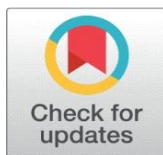
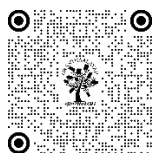


FROM DEMOCRATIC OPENING TO DEMOCRATIC BREAKTHROUGH: A STUDY OF DEMOCRATIC TRANSITION IN POST-COMMUNIST KAZAKHSTAN

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ABSTRACT

As the Soviet Union's collapse loomed, many predicted chaos and ethnic strife in Central Asia. However, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan, the five republics, defied these expectations by swiftly establishing democratic institutions and market-driven economies. This successful transformation was largely due to the adept leadership in each republic, which skillfully navigated the challenges of the post-Soviet era and metamorphosed into advocates of democracy, fervently committing themselves to democratic values within their respective territories. Taking these factors into consideration, the paper aims to investigate the roots of democratic wave in Central Asia and to explore the democratic transition in Kazakhstan. To analyze any democratic transition in the post-Soviet era, it is essential to consider the historical context shaped by the rise of Mikhail Gorbachev in 1988. "Institutions do matter" and restructuring or formulating institutions shapes the country's political development. Institutions such as, legislature, executive, political parties etc. are cornerstone for shaping and institutionalizing democratic political culture. While restructuring Political infrastructure in Kazakhstan, the study will focus on the role played by these institutions in facilitating democratic opening in Kazakhstan while emphasizing the transformative power of institutional dynamics.

Keywords: Democratic Opening, Transition, Institutional Development, Liberalization, Democratization.

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1. INTRODUCTION

Central Asia: Democratic Opening during Soviet Era

After assuming leadership, Gorbachev implemented profound reforms that significantly impacted the socio-political and economic landscape of the Soviet Union. Hence the seeds of democratization were planted in Soviet territory in the mid 1980s, when Mikhail Gorbachev, the Soviet Union's Charismatic and progressive new leader, launched his extraordinary

*perestroika*¹ and *glasnost*² reforms. Gorbachev saw the Soviet economy as fundamentally strong needing subtle refinement rather than drastic change. He aimed to boost growth and investment to bridge the gap with the West. His reforms in 1987–88 hinted at a move towards a semi-free market system but fell short of full-scale transformation (Miller, 2016). Gorbachev spearheaded political democratization to overcome bureaucratic barriers and foster societal advancement. Stressing the importance of political inclusivity, he aimed for economic and social renewal. Under *glasnost*, media freedom thrived, exposing societal challenges and governmental shortcomings through daring editorials (Miller, 2016). As Gorbachev himself stated in 1988, “these reforms were multi-faceted and included not only economic but all other sides of social life, social relations, the political system, the political and ideological spheres, the style and work method of the party and its cadres” (Thomson, 1994). In heralding the process of democratization, he wanted to get rid of the major vices that broadly affected the soviet society. Gorbachev's limited democratization initiatives minimized barriers previously erected by the communist regime to stifle mass political engagement. By instituting a policy of electoral democracy, he established constitutional review commissions and established multi-member constituencies, (Stephen, 1989), where citizens gained the opportunity to select from a range of candidates vying for political positions.

As *glasnost* and *perestroika* advanced and garnered backing from popular movements, they strengthened a democratic political culture by highlighting principles including human rights, religious freedom, pluralism, and adherence to the rule of law (Mohapatra, 2006). This newfound democratic latitude was swiftly capitalized upon by several Soviet republics where non- Russian "nationalities" formed the majority, facilitating their active participation in the political process. By the year 1990, signs of disintegration within the Soviet Union became increasingly apparent. However, despite these indications, the predominant non-Russian ethnic communities of Central Asia did not actively pursue independence. Central Asian countries showcased their reluctance to hasten the collapse of the Soviet Union by participating in a referendum³ orchestrated by Gorbachev in March 1991.

In the wake of the Soviet Union's collapse, Central Asia embarked on a transformative journey from Soviet rule to independent nationhood. Unlike their Eastern European counterparts, whose transitions were fueled by grassroots movements, Central Asia's path to independence was thrust upon them by history rather than by choice or nationalist fervor. Thus, their journey was one of involuntary evolution, shaped by the dissolution of a once-mighty empire. As the

¹ Literally means restructuring. In 1987–88 ‘Gorbachev’ pushed through reforms that went less than halfway to the creation of a semi-free market system.

