations of State independence of the Republic of Uzbekistan” established the legal framework for the support of compatriots living abroad.

It is worth noting that there are two different approaches to the definition of the concept of “compatriots” in national legislation. In particular, in accordance with Article 3 of the Law “On citizenship of the Republic of Uzbekistan”, persons born in the territory of the Republic of Uzbekistan or who previously lived in its territory, did not have the citizenship of the Republic of Uzbekistan, who live outside the territory of the Republic of Uzbekistan are recognized as compatriots.

In addition, the law stipulates that the next of kin, basharti, who are correctly adjacent in the genealogical genealogy, should be considered as compatriots if their right-abiding relatives live on the territory of the Republic of Uzbekistan and are citizens of the Republic of Uzbekistan.

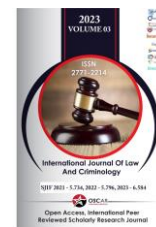
According to the Decree of the President of the Republic of Uzbekistan “On additional measures to strengthen the personal responsibility of heads of state administration bodies and local executive power bodies for the effective organization of implementation of acts of legislation”, adopted on October 25, 2018, the following may be recognized as compatriots:

Citizens of the Republic of Uzbekistan who are permanently resident outside the territory of Uzbekistan or who have been traveling abroad on a temporary basis due to education, involvement in labor activities, family reasons and other conditions;

persons and their descendants who went abroad and received foreign citizenship, felt belonging to their homeland from a spiritual and cultural point of view and left Uzbekistan trying to develop cultural-humanitarian, socio-economic and other ties with the Republic of Uzbekistan;

foreign citizens and stateless persons residing abroad who have identified themselves as Uzbeks or karakalpaks from an ethnic, linguistic and cultural-historical point of view and want to have comprehensive contact with Uzbekistan.

It should be noted that in other countries, problems with refugees and their migration, due to interethnic conflicts, the topic of diasporas has become the focus of scientists, unlike them, interest in the life of diasporas in Uzbekistan began due to an increase in our people's interest in studying their ethnic roots. From



the beginning, the national policy based on tolerance, defined as the basis of state policy, has shown its positive result in the security of the country and stability in interethnic relations.

Practical aspects of maintaining and developing relations with compatriots living abroad were first regulated in the Decree of the Supreme Council of Uzbekistan “On measures to strengthen relations with compatriots abroad”, dated 14 January 1992, but for a number of objective and subjective reasons, activities in this area were suspended.

Since 2017, significant work has been carried out in Uzbekistan on the development of permanent dialogue and cooperation with compatriots living abroad, promoting their participation in the reforms carried out in our country, promoting the full and comprehensive realization of their rights and interests.

Based on the relevant sources, it can be said that our compatriots living abroad today form a large diaspora. Studies show that they total more than 8 million. Of these, in Afghanistan-3,843,000 million., In Tajikistan-1.5 million., In Kyrgyzstan – 940,000, in Kazakhstan – 605,137, in Russia – 489,862, in Turkmenistan – 500,000, in Pakistan – 280,000, in Saudi Arabia – 170,000, in Turkey – more than 75,000 in the USA – more than 80,00, in Ukraine – 25,353, in Korea – 16,800, in Canada – 5,000, in Switzerland – more than 4,000, in Latvia – 2,161, in Belarus – 1 593, in Australia – more than 1000, about a thousand compatriots live in the UAE, Mongolia, France, Algeria, China, Finland and other territories. [3, 411]

During the years of independence, about 20 legal acts were adopted in our republic, regulating the issues of ensuring the rights of compatriots. During the constitutional reforms of 2023, Article 23 of the Constitution of Uzbekistan was supplemented by the

norm establishing the obligation of the state to take care of the maintenance and development of relations with compatriots residing abroad in accordance with the norms of international law.

Various aspects of the topic are regulated in the norms of the Electoral Code, the Laws “On citizenship of the Republic of Uzbekistan” and “On legal status of foreign citizens and stateless persons in the Republic of Uzbekistan”.

In April 2018, at the initiative of the Head of state, the international NGO “Buyuyk kelajak” (“Great Future”) was founded. The Expert Council of the organization brings together more than 300 compatriots living in more than 35 countries, including Russia, USA, Germany, Great Britain, Belgium, Canada, Denmark, Switzerland, UAE, Saudi Arabia, people's Republic of China, Singapore, Japan, Turkey, Kazakhstan, Finland.

In June 2020, the El-yurt umidi Foundation, whose name literally translates as ‘the Hope of the Nation’ launched an online platform for higher education institutions, research centres and other organisations in need of international scientific and practical cooperation with compatriot-fellow scientists, experienced experts and researchers living abroad.

In the Decree of the President of the Republic of Uzbekistan “On measures to implement the strategy of Uzbekistan – 2030 in 2023 qualitatively and on time”, strategic priorities in the field of development of relations with compatriots of the country were determined. [14] The strategy “Uzbekistan – 2030” is reflected in 100 important goals in 5 priority areas. The 94th goal of the strategy is to support compatriots living abroad, within the framework of the implementation of a system of continuous communication with them, the following is provided:

Comprehensive stimulation of the activities of public associations created by compatriots, and bringing their number to 300;

Allocation of 200 grants for compatriots abroad studying at universities in the areas of Uzbek language and literature, history, culture, art and crafts;

Implementation of 100 projects in the fields of medicine, education and science with the participation of compatriots;

Increase by 100 thousand in the number of fiction publications delivered to public associations of compatriots.

At the same time, at a time when the importance and relevance of the development of relations with compatriots is increasing, the following problems remain in the country regarding the involvement of their potential in conducting effective cooperation with them and qualitatively improving reforms:

target groups of compatriots in the formation of diaspora policies (businessmen, political and public figures, representatives of the creative class, scientists, cultural figures, athletes, etc.) differentiation (differentiation) non-realization;

lack of rational use of the potential of compatriots in the implementation of economic, social, investment, scientific, educational, cultural and other priority projects and programs;

insufficient use of the possibilities of Public Diplomacy;

not all strategic and sectoral documents define diaspora as a development partner;

the inadequacy of modern case studies on the study of existing diasporas in different countries of the world, etc.

From the above analyzes, in the implementation of diaspora policies in Uzbekistan in relation to compatriots abroad, it is advisable to set the following tasks:

first of all, the implementation of the diaspora map in order to get a clear idea of the size of the Diaspora, place of residence, field of work, skills and interests;

Implementation of the current policy, institutional structures and organizations (including NGOs), as well as the analysis and evaluation of state programs on the involvement of compatriots in projects carried out in Uzbekistan;

marking the diaspora as a development partner in all documents of the state planning system, ensuring the accounting of the contribution of the diaspora to the Republic of Uzbekistan;

conducting scientific research on the study of existing diasporas in different countries of the world;

attracting highly qualified Uzbeks living abroad to the implementation of local projects;

it is necessary to consider the possibility of introducing and celebrating the “Day of compatriots” in the country. Citizens, as well as active members of the diaspora, can be awarded at the state level for outstanding services to the diaspora within the framework of this event, which is important in providing information surveillance of Diaspora Policy and encourages individuals who are actively involved in multilateral cooperation activities in attracting the diaspora to the development of the country.



Promoting diaspora issues in the media on a systematic basis.

It is advisable to pass the law of the Republic of Uzbekistan “On state policy for the support of Uzbeks abroad”. The law should unify the concept of compatriots and establish the goals and principles of state policy in relation to compatriots living abroad, issues related to citizenship of compatriots living abroad, priority goals of the state's economic, social, cultural, language and educational policy in the field.

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