

POST-SOVIET DYNAMICS IN THE CENTRAL ASIAN REGION

Edited by
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MINISTRY OF EDUCATION AND SCIENCE
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**POST-SOVIET
DYNAMICS**
IN THE CENTRAL ASIAN REGION
(Textbook)

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This textbook is a collective attempt to systematically analyze and assess selected issue areas with a major emphasis on Central Asia and Kazakhstan in particular. It consists of three parts with nine chapters that are built around such themes as human rights, national identity, foreign policy, regionalism, migration, and gender issues in Central Asian and their overall dynamics in the region. The objective of the textbook is to serve as an additional source for the students of International Relations, International Law, Journalism, History and Public Administration, and any other related majors in their undergraduate and graduate studies.

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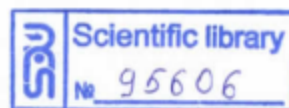
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Dedicated to the 30th anniversary of independence
of the Republic of Kazakhstan and
the 25th anniversary of our intellectual home –
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List of Abbreviations and Acronyms

ACEs	Adverse Childhood Experiences
APEC	Asia-Pacific Economic Cooperation
ASEAN	Association of Southeast Asian Nations
BRI	Belt and Road Initiative
CACO	Central Asian Cooperation Organization
CAEC	Central Asian Economic Community
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CICA	Conference on Interaction and Confidence Building Measures in Asia
CIS	Commonwealth of Independent States
COMESA	Common Market for Eastern and Southern Africa
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSTO	Collective Security Treaty Organization
EAEU	Eurasian Economic Union
ECOWAS	Economic Community of West African States
ECSC	European Coal and Steel Community
EEC	Eurasian Economic Commission
EU	European Union
EurAsEC	Eurasian Economic Community
FPC 2020–2030	Foreign Policy Concept of the Republic of Kazakhstan for 2020–2030
GDP	Gross Domestic Product
HRC	United Nations Human Rights Council
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IMF	International Monetary Fund
IOM	International Organization for Migration

KazAID	Kazakhstan Agency for International Development
KAZBAT	Kazakh Peacekeeping Battalion
KAZBRIG	Kazakh Peacekeeping Brigade
MERCOSUR	Southern Common Market
MINURSO	United Nations Mission in Western Sahara
NAFTA	North American Free Trade Agreement
NATO	North Atlantic Treaty Organization
NGO	Non-governmental organization
NSA	National Statistics Agency
ODA	Official Development Assistance
ODED-GUAM	The Organization for Democracy and Economic Development – GUAM
OHCHR	Office of the High Commissioner for Human Rights
OIC	Organization of Islamic Cooperation
OSCE	Organization for Security and Cooperation in Europe
PTA	Preferential trade agreement
RATS	Regional Anti-Terrorist Structure
SADS	Southern African Development Community
SCO	Shanghai Cooperation Organization
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Program
UNGA	United Nations General Assembly
UNICEF	United Nations International Children's Emergency Fund
UNIFIL	United Nations Interim Force in Lebanon
UNHCR	United Nations High Commissioner for Refugees
UNSC	United Nations Security Council
US	United States
USSR	Union of Soviet Socialist Republics
WHO	World Health Organization
WMD	Weapons of Mass Destruction
WTO	World Trade Organization
WVS	World Values Survey

Introduction

Aizada Nuriddenova

The demise of the Soviet Union had paved the way for new waves of political, economic, social, and demographic processes in the post-Soviet region that were unprecedented or previously unnecessary to the region. The citizens of the former Soviet countries had come to learn about and attempted to practice novel political ideals such as human rights, democracy, civil society, and political activism. Meanwhile, the former Soviet countries had forged various forms of political governance ranging from strong presidential systems to semi-parliamentary and parliamentary systems. Moreover, they were tasked to choose a new economic approach in order to organize their previously centrally planned economy by predominantly opting for the market reforms instead of preserving the state-planned economy, thus rendering Francis Fukuyama's "End of History" and the triumph of liberalism argument more prominent. This had produced mass privatization across the post-Soviet region, the measures directed towards creating national currencies, opening up to the world market, and attempts to become members of international economic organizations such as the World Trade Organization (WTO) and International Monetary Fund (IMF). By the same token, post-Soviet countries had experienced unprecedented flows of migration away from and within the region during which people had left their Soviet time residence in search for better life opportunities and ethnic homelands. In terms of foreign policy trajectories, their orientations ranged from striving to be integrated in the European regional organizations to being actively involved in the post-Soviet regionalism projects. Hence, it can be observed that the territory that once was characterized as quite static and homogenous in terms of political and economic settings became divided into dozens of different parts filled by heterogeneous structures.

The aim of this book is to look at these changes and elucidate some aspects of responses from the post-Soviet countries to the challenges that stem from such changes. In doing so, a wide range of topics starting from human rights, national identity, migration, gender issues to regionalism and integration is explored and analyzed. It is done through specific case studies of Central Asian countries and Kazakhstan in particular, as well as broader theoretical coverage on the specific issue areas and their interpretation and implementation in the post-Soviet region *per se*. The objective of the

book is to serve as an additional source for the students of International Relations, International Law, Journalism, History and Public Administration, and any other related majors in their undergraduate and graduate studies.

This book consists of three parts that include nine chapters and each chapter thoroughly elaborates on the distinct issue areas of the contemporary post-Soviet region and Central Asia in particular. The first two chapters by Galym Zhussipbek are dedicated to the theoretical and historical foundations of the concept of human rights, its subfields and how they are perceived by and adhered to in the post-Soviet Central Asian countries. In particular, Chapter 1 introduces the theoretical foundations, fundamental features, and a brief history of the concept of human rights. By introducing the various categories of human rights such as 'civil and political', 'social', 'absolute', 'non-absolute', and 'substantive' human rights, it argues that norms of human rights have deep philosophical roots and are constantly growing and developing. The chapter provides a comprehensive background on the adoption of the major documents in the field of human rights such as the Universal Declaration of Human Rights (UDHR) of 1948, International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966 that altogether form the International Bill of Human Rights. It also moves further to cover the freedom of thought and the freedom of expression by distinguishing the two notions and subsequently introduces the underpinnings of freedom of conscience and religion. By building upon the notions provided in the preceding chapter, Chapter 2 continues the discussion of human rights on the basis of its subfields such as children's rights, women's rights, rights of the people with disabilities, rights of sexual and gender minorities. It also touches upon some region-specific issues that are characteristic of Central Asian societies such as the status of brides, persistence of paternalistic and patriarchal culture, and polygamy, thus emphasizing the importance of human rights in building a humane and just world on the basis of mutual respect and empathy.

The topic of human rights is expanded further by Shatlyk Amanov in Chapter 3 where he explores the human rights component in Kazakhstan's foreign policymaking, hence highlighting an ideational factor in determining the country's foreign policy activities. In doing so, the chapter looks at Kazakhstan's foreign policy activities both in multilateral and bilateral approaches. The multilateral approach encompasses Kazakhstan's adherence to international human rights conventions and its involvement in the international human rights regime through the United Nations (UN), the Organiza-

tion for Security and Cooperation in Europe (OSCE), nuclear disarmament, as well as its engagement in the UN peacekeeping missions and its measures in expanding its activities as a donor country. The bilateral aspect of Kazakhstan's human rights-oriented foreign policy is observed through its efforts directed towards protecting the rights of the Kazakh diaspora in China, its policy towards ethnic Russians residing in the country, and its refugee policy. By highlighting this normative dimension in foreign policymaking, Amanov lists the significance of Kazakhstan's national history, its landlocked geographical location, successful coordination of bilateral relations with its two giant neighbors – Russia and China – in constructing a human rights-based foreign policy approach. Thereby, this chapter provides an interesting way of looking at foreign policy formation that is different from the previous approaches.

In Chapter 4 Aizada Nuriddenova elaborates on the post-Cold War emergence of regionalism worldwide and how the post-Soviet region followed suit after the Soviet disintegration. Focusing on regionalism as the economic integration that enables free movement of goods, people, and capital, this chapter describes five stages or forms of regional integration such as free trade area, customs union, single market, economic union and political union. In an attempt to provide a historical background Nuriddenova describes four waves of regionalism that led to the conclusion of various regional free trade agreements which subsequently fostered regional economic and political connections in different parts of the world. Furthermore, the discussion on the post-Soviet regional organizations is provided with the overview of the Commonwealth of Independent States (CIS) of 1991, Eurasian Economic Community (EurAsEC) of 1996, Collective Security Treaty Organization (CSTO) of 1992, The Organization for Democracy and Economic Development – GUAM of 1997, Central Asian Union (CAU) of 1994, and the Eurasian Economic Union (EAEU) of 2015. Therefore, this chapter highlights the evolution of the post-Soviet regionalism projects that have gone a long path of development from a passive and cumbersome CIS to a more manageable and economically solid EAEU.

Chapter 5 by Durdona Yussupova continues the theme of regionalism and regional integration by looking at the institutional formation, expansion and the fields of cooperation of the Shanghai Cooperation Organization (SCO) that emerged out of "Shanghai Five" in 2001. Yussupova emphasizes that the SCO that grew out of the management of the border issues among Russia, China, Kazakhstan, Kyrgyzstan, and Tajikistan in the early 1990s ex-

panded to include economic and cultural dimensions in its agenda. The chapter points out that the joining of India and Pakistan in 2017 as a result of the Astana summit has been one of the turning points in the organization's development and adds weight to its significance in world affairs. Not only does this chapter cover the accomplishments of the SCO until the present time, but it also provides a comprehensive discussion on challenges and perspectives for its future development. Geopolitical rivalry between large states of the SCO, the persistence of the "three evils" (terrorism, separatism, and extremism), continuous practice of drug trafficking, uneven political developments, the existence of 'exclusivist' and narrow identities in Central Asia are listed as major challenges of this organization.

Gaukhar Baltabayeva in Chapter 6 illustrates how the dissolution of the Soviet Union contributed to the intensive international migration flows from Central Asian successor states. The chapter provides a thorough conceptual discussion that underscores the link between globalization and migration by looking at them as 'twin processes'. It reviews the global migration in the 1990s and 2000s and highlights its driving forces such as economic development, political upheavals, revolutions, civil wars, and the collapse of the empires. By underlining ethnic and labor characteristics of the migration from Central Asia, the chapter discusses how deeply rooted socio-economic, political, and cultural relationships among the countries of the region have served as major contributors to the migration dynamics in the region. Baltabayeva looks at the features of migration processes of each individual Central Asian country and draws our attention to the crucial role of remittances in the composition of Central Asian states' gross domestic products (GDP).

The theme of migration is further discussed by Xeniya Kryakvina in Chapter 7 which looks at how the nation-building process of a state can influence the formation of its migration policies and how the latter is eventually able to shape the migration flows. The chapter offers an in-depth theoretical discussion on the factors that affect the elaboration of a particular migration policy. It especially highlights the emergence and growth of liberal tendencies and how they render previously held particularistic and restrictive approaches in constructing migration policies less relevant, hence stressing the shift in countries' nation-building agendas towards more inclusive and universalistic values such as the principles of human rights. Furthermore, the chapter provides an analysis of Kazakhstan's ethnic resettlement program including its justification (such as encouraging culturally similar group of people to come to the country, victimization thesis that vindicates ethnic Kazakhs' return to

their historical homeland that suffered from persecution in the past), selection mechanisms, legal infrastructure, and its 'liberal challenge'.

Chapter 8 by Assel Abisheva moves the focus to a rigorous conceptual discussion on nation, national identity, and nationalism through the lenses of primordialism (which states that people are born with nationality and it does not change) and modernism (which assumes that nationalism is new and modern). This chapter provides a systematic analysis of the post-independence search for Kazakhstani identity with the help of the author's interviews conducted among the country's youth in Almaty. As a result, the author has found that the youth perception of the Kazakhstani identity that has formed over almost thirty years coincides, in the sense that Kazakhstan has not united its population under a single national identity, thereby emphasizing its fragmented nature.

In Chapter 9, Mariyam Ydyrys covers the theme of national identity construction that involves gender factors. In particular, the chapter analyses the impact of post-independence socio-economic reforms on the perception of Kazakhstani women. In doing so, Ydyrys offers a systematic overview of how the perceptions of Kazakh women transitioned in three different periods such as pre-Tsarist and Tsarist period, Soviet period, and independent Kazakhstan period. It is highlighted that although the first period was dominated by tribal relations based on patriarchal ideology and the social hierarchy, the Kazakh women enjoyed a fairly liberalized style of living. The second period is marked by the egalitarian treatment of women in the field of public labor in accordance with communist ideology. The third period stresses the change in women's role in Kazakhstani society and economic activities as well as in their perception with the continuous increase of female entrepreneurship in light of new socio-economic reforms. The chapter is built upon the interviews and reflections of Kazakhstani women that enable us to construct a firsthand account of how the perceptions of the Kazakhstani women evolved throughout the Soviet and post-Soviet times.

