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A Decade Later, Constitution Still Lynchpin of Success

Kazakhstan celebrated the 10th anniversary of its Constitution on August 30. The Constitution is the strong foundation which has ensured economic success, interethnic harmony and continuous political liberalization of society helping to turn Kazakhstan into one of the most dynamically developing countries in the world.

People celebrated the Constitution, passed by the overwhelming majority of votes in a nationwide referendum in 1995 with concerts, rallies and fireworks.

Highlights of the Constitution:

- *Proclaiming Kazakhstan “a democratic, secular, legal and social state whose highest values are an individual, his life, rights and freedoms” and “a unitary state with a presidential form of government”.*
- *Declaring the people the only source of state power, and enshrined the separation of power into legislative, executive and judicial branches and their cooperation with each other based on a system of checks and balances.*
- *Recognizing ideological and political diversity.*
- *Recognizing and protected private property.*
- *Recognizing the Kazakh language as the state language, with Russian an official language used on equal grounds with it. The state has pledged to promote languages of the peoples of Kazakhstan.*
- *Declaring respect for principles and norms of international law, announcing the policy of cooperation and good-neighborly relations and equality of states, and non-interference in each other's domestic affairs, of peaceful settlement of international disputes, and renouncing the first use of the military force.*
- *Recognizing and guaranteeing human rights and freedoms as belonging to everyone by virtue of birth and recognized as absolute and inalienable, and defining the contents and implementation of law.*
- *Enshrining the fundamental rights and freedoms: right to life; right to personal freedom; right to inviolability of private life, protection of honor and dignity; right to determine and indicate or not to indicate his national, party and religious affiliation; right to use one's native language and culture, to freely choose the language of communication, education, instruction and creative activities; freedom of speech and the right to freely receive and disseminate information by any means not prohibited by law; freedom of movement within the country and the freedom to leave the country; right to freedom of conscience; right to freedom of forming associations; right to freedom of labor, and the free choice of occupation and profession; right to be recognized as subject of the law and protect his rights and freedoms with all means not contradicting the law including self-defense; right to judicial defense of his rights and freedoms, and equality before the law.*
- *Prohibiting discrimination for reasons of origin, social, property status, occupation, sex, race, nationality, language, attitude towards religion, opinions, place of residence or any other factors.*

The full text of the Constitution is available at www.kazakhembus.com/constitution.html

In Astana the occasion was marked with an international conference “Ten years of Kazakhstan’s Constitution: Individual, Society, State.”

President Nursultan Nazarbayev, who played a crucial role in helping draft the Constitution and in the process personally reviewing Constitutions of 20 other nations, spoke at the conference, saying the

document was a product of hard work and contributions of many dedicated people. More than 30,000 public comments were received by the drafting commission, which incorporated 1,100 of them in the final draft approved by the people on August 30, 1995.

“The Constitution has become the foundation for our freedom. It strengthens all our victories and achievements brought about by independence,” the President said.

During the past decade, the Constitution has strengthened the unity of the people and has allowed carrying out vital reforms, building a market economy and laying the foundations for a democratic society, the President said. It has helped Kazakhstan weather the “most difficult, crucial years of our history.”

As a result of these reforms, “Kazakhstan has surged from the 13th ranking in the former USSR to the top five most dynamic economies in the world, and was the first country in the CIS to be recognized as a market economy.”

Kazakhstan currently accounts for two thirds of the gross income of Central Asia with only a quarter of the region’s population. [Kazakhstan’s population stands at 15 million.]

At the same time, “by the end of 2005 Kazakhstan’s GDP will surpass the combined GDP of the seven countries of Central Asia and the Caucasus,” the President told his listeners. Kazakhstan, as well as Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, are considered Central Asia, while Azerbaijan, Armenia and Georgia are the Caucasus. The eight countries are often regarded as one geopolitical region.

In ten years, Kazakhstan’s GDP per capita has grown from US\$700 to an estimated US\$3,300 this year and a projected 4,000 in 2006. This moves Kazakhstan into the ranks of countries with income per capita above the median, according to the World Bank classification. This has helped improve education, healthcare and social security systems, providing the people with the fundamental right for a decent life.

Kazakhstan’s other economic successes include an economy that is 80 percent private. Forty billion US dollars in foreign direct investment makes Kazakhstan a leader in terms of investment per capita in the CIS, and total currency reserves of US\$15 billion are a sevenfold increase since a decade ago.

