

Prospects for Kazakhstan's Asian Liberalism

GREGORY GLEASON

Kazakhstan stands out among the former Soviet states as having the brightest prospects for establishing a true and enduring democratic form of government. This may seem to be a bold and even counterintuitive proposition. Kazakhstan is sometimes identified as the most progressive of Central Asian states,¹ but it is rarely thought of as a model of democratic development, particularly by observers who anticipate that the democratic prospects are brightest in the states of the European regions of the former USSR. Most historical scholarship has tended to regard the political cultures of Central Asia as backward and underdeveloped. Moreover, recent political events have demonstrated that rhetorical commitments to principles of democracy on the part of Central Asia's political leadership have proved to be primarily that—rhetorical. All of the Central Asian states now are governed essentially by executive order. Central Asian constitutions speak in terms of separation of powers, but in fact the region's parliamentary and judicial institutions function merely as branches of the executive institutions.²

Despite these and other caveats, however, the prospects for democracy in Kazakhstan should be regarded as comparatively bright. First, the process of democratic transition is inherently much more difficult than many people imagined in the enthusiasm of the early days of independence. In comparative terms, even a cursory survey of the other countries of the former USSR suggests that, considered within the spectrum of change, Kazakhstan is faring relatively well. When compared with democratization in Russia, for instance, Kazakhstan's recent experience has much to recommend it. There is much evidence of the establishment of a new society in Russia. New democratic institutions have been established, new democratic processes are being practiced, fundamental civil rights—both group rights and individual rights—have gained a visibility and legitimacy long denied them by Soviet ideology. And perhaps most important, there is a new

Gregory Gleason teaches international relations and public administration at the University of New Mexico. His most recent publication on Central Asia is *Central Asian States: Discovering Independence*, published by Westview Press in 1997. Gleason has worked on the USAID-sponsored rule of law program in Central Asia (1994), the USAID-sponsored inter-university consortium on technical cooperation in Central Asia (1996), and the project on regional economic cooperation in Central Asia sponsored by the Asian Development Bank (1997).

atmosphere of freedom. The basic human right of "simple speech," that is, the freedom of individuals in non-political situations to express themselves fully and freely, is virtually unrestrained by the government in Russia today. Yet the prospects of sustainable democracy in Russia are dimmed by serious challenges on the horizon. Crash privatization has transformed the economy in such a way that many consumer industries have collapsed while large state-sponsored energy and mineral conglomerates have prospered. Russia risks becoming a field of competition among all-powerful para-statal bureaucracies, regional self-protection societies, and quasi-criminal cliques. This competition threatens to cancel the gains made in political democratization and human rights.

Other states of the former USSR face similar kinds of challenges to democratic development. When observers survey the potential for democratic change in these countries, they usually make reference to the broader socioeconomic situation. It is usually noted, for instance, that the prospects for long-term democracy are dimmed in Belarus by its economic dependence on Russia and by a political elite that is incapable of breaking with neocommunist methods. The Baltic states, with more fully developed political institutions and with historical links to the liberal traditions of Europe, are usually said to suffer from the problems of "small statehood" and from energy and mineral dependencies on Russia. Ukraine is often said to be still searching for a single national identity and captive of the problems of a fragmented economy. When observers assess the prospects of democracy for the countries of the Caucasus, they usually make reference to the no-win conflicts over ethnic and geographical terrain.

But note that the problems of democratic development that these countries face are usually framed in terms of the logic of their economic situation and their foreign relations. When outside observers assess the prospects for democracy in Central Asia, invariably reference is made to the backwardness of the cultures, the "feudal institutions" of traditional Central Asia, or to the more general observation that the Central Asian countries as a whole seem to be headed toward despotism. It is often noted that when independence came to Central Asia, the choices the governments made seemed by Western standards to propel them toward a non-democratic future. Observers point out that Turkmenistan, for instance, has become a dictatorship, that Tajikistan fell victim to the frenzies of violence and civil war, that Uzbekistan—or as the country is now officially known in the new Latin ligature, "O'bekiston"—has become an insular and autarkic island of traditionalism, and that good-natured but small and vulnerable Kyrgyzstan has become a laboratory for experimental economic policies. One may argue over the appropriateness of these characterizations with respect to specific countries, but however one looks at the spectrum of successes and failures, the case of Kazakhstan's progress toward democracy is apt to look particularly promising.