Overall, it is pertinent to point out that this book does not attempt to encompass all the aspects of post-Soviet development and transformation. Rather it is a collective attempt to systematically analyze and assess selected issue areas with a major emphasis on Central Asia and Kazakhstan in particular.

Part I

Human Rights

Chapter 1

Cursory Overview of the Theoretical Foundations of Human Rights and Main Principles of Some of the Fundamental Human Rights

Galym Zhussipbek

Learning outcomes

- students will be able to understand the value of studying human rights that should be searched for in their very intimacy to our everyday's life since human rights are not something abstract or distant to ourselves and our environments;
- students will gain perspectives on the characteristics, fundamental features and foundations of human rights;
- students will be able to learn why human rights are universal and do not belong to a particular culture or civilization.

Introduction

Human rights are universal, inherent, indivisible, interrelated and interdependent. By their very nature, human rights are to be enjoyed by all people irrespective of their race, ethnic origin, language, sex, gender, religion, or political views. In other words, human rights are inherent to all human beings by their nature and they are not granted by the states or constitutions but are only recognized and protected by them as already existing in humans as humans (Etinson, 2018). In short, we have human rights because we are human beings. On the other hand, human rights are legally guaranteed by law protecting individuals and groups against actions of the state and other individuals that violate these rights.

Despite this very important, clearly and eloquently enough articulated understanding of human rights, the notion and idea of human rights is largely unknown in post-Soviet Central Asian countries. The notion of human rights is not an imported concept allegedly designed to break order and to protect some chosen and 'deviant' minorities against majorities. In essence, human rights are about real people here and everywhere. The concept of human rights defends the real people – each one of us here and everywhere, in school, university, bazaar, hospital, street, family, and so on. In other words,

human rights are about us, it's about our dignity, our safety and liberty, our children, our parents, our income, our living standards, our housing, our education, our roads, our courts and rule of law, our clean water and air, our right to have a decent rest-room,¹ our religion or atheism, our headscarf or miniskirt, our right to use our language, our government's and officials' accountability before people. In short, human rights is a language of resistance of, and in the name of ordinary people against injustice, violence, corruption, and for dignity (Hopgood, 2013).

The person who has no idea of fundamental concepts of human rights may go through life being imprisoned in the stereotypes and prejudices presented as 'common sense'. However, the concept of human rights and its attempted implementations turned out to be a deeply contested issue, particularly, in post-Soviet and Muslim-majority countries. Some people to defend some of their cultural and religious values or social stereotypes, which are in violation with universal values of human rights, try to question the universality of human rights values by applying value relativism.² Some intellectuals, writers and opinion leaders may be unconsciously engaged in this process, while they aim to revive national culture. In fact, they may appeal to archaic, feudal notions that can contradict human rights. However, human rights, being inherent (ensuing from our very nature of being a *human being*), universal (belong to everyone) and inalienable, implies that universal values of human rights exist, such as inherent dignity of all human beings, non-discrimination, the total prohibition of slavery, torture and inhuman treatment, acceptance of freedom of thought, inviolability of the integrity of personality.

The aim of this chapter is three-fold; first, to introduce the basic themes in the field of human rights such as the characteristics and fundamental features, the foundations of human rights (and related questions like who 'gives' human rights?), brief history of the concept of human rights. Second, to engage in one of the key discussions in the theoretical realm of human rights – "universality of principles and values of human rights versus relativity". Third, to provide a brief analysis of some of the fundamental human rights, the freedoms of thought, expression, conscience, and religion. In short, this chapter aims to provide a cursory and eclectic introduction to the scholarly exploration of human rights.

¹ To have access to a decent rest room, which is clean, hygienic, and suitable to human privacy, is our human right, which is many times violated in Central Asian countries.

² Explained later in this chapter

The Characteristics and Fundamental Features of Human Rights

It was never the people who complained of the universality of human rights, nor did the people consider human rights as a Western or Northern imposition. It was often their leaders who did so.

(Kofi Annan, 7th UN Secretary-General)

To understand the general nature of human rights and logic connecting the different groups, the characteristics and fundamental features of human rights have to be known. First of all, human rights are universal rights. This means that all people around the world, irrespective of race, ethnic origin, language, gender, religion, or political views, are entitled to human rights. In other words, human rights apply to all people, everywhere and always (Arts, 2017, p. 59). Human rights are inalienable and inherent to being human, hence we cannot lose them, because they are linked to the very fact of human existence and nature (What are Human Rights). Contemporary German philosopher Ernest (2012, p. 231) summarizes this as follows:

The main feature of human rights, as they are usually conceived, is that they are universal rights. You don't have them in virtue of being a Christian or a Jew, an Englishwoman or an Inuit. You don't even have them in virtue of being a decent member of society or a morally respectable person. Rather, you are endowed with these rights simply in virtue of being human. So, everyone, if she or he is a human being, has these rights.

Second, human rights are indivisible, interrelated, and interdependent. It means that human rights tend to come bundled with many other rights, for example, the right to life and absolute prohibition of torture cannot be separated, or freedom of thought and freedom of expression and freedom of conscience are intimately interrelated. Therefore, it is incorrect, at least, misleading to argue that some categories of human rights are not 'so important' and they can be 'sacrificed' and people may do without some rights. This means that human rights cannot be viewed in isolation from each other and different human rights are intrinsically connected. To possess a particular right depends on the enjoyment of many other rights (Council of Europe, 2017). And violation or suspension or denial of a particular right can lead to violation or suspension or denial of other rights. It is a very dangerous position.

The Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights in 1993 reaffirmed that "All human rights are

universal, indivisible and interdependent and interrelated" (OHCHR, n.d.). Human rights are thus not subject to alienation, termination, annulment, or modification by the state, political power, or any sovereign. Though some rights can be limited and/ or suspended only in emergency situations (Conde 2004, p. 33). Moreover, as Vienna Declaration emphasized, all states must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of the states, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms (*ibid.*).

Categories of Human Rights

There are different categorizations of human rights. One is so-called historical categorization that aims to differentiate between 'classic' or 'civil and political' rights versus 'social' rights. 'Civil and political' rights are historically the first rights to be recognized and they defend the people from the actions of the state (Conde 2004, p. 33). As such, civil rights are needed to safeguard people not only from other people but also from the state. 'Social' rights refer to social, economic, and cultural rights.

Later categorizations of human rights divide human rights into the areas of application. Thus, the categories such as civil (which mainly functions to protect peoples' physical and mental integrity, life, safety, and privacy; to ensure freedom of thought, expression and conscience, and protect from discrimination), political, economic, social, cultural and group rights have emerged.

Another categorization of human rights is a differentiation between absolute and non-absolute human rights. Although a majority of human rights scholars accepts an account of human rights as universal rights, it does not mean that all human rights are absolute. Absolute rights cannot be limited for any reason. No circumstance justifies a limitation of absolute rights. Absolute rights cannot be suspended or restricted, even during a declared state of emergency (Attorney-General's Department, n.d.). Absolute human rights are (1) absolute prohibition of torture and inhumane treatment (or "absolute freedom from torture and other cruel, inhuman or degrading treatment or punishment (Art.7, International Covenant on Civil and Political Rights); (2) absolute prohibition of slavery (or freedom from slavery and servitude); (3) right to recognition before the law; (4) prohibition against the retrospective

operation of criminal law (Attorney-General's Department, n.d.); also the freedom of thought can be placed in this category.

Another categorization of human rights differentiates 'substantive human rights' or essential for the protection of the individual rights, such as rights to life, liberty, and security of person; right to equality and non-discrimination, right to due process; rights to freedom of expression and religion, right to privacy and family life, right to health, right to education, right to property, and right to an adequate standard of living (Icelandic Human Rights Centre, n.d.).

Dynamic and Growing Phenomenon

With deep philosophical roots, norms of human rights are still growing and developing. While some aspects of human rights are well developed, such as absolute prohibitions of torture and slavery, some others, such as the right to work, are less clearly defined in scope or effect. Moreover, some 'new' human rights appear regularly, further expanding the written codification of the concept of human rights. In other words, human rights are not static; they are inherently flexible and dynamic. As society advances, more rights are realized and moral and global standards change (Smith, 2014, p. 180-181). In short, human rights should be seen as undergoing constant and progressive development (Frick, 2019, p. 41)

For example, in recent years the linkage between human rights and the environment became more articulated. More and more people around the world are realizing the fact that environmental protection and promotion and the development of human rights are complementary and closely intertwined. The most basic human rights, rights to life and security, and the right to health are directly related to the right to have a safe and healthy environment. The right to have a safe and healthy environment is now recognized in many national constitutions and regional instruments. Some states have included in their legal systems more detailed rights, such as rights to receive information and to participate in decision-making on environmental matters (UN Environment Programme, n.d.). It can be argued that environmental sustainability is based on the idea of human rights to have a safe and healthy environment. On the other hand, environmental sustainability is at the core of sustainable development. Here the direct linkage between human rights, clean environment, and sustainable development can be seen.

Foundations of Human Rights

All major international documents dedicated to human rights declare that human rights are held by all humans simply because of their nature of being human and their human dignity. In philosophy of human rights, this view is called a naturalistic conception of human rights (Liao & Etinson, 2012, p. 327-328). Some scholars holding that we have human rights simply in virtue of being human prefer to name this approach moral or philosophical theory/conception of human rights (Etinson, 2018). According to naturalistic or moral or philosophical theory/ conception, all human beings are entitled to human rights by their nature. No one gives us human rights, we possess them only because of our human nature. In other words, being *human* is the essential and fundamental reason to enjoy human rights. Constitutions, laws and other legal documents, both international and domestic, only confirm human rights and have to undertake the duty of protection of human rights.

"Even if you are not protected in your human rights by an adequate legal system, you still should be so protected; even if the society you live in does not honor human rights properly, it still should honor them" (Ernst, 2012, p. 231). To put it differently, human rights are not granted by the states or constitutions but are only recognized and defended by them as already existing in humans as humans (Conde, 2004, p. 33). As the UN's Committee on Economic, Social, and Cultural Rights explains, the obligations of the state concerning human rights fall under the principles to respect, protect, and fulfill. In its turn, the obligation to fulfill human rights contains the responsibilities to facilitate, provide, and promote.

Another approach, called the political conception of human rights, sees human rights essentially to perform a political function. More specifically, the concept of human rights is dependent upon the concept of some political institution or other. This approach assumes that the essence of human rights is determined by their having a specific political function, for example, to limit the sovereignty of states (Ernst & Heilinger, 2012, p. VIII, X). The political approach argues that the distinctive nature of human rights is to be understood in light of their role or function in modern international political practice. However, as the scholars in the field of philosophy of human rights indicate, political conception of human rights, on its own, lacks the resources necessary to determine the substantive content of human rights and to a degree flawed (Liao & Etinson, 2012, p. 328-327).

Human Rights and Human Dignity

The first article of the Universal Declaration of Human Rights declares that "all human beings are born free and equal in dignity and rights". As such, human rights are closely related to the notion of human dignity. Both notions are connected in such a way that one cannot be understood without the other. By and large, the significance of human rights and the requirement to respect everyone's rights are based on the notion of human dignity. In other words, human dignity is considered to be the foundation of human rights. The fight against discrimination (for example, gender-based or ethnic or racial), torture and inhumane treatments, and the condemnation of injustice, are all based on the notion of human dignity (Moka-Mubelo, 2017, p. 180-181)

Brief History of The Concept of Human Rights

The emergence of human rights in political thought is generally accepted as a relatively recent phenomenon, although the idea of human rights can be traced to ancient philosophers. Many analyses of the history of human rights, at least, touch the concepts of natural law and natural rights. Moreover, human rights may be considered the offspring of natural rights, which themselves evolved from natural law; the concept played a dominant role in Western political theory for centuries. Nonetheless, as Gabriel Moran warns, it would be rather simplistic and wrong to assume that 'human rights' is simply another name for what in earlier centuries was called 'natural rights'. However, the idea of natural rights, whose evolution took many centuries, played an important role in the twentieth-century idea of human rights (Moran, 2013).