² As the second critical pillar of his reform initiatives, ‘Gorbachev’ emphasizes openness. He thought that opening up the political system or democratizing it was the only way to overcome inertia in the political and bureaucratic machinery, which had a vested interest in sustaining the status quo.

³ Mikhail Gorbachev tactfully framed the March 17, 1991 referendum on preserving a unified socialist state as a culmination of perestroika's democratization. Notably, Lithuania, Latvia, Estonia, Georgia, Armenia, and Moldova abstained, opting for individual paths to sovereignty. Yet, among participating republics—Russia, Belarus, Ukraine, Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan—an impressive 80 percent turnout was recorded. Within this cohort, 76 percent unequivocally endorsed the Union. Particularly striking was the fervent support from Central Asia, with Kazakhstan boasting a 94 percent acceptance rate and Turkmenistan reaching an astounding 95.7 percent. This fervor underscores the complex interplay of political agency and collective identity in the midst of geopolitical flux.

collapse of the Soviet Union loomed, there was a widespread anticipation that Central Asian republics might spiral into chaos and ethnic strife. However, apart from Tajikistan, which experienced a prolonged civil conflict, the transition was largely smooth. This can be attributed to the competent leadership of these republics, who adeptly managed the challenges of the post-Soviet era. Former communist leaders promptly transformed into advocates of democracy, committing to democratic values and governance within their respective territories.

Following the Soviet Union's collapse and their independence, Central Asian republics began political reforms, embracing core democratic principles like human rights, legislative elections, presidential institutions, and adherence to international law in their national constitutions (Kukeyeva & Shkapyak, 2013). Each of the five Central Asian republics, namely Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan, swiftly embraced political institutions characterized by democratic governance and market-oriented economies. Following the breakthrough, all these republics sensed the wave of democratic opening, grasping the tide of change; they collectively embraced constitutional limitations, opting for representative forms of government. Moreover, they diligently crafted legal and regulatory frameworks aligned with internationally recognized standards, marking a decisive step towards global democratic arena. By the mid-1990s, Central Asian nations had forged democratic frameworks, marking the onset of democratization as leaders championed the establishment of democratic institutions and secular governance (Kukeyeva & Shkapyak, 2013). Currently, all Central Asian republics boast electoral processes characterized by a degree of freedom, featuring the presence of multiple political parties and functional parliamentary bodies.

2. LIBERALIZATION AND DEMOCRATIC DEVELOPMENT IN KAZAKHSTAN:

Kazakhstan's transition to independence was a pivotal event with implications beyond the Central Asian region. Boasting a significant land area and abundant natural resources such as oil, gas, and minerals, coupled with its strategic Eurasian location, the country's newfound autonomy held profound importance for its citizens. Kazakhstan inherited many institutions and members of the Communist Party of Kazakhstan, while concurrently implementing various alterations to the socio-political system. Notably, legislation was enacted establishing a presidential system of government in the post-Soviet Socialist Republic, leading to the election of Nursultan Nazarbayev as its inaugural president. Yet, the post-independence period was marked by visible uncertainties, prompting the need for the creation of new political structures, reforms, and modernization initiatives to supplant the erstwhile communist regime. Nazarbayev encountered numerous challenges during the early years, including a turbulent economic climate, uncertain political future, and complex ethnic dynamics (Cummings, 2004).

Upon independence (which came without any prior warning) Nazarbayev's primary concern revolved around safeguarding the fragile inter-ethnic equilibrium between Russians and Kazakhs, while also staunchly opposing any discourse regarding the potential cession of Kazakhstan's northern territories to the Russian Federation. Leaders like Nazarbayev were deeply concerned about maintaining the territorial integrity of their republic, which was perceived as one of the most precarious among the post-Soviet states. At the time of independence, Kazakhs represented only 44% of Kazakhstan's total population of 16.5 million, distinguishing it as the singular post-Soviet state where the dominant ethnic group lacked a majority (Bremmer & Welt, 1996). Concurrently, Russians, the second-largest ethnic cohort, matched the Kazakhs in proportion, comprising an additional 36% of the populace.⁴ Despite encountering various challenges, the Kazakh