The reasons for Kazakhstan's movement toward democracy are easy to identify. Democracy is born in compromise. As a country, Kazakhstan is itself a compromise. Kazak ethnic lands were never very well delimited, because as a nomadic people, the Kazaks did not develop the same territorial institutions that other cultures developed. Today Kazakhstan's borders are very much a compro-

mise. Kazakhstan's population is divided roughly between Muslim Kazaks and Turkic-speaking peoples and Russian-speaking peoples of the Slavic north. The very population of Kazakhstan is a balance of populations. Conflicts between particular groups, for instance, the Cossaks and the Kazaks, are often regarded as potentially destabilizing. But viewed from another perspective, the distribution of ethnic groups in Kazakhstan may be regarded as a stabilizing factor. In certain respects, Kazakhstan's multinational composition provides a form of natural balance of interests, inclining all ethnic groups to more moderation than might otherwise be the case.

Kazakhstan's current industrial and economic policy is also a product of compromise. Within the Soviet economic system, Kazakhstan was basically a supplier of raw materials and industrial inputs, such as petroleum, steel, and non-ferrous metals. Now, only five years after independence, Kazakhstan's mineral and extractive industries are profoundly influenced by multinational oil and mining interests. In other words, the commanding heights of Kazakhstan's economy are quickly being integrated into the world economy. Concurrently, Kazakhstan's heavy industry is now heavily influenced by and may soon be virtually controlled by foreign markets and financial institutions. These institutions have an interest, above all, in stable and predictable political and social development in Kazakhstan. Democratic institutions offer the best prospects for this type of development.

Perhaps most important, the style of Kazakhstan's current political leadership—occasionally resolute but rarely crudely authoritarian—is also a product of compromise. Kazakhstan's president, Nursultan Nazarbaev, was regarded as a moderate reformer in the former Soviet Union. He was an immediate opponent of the August 1991 putsch in Moscow and a strong supporter of Gorbachev's reforms. When the Soviet Union split up, he was among the first of the ex-Soviet leaders to champion democratic ideals.³ In the immediate post-Soviet period, Nazarbaev succeeded in winning the confidence of foreign ministries around the world.⁴ Since independence, Nazarbaev has steered firmly toward economic and political reform. To be sure, there have been important derailments upon this course, but the course has remained essentially the same.

There is definitely a more democratic atmosphere in Kazakhstan than many scholarly, theoretical descriptions of the political institutions and the political culture would justify. Journalists and other observers frequently make reference to the democratic atmosphere in Kazakhstan. For instance, struck by the distinctive Kazakhstan admixture of Central Asian, Slavic, democratic, reformist, pro-business policies, some observers have tried to identify Kazakhstan as a "European community in the midst of Asia." But this characterization certainly does not do justice to the unique qualities of Kazakhstan. Geographers may disagree over what constitutes the borders of Europe, but economists and anthropologists will agree that Kazakhstan is not in Europe. It is in Asia. Kazakhstan is advanced and liberal, but that does not mean that it is "European." Most important, what is taking place in terms of democratization in Kazakhstan is not a lesson for Europe, it is a lesson for Asia. Kazakhstan is redefining the notion of "the Asian Path" with a liberal fla-

vor. The civil development that is taking place in Kazakhstan deserves to be called what it is, a version of "Asian liberalism."

Perilous Course of Reform

To argue that Kazakhstan is moving toward democracy is not to claim that democracy has arrived or that Kazakhstan now enjoys the full range of the political institutions of European liberalism. The most prescient and sophisticated political scholars in Kazakhstan are highly critical of the progress toward democracy.⁵ Many contemporary critics point out that Kazakhstan's progress toward democracy should be judged in terms of the inability of the government to address burning contemporary social issues. Many critics note that the winter of 1996–1997 was the most difficult since the war, maybe even more difficult. Throughout northern Kazakhstan, villages and even whole cities were without electricity and heat for weeks at a time. The critics point out that the institutional legacies of decades of monopolism, clanocracy, and cynicism of the Soviet period remain very resilient in the new Kazakhstan. Petty corruption in the form of bribe taking is a fixture of daily life. Social degradation in various forms, from prostitution, to crude worker exploitation, to the virtual collapse of the educational system and other social services, is everywhere to be seen.