Natural law tentatively may be defined as the standard of higher-order morality against which all other laws are adjudged. To contest the injustice of human-made law, a person was to appeal to the greater authority of God or natural law. In the end, the concept of natural law evolved into natural rights. Whereas natural law provided a basis for curbing the state power over society, natural rights let individuals have the ability to press claims against the government (The Levin Institute - SUNY, 2017).

Natural law was believed to have either religious or secular origin. The most important thinker of religious natural law tradition was Medieval theologian Saint Thomas Aquinas influenced by ancient philosophers. Nonetheless, it is argued that the secular understanding of natural law is historically more adequate than a religious version. The philosophical tradition of Greek Stoicism, which influenced Roman law and later Christian norms, can be seen

as a more powerful historical foundation of natural law (Chernilo, 2013, p.80).

In developing natural law and natural rights human intellect or reason plays a considerable role since without using reason or intellect, people would be unable to develop the natural rights and natural law that, in the end, lay the foundations of the idea of civil and political rights, and the idea of social justice.

Secular conceptions of natural rights were developed by Enlightenment and post-Enlightenment political philosophy and thinkers who aimed to establish limited forms of representative government that would respect the freedom of citizens (The Levin Institute - SUNY, 2017, p.5). Hugo Grotius, John Locke, Thomas Hobbes, Thomas Paine, Georg Hegel, and others contributed to this process. For example, according to Locke's theory, natural rights are the basic rights derived from the law of nature (they are not the products of political, legal and social convention, but held in virtue of human nature) and encompasses such things as life, liberty and property, on the other hand, the government power must be limited by the rule of law and division of power (Kelly, 2007).

However, in practice, natural rights were interpreted in highly particularistic ways, for example, religious toleration was limited only to some Christian groups, women were 'naturally' excluded, and none of the natural rights applied to 'barbarians' (Donnelly, 2006, p. 608). As such, the conceptions of Enlightenment extended the rights mostly to free and property-owning white male citizens and did not address the rights of women (who were regarded dependent on men), or children (who were accepted as a property of fathers), slaves, the indigenous people of America and Africa. In other words, despite the Enlightenment's critical contribution to the development of the modern human rights agenda, many individuals were still considered ineligible to be entrusted with all the freedoms promulgated by the English, American, and French declarations of rights. For example, propertyless male citizens and all women were considered secondary or passive citizens; women's legal status continued to be subjugated to the authority of their husbands, with rare exceptions; slavery continued; the rights of indigenous people in European colonies were violated; sexual minorities were severely persecuted in many places; the civil rights of Jewish people continued to be denied even in the most pro-rights countries (Ishay, 2008, p. 108, 66).

Nonetheless, the logic of equal and inalienable universal natural rights had a certain self-correcting character. It shifted the burden of proof to those who base their rights on shared humanity to show why other people do not

qualify for those same rights (Donnelly, 2006, p. 608).

In the industrial period of the nineteenth and early twentieth centuries, slavery was abolished nearly everywhere and manhood suffrage adopted in many industrialized countries. However, women's rights were still in its early period and the road to child welfare was far from being completed, anti-Semitism and racism, in general, were still rampant. While some philosophers tolerated racism, famous scientists also proved willing to distort evidence in order to corroborate the perceived inequality of the races. For example, biologist Charles Darwin and eugenicist Francis Galton, among many other Western scientists, tendentiously interpreted and even changed their findings to justify racist biases (Ishay, 2008, p. 155-156).

The ground-breaking changes in human rights were made only in the second half of the twentieth century with the creation of the United Nations organization and the adoption of global documents dedicated to human rights. One of the major first steps was to articulate a vision for the rights that all the members of the United Nations could embrace (The Levin Institute - SUNY, 2017, p. 61). It was the period when after the catastrophic atrocities of two World Wars, the Holocaust, colonization, the idea of human rights extended to include all human beings, regardless of their origin, race, gender, social status, and state affiliation. On the other hand, all violence committed by the state and in the name of the state made clear that there were times when the state became the citizens' greatest enemy and outside protection was his or her best and only hope (The Levin Institute - SUNY, 2017, p.5).

Thus, the most radical twentieth-century innovation was the crafting of a system of really global human rights norms. The Universal Declaration of Human Rights, which was accepted by the UN General Assembly without objection on December 10, 1948 presents itself as "a common standard of achievement for all peoples and all nations", an aspiration that has given some real practical significance by the development of international human rights law (Donnelly, 2006, p. 610). The 10th of December, the day when the Universal Declaration, the most important human rights document in human history, was accepted, is celebrated as the International Day of Human Rights.

Major Documents in the Field of Human Rights

Besides the most important human rights document, Universal Declaration of Human Rights (UDHR), the following documents should be counted as the major important documents. In 1966, the UN General Assembly adopted the International Covenant on Civil and Political Rights (ICCPR) and the

International Covenant on Economic, Social, and Cultural Rights (ICESCR). These two Covenants entered into force in 1976 and are the core international instruments on human rights. And together with the UDHR, they are named the International Bill of Human Rights. Other documents are Convention on the Elimination of All Forms of Racial Discrimination (CERD); Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 1984; Convention on the Rights of the Child (CRC), 1989; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990; International Convention for the Protection of All Persons from Enforced Disappearance, 2006; Convention on the Rights of Persons with Disabilities, 2006 (The Core Human Rights).

The Universality of Principles and Values of Human Rights Versus Relativity

The concept of human rights does not depend on any particular religious or philosophical doctrine; therefore, this concept is universal, and human rights are universal. However, to assume that human rights are universal confronts us with a major question "Are human rights indeed universal or belong to a particular culture or civilization?" A key "question in the universality debate is whether the secular Western origins of human rights, as defined by the UDHR, necessarily mean that these rights are not (or cannot be) truly universal or are (can be) truly universal" (An-Naim, 2000, p. 96).

In the issue of universality or particularity of human rights, we can determine two major approaches; one is universalist, another is relativist, or particularist approach. As such, the universality of human rights is much contested by the advocates of the relativity of values "...anyone claiming that human rights are universal is confronted with the fact that there are quite different moralities to be found in the world – present and past. So, are human rights really universal?" (Ernst & Heilinger, 2012, p. VII).

To argue about the relativity of human rights values ensues from either moral relativism or cultural relativism. There are several types of moral relativism. One scholarly definition of moral relativism depicts it as the belief that moral concepts develop, exist, and have meaning only within their own local culture (Lukes, 2008). In other words, moral relativism accepts all local moralities equally without judgment, however unjust or cruel or abusive or absurd they may be. Thus, "moral relativism rejects any universal, transfer-

able moral concept of wellbeing, suffering, justice or rights, by which to judge and compare cultures" (Alderson, 2019).

Cultural relativism may incorporate the elements of moral relativism. However, not all forms of cultural relativism do this, as Alderson reminds "[moderate] cultural relativism means respecting all other cultures to the extent of not judging them by standards set by one's own culture, yet [moderate] cultural relativism still allows moral comparisons and judgments of all local cultures by universal values" (Alderson, 2019).

Some religious Muslims or Christians (of some sects) may accept polygamy and patriarchalism as something normal; thus, they may oppose some fundamental human rights principles, whereas they accept other fundamental human rights and principles. This type of cultural relativism can be tentatively called 'unbalanced cultural relativism'.

There is a need for moderate/balanced cultural relativism which, on the one hand, respects all other cultures to the extent of not judging them by standards of one's own culture, on the other hand, recognizes universal principles of human rights, therefore criticizes and opposes all kinds of abuses of these universal values in all societies, including one's own. An unbalanced type of cultural relativism may give unqualified respect to every culture, even if they entail the norms contradicting human rights and are violently abusive.

Some scholars define cultural relativism very close to moral relativism. For example, Rachles (1999) argued that cultural relativism accepts that different cultures have different moral codes; therefore, there is no objective 'truth' in morality, and right and wrong are only matters of opinion and opinions vary from culture to culture.

In short, while there is no universally accepted definition of the relativity of values (which ensues either from moral relativism or cultural relativism; however, it depends on the definition of cultural relativism, because the moderate version of cultural relativism respects and recognizes universal principles of human rights), it can be tentatively defined as defense of the existence of different moralities/moral codes, which are all at the same time supposed to be relevant and 'decent/good' and beyond critique. For example, child marriage or slavery, or polygamy may be accepted as a sign of prestige in a particular local culture and relativism (the acceptance of the relativity of the principles and values of human rights, hence the non-acceptance of universal principles and values of human rights) is ready to accept this local culture's morality as valid, relevant and decent in today's world. Acceptance of relativity of values (either because of moral or cultural relativism) not only

accepts this kind of violation of basic principles of human rights, it tries to justify and legitimize it. In essence, relativism advocates a contradictory tolerance, which excuses intolerant societies and it is itself intolerant of universal rights (Freeman, 2011) which is especially troubling when the rights of vulnerable are violated, for example, when adults abuse children (Alderson, 2015).

The idea of relativity of human rights values doubts that universal principles and values of human rights can exist. The relativist approach asserts that human rights are singularly based on so-called Western or European values; therefore the concept of human rights is, allegedly, a 'Western idea' and 'alien' to many non-Western cultures. However, the notion of human rights, in contrast, asserts that universal principles and values of human rights do exist.

Relativism reduces human rights (e.g. women's rights or children's rights or rights of people with disabilities) away from their 'reality in action' into a mere talk. By and large, the silence in the face of abuse of basic human rights (e.g. women's rights or children's rights) by accepting moral relativism (saying OK, it is their culture) is not neutrality, but it is a direct help to the powerful oppressors (Alderson, 2015).

The idea of relativity of human rights values is dangerous and harmful. For example, to accept the slavery or underage marriage, or corporal punishment like beating by arguing as it is accepted according to the morality of a particular culture inevitably leads to debasement of the essential idea of human rights - respect for human dignity. The debasement of human rights means to downgrade or deny their value by arguing that it is a Western and alien idea, or a tool of manipulation, a way to destroy one's unique culture, family, society or religion. However, in reality, most vices and problems we have may ensue from the violence and disrespect for human rights.

Values in Our Life and Human Rights

Human rights are intrinsically linked to values. As a scholar in the field of children's rights Alderson (2015) emphasizes, not only human rights but human life and human relationships, in general, can only be understood in relation to universal values such as honesty, respect, justice, equality, and compassion, or their opposites. In short, values are central to all people; however, some of us may not be aware of them.

Throughout history of civilizations, values have emerged within different societies and cultures, and were inscribed in their different re-

ligions. The Ten Commandments contain a list of religious and value imperatives. Other major religions have their own code of values defining what is good and desirable. In the global culture, international conventions provide value statements. The United Nation's Universal Declaration of Human Rights was a statement by the international community of the inalienable rights and fundamental freedoms for all human beings (Zajda, 2009).

Based on the above passage from the book about peace and democracy education, we can argue that the global culture premised on the universal human rights values which are contained in the international conventions of human rights exists. Similarly, without universal values like empathy, caring about each other (foremost, for family members, disabled and disaffected people), democracy would not have principles like freedom and fairness for all, not just the powerful (Lakoff, 2011).

Freedom of Thought. Why is The Freedom of Thought Important?

Thinking, largely, means mental activity. Mental activity is a deeply important part of human life and central to being a human. Thinking "encompasses a wide range of mental phenomena such as deliberation, imagination, belief, reflection, reasoning, cogitation, remembering, wishing, sensing, questioning, and desiring" (Swaine, 2016, p. 7). Therefore, freedom of thought can be paraphrased as the freedom of the mind, or freedom to have personal views. According to Swaine (2016, p.1; 10), the idea of freedom of thought means the ability "to engage in mental activities without legal penalization for one's thoughts, and without undue incursion into one's mental life. Freedom of thought has the status as a basic liberty, given the significance of thought to human life, the fundamental importance of freedom of thought in establishing and sustaining crucial human rights and freedoms, and the value of being able to develop and experience one's thoughts without undue influence from other people".

This right is basic and what is of utmost importance, it is an absolute right. To be an absolute right means that it cannot be infringed or limited, or prohibited by any other law or force (by coercion of anyone) or intimidation from anyone. Freedom of thought ensues from a human's nature to be an intelligent being. Different thinkers and philosophers of different backgrounds emphasized the significance of thinking and freedom of thought. Not only is freedom of thought included in their lists of basic liberties, but it is often mentioned first. International human rights documents repeatedly affirm the

value of freedom of thought, striving to convey the sense that something valuable and distinctive graces that freedom's nature. Therefore, freedom of thought is a key star in the constellation of all freedoms that democracies enshrine (Swaine, 2016, p. 6, 16).