⁴ According to estimates from 1994 published in Panorama on July 16, Ukrainians, Germans, Tatars, and Uzbeks constitute the majority of the remaining 20%, with each group accounting for 5%, 4%, 2%, and 2%, respectively.

authorities successfully facilitated economic and social progress, thereby fostering a sense of Kazakh nationhood and achieving the goal of "Kazakhstan for Kazakhs" (Mishra, 2014). From 1991 onwards, the political system and constitutional legislation of the Republic were shaped, leading to the adoption of a first post-Soviet constitution in January 1993, which proclaims itself a "democratic, secular, legal and social state whose highest values are an individual, his life, rights and freedoms".⁵ Official statistics indicate that the referendum conducted on January 30, 1993, garnered participation from 91% of eligible voters, with 89% of them endorsing the constitution.

Originally, "Kazakh" was enshrined as the official language, while Russian was designated a pivotal role as the conduit for inter-ethnic communication. However, the new constitution⁶ of May 1995 embraced a more inclusive linguistic approach, officially acknowledging both Kazakh and Russian as state languages, suitable for governmental documentation and educational settings. Here the government adopted a democratic way to accommodate Russians democratically and prevent any ethnic explosion to burst. Setting up an inclusive constitution is surely a democratic opening in Kazakhstan. [B]y doing this, the country "[r]edefined and extended rights to protect both individuals and social groups from the arbitrary or illegal acts committed by the state or third parties" (Guillermo and Philippe, 1986). Embracing a fresh constitution empowered Kazakhstan's policymakers to embark on a transformative journey, achieving notable strides in economic evolution and political rejuvenation. When scrutinizing Kazakhstan's journey towards democratization,⁷ several significant developments come to the fore:

Firstly, the implementation of a democratic constitution through participatory voting process, indicative of the unified aspirations of the citizenry. Secondly, the adoption of a more inclusive language policy, formally acknowledging Kazakh and Russian as official state languages. Thirdly, the establishment of an Ombudsman⁸ office under the presidency of Kazakhstan in 2002. Lastly, the inception of a Permanently Acting Deliberation⁹ (PAD) in Almaty in the same year.

⁵ See Constitution of the Republic of Kazakhstan, 1993.

⁶ An all-encompassing national plebiscite was convened to deliberate on the ratification of the Republic of Kazakhstan's fresh constitutional framework. Overseeing the referendum were some 1,000 delegates hailing from 19 diverse public associations, while foreign observers from nations including Hungary, Egypt, Canada, Poland, Romania, and Tajikistan lent their impartial eyes to the process. With an overwhelming display of democratic fervor and display of civic engagement, 90.58% of the electorate turned out to have their say, with an impressive 89.14% endorsing the adoption of the new constitutional framework.

⁷ According to O'donnell, Guillermo and Philippe C. Schmitter, "Democratization, [r]efers to the processes whereby the rules and procedures of citizenship are either applied to political institutions previously governed by other principles (e.g., coercive control, social tradition, expert judgment, or administrative practice), or expanded to include persons not previously enjoying such rights and obligations..."

⁸ Human Rights Commissioner in the Republic of Kazakhstan: This institution is committed to protecting human rights from state violations, fostering legislative progress, and implementing educational initiatives. Guided by Kazakhstan's international obligations under ratified UN Conventions and inspired by global practices, the Ombudsman collaborates with NGOs, the media, and international organizations. Transparency, objectivity, and impartiality are the foundational principles of the Ombudsman's mission.

⁹ This entity is dedicated to advancing democratization efforts and fostering the growth of civil society. It extends invitations to all political parties, movements, public organizations, and trade unions to engage in dialogue with the government.
<https://www.gov.kz/memleket/entities/ombudsman?lang=en>

On September 30, 1998, Nursultan Nazarbayev delivered a national address in which he outlined various elements essential for democratization and political liberalization, which he deemed crucial for the political reform of Kazakhstan.¹⁰