Meanwhile, social inequality is growing apace and is everywhere evident. There is a widely clichéd scene that is familiar throughout the entire country: Enterprise directors arrive at factories in chauffeur-driven black limousines to explain to disgruntled workers that it is impossible to pay salaries or to pay for the factory's previous social commitments to the health system, schools, and child care, or to vacation resorts. Pensioners who devoted their entire working careers to the factory meanwhile must go for months without receiving their state-guaranteed pension payments. Even when the pensioners do receive payment, the average payment amounts only to enough money to pay for the month's utility bill for a typical apartment.

The severity of Kazakhstan's situation is widely underreported and underappreciated by outside observers. Most likely, if Western investors had a clearer idea of the difficulties of life for the average Kazakhstan citizen, the Kazakhstan government's bond rating would suffer because political risk analysts would interpret this as a sign of looming instability. But the remarkable conclusion that should be drawn from this situation is just the opposite. The very fact that Kazakhstan's population has not sought "heroic" solutions in the form of revolutionary change or a restoration of the Soviet order is a testimony to the potential for stable, democratic development in Kazakhstan.

Civil Development in Kazakhstan

There is no axiom of democratic development that insists that democracy is established by following a single course or by establishing a particular configuration of political institutions. General principles of the separation of power, the independence of the judiciary, accountability of executive authorities, protection of fundamental human rights, and so on may be common and universal to all systems,

all cultures, and all times. But the way that the institutions are created that protect these principles may be very different. To be sure, there are good reasons for thinking that the most enduring institutions are those that emerge from social consensus and grass-roots processes rather than from the social and governmental design articulated by a particular constitutional commission. Consequently, when assessing Kazakhstan's movement toward democracy, it is important to bear in mind the political dynamics of democratic development during the past five years.

The history of democratization in Kazakhstan formally began with the elections to the USSR Congress of Peoples Deputies in March 1989. The election gave ninety-nine seats to the Kazak republic, seventy-three seats coming from territorial

“While executive, judicial, and legislative authorities play important roles in Kazakhstan, there is evidence that the most important ‘branch’ of government is actually local government.”

and national-territorial districts and twenty-six seats coming from social institutions. The majority of the candidates elected ran in uncontested races. This new, popularly elected parliament in Moscow passed legislation in September 1990 that provided for open elections to the republican legislature and also reorganized the administrative

system, shifting power from the position of party first secretary to the position of the chairman of the Supreme Soviet. Nursultan Nazarbaev, the Communist Party first secretary of Kazakhstan, was elected as the chairman of the Kazakhstan parliamentary commission in February 1990.

In March 1990, Kazakhstan's first “free” elections took place but, since many of the seats were unopposed and the preelection meetings were used to manage those electoral districts that were contested, the Communists won an overwhelming majority of the seats in the parliament. The new Kazakhstan parliament convened in April 1990 and, in one of its first actions, elected Nazarbaev president of the Soviet Republic of Kazakhstan. Shortly afterward, in October, the parliament passed the Kazakhstan Declaration of Sovereignty. According to the declaration, however, Kazakhstan's sovereignty was essentially designed as “socialist sovereignty,” that is, sovereignty within the Soviet Union. Kazakhstan voters took part in the March 1991 referendum on the retention of the Soviet Union. Kazakhstan's citizens overwhelmingly voted in favor of retaining the union. Over 88 percent of the eligible voters cast ballots, favoring the proposal by a margin of 94 percent.

As the Soviet Union began to unravel, Nazarbaev scheduled elections and ran successfully—and unopposed—for the presidency of Kazakhstan on 2 December 1991. On 16 December 1991, the Kazakhstan parliament adopted a Declaration of Independence. Just a few days later, Nazarbaev joined other republic leaders in signing the Alma-Ata Declaration, the legal instrument that brought the USSR to an end and established the Commonwealth of Independent States.