Freedom of thought is indispensable for the existence of other fundamental rights and freedoms (and their basic underlying principle), such as freedom of expression, freedom of conscience and religion, academic freedoms, right to assembly, right to peaceful protest, and right to participate in political processes. In democratic societies, we can talk of 'the marketplace of ideas', where people may choose some and discard other ideas. The most important regulators of this market of ideas are expected to be intellectuals such as philosophers, thinkers, writers, social scientists, but not political elites or politicians, or security services.

Freedom of thought is different from freedom of expression. Although closely linked, these two rights are, in fact, different rights. In essence, "one can think a wide variety of thoughts without ever expressing them. People are capable of thinking things that they do not disclose to others, and this marks a decisive difference between thought and expression" (Swaine, 2016, p.10).

To prohibit human beings from thinking about something is impossible since thought is elusive; it cannot be seen. The concepts like 'crime of thought', well articulated by George Orwell in his books revealing the anti-human and anti-humanistic nature of totalitarian systems, have to be seen as absurd and against human nature. Nonetheless, there are several ways how freedom of thought can be violated. The main one can be depicted as putting a particular issue or topic into the category of 'unthinkable'; although, these 'unthinkables' are mostly, except some obvious values or principles, imaginative or mental barriers, stereotypes.

How is 'Unthinkable' Constructed?

Cognitive science says that most of our thought is unconscious, in a sense that we are not aware of it (Lakoff & Johnson, 1999, p. 10). Unconscious thought is mostly uncontrolled. Metaphors, which are unconsciously accepted and internalized, organize a system of values and a mode of thought in our minds. Metaphors are mental structures that are independent of language but can be expressed through language (Lakoff, 2009, p. 82). As such, much of value-based and moral reasoning is metaphorical reasoning. They are learned automatically in family and society, and they are general. For example, the

metaphors such as 'morality is blind obedience to seniors', or 'nation is like a big family', or 'men are strong and they are strategists', 'women are subordinate', or 'boys are future soldiers' may seem quite natural, since they are inculcated in our *cognitive unconscious* and may constitute our 'unthinkable'. Nevertheless, the main questions are the following: "To what degree these metaphors are unbiased?"; "Do these metaphors allow us to develop fully as human beings?"; "Do these metaphors legitimize the violations of human rights?"; "Do they contradict human dignity?"

Freedom of Thought and Academic Freedom

Freedom of thought is indispensable to develop critical thinking and academic freedom. Academic freedom is another name of liberty of thought in sciences and in the scientific and educational community. Academic freedom has been defined as the right of each faculty member of the university to enjoy the freedom to study, to inquire, to speak one's mind, to communicate one's ideas, and to assert the truth as a particular academician or researcher sees it. Logically, this concept has been broadened to include also the students to learn, to discuss, and criticize (The Electronic Text Center at the University of Virginia Library, 2003).

What is the Freedom of Expression?

Freedom of thought naturally extends to the freedom of expression which is also a fundamental human right. Article 19 of UDHR says that freedom of expression includes the right of everyone to hold opinions without interference and to search for, receive and impart information and ideas through any media and regardless of frontiers (this can be done either orally, in writing, or in print, or in the form of art, or through any other media of one's choice). As can be understood, freedom of expression can take many forms, encompassing verbal, artistic, and physical expression, it also includes searching for information. By and large, freedom of expression is commonly understood "to consist in the ability to engage in discussion, to air opinions, to express views artistically or through the deployment of symbols, and so forth, without facing legal punishment for so doing, or without having the expressive acts undermined (e.g., newspapers confiscated, artwork destroyed)" (Swaine, 2016, p.10).

Wide Scopes of Expression

Freedom of expression includes the freedom of speech and freedom

of the press. Freedom of speech serves many functions: dissemination of information; expression of the will of people (for example, through elections, government policy, etc.); generation of ideas, and many others (Smith, 2014, p. 306).

Freedom of expression and freedom of speech are not entirely identical (although these concepts are often used interchangeably) because expression is broader than speech. For example, silence or other types of human behavior, including some types of artwork are also expressions. An expression can be spoken language, written messages or tracts, artistic works, publications, and any other expressive acts including silence (Swaine, 2016, p.8). To put it differently, freedom of expression goes beyond the mere verbalization of ideas. Many other types of expression include: written words such as the press and banners waved in protest as well as different types of artistic expression. All forms of manifestation of creative thought as well as verbal expression are protected by freedom of expression (Smith, 2014, p. 312).

Why is Freedom of Expression Important?

Overall, freedom of expression protects the freedom to express ideas and views in any medium, whether it is printed material, or broadcasting, or online, whether it is news or artwork, written material or oral communication, whether it is commercial advertising, or public protest. All social groups without exception are eligible to exercise this right (children - adults, younger - elder, poor, rich, rural, urban, disabled, etc.). Also, this right requires that people with disabilities must have the right to accessible formats and technologies that enable them to exercise their right to freedom of expression.

Freedom of thought and freedom of expression are separate rights, they are analytically or logically distinguishable (Swaine, 2016, p. 5), though closely linked. While freedom of thought is an absolute right, freedom of expression might be limited under some conditions. Freedom of expression and airing opinions is secured for everyone; however, with particular reference made to the prohibition of propaganda of war, violence, and advocacy of racial (ethnic, gender) hatred and discrimination are limitations of freedom of expression.

Freedom of expression is one of the fundamental freedoms which are necessary for the maintenance and protection of the dignity of a human being (Conda, 2004, p. 92). It is indispensable for development and building a viable democratic society and the cornerstone of any democracy.

Freedom of expression reinforces many other human rights. Due to

the indivisibility of rights, the freedom of expression is linked to many other rights including freedom of thought, freedom of assembly and association, freedom of the press, freedom of conscience and religion, right to privacy, freedom from the state interference in correspondence, and personal property (Smith, 2014, p. 305).

There is No Right Not To Be Offended

Freedom of expression entails the protection of not only favorable or 'commonly accepted' information or ideas, but also unpopular, including those that may offend some groups of people, except hate speech, and defamation. Freedom of expression means that there is not a right "not being upset or offended or angered". In other words, except very clear-cut exceptions such as hate speech and defamation, being offended or angered, especially by power-holders or state officials, is not a reason to curb freedom of expression.

Unlike many other rights and freedoms, freedom of expression operates at both vertical (to protect people from the state/power) and horizontal levels (to protect people from the wrongdoing of other people). The right is designed to protect the individual against arbitrary interference with freedom of expression by both the state and other private individuals. States are obligated to ensure that national law protects freedom of expression at both levels, providing appropriate protective mechanisms and remedies in the event of infringement (Smith, 2014, p. 311). As such, freedom of expression, being a fundamental civil right, exists to protect people from the state's excessive power, state's interference, or state's abuse of power, but not to protect the power, the state officials, political elites from people's critique.

Exceptions and Limitations to Freedom of Expression

Freedom of speech does not include the right to be racist or instigate violence and hatred. In essence, freedom of expression carries also responsibilities towards the human rights of other people; therefore it may be restricted on several grounds. In other words, freedom of expression is not an absolute right; rather it has some limitations and restrictions. They are the principal exceptions related to the need for recognition of the rights and freedoms of other people and national security (Smith, 2014, p. 311).

The main limitations can be formulated as follows: the rights, dignity, and reputations of others, the prohibition of propaganda of war, propaganda of the crimes against humanity (e.g. genocide), instigation of violence, and advocacy of racial (ethnic, gender) hatred and discrimination. The latter can

be named as *hate speech*.

An important limitation of freedom of expression is the rights and reputations of others, the prohibition of libel and defamation and infringement into private life. Obscenity or pornography cannot be defended under the principle of freedom of expression. As famous US lawyer Andrea Dworkin warned, pornography is a civil rights (basic rights) issue for women. Pornography or obscenity, if to approach through the prism of human dignity, violates the basic principle of the idea of human rights and human dignity.

Using a search engine to search for illegal internet activity is a crime, and the police can use the search history, and social network to establish intent or conspiracy to commit a worse offense like possession of child pornography (Rowland, 2015).

Hate Speech As a Limitation For Freedom of Expression

Hate speech can be defined as "speech or other expressive conduct that is in some sense intimately connected with hatred of members of groups or classes of persons identified by certain ascriptive characteristics (e.g., race, ethnicity, nationality, citizenship, origin of birth, war record, religion, sexual orientation, gender or transgender identity, disability, age, physical appearance)" (Brown, 2015, p. 4).

According to the definition of Council of Europe, hate speech encompasses all forms of expressions, disseminating, instigating, facilitating or justifying racial hatred, xenophobia and anti-Semitism or other forms of hatred, based on intolerance, including intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin (Appendix to Recommendation). *Fake news* is used by the populist politicians and opinion leaders who sympathize with racist, chauvinist, or sexist discourses and ideas to generate hate speech (Jovanovic, 2017) which leads to hate crime.

Obviously, hate speech cannot be defended or justified under the realm of freedom of expression. While freedom of expression is needed to build a peaceful, stable, and pluralistic society and inclusive and democratic state, hate speech entails the expressions that spread, incite, promote or justify hatred, violence, and discrimination against a person or group of persons (based on racial, ethnic, or gender origin) for a variety of reasons (Council of Europe, n.d.).

However, criminal sanctions should be used as a measure of last resort. A balance must be kept between fighting hate speech on the one hand and

safeguarding freedom of expression on the other. Therefore, any restrictions on hate speech should not be misused to suppress criticism of official policies, political opposition, or religious beliefs. A more effective approach to fight hate speech, in particular cyber-hate, is self-regulation by public and private institutions, media, and the Internet industry, such as the adoption of codes of conduct accompanied by sanctions for non-compliance. Education and counter-speech are also equally important in fighting the misconceptions and misinformation that form the basis of hate speech. In other words, human rights education and raising public awareness of the importance of respecting human rights, pluralism, and of the dangers posed by hate speech are essential than legal sanctions (Council of Europe, n.d.).

Hate Speech and Post-Soviet Societies

Hate speech in Central Asian societies is closely tied to ethnic nationalism and racism in a broad sense; ethnicized status of religion; sexism and homophobia. People may talk and act in a racist way without even knowing that. The main reason is unawareness about racism, in general, racialized speech, specifically. The same can be said about xenophobia. According to a popular belief, racism is when a racially different person is discriminated against on the grounds of her/his color. However, the scopes of racism are wider, as OSCE defines "racism is prejudice or hostility towards a person's race, color, language, nationality, or national or ethnic origin. While some communities are particularly vulnerable, any ethnic group can be the target of racism." (OSCE-ODIHR, n.d.). If we take into account OSCE's definition of racism, it can be argued that racism is quite widespread in post-Soviet societies. Prejudice or hostility towards a person only because of one's language, ethnic origin or nationality can be observed in our societies, from in-family talks to social and print media, even to some publications and speeches of some politicians. OSCE warns that "intolerant discourse in the media or from politicians can lead to increased racist sentiments towards migrants and other minorities, including in the form of scapegoating in times of economic crisis" (*ibid.*).

On the other hand, the ideas about 'supremacy' of a particular ethnic group's culture or language or religion over others are also laden with racism. Some irresponsible politicians, writers, poets, and historians may engage in this kind of racist discourse in post-Soviet societies, mistakenly assuming that it is patriotism.

The threats to peace in our societies and international security posed

by racism, xenophobia, and related forms of intolerance must be recognized. As such, any kind of hate speech is incompatible with the notion of human rights, specifically with the freedom of expression and absolutely against the fundamental principle of human rights, to respect human beings because of one's human dignity.

Freedom of Conscience and Religion

The freedom of conscience and religion stipulates that everyone has the freedom to choose any religion, change one's religion or belief, as well the freedom, either alone or in community with others and in public or private, to manifest one's religion or belief in teaching, practice, worship and observance (Art.18, UDHR).

As can be seen, freedom of conscience and religion protects our right to freedom of belief and religion. It includes the right to change our religion or beliefs at any time. We also have the right to put our thoughts and beliefs into action. This could include our right to wear religious clothing, the right to talk about our beliefs, or take part in religious worship. Public authorities cannot stop us practicing our religion, without very good reason (see the section on restrictions below). Importantly, this right protects a wide range of non-religious beliefs including atheism, agnosticism, veganism, and pacifism. For a belief to be protected under this article, it must be serious and concern important aspects of human life or behavior, be sincerely held and be worthy of respect in a democratic society (Equality and Human Rights Commission, 2018).

Are There Any Restrictions to Freedom of Conscience and Religion?