First, that, the electoral process must be transparent and inclusive, ensuring free and fair elections. Second, there need to strengthen political parties as fundamental components of democracy (Nazarbayev, 1998). Third, there must enhance the autonomy of the *Majilis* and Senate for stability and power succession. Fourth, empowering non-governmental organizations is essential for building a civil society (Nazarbayev, 1998). Fifth, an independent judiciary is crucial, requiring a competent and corruption-free system. Sixth, there should ensure a free, uncensored, and independent press by removing remaining barriers. Seventh, increasing women's representation in all branches of government is vital for a civilized society (Nazarbayev, 1998). He envisioned a democratic Kazakhstan that rejects all forms of extremism. Authoritarianism will lead the republic nowhere; only a free, democratic society can ensure stability and prosperity. Government reforms are necessary for greater effectiveness and efficiency. Economic challenges should not delay democratization. Kazakhstan must not only pursue economic development but also become a symbol of democracy and human rights (Nazarbayev, 1998).

3. DEMOCRATIC BREAKTHROUGH: RESTRUCTURING INSTITUTIONS—LEGISLATURE, EXECUTIVE (PRESIDENCY), AND EMERGENCE OF MULTI-PARTY SYSTEM.

Institutions are an important part of democratic government because it ensures that system runs according to the law and not by the whims of rulers. Institutions create channels for participation and act as custodian of democratic ideals by safeguarding the core values of the political system such as freedom, equality sovereignty and social equity etc. It is the systematic operation of institutions that provide legitimacy to the state. Prevalence of multiple institutions like legislature, executive, judiciary, independent and autonomous bodies and their mutually dependent relationship ensures check on each of them and thus in Montesquieu's way prevents concentration of power.

4. LEGISLATURE

Parliaments can stand as the bedrock for democratic transition, crucial for any nation's democratization. Although parliaments may not always spark political liberalization, they often take center stage during the initial months of transition. These bodies rejuvenate their ranks with newly elected officials, ignite fervent legislative activity, and serve as the epicenter for vibrant societal debates (Benoît & Rozenberg, 2020).

The design and establishment of institutions such as the legislature, executive, and judiciary are indicative of a nation's political system and governability (Swain, 2015). Following Kazakhstan's independence, the country's first post-Soviet constitution was ratified by the Kazakh parliament in January 1993. Consequently, the post-independence era was characterized by the framework set forth in the 1993 Constitution, which emphasized a strong executive and judiciary with a unicameral parliament. However, the new Kazakh constitution, adopted in August 1995, replaced the January 1993 constitution and

¹⁰ Nursultan Nazarbayev addressed his nation with a speech title “On the Situation in the Country and major Directions of Domestic and Foreign Policy: Democratization, Economic and Political Reform for the New Century” on September 30, 1998.

instituted a robust presidential system, as articulated in 'Article II' of the constitution. This new framework established a bicameral legislature, comprising a Senate with 47 members, a *Majilis* with 77 members, and a Constitutional Council.¹¹

5. EXECUTIVE (PRESIDENCY)

The "shock therapy program"¹² bankrupted much of the post-Soviet economy, igniting clashes between reformist leaders and communist legislatures (Kembayev, 2012). In Kazakhstan, President Nazarbayev, aiming to tighten his grip, maneuvered a "voluntary disbandment" of the Communist-dominated Supreme Council. On December 12, 1993, a law temporarily granted him legislative power, leading to Parliament's self-dissolution and his rule by decree—steps unforeseen by the constitution.

The constitution characterizes Kazakhstan as a unitary state operating under a presidential form of government, thereby conferring substantial authority upon the president, further transforming it into a super-presidential republic. As both the legislative sponsor and the constitutional guarantor, the president ensures the effective functioning of government institutions and holds the prerogative to override decisions made by local authorities and councils. Furthermore, the president is tasked with forming the government, albeit with parliamentary consent. While the constitution outlines a dual executive branch, featuring both the President and a distinct Government tasked with executing the Republic of Kazakhstan's executive power, it's clear that the President reigns supreme, holding sway over the entire executive apparatus (Kembayev, 2012).