In the first year of independence, 1992, the Kazakhstan legislature functioned

essentially in the form inherited from the Soviet period. This 360 seat unicameral legislature adopted laws and resolutions that were prepared by the executive branch agencies. The parliamentarians had been elected in closely controlled and unmonitored elections. They were basically representatives of entrenched interests, party organizations, large state-owned enterprises, government funded public sector institutions, and other groups that were not apt to profit from substantial reform. The parliamentary deadlock that developed over key policy issues such as land privatization and language policies convinced a dissident, pro-reform contingent of parliamentarians in December 1993 to vote in favor of disbanding the parliament. Acknowledging the self-dismissal of the parliament, Nazarbaev ordered that the legislative chambers be locked.

A new parliamentary election was scheduled for March 1994. It was a carefully structured process, with the most important decisions being made in the nomination process, not the election itself. Nominations were accepted from three sectors: the president's state list (8 percent of the candidates), registered political parties and public organizations (about 44 percent of the candidates), and independent candidates (accounting for about 48 percent of the candidates). Candidates were required to observe strict spending limits and were limited in television air time and access to the print media. The election took place on 17 March 1994, in twenty-one electoral regions, overseen by the Kazakhstan Central Electoral Commission and witnessed by a large cadre of international election observers. One hundred and seventy-six deputies were elected, forty-one of whom had served in the previous legislature, twenty-one of whom were women, and the overwhelming majority of whom were engineers by profession.

The election process was criticized as flawed by some international observers, particularly those from the Conference on Security and Cooperation in Europe (CSCE, now known as the Organization for Security and Cooperation in Europe, OSCE). A number of court challenges to the conditions in particular electoral districts were lodged with the Constitutional Court. Nazarbaev was not pleased with the character of the parliament that resulted from the 1994 elections. In December 1994, Nazarbaev sent to Parliament initiatives on the language problem, the principles of statehood, and the right of private property in land and legal reform. The parliament was unwilling to address these issues to the satisfaction of the executive branch.⁶ A short time later, a court challenge lodged by an unsuccessful 1994 candidate in an Almaty electoral district, Tatyana Kvyatkovskaya, resulted in a Constitutional Court ruling in March 1995 that found the entire parliamentary election invalid. This was a startling outcome for many observers. At first Nazarbaev vetoed the Constitutional Court decision. The Constitutional Court then overruled his veto. Yielding to the court, Nazarbaev dismissed the parliament. He appointed a new prime minister, Akezhan Kazhegeldin, to form a new government, but he kept some key government officials, including the ministers for defense, interior, finance, justice, and foreign affairs, as well as the secret service chief.

Then Nazarbaev, asserting that the transition process required stability of leadership, took advantage of the absence of a legislature to call a referendum to extend

his own term of office. According to the Central Electoral Commission, on 29 April 1995, Nazarbaev won nearly 90 percent of the votes in a voter turn of nearly 70 percent to keep him in office for five more years without new elections. A new draft constitution for the country was drawn up in the spring of 1995. The constitutional draft was published early in August 1995 and won popular approval by an overwhelming margin (90 percent) in a countrywide public referendum.

The new "Nazarbaev constitution" granted greatly expanded powers to the executive, established a bicameral parliament, and did away with the Constitutional Court in favor of a Constitutional Council. The new constitution established a new forty-seven-member upper chamber of the Kazakhstan parliament, the Senate. Members to the lower house of the legislature, the Mejlis (Assembly), are popularly elected.

According to the new constitution, presidential decrees have what is essentially the force of law. Although the president is not empowered to introduce legislation into parliament, parliament can give the president lawmaking powers for one year by a two-thirds vote at a joint session. Parliament has the authority to impeach the president by a three-quarters vote of a joint session of the bicameral legislature. The president has the right to choose the prime minister and to appoint seven members of the forty-seven-member Senate. The remaining members of the Senate are elected from Kazakhstan's nineteen regional parliaments, the Maslihats. Elections for the new upper house took place in Kazakhstan on 5 December 1995. Popular elections for the national assembly took place on 9 December 1995. Many opposition groups, claiming the elections to be illegal, refused to participate. Two parties, the Party of National Unity of Kazakhstan (PNEK) and the Democratic Party dominated the election. Opposition groups protested the elections, calling them "illegal."