Public authorities cannot interfere with the right to hold or change your beliefs, but there are some situations in which public authorities can interfere with the right to manifest or show belief and religion. This is only allowed where the authority can show that its action is lawful, necessary and proportionate to protect: (1) public safety; (2) public order; (3) health or morals; (4) the rights and freedoms of other people. Action is accepted proportionate when it is appropriate and no more than necessary to address the problem concerned (Equality and Human Rights Commission, 2018).

Clash of Rights: Religious Beliefs Versus Fundamental Principles of Human Rights

Freedom of conscience and religion is one of the basic civil rights, but "is any religious belief or interpretation regardless of its prescriptions at the position to be protected"? "What to do if a particular religious belief violates the fundamental principles of human rights, such as the principle of respect for human dignity, the principle of non-discrimination, freedom of choice, gender equality and others?"

Sometimes those who try to promote some archaic, obscurant traditions and informal norms, contradicting fundamental principles of human rights, refer to Islam. Indeed, it is implausible to present Islam — as a religion and foundation of culture and civilization — as monolithic and unchangeable. Islam is many things. In our days within Islamic tradition there are a number of eloquent defenders of human rights (logically, they generally live in the democratic countries with good human rights records), who claim that Islamic norms should be reassessed in accordance with the standards of the protection of human rights (An-Naim, 2000, 2008; El-Fadl, 2005; Duderija, 2017).

We can hypothesize that one of the reasons why UDHR places freedom of thought in close proximity to freedom of conscience and religion is to emphasize the importance of thinking (which is the human capacity to use reason and intellect) in formulating and reformulating traditions, cultural values, religious beliefs in a humane way. In other words, reason, being the human capacity for shaping reality humanely (Sandkühler, 1998) needed to make religious doctrines and cultures/ traditions compatible with the international standards of human rights.

Conclusion

Scholars define human rights as human's basic needs, moral, political and legal values. According to dominant naturalistic or moral, philosophical conception of human rights, all humans are entitled to human rights simply because of their nature of being human and human dignity is the axiological (related to values, as those of ethics, aesthetics or religion) cornerstone of human rights. Respect for human dignity is considered to be the basis of the concept of human rights. "Whatever the nature of human rights might be, and whatever their status as rights exactly involves, one feature seems to be essential in any case: Human rights are universal rights" (Ernst and Heilinger, 2012. p. VII). However, some people still deny fundamental human rights to women, to children, to disabled people, to political or religious dissidents,

immigrant workers, migrants or sexual minorities.

In essence, the rights are an affirmation of the basic principle formulated by Immanuel Kant, the most influential of moral philosophers, that humans are ends (aims) in themselves, and not means (instruments) to the ends of others. Following the logic of Hannah Arendt, a leading twentieth century political philosopher, it is very important to have the right to claim "I have the rights". Hence, the most fundamental of the rights is *the right to possess rights*. But, first of all, we must know that we have this right.

The concept of human rights accepts that each human being is unique and must be respected only because of one's nature of being human, and it entails the inherent idea "to be who you want to be, and to be accepted for who you are". After all, human rights are needed for all of us to live our own life to a full extent without being discriminated against, without being afraid of not being able to suit whatever patterns, stereotypes imposed on us, without our own fears and subjective standards suffocating 'our own me'.

Study questions:

1. What are the main characteristics and fundamental features of human rights and how can we connect them in one whole?
2. What role did natural law and natural rights play in the development of the contemporary concept of human rights?
3. Why the idea of relativity of human rights values may lead to downplaying the importance of the respect for human dignity, the basic idea of human rights?
4. What is the importance of freedom of thought in human and societal development?
5. Why is freedom of expression essential to develop a viable democratic society?
6. Why can hate speech not be protected by freedom of speech and freedom of expression in general?
7. Why may some religious beliefs or interpretations not be protected by the freedom of conscience and religion?

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Chapter 2***Some Subfields of Human Rights: Main Principles, Specific Issues and Controversies in Central Asian Societies***

Galym Zhussipbek

Learning outcomes

- students will gain the perspective on the main principles of children's rights and the ground-breaking role of the Convention on the Rights of the Child, the different parenting styles and their correspondence with children's rights;
- students will be able to understand the significance of developing women's human rights, what are and what are not "women's rights";
- students will be able to learn the main characteristics of the right to education and the significance of developing human rights of disabled persons.

Introduction

The concept of human rights is not something abstract or distant to ourselves and our environments; the value of studying human rights is in its very intimacy to our everyday's life. Furthermore, we can talk about a global culture premised on the universal human rights values contained in the international conventions of human rights (Zaida, 2009). Any serious study of human rights, alongside theoretical foundations, main principles, and history of human rights, also necessitates exploring the subfields of human rights such as children's rights, women's rights, human rights of people with disabilities, human rights of sexual and gender minorities, as well the right to education, political rights, and others.

This chapter sheds light, first, on children's rights and women's rights by providing theoretical information. Specifically, the basic ideas, philosophy and principles of children's rights, the importance of the Convention on the Rights of the Child are explored, because children's rights are about human rights of the most vulnerable of human beings, children, whose rights are probably amongst the most misunderstood categories of human rights in the post-Soviet area. The different parenting models through the prism of children's rights are also presented. It should be admitted that in the post-Sovi-

et countries, especially in those where people tend to associate themselves with so-called traditional or conservative values and clear-cut gender roles, women's rights can be largely misunderstood. In analyzing women's rights, this chapter aims to touch briefly the region-specific issues like the status of brides (*kelins*), the persistence of paternalistic and patriarchal culture, and polygamy. Brief overviews of the right to education with the special emphasis on children's rights and human rights of people with disabilities are provided. Finally, human rights of sexual and gender minorities, human right to have dignified income, human right to nationality and political rights are shortly covered.

Children's Rights Are Human Rights: The Main Principles of Children's Rights, UN Convention on the Rights of the Child

We should not lose sight of the fact that children's rights are not just a separate category of rights but are human rights of children. (Doek, 2019, p. 25). Children's rights are probably amongst the most misunderstood categories of human rights in the post-Soviet area. The main logic in children's rights is the recognition of the child as a subject and active agent, hence a child is not a property or possession of parent/s or passive being under complete control of adults. Advocates of children's rights support children's emancipation from oppression, but not from other people (Alderson, 2019), of course, no way from parents, in the opposite, children's rights aim to create harmonious relations in the family and the overall goal is to protect family, both children and parents, their psychological, emotional, and physical well-being.

The history of the development of children's rights culminated in 1989 by acceptance of the Convention on the Rights of the Child (CRC) after ten years-long preparation, discussion, and deliberation process in the United Nations. This UN's document is regarded as the key international legal instrument for the recognition of human rights of children. The recognition that children's rights are human rights is fully supported by 196 countries that ratified the Convention as well as Taiwan (not an official member of the UN) which also adopted it.

The Origins of Children's Rights

The view holding that children are entitled to children's rights only because they are human beings seems to be the most appropriate one. As a leading scholar in the field of children's rights Alderson (2019) explains, since

human rights always having been, at least, tacitly shared by all age groups in "inherent dignity" of human being and human rights are by their nature are "equal and inalienable rights of all members of the human family (UDHR and CRC, 1989)", children are entitled to children's rights (with some extra ideas) only because they are human beings. In this view, CRC grew out of earlier all-age treaties and, in the end, it logically emphasized the inclusion of children. Concerning the basic principle of children's rights "to accept children as real human beings", she emphasizes that even "pre-verbal babies begin to share the longings in rudimentary ways, demonstrating how these are integral to universal human nature" (Alderson, 2019). However, on the opposite side of this pro-human rights understanding, there is a deeply paternalistic conservative position according to which the "young children are seen as pre-social, pre-moral, quite helpless becomings and not yet human beings". Seeing children through this prism can scarcely be entitled to human rights and this poses a great problem on how rights can genuinely be human. If they cannot apply to every human being from birth (Alderson, 2015) how can human rights be called *human rights*?

Basic Ideas, Philosophy and Principles of Children's Rights

By accepting CRC and developing children's rights, the paradigm shift towards seeing children as human beings took place. The logic that a child is a *subject* and *active agent* (but not the property of parents like an object or, at least, a passive being) is one of the main ideas of CRC (Invernizzi & Williams, 2011). "Rights are important because those who have them can exercise agency. Agents are decision-makers. .. As agents, rights-bearers can participate... And participation is a fundamental human right" (Freeman, 2007). It was a very serious break from the paternalistic and patriarchal culture that characterized almost all traditional feudal, preindustrial, and to a degree industrial societies until the 1970-80s. As Alderson (2015) points out, childhood studies pave the way to respect children not only as *agents* but also as *active rights holders* and to see children as *real complicated human beings* as well as the *becomings* that we all are at every age.

As such the CRC promoted a new understanding and vision of the child as a bearer of human rights which has become influential in policy, legislation, and research at global, regional, national and local levels (Invernizzi & Williams, 2011, p.1). As lawyers indicate (it concerns the universality of human rights), culture can never be a justification for not implementing basic human rights of children (or of other groups) such as the right to a name, the

right to alternative care, as well as the right to protection from all forms of violence and exploitation, including child marriage (Doek, 2019, p. 16).

Four Basic Principles of Children's Rights

The most important decision of the CRC Committee was to qualify four provisions of the CRC as general principles of children's rights: (1) nondiscrimination (Art. 2); (2) the best interests of the child as a primary consideration in all actions concerning children (Art. 3, para. 1); (3) the right to life and the right to survival and development (Art. 6); (4) the right to express views and have them taken into account (Art. 12) (Doek, 2019, p. 14).

The best interests of the child are the deciding factor in any decision affecting the child (Art 3). In order to determine the best interests of the child, the views of the child ought to be considered (depending on age). Children are increasingly encouraged to participate in decisions affecting them. Children enjoy freedom of expression (Art. 13) and have the right to have their views heard on judicial and administrative matters concerning them (Art 12). However, the rights of the child to freedom of thought, conscience, and religion (Art 14) have proven to be controversial (although the rights of parents to guide and direct children are included). The child is recognized as having *evolving capacities* (Art. 5) in exercising the rights in the Convention. The concept of youth participation has also evolved in recent years. For example, many attempts have been made to involve children in political decision-making. The European Youth Parliament and the United Nations mock Security Council and General Assembly meetings have provided young people with a deeper understanding of politics (Smith, 2014, p. 431).

Children's rights means respect for *human dignity of children* ("to accord rights is to respect dignity: to deny rights is to cast doubt on humanity and integrity" (Freeman, 2007, p. 7)), children's rights are also *indivisible* and *interdependent*. As a leading children's rights lawyer and scholar Michael Freeman emphasizes (2007): "human rights – for that is what children's rights are – include the whole range of civil, political, social, economic, and cultural rights. Denying certain rights undermines other rights. For example, if we deny children the right to be free from corporal chastisement, we undermine their status and integrity that other rights fall as well..." Freeman, 2007, p. 7).

According to the advocates of children's rights, there should be a shift in understanding children's rights, to move from "rights of having" to "rights of being", from assessing (adult-orientated) capacities and competencies to respecting the rights of all children "by virtue of being children" (Freeman,

1998, p. 442).

Michael Freeman (2007) urges that children's rights should not be misunderstood as if the interests of adults, foremost, the parents are to be neglected. It is obvious that it is not in a child's interests to be raised in an environment in which the parent's rights are being wrongly ignored. Support for a child necessarily involves supporting the child's caregiver, who are generally parents, and vice versa (p. 16).

The essential qualities or powers of children's rights, as they are formulated by Freeman (2007, pp. 5-23) are listed as follows: respect children as subjects in their own right; children's rights are inclusive, indivisible, and interdependent; they cover the whole range of civil, political, social, economic and cultural life; respect the dignity, integrity and humanity of every child (who is rights bearer); respect children's competence and also their needs and interests; children's rights "trump" (comes victorious over) all other considerations; enable agency and effective decision making (no way to downgrade or harass or humiliate a child); children's rights are advocacy tools and weapons; children's rights are entitlements, not privileges (children's rights are inherent); they promote equity and emancipation (emancipation not from parents but from oppression and being downgraded); they offer internationally agreed, reasoned moral arguments and advocacy; they can justify and be the basis for positive action (Alderson, 2015, p. 218).

Problems are Still Looming Large: No to Violence and Exploitation of Children

Being the most vulnerable of human beings, children are still suffering from different types of violence and neglect. The broad definition of violence against children includes physical, sexual, verbal, emotional, psychological, and economic violence (World Health Organization: WHO, 2020). Many adults are simply not aware of the harmful effects of different types of violence on a child which can lead to childhood traumas or Adverse Childhood Experiences (ACEs) (CDC, n.d.). Some parents may simply not fulfill their parenting duties and responsibilities.