‘Stage by Stage Evolutionary Liberalization’

The President believes Kazakhstan’s achievements to date have shown the correctness of an approach it has been following of pursuing economic reforms accompanied by political liberalization as “interdependent processes.”

“We cannot risk the future of our children and take a hasty step which can cross out everything we have achieved in these years with so much effort. Power means, first of all, responsibility. I declare with all responsibility: we can only act cautiously because history will not give us a second chance,” President Nazarbayev told an audience of members of Parliament, the Government, as well as guests from abroad, including officials from the Organization for Security and Cooperation in Europe (OSCE).

“When an economy is insufficiently competitive and the civil society is weak, hurried and unprepared introduction of radical political reforms can lead to social destabilization and disgust with liberal values and retreat from democratic processes, which is what we observe in some post-Soviet republics and beyond. So the main issue under discussion in our society is the tempo of democratic reforms,” he noted.

President Nazarbayev declared “I stand for a stage by stage evolutionary liberalization where rapid economic development determines the depth and sustainability of democratization.”

That was the principle Kazakhstan has followed in recent years allowing it to build a growing democracy with numerous political parties competing in open elections, a two-chamber Parliament, an independent judiciary, 5,000 nongovernmental organizations, and 2,000 news media outlets of which 80 percent are privately owned, as well as an ever growing Internet audience which is “one of the most important indicators of how far we have progressed in realizing political freedoms.”

“Our main achievements are rights and freedoms of the human being which are enshrined in our Constitution and are in line with international standards,” the President concluded. Kazakhstan has joined

basic international covenants on civil, political, economic, social and cultural rights, introduced a death penalty moratorium, and created an office of Human Rights Ombudsman. The President added “of course, we are at the very beginning of the road, because we have never had an effective human rights protection system before.”

‘Serious and Predictable Partner’

The Constitution has helped Kazakhstan become a full-fledged member of the international community and a serious and predictable partner for the world.

Kazakhstan has made an “immense contribution” to strengthening peace in the world by shutting down the nuclear test site at Semipalatinsk and eliminating the world’s fourth largest nuclear arsenal. At the same time, Kazakhstan obtained security guarantees from nuclear powers and managed to negotiate the borders around the nation removing the threat of territorial disputes in the future.

New security challenges such as international terrorism, religious extremism, drug trafficking, spread of HIV/AIDS and other diseases, as well as natural and man-made catastrophes force Kazakhstan to introduce additional guarantees of security for its people. “These measures, undoubtedly, must be carried out in full compliance with the Constitution and should not be misunderstood,” the President explained, because “every nation must protect its people, its territorial integrity and its laws.”

Constitutional Amendments Possible, Cautious Approach Needed

In his speech, the President said the Constitution is not “something frozen” and amendments may be necessary to reflect continued democratization and progress. Yet, changing the Constitution requires a “reserved approach”. “The Constitution laid down the fundamental principles for the existence of our country, and we must value those principles,” President Nazarbayev stressed.

He invoked examples of the French Constitution of 1958, offered by President De Gaulle, and of the Constitution of the United States, which have seen a lot of amendments, yet “the issue is never about radically changing the basic law altogether which is a source of development of a nation.”

“Strict adherence to the Constitution is a foundation for the country’s successful development and civil harmony in our society. Learning to live by it is the ultimate school of democracy,” the President said.

Role Model?

Kazakhstan believes its experience in building a secular democratic Muslim majority country can be useful to other nations.

Kazakhstan’s Foreign Minister Kassymzhomart Tokaev, speaking on the Fox News Channel from Washington on August 24, discussed the lessons Kazakhstan has learnt from its drafting of the Constitution and potential guidance those lessons may give to the Iraqi people as they face the same challenge. In an interview headlined ‘Role Model?’, he said Kazakhstan’s successes in its development have been determined by the fact that the country has been and remains secular and tolerant and that “from the very beginning we have been committed to liberal values both in the economy and political life.”

Tokaev added Kazakhstan’s commitment remains “very strong” and said Kazakhstan supports the Iraqi people in draft their own Constitution: “It is absolutely necessary if we are talking about rebuilding of this country... It’s time to help the Iraqi people to rebuild their own country and build a democracy.”

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