6. EMERGENCE OF MULTI-PARTY SYSTEM: IT'S ROLE IN SHAPING DEMOCRATIC DISCOURSE

The revival of political pluralism and the reestablishment of a multiparty system were made possible through the policy of openness championed by Mikhail Gorbachev, alongside the progressive faction within the "Communist Party of the Soviet Union" (CPSU) (Lydia, 2009). The perestroika movement's transformative slogans spurred a robust "informal movement" that challenged CPSUs dominance. This era saw the rise of numerous independent politically active groups, clubs, and public alliances, signaling a significant shift in the nation's political landscape (Lydia, 2009). Informal movements challenging the government began in 1987 after the CPSU's 'January Plenum' of Central Committee announced a shift towards

¹¹ The Constitutional Council is vested with significant authority, including the interpretation of constitutional norms and the determination of the constitutionality of laws. Additionally, it adjudicates matters pertaining to the validity of presidential elections and the conduct of republican referendums.

¹² The collapse of communism led many former communist states through a challenging transition from authoritarian socialism to democratic capitalism. This process, often referred to as "shock therapy," was heavily influenced by the World Bank and the IMF, particularly in Russia, Central Asia, and Eastern Europe, where rapid economic and political reforms were implemented under their guidance.

democratization. It was then that *Pamiat* appeared in Russia and Forum and *Zheltoksan*¹³ in Kazakhstan (Sergey, 2006). "By 1 March, 1990 there were over 100 registered and non-registered public organizations, which could be more aptly described as clubs."

"Kazakhstan's law on political parties prohibits parties based on ethnic origin, religion, or gender" (Bowyer, 2008). Kazakhstan's political landscape featured numerous parties, several of which competed in the 1999 legislative elections. Among the participants were an array of political parties and public associations, each contributing to the vibrant and multifaceted electoral scene: Otan (Fatherland), Communist Party of Kazakhstan, Agrarian Party of Kazakhstan, Civic Party of Kazakhstan, the Democratic Party Azamat, the People's Congress of Kazakhstan, Alash, the Renaissance Party of Kazakhstan, the Republican Labor Party, the Federation of Trade Unions of Kazakhstan and the People's Cooperative Party of Kazakhstan. The adoption of a nationwide constituency for political parties represented a notable shift in the election system. However, merely 10 out of the Majilis' 77 seats (13%) were filled through party lists, indicating a gradual move towards a party-oriented electoral model. In Kazakhstan, multipartyism has woven itself into the fabric of daily life. Political parties are blossoming into autonomous democratic entities, more frequently asserting their viewpoints and subtly steering the currents of political processes (Lydia, 2009).

7. CONCLUSION

Transition has an opening, breakthrough and consolidation. In the aftermath of the Soviet Union's dissolution and their subsequent attainment of sovereignty, the Central Asian states embarked upon a transformative journey characterized by profound political reforms. Embracing foundational democratic principles, these nations committed themselves to the advancement of human rights, the establishment of legislative elections, the consolidation of presidential institutions, and the adherence to international legal norms enshrined within their national constitutions. This pivotal era not only represented a monumental transition towards democratic governance but also signified a definitive break from their Soviet heritage, marking the advent of a new era characterized by dynamic political development and global engagement.

This collective leap towards democracy and economic liberalization marked a pivotal chapter in their histories. These states collectively instituted constitutional constraints and chose representative forms of government, ushering in an epoch marked by an embrace of democratic norms and signaling a profound commitment to institutional reforms and political pluralism.

The democratic opening in Central Asia and particularly in Kazakhstan is shocking. Fortunately, the country absorbed the shock and moved forward in a democratic way. Transition is not a one night process and cannot be made with a single stroke. The country shares deep ideological legacy with the former Soviet Union, it has recently entered in liberal world and framed a constitution on liberal lines where separation of powers is clearly delineated. It has to restructure its institutions within a short period of time. The elections are conducted on regular basis. Political pluralism, multi-party system, free and frequent elections have become the common political sense of Kazakhstan's political system.

¹³ The December Uprising, marked a significant moment in Alma-Ata, Kazakhstan, characterized by a noteworthy student protest. This event unfolded in response to the restructuring of political leadership initiated by CPSU General Secretary Mikhail Gorbachev. Specifically, it arose from the ousting of Dinmukhamed Kunaev, a prominent figure serving as the First Secretary of the Communist Party of Kazakhstan and representing the ethnic Kazakh community, and the subsequent appointment of Gennady Kolbin. This critical juncture underscored broader socio-political shifts within the region.

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