The efforts to prevent and eradicate violence against children must continue to be further strengthened to reach the ambitious goal 16.2 of the Sustainable Development Goals: to end by 2030 all forms of violence against children. In light of the broad definition of violence against children, the efforts to achieve this goal should not be limited to physical, psychological, and sexual violence but should include all forms of neglect (Doek, 2019, p. 24).

Second urgent issue is the prevention and total elimination of all forms of exploitation of children, especially sexual exploitation and the related trafficking of children. Economic exploitation of children must end as well (Doek, 2019, p. 24).

Since 1989, there have been many developments in legal systems of many countries which suggest that children's rights have been taken seriously or, at least, a lot more seriously than previously. However, despite the fact that CRC became the most widely accepted international document and many actions have been undertaken for the realization of children's rights, there are still a lot should be done in the future by the states, UN's specialized agencies such as UNICEF, by NGOs and all adults for the full realization of children's rights. There are still many challenges, including the realization by 2030 of targets directly relevant to children as set in the UN Sustainable Development Goals (Doek, 2019, p. 26).

The CRC and the UN Committee were critiqued for the following deficiencies: under-attention to the most disadvantaged children; omission and lack of children's views, and the lack of enforcement procedures to implement the convention articles (Alderson, 2015).

Why Are Children's Rights Important?

1. The universality of human rights can be realized only if children's rights are accepted wholeheartedly.

2. To develop human capital and build a democratic society characterized by democratic culture. The universality of human rights can be realized only if the notion of children's rights is accepted without reservation. Development of children's rights is an indispensable condition for building a viable democratic country and achieving sustainable development.

3. The level of development of freedom of thought and freedom of expression in society is directly related to children's rights. The opinions of children should not be dismissed just because they are children. In order for a child to grow into a free-thinking individual, confident that her/his views will be respected so s/he can participate fully in society, a child needs the protection of family and the state (Aspinall, 2016, p. 137). Thinking outside the box is not well accepted in paternalistic culture and a teacher-centric punitive education system, which violates the basic principles of children's rights. As it is indicated earlier,³ parents/adults inculcate the patterns of "unthinkable" or, at least, the metaphors which induce the children to think in accordance with

³ see Chapter 1 for Freedom of thought and "how 'unthinkable' is constructed".

some patterns, like "might is right", "trust only your relatives", "seniors are always right and infallible", "higher social status is absolute goodness" etc.

4. For the well-being of family. If the structures to tackle domestic violence are not put in place, children cannot be protected from abuse, and if child abuse is not eradicated, no hope to put to end domestic violence (Freeman, 2007, p. 8).

5. To help solve health problems and prevent spread of bad habits, since the violence against children which gives a result of ACEs, leads to very serious health problems and bad habits (like drug-addiction, alcoholism, etc.) in teenage and adulthood (2018, 03:15–05:21).

Parenting Styles or Models Through the Prism of Children's Rights

To understand the place and value of children's rights, it is important to look at the parenting styles or models. Strictness and harsh parenting hurt children and build barriers between them and parents/adults. However, harsh parenting, as can be understood from the analysis of parenting models, cannot provide grounds to raise a happy child as well as protect and develop children's rights.

Diana Baumrind, a developmental psychologist at the University of California at Berkeley, initially defined three different parenting styles: (1) authoritative parenting; (2) authoritarian parenting; (3) permissive parenting. Later in early 1980s Maccoby and Martin extended Baumrind's permissive parenting by dividing it into two different types (neglectful parenting was added). In our days, above-mentioned four parenting styles called either Baumrind or Maccoby & Martin parenting styles (Parenting for Brain, 2020).

Key concepts to understand four different parenting styles are *demandingness* and *responsiveness* which are used to describe two dimensions of parenting behavior. Demandingness means to what extent parents want to control their children's behavior and demand their maturity. Responsiveness means to what degree parents feel and show affinity to their children.

Table 2.1 Diana Baumrind's (or Maccoby & Martin) four parenting styles

	High Responsiveness	Low Responsiveness
High Demand- ingness	Authoritative (Democratic Nurturant) Parenting	Authoritarian (Strict/Conservative) Parenting
Low Demand- ingness	Permissive Parenting (or Indulgent)	Neglectful Parenting (or Uninvolved)

1. Authoritative (Democratic) Parenting: High Demandingness . High Responsiveness. The parents give their children room to make decisions and allow them to learn from mistakes, but still offer the guidance and rules that kids need. Parents take the time to explain why the child's behavior needed correction (Milbrand, 2019). Parents are warm and responsive but they set rules and enforce boundaries by having open discussions and using reasoning. They are affectionate and supportive and encourage independence (Parenting for Brain, 2020).

2. Authoritarian (Strict) Parenting: High Demandingness. Low Responsiveness.

The rules are strict and do not leave much room for interpretations, also the punishments are swiftly employed, kids rarely have a say in making decisions or choosing things for themselves (Milbrand, 2019). Authoritarian parents demand blind obedience, prefer stern, harsh discipline, and often employ punishment. Parents are unresponsive to their children's needs and are generally not nurturing (Parenting for Brain, 2020).

3. Permissive Parenting (or Indulgent): Low Demandingness.. High Responsiveness. Permissive parents set very few rules and boundaries and they are reluctant to enforce rules. These parents are warm and indulgent but they don't want to make rules or do anything that will be unpopular with their children (Milbrand, 2019).

4. Neglectful Parenting (or Uninvolved): Low Demandingness. Low Responsiveness. Parents are indifferent to their children's needs and uninvolved in their lives, they don't respond to a child's needs or place any demands on their child. These parents tend to have some mental issues themselves (Parenting for Brain, 2020).

George Lakoff's (2009) parenting styles that explain political and social processes correspond with the Baumrind or Maccoby & Martin model discussed above. His two big parenting models called (1) Nurturant Parent (pro-liberal and progressive) and (2) Strict Parent (conservative) are similar to Authoritative (Democratic) and Authoritarian styles respectively.

Children's Rights and Parenting Styles

Researchers found that the 1st model - Authoritative (Democratic) of Baumrind or Maccoby & Martin (or Nurturant Parent of Lakoff) is consistently linked to the best outcomes in kids. This style is considered the best and most effective parenting style by psychologists and psychiatrists. In other

words, the Authoritative (Democratic or Nurturant) Parent model is the most suitable to the principles of children's rights. Children are accepted as *bearers of rights* and children are allowed to develop. However, the 2nd model — Authoritarian parenting (or Strict Parent model of Lakoff) is deeply paternalistic and opposes the logic and principles of children's rights. Permissive Parenting is also in contradiction with children's rights because parents do not fulfill their obligations to protect children by providing examples and setting rules. Finally, Neglectful Parenting style is probably the most contradicting and violating children's rights, as parents are indifferent to their children's needs and uninvolved in their lives. Authoritarian (Strict) and Neglectful parenting can cause Adverse Childhood Experiences (ACEs) since non-observance of children's rights is itself very traumatic for a child. ACEs, in turn, lead to very serious health problems, drug-addiction, alcoholism, and the like in teenage years and later in adulthood (CDC, n.d.; 2018, 03:15–05:21). Thus, the 1st model — Authoritative (Democratic, Nurturant) which corresponds with children's rights gives the most chances to develop a child's capabilities and to raise happy and healthy children.

Zhussipbek and Nagayeva (2019) argue that in Kazakhstan (and supposedly in other post-Soviet countries 2nd model - Authoritarian (Strict) is more dominant than the 1st model - Authoritative (Democratic, Nurturant). In other words, there is a dominance of the Authoritarian (Strict) parenting model (2nd model) over Authoritative (Nurturant parenting) (1st model). On the other hand, it can be hypothesized that Neglectful parenting is more dominant than Permissive.

Women's Rights are Human Rights

All human beings are born free and equal in dignity and rights. (Art.1, UDHR)

All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination. (Art.7, UDHR)

It should be admitted that in post-Soviet countries, especially in those where people tend to associate themselves with so-called traditional or conservative values and clear-cut gender roles, women's rights can be largely misunderstood and even dismissed as 'alien, foreign, and harmful' concepts. However, foremost, women's rights are *human rights*; therefore, women are entitled to all human rights. Just to name some of them: the rights to life, freedom, security, self-determination (determine her own future), development

(develop all her talents and capabilities), freedom of choice (whether it is her partner/spouse or job, or political, religious views), education (all available level and branches), rest and health, own property. In essence, the same fundamental rights belong to all genders.

The idea that woman is inferior and subservient to man is completely against the concept of human rights and violates the fundamentals of the philosophy of human rights. Article 1 of the Universal Declaration of Human Rights stipulates that "All human beings are born free and equal in dignity and rights". In essence, one gender is neither superior nor inferior, like one race or ethnic group is neither superior nor inferior. *Gender equality* should be understood in the same frame, and it is not reasonable to argue that women's rights, in general, and gender equality, specifically, allegedly aim to give women the reigns of the world and destroy family and society. Women's rights are about recognizing and protecting *human rights of women*. The more women's rights are developed, the more human capital of the society is developed. Moreover, the better women's rights are protected, the higher the level of happiness in the society, including children, women, and men (the best examples are the Nordic countries).

To the surprise of many, the single highest barrier to global development is neither hunger nor disease but it is gender-based discrimination and violence against women and girls (Mofokeng, 2020). It is the reason why gender equality and empowerment of women were adopted as the main Sustainable Development Goals by the UN (Sustainable Development Goal 5) which is a prerequisite for progress on the other sixteen Sustainable Development Goals. However, according to the UN report of 2017, women are poorer and hungrier than men across the world, also women are more likely to face legalized discrimination. "... while progress has been significant, discriminatory constitutional and legislative provisions remain in place in many countries, leaving women without protection or legal basis to claim their rights." (Erlikson, 2018).

It should be reminded that feminism is one of the most stigmatized concepts in post-soviet countries; hence it has generally negative connotations. However, feminism, although it is still a contested term, can be tentatively defined as a movement to achieve civil (civil rights) and legal equality of women.

Bearing in mind that because of the millennia-long domination of patriarchal society and culture, as well the patriarchal religious interpretations, women's rights have been systematically violated throughout human histo-

ry, the UN adopted two critical documents for women's rights. The first is the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) (1979), so-called an international bill of rights for women, which requires the governments to end gender discrimination in all its types. The second is the Beijing Declaration and Platform for Action (1995), adopted during the UN's Fourth World Conference, which requires gender equality and women's rights in every facet of life (Global Fund of Women, 2019). Specifically, the prohibition of violence against women was articulated in the Declaration on the Elimination of Violence Against Women (1993) (UN OHCHR, n.d.). Being one of the main sources of women's rights violations, harmful traditional practices were called to be prohibited by the UN.

Despite these milestones, as the UN emphasized in 2019, the grim reality in relation to the protection of women's rights persists: "a third of all women and girls experience physical or sexual violence in their lifetime, half of women killed worldwide were killed by their partners or family, and violence perpetrated against women is as common a cause of death and incapacity for those of reproductive age, as cancer, and a greater cause of ill health than road accidents and malaria combined" (UN News, 2019). The data provided by World Health Organization confirms this tragic situation "Global estimates published by WHO indicate that about 1 in 3 (35%) of women worldwide have experienced either physical and/or sexual intimate partner violence or non-partner sexual violence in their lifetime." (World Health Organization: WHO, 2017).

The key concepts concerning the violations of women's rights are *domestic violence* and *harassment*. Domestic violence is a very serious abuse of the basic human rights and can be defined as any behavior (not physical violence alone) the purpose of which is to gain power and control over a spouse, partner, girl/boyfriend or close family member (Arizona Coalition to End Sexual & Domestic Violence, 2019). Domestic violence, especially if it takes the form of physical violence, is a serious crime and the legal systems of most democratic countries persecute the perpetrators of this crime. Domestic violence is, as such, a learned behavior (first of all, learned in the social environment); it is not caused by anger, mental problems, drugs or alcohol, or other common excuses (ibid.); therefore, criminalization by the state and proper persecution of this abuse is necessary to eradicate the problem.

Violence, including domestic violence, against women in Central Asian countries, is at alarming levels due to cultural stereotypes and informal norms contradicting human rights, as well the laws that lack teeth. For example, in

Kazakhstan, about four hundred women die each year as a result of domestic violence and only in 2017 around 91,600, only reported, crimes were committed against women (Bondal, 2018). As such, domestic violence in Kazakhstan and other Central Asian countries remains an acute social problem — often as a hidden issue since many women remain silent (Altynbayev, 2019) because of family (relatives) pressure and stigmatization, archaic cultural (informal) norms, the inefficiency of police and judicial system, and lack of proper legal norms.