The new Kazakhstan judiciary has a two-tiered system consisting of the Supreme Court, and Arbitrazh (Commercial) Court. The Constitutional Council, the members of which are appointed jointly by the president and the parliament, has jurisdiction over cases of constitutional interpretation. In the new constitution, the Supreme Court's jurisdiction was extended to general cases on appeal. The Arbitration Court's jurisdiction was limited to cases of disputes regarding the interpretation of the commercial code. In the past, the constitutional court was widely seen as a protector of human rights. It was repeatedly the focus of widely publicized appeals for resolution of outstanding issues between the ethnic Russian and ethnic Kazak groups.

There are many indications that the constitution's three-branched system of government does not represent the actual distribution of power in Kazakhstan. While executive, judicial, and legislative authorities play important roles in Kazakhstan, there is evidence that the most important "branch" of government is actually local government. In Kazakhstan's far-flung regional political administration, the traditional post of akim, chief regional officer, legally subordinated to the president, is actually the locus of most power. The akim's jurisdiction is essentially that of the former oblast party secretaries. Section VIII of the constitution, "Local Public Administration and Self-Administration," stresses that the akims,

that is the chief administrative officers, of the oblasts, major cities, and the capital shall be appointed to office by the president of the Republic on the recommendation of the prime minister. Lower level akims of other administrative-territorial units shall be appointed by senior akims. The president of the Republic shall have the right to release akims from office at his own discretion. In practice, the akims have more power in Kazakhstan than their predecessors did in the Soviet period. Moreover, if considered collectively, they have much more power and authority than either the parliament or the judicial branch. In this regard, it is useful to raise several theoretical and practical questions concerning the role of akims in the development of democratic governance in Kazakhstan.

In addition to defining the structure and functioning of the central government, the constitution also addresses some of the "burning" issues of the contemporary social and political scene. For instance, Article 10, Section II of the new Constitution, "The Individual and Citizen," excludes foreign citizenship, thus bringing to an end the discussion of dual citizenship for Kazakhstan citizens. The constitution places the Russian and Kazak languages on equal footing.

Defining Asian Liberalism

Western observers "waiting for democracy" in Central Asia are apt to ask if the values, principles, and institutions of classical liberalism are to be found in Kazakhstan. What is usually held in mind when asking such a question is, Does the standard model of democracy fit Kazakhstan? The standard model of democracy is usually meant to be characterized by the values, principles, and institutions of liberalism. The principles of liberalism usually are meant to include limited, perhaps constitutional government, respect for individual rights, and the rule of law. The standard model of democratic institutions usually includes formal structures providing for responsiveness, representation, and public accountability. The model is often a re-creation of the American Constitution in the respect that it assumes the elemental institutions to include a three branched government separating powers among executive, legislative, and judicial powers. This structure is balanced through formal legal constraints stipulated in a written constitution and buttressed by widespread public support for the underlying principles and objectives of government. They note that democratic government functions only when the rule of law is observed. The rule of law consists of formal legal principles, statutes, and institutions, but it also includes a larger institutional fabric supported by a wise or at least independent judiciary and a reasonably depoliticized civil police authority. Some contemporary theorists go further and argue that a civic culture capable of supporting responsible citizen participation in government is also a critical element.⁷

The foregoing historical sketch of democratic development in Kazakhstan provides grounds to conclude that, at least when measured against this standard model of Western liberalism, Kazakhstan has a long way to go in the development of democracy. It is also true that the motive force behind democratization is not simply a competition of different constituencies for control of power—it is part of a larger, global transition that is taking place.⁸ Kazakhstan, more than most

newly independent states, is subject to these larger processes. Consequently, Kazakhstan faces public policy choices that imply a larger scale of social adjustment than most participatory forms of democracy would easily accommodate. The dilemma is stark. As Wayne Norman has expressed it, “despotism [is] no longer acceptable but democracy [is] not yet attainable.”⁹

But the gulf between what Kazakhstan has accomplished and what would seem to be prescribed by the model may be interpreted in different ways. It may suggest the lack of progress in Kazakhstan or it may suggest the inappropriateness of some aspects of the standard model. Kazakhstan’s path to democratic institutions may differ fundamentally from that followed by the countries of Europe and North America. As many informed observers in the scholarly community have pointed out, “Many non-western countries are going through pervasive processes of cultural indigenization. They necessarily resist western attempts to export western values and institutions and are searching for identity and meaning in their own cultural traditions.”¹⁰