Harassment can be defined as a form of violence which includes any unwanted physical (such as touching, stalking, patting, pinching) or verbal behavior (such as yelling and making offensive, humiliating, and discriminatory comments and remarks) or staring, etc. (Canadian Human Rights Commission, n.d.). Girls and women frequently encounter sexual harassment which is the most aggravated and serious form of harassment. For example, according to a multi-country study from the Middle East and North Africa, between forty and sixty per cent of women said they had ever experienced street-based sexual harassment (mainly sexual comments, stalking/following, or staring (aggressive staring) /ogling), and 31 percent to 64 percent of men said they had ever carried out such acts (UN Women, 2019).

In Central Asian countries, the following hot issues related to women's rights can be named specifically, the abuse of rights of bride/daughter-in-law (*kelin*), denial of the rights to development, self-determination and rest, early marriages, bride-kidnaping, stigmatization, and family/societal pressure on the adolescents and young women with extramarital children.

Is Motherhood the First or Being Human the First?

In general, it can be observed that in patriarchal societies, being a woman and being a mother are equalized. No-one can deny the importance of being a mother or motherhood; however, in the end, to be and to be accepted as a *human being* is much more important than to be merely a *mother*, or to perform mothering functions. In other words, to regard the woman only as a mother, and evaluate the women only through this prism, by and large, means not to accept wholeheartedly that each one (regardless of gender, status of being a mother or child-free woman, etc.) deserves to be respected and accepted as a human being only because of *being human*. In many post-Soviet, and especially in Central Asian societies, the status of woman is directly tied to her motherhood, a woman who is not a mother may not be accepted as a *full human*. To put it differently, a popular belief which contradicts the

very basics of human rights holds that "personhood of woman is determined by her motherhood".

Harmonious Relations and Empathy between Genders Instead of Culture of Domination and Clear-Cut Gender Roles

Societies where human rights are still developing are characterized by a culture of domination, where some groups or categories of people are entitled to dominate the others, for example, aristocracy to dominate over ordinary people, oligarchs or rich over poor, men over women, etc. However, if we look through the prism of [philosophy of] human rights, the domination of some people over others is unjust, unfair, and non-humane. Instead of a culture of domination, the fundamental principles of human rights lead us to the conclusion: the harmonious relations and empathy between different groups of people (adults and children, urban and rural, rulers and ruled, married and unmarried, men and women, in general, between different genders) should be established.

Many times the women in patriarchal societies or, at least, in societies characterized by clear-cut gender roles, cannot fully enjoy many of their basic human rights, such as respect for dignity (to be accepted as a *full human being*), right to self-determination, right to rest, and right to education. However, each of us, being a *human being*, has the inherent right to dignity, to rest, to development and self-determination. Unfortunately, quite frequently the dominant stereotypes and cultural, generally informal, norms may block, even imprison women within the confines of house-keeping and child-rearing and not allow the full development of their human talents and capacities. For sure, it is not correct to downgrade the role of child-rearing or house-keeping which are vital in terms of both children's rights and family well-being; however, it is about proper task-sharing between family members (foremost, spouses), and, in general, between women and men, and proper planning and observing the rights of each one in a family. Regretfully, in Central Asian countries, fathers not only very rarely participate in child-rearing, which is itself a violation of children's rights, because a child has a right to have both parents (for example, according to UNICEF data in Kazakhstan only six per cent of fathers do this (Atoyanz, 2018)) but also not help their spouses in doing chores (helping in cleaning, preparing meal, doing dishes, etc.), as it is not well accepted by informal cultural norms spread in Central Asian societies. However, according to child psychology, helping with household chores is good for children, especially boys (Lee, 2020) (in view of modern parenting,

education, and child psychology, there are no clear-cut gender roles differentiating between women's and men's duties at home).

Bride/Daughter-in-Law (kelin) in Central Asia

A kelin ... is a family member, a new bride who comes and resides in the same house as the groom's family. "Kelín" is a social category that has a special status which is also crucial for the definition of any family unit. This important status within a family would theoretically designate an important role to any kelin since she is usually the pride of any family. However, paradoxically, a kelin has a very low if not the lowest status, not only in family and kinship networks but also in her neighborhood. A kelin is never called by her name and only recognized as the 'kelin of so and so'. Later, when she lives separately from her in-laws, she will be called the wife of so-and-so. The social status of a kelin can also be seen from the labor distribution in the family and other social events. Kelins usually do most of the serving work... (Turaeva, 2017, p. 140).

This passage may explain some very serious problems related to women's rights in Central Asian countries. As such, the traditional practices spread especially in traditionalistic families in Central Asian countries tend to deny the kelins their fundamental human rights, such as the right to dignity of person, the rights to live free from violence and discrimination; right to self-determination, education, rest, and overall human development. All in all, the kelins' rights seem to be very important, because the status of kelin in Central Asian societies is an a kind of epitome of the situation concerning women's rights: to be seen as subservient, not to be accepted as active agent, to be in the condition of exploitation, marginalization, and objectification.

Objectification of Women's Bodies

There are some other violations of women's rights in our days which are mainly gone unseen or, at least, unheeded. Probably, one of the most important of them is the objectification of women's bodies. In very simple terms, objectification can be defined as seeing someone as an object of judgments, staring, and sexual desire in parallel to denying or, at least, downplaying this person's human nature. Many scholars from Immanuel Kant, the philosopher of the Age of Enlightenment to our contemporaries like Martha Nussbaum, touched the issue of objectification of women.

This basic question, which to a degree can explain objectification of women's bodies "Does a girl and woman have to be beautiful"? exerts very

heavy social pressure on girls and women. Many girls and young women feel psychological pressure to follow the "fashion's dictates", spend their time, energy, and wealth on cosmetics and even surgical operations. The objectification of women's bodies is a violation of women's rights, which denies each one to be unique and looks as she is. In other words, women's rights also mean that each girl and woman has her inherent right to look as she does without fear not to suit the subjective standards of beauty, imposed by informal social norms, fashion, and capitalist market.

Thus, women's rights are fundamental human rights that were enshrined by the UN's and other international documents for every human being on the planet. They let any girl and woman be who she wants to be, and to be accepted for who she is. To repeat some of the fundamental human rights: right to live free from violence, slavery, and discrimination; right to self-determination, right to get education; right to own property, and to earn a fair and equal wage (Global Fund of Women, 2019). The concept of women's rights aims to protect the rights of, statistically, the largest category of human beings, women, who were also, historically, one of the most deprived of their rights groups of human beings. Yet, in many parts of the world, including Central Asia, women and girls are still denied many of the fundamental human rights, because of their gender.

Religion (Islam) and violations of Women's Rights: from Patriarchalism to Polygamy

As has been mentioned above, any religion is a socially constructed phenomenon and it is expected that its teachings, especially those which regulate social and family relations are to be transformed in accordance with the requirements of the age and existing circumstances. However, today, many violations of women's rights, such as the subservient position of women to men, patriarchalism, and polygamy, are still legitimized by appeals to Islam. Indeed, patriarchalism and patriarchal culture (like matriarchalism) are hardly compatible with the idea and philosophy of human rights. Therefore, contemporary progressive Muslim thinkers and theologians openly declare that patriarchalism is a kind of despotism and gross injustice. They also argue that Islam does not allow this kind of injustice (El-Fadl, 2005; Wadud, 2013). Gender inequality means the subjugation of one half of humanity to another, which is, for sure, unjust (Wadud, 2013).

According to pro-human rights Muslim scholars, polygamy is against the spirit of Islam (El-Fadl, 2005; Wadud, 2013). Specifically, the acceptance of

polygamy contradicts one of the main aims of Quran, the holy book of Muslims, which is the "creation of an ethical, just, and egalitarian society identified as the Quran's primary goal (Duderija, 2017, p. 137). In other words, if to understand Quran holistically (according to its primary goals and aims), but not fragmentally, the equality of genders and non-acceptance of polygamy can be derived (Sardar, 2011, p. 306). On the whole, there is an urgent need for developing Islamic ethical and legal theory corresponding to the social realities of the 21st century, characterized by the development of human rights, in which Muslim women (and men) find themselves.

Men's rights

Discussion of children's and women's rights inevitably raises the question: What about the men's rights? Do not men have their rights and are not these rights violated? For sure, men's rights are also human rights. Men tend to have major health problems and lower life expectancy in comparison to women. Men do the hardest and most dangerous work. And they are expected to primary, sometimes only, breadwinners. Many times, because of social patterns and subjective expectations, life for men turns out to be like a marathon race which only leads to physical, emotional, and psychological exhaustion. Why do men have to carry the material load and slog of households and risk their life and health many times? Why do men, especially in their early childhood and teenage periods encounter more harsh parenting which harms their emotional well-being and future development? Why do boys tend to experience lesser emotional affinity from adults and are not welcomed to express their very natural emotional feelings? The objectification of men's bodies is also a problem; however, not to the same extent as women's bodies. On the other hand, existing gender injustice in patriarchal or conservative societies, many times presented as male-dominated system, culture or mindset, is not just something that oppresses women, it also debases and dehumanizes men who 'participate' unconsciously (because of learned metaphors and their 'unthinkable', some even involuntarily because of social pressure) in the system (Safi, 2008, p. 10-11).

The Right to Education

Education is the great engine of personal development. It is through education that the daughter of a peasant can become a doctor, that a son of a mineworker can become the head of the mine, that a child of farm workers can become the president of a great nation. It is what we make out of what we

have, not what we are given, that separates one person from another.

Nelson Mandela

The right to education is a fundamental human right. Every individual, irrespective of race, gender, nationality, ethnic or social origin, religion or political preference, age, or disability, is entitled to this right. The universal right to education has been enshrined in a range of international rights instruments, first of all, in the Universal Declaration of Human Rights (UDHR), second, in the International Covenant on Economic, Social, and Cultural Rights (Article 13), which is the binding document: "The States Parties to the present Covenant recognize the right of everyone to education". As such, the international agreements concerned protect other human rights, often economic, social, and cultural rights, the category of human rights to which the right to education is generally considered to belong.

The Goals of Education

Article 13 of International Covenant on Economic, Social, and Cultural Rights of 1966 says: "...education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. ...[E]ducation shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace."

As it can be seen, major international documents explain the primary goals of education, which is about the development of humanistic values (respect for other people's rights, acceptance of each other, etc.), soft values (empathy, dialogue, communication, etc.), and positive social capital (how to build bridges with racially, ethnically, linguistically, religiously 'other' people, live and work together).

The right to education is to be achieved on the basis of equality of opportunity. There are 'Four A's' of the right to education: (1) availability; (2) accessibility (everyone should have access); (3) acceptability; and (4) adaptability. These are four criteria by which the equitable and effective provision of education can be judged (McCowan, 2010). Specifically, the Convention on the Rights of the Child says (which is obligatory for 196 states around the world which ratified it): "The right to education is to be achieved on the basis of equality of opportunity". However, this right is many times violated as a

result of existing social, economic conditions, like disproportions in economic development in the state (rural - urban, big city - small city, etc.). Also, the commodification of education is one of the biggest negative factors preventing us from achieving equality of opportunity.

Education is a fundamental human right and essential for the exercise of all other human rights. It promotes individual freedom and empowerment, and yields important development benefits. Education, especially higher education, is a powerful tool by which economically and socially marginalized adults and children can lift themselves out of poverty and participate fully as citizens. Therefore, we can hypothesize that in our days, not only the right to free elementary education but also the right to free secondary and higher education can be seen as a fundamental human right.

Principles of education introduced by the Convention on the Rights of the Child:

1. The right to education is to be achieved on the basis of equality of opportunity.

2. It is not sufficient to provide formal education. It is also necessary to remove such barriers as poverty and discrimination and to provide education of sufficient quality.

3. *The rights in education:* Discipline must be administered in a manner consistent both with the child's dignity and with the right to protection from all forms of violence. In other words, it is not allowed to maintain classroom discipline by negative methods that violate children's rights: beating, yelling, and humiliation (physical, verbal, emotional, and psychological violence) are not allowed under whatever conditions.

4. Development of education that is child-centered, child-friendly, and empowering; education going beyond formal schooling to embrace a broad range of life experiences contributing to positive development and learning.