Kazakhstan may not be duplicating the democratic development of France or England, but there are good grounds to conclude that Kazakhstan is moving in the direction of a new form of liberalism, based upon new values, a new social compact, and new institutions. The model of “Asian liberalism” worked out in Kazakhstan may not have many lessons for political development in Europe, Russia, or even, in other parts of Central Asia. But the importance of a successful democratic transition for other parts of Asia cannot be underestimated. So far, the countries following the “Asian path” have disdained democratic transformation in favor of narrow, neomercantile economic change and traditional politics. When the time for change comes and some form of democratization is inevitable, China and the other states of Asia may look for a democratic alternative to the “Asian path.” When they do, they will not be looking to Europe and England for a model.

NOTES

1. “Central Asia” is usually understood to include the states of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan. Sometimes the Xinjiang Uigur Autonomous Region of China is included in the list. For background on Kazakhstan, see Martha Brill Olcott, *The Kazakhs* (Stanford: Hoover Institution Press, 1987); William Fierman, *Soviet Central Asia: The Failed Transformation* (Boulder: Westview Press, 1991); Ingvar Svanberg, “Kazakhs,” in Graham Smith, ed., *The Nationalities Question in the Soviet Union* (London: Longman, 1990) 199–221; Roald Z. Sagdeev and Susan Eisenhower, eds., *Central Asia: Conflict, Resolution and Change* (Chevy Chase: CPSS Press, 1995); Jeff Chinn and Robert Kaiser, *Russians as the New Minority* (Boulder: Westview Press, 1996); Gregory Gleason, *Central Asian States: Discovering Independence* (Boulder: Westview Press, 1997).

2. All of the Central Asian states are governed by former Communist Party officials or high ranking government officials. Nursultan Nazarbaev, president of Kazakhstan, is former first secretary of the Kazakhstan republic Communist Party organization. Islam Karimov, president of Uzbekistan, is former first secretary of the Uzbekistan republic Communist Party organization. Saparmurad Nazarbaev, now president of Turkmenistan, is former first secretary of the Turkmenistan republic Communist Party organization. Imomali Rakhmonov, president of Tajikistan, is a former regional Communist Party official. His predecessor, Rakhmon Nabiev, was the former first secretary of the Tajikistan republic

lic Communist Party organization. Only Kyrgyzstan's president, Askar Akaev, is an exception to this rule. However, Akaev, a physicist trained in Leningrad, can also be considered a member of the Soviet intellectual elite.

3. See, for instance, Nazarbaev's description of the events of August 1991 in *Five Years of Independence* (Almaty: Kazakstan, 1996), 5–13.

4. U.S. President George Bush, in his opening statement at the Coordinating Conference on Assistance to the New Independent States that took place in Washington, DC, on 22 January 1992, noted that "In Central Asia . . . President Nazarbaev and President Akayev are leading the fight for reform." *Dispatch* (U.S. Department of State) 3 (27 January 1992): 57–60, at 57.

5. For a discussion of the foundation of post-Soviet institutions in Kazakhstan, see Nurlan Amrekulov and Nurbulat Masanov, *Kazakhstan between the Past and the Future* (Almaty: Gylm, 1994).

6. See M. T. Baimakhanov, *Parliament and Legislative Power in Kazakhstan* (Almaty: Zheti Zharghy, 1995).

7. See Robert D. Putnam, "Bowling Alone: America's Declining Social Capital," *Journal of Democracy* 6 (January 1995): 65–78.

8. On the growth in the number of countries rejecting authoritarian systems in favor of democratic, participatory systems, in other words, the "democratic transition," see Guillermo O'Donnell, Philippe C. Schmitter, and Laurence Whitehead, eds., *Transitions from Authoritarian Rule: Comparative Perspectives* (Baltimore: Johns Hopkins University Press, 1986); Nancy Bermeo, ed., *Liberalization and Democratization: Change in the Soviet Union and Eastern Europe* (Baltimore: Johns Hopkins University Press, 1995).

9. Wayne J. Norman, "A Democratic Theory for a Democratizing World? A Reassessment of Popper's Political Realism," *Political Studies* 41 (June 1993): 268.

10. Samuel P. Huntington, "Democracy for the Long Haul," *Journal of Democracy* 7 (April 1966): 5.