Human Right to Have Dignified Income and Dignified Standards of Living

To have dignified wage or income to be able to maintain dignified standards of living for oneself, family and a child (children) is the human right which is largely unknown and widely violated by both official organs and private companies in post-Soviet countries. Many people despite their workload may be entitled to very low wages that cannot allow them to have a dignified level of life. By denying the people the right to have dignified income, foremost, the principle of dignity of human beings and the principle of justice

are violated. On the other hand, if there is a child/children, the basic principles of children's rights, rights to survive, and development are violated.

Human Rights of People With Disabilities

The rights of people who have disabilities, whether it is physical or mental or both, are also human rights. These people constitute one of the most vulnerable categories of human beings, like small children, because many times they are dependent on other people, even for their basic needs. For hundreds of years, people who had disabilities were systematically discriminated, stigmatized, isolated, even deliberately killed.

As "disability is the umbrella term for impairments, activity limitations and participation restrictions, referring to the negative aspects of the interaction between an individual (with a health condition) and that individual's contextual factors (environmental and personal factors)" (World Report, 2011, p. 4). The World Health Organization defines a disabled person as anyone who has "a problem in body function or structure, an activity limitation, has difficulty in executing a task or action; with a participation restriction" ("Disabled People in the World in 2019: facts and figures," 2019). A disability may be temporary for a short period (for a specific period of time) or long period of time, or may be permanent, for life.

The number of the people who have disabilities is estimated to be around one billion, they comprise at least 15 percent of the world population. But according to the data of the World Health Organization, the number of disabled people in the world is more than two billion, which is 37.5 % of the global population, 20% (one in five) of whom live with great functional difficulties (ibid.).

As such the protection guaranteed in other human rights treaties and grounded in the Universal Declaration of Human Rights, should apply to all, including disabled persons. Persons with disabilities have, however, remained largely 'invisible', often side-lined in the rights debate, and unable to enjoy the full range of human rights. In recent years, there has been a revolutionary change in approach, globally, to close the protection gap and ensure that persons with disabilities enjoy the same standards of equality, rights, and dignity as everyone else.

The UN Convention on the Rights of Persons with Disabilities (CRPD) entered into force in 2008 and later was adopted by many countries around the world, including all Central Asian countries. This signaled a 'paradigm shift' from traditional charity-oriented, medical-based approaches to disabil-

ity to the one based on human rights. The CRPD has created a dynamic new disability rights understanding that empowers the disabled people. Before this convention, people with disabilities were protected by a range of general human rights conventions. Despite receiving nominal protection under general human rights conventions, persons with disabilities have had many of their human rights denied to them. The CRPD goes further than merely re-stating rights. It creates a new rights understanding, empowers civil society and makes human rights more obtainable for people with disabilities than at any time in history (Harpur, 2012). This Convention obliges the state to observe the rights of the people with disabilities by setting the standards of protection for the civil, cultural, economic, political, and social rights on the basis of inclusion, equality, and non-discrimination. We must know that the rights of disabled people are human rights. These rights aim to eliminate the discrimination against people based on their disabilities in education, employment, state and local government services, privately operated public accommodations (like hotels, restaurants, stores etc.), public transportation, and telecommunications.

Human Rights of Sexual and Gender Minorities

The rights of sexual and gender minorities are probably the most misunderstood in post-Soviet countries because of the legacy of Soviet period (when homosexuality was criminalized and accepted as disorder), conservative religious interpretations, and informal social norms and stereotypes spread in society. One example is false and dangerous stereotype equalizing paedophilia and homosexuality. In fact, the perpetrators of paedophilia crime are, in the opposite, the heterosexual men who tend to have mental problems. However, according to scientific consensus endorsed by the World Health Organization (WHO), homosexuality in itself is not a mental health problem. WHO deleted it from the list of disorders in 1990 (Mysorekar, 2019). All major documents in the field of human rights declare that "everyone is entitled to all the rights and freedoms without distinction of any kind including sexual and gender orientation". In the end, protection of human rights of sexual and gender minorities is the best indicator that the rights of other people will be protected, because being the most stigmatized group of people, the rights of sexual and gender minorities are violated the first.

Human Right to Nationality (Civic Model of Nation-Building)

Article 15 of the UDHR declares that everyone has the right to a na-

tionality and no one shall be arbitrarily deprived of one's nationality, nor denied the right to change nationality. This human right implies the implementation of a civic model of nation-building and nationality based on citizenship but not ethnic (or primordial) model based on biological, like ethnic or tribal origin or affinity, or religious beliefs.⁴ This stipulation is very important because in many post-Soviet countries, people still continue to accept ethnic nationalism as the only valid approach or model, although this approach is not only out-dated, it is dangerous and contradicts the basic principles of human rights. By and large, an ethnic model of nationalism is a Stalinist-Soviet legacy of nation-building which is prone to discrimination on ethnic and linguistic grounds, and may lead some people to the acceptance of racist idea holding that nation-state means 'ethnic state', however, in fact, a nation-state is a modern state which created the political community called nation united by common citizenship.

Political Rights

All people are entitled to political rights — to participate in political processes, to have a say in political power. To have an accountable government is also a human right. Each human being as an active agent has the inherent right to express one's dissent and to express protest without fear of punishment or prejudice.

The right to peaceful demonstration and protest implies that demonstration and protest must be only peaceful without incurring any harm to the life, health, and property of other people or public property and public order. While no human rights instrument or national constitution grants the absolute right to protest, such a right to peaceful protest is a manifestation of the rights to freedom of assembly, freedom of association, and freedom of expression. The right to peaceful demonstration and protest can be likened to the function of the immune system. If there is a problem in the body, the immune system starts reacting by increasing fever, headache, and causing other symptoms of an unhealthy situation. Peaceful demonstrations and protests are like these signals of the immune system. This warning system is good for the human body since it saves from bigger problems. If this right is denied, not only some rights are violated but also the future of society and the state may be threatened since the problems may go unnoticed, may get exacerbated and catastrophic effects may emerge in the end. Also, peaceful demonstrations and protests are a kind of communication (one of the many

⁴ See Chapter 8 for a detailed discussion on nation-building

types of communication) between people and power.

Conclusion

Human rights are universal, inherent, indivisible, interrelated, and interdependent. By their very nature, human rights are to be enjoyed by all people irrespective of their race, ethnic origin, language, sex, gender, religion, age, ability or disability, social status, or political views. This chapter has provided brief explorations of the subfields of human rights like children's rights, women's rights, human rights of the people disabilities and some others. It must be emphasized that the concept of human rights, first and foremost, protects individuals and vulnerable groups. Without being framed in terms of individual rights, human rights cannot serve the purpose for which they have been contrived and contended for successfully (Frick, 2019, p. 42). In other words, the interests and rights of individuals should not be seen as something to be easily sacrificed or denied for the interests of the community. However, in paternalistic, clan-based and largely conservative societies it may seem to be difficult to understand, at least, at first, that instead of the culture of domination and oppression (or marginalization) of some groups of people (seniors- young, males-females, rich-poor, powerful-disaffected, etc.), the harmonious relations based on mutual respect, empathy is a much better choice, which is an idea of human rights. In essence, human rights are the answer to the question of how to achieve a more humane and just world.

In the globalizing world where different cultures are confronted with each other, histories intersect and territories overlap, human rights have their place and it is human rights that make (what philosophers call) human's *being-in-the-world* concrete and global (Sandkühler 1998).

It seems to be very important not to be entrapped into a *learned helplessness* (the situation when the people after encountering negative, uncontrollable situations stop trying to change their circumstances, even when they have the ability to do so) when we encounter some difficulties in developing and protecting our human rights, for example, in dealing with the discourses related to cultural or religious values and identity or mindset/mentality. Unchangeable or unchanging culture is not someone's destiny. Culture, traditions, identity, mindsets are not something monolithic, fixed, or naturally given like the composition of the atmosphere. In contrast, they are constructed, molded, and shaped by people, and human intellect plays a leading role in creating a more humane world, which can be understood as a world where human rights are respected and protected. Simply, as Erie Wiesel suggested:

"Take sides. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented".

Study questions:

1. What are the basic principles of children's rights?
2. How are different models of parenting related to children's rights?
3. Why is it important to develop children's rights?
4. How do you understand the principle "women's rights are human rights"?
5. How important is it to speak up about domestic violence, harassment, and *kelins'* rights?
6. Why is it important to develop women's rights?
7. What are the goals of education and the rights in education according to human rights documents?
8. What are the main principles of human rights of the people with disabilities and why are these rights important?

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Chapter 3

Kazakhstan's Foreign Policy and Human Rights⁵

Shatlyk Amanov

Learning outcomes

- students will be able to explain the place of human rights in Kazakh foreign policy by identifying the roles played by domestic and international influences;
- students will be able to discuss such domestic factors as historical legacies, institutions, and domestic practices in Kazakhstan in the area of human rights;
- students will be able to differentiate between multilateral and bilateral human rights policies of Kazakhstan, giving specific examples for each.

Introduction

What matters in international politics (material factors and the national interest or ideas defined as beliefs held by individuals) is a subject of long-standing debate among not only policymakers but also scholars as well (Walldorf, 2008). Human rights concerns are relatively recent phenomena in foreign policy calculations of states, dating mostly from 1945, although political antecedents have been present in the international arena for a long time (Eguizabal, 2000). Many countries today include respect for universal human rights as part of their national self-images and as an objective in their foreign policies (Donnelly, 2000). As Donnelly indicates,

...for states, as for individuals, what one does is shaped by who one is. National interests are not given simply by objective factors such as geography, history, or position in the balance of power... The national interest is a matter of what a state values, which is determined in part by how that state sees itself, both nationally and internationally. The international human rights policies of most states are in significant measure identity based; that is, they reflect the extent to which (national and international) human rights values have shaped or reshaped understandings of who they are and what they value (p. 311).

⁵ An earlier version of this paper was presented at the International Conference: "Rethinking State-Society Relations: Transitions and Transformations," KIMEP University, Almaty, Kazakhstan, May 11, 2018.

Thus, it would be misleading and incomplete to define a country's national interests independent of its values and self-image. The study presented here is based on the assumption that "any state's foreign policy is the result of a two-level game in which domestic values and pressures combine with international standards and pressures to produce a given policy in a given situation for a given time" (Forsythe, 2000, p. 2). In other words, foreign policy outcomes can be considered as "the product of a complex interplay of international, transnational, and domestic influences" (Morphet, 2000, p. 88). The way domestic values influence foreign policy outcomes varies. Following the path proposed by Forsythe (2000), this chapter aims to contribute to discussions of various domestic influences (such as national history, self-image, and political culture) in terms of "the roles that states choose to play in international relations" (p. 2).

Kazakhstan's foreign policy has since independence been committed to bilateral and multilateral engagement in a remarkable sequence of policy initiatives, not only in its immediate neighborhood but also in global partnerships and institutions. This engagement can be seen as an offshoot of its domestic-level factors (namely political culture, self-identity, the legacies of the past, and institutions) interacting with the outside dynamics. Kazakhstan, seeing itself as "a peaceful and open state, a reliable partner in global and regional affairs," aspires to play a medium-sized regional state's role regionally and internationally as "a responsible participant in the world community, a key contributor to the system of geopolitical and geo-economic coordinates of the Eurasian continent, and a leading state in the Central Asian region" (Akorda, 2020a). Part of this self-image tends to emphasize the unique geographical location of Kazakhstan, being at the very center of the Eurasian continent, which has contributed to the formation of transit corridors between different nations and civilizations since early historic times, also known as the Great Silk Road system – a transcontinental network of commercial and cultural links between East and West, North and South of Greater Eurasia (Akorda, 2020b). It can be hypothesized that Kazakhstan's national self-image provides ample support for humanitarian purposes in foreign policy, be it as linked to official development assistance (ODA) to the poorer countries, or as reflected in the second-generation UN peacekeeping that contains human rights dimensions, or as linked to the official support for the protection of the rights of national minorities at home and abroad.

An increasing number of studies focus on various characteristics of Kazakh foreign policy which attempted to account for the vibrancy from dif-

ferent theoretical perspectives. But very few authors have shown any interest in the role and place of ideational factors, in particular, human rights in the making of Kazakh foreign policy. Works published on human rights in Kazakhstan are largely devoted to domestic practices and institutions. The present study attempts to contribute to a better understanding of the role of human rights in the country's foreign policy by focusing on a broad range of themes such as the protection of the rights of the Kazakh diaspora, the interaction of the state foreign policy with the multilateral mechanisms, and various domestic factors, among others. Studying the normative dimension of foreign relations will not only offer new means and frameworks for understanding Kazakh foreign policy in general but also contribute to a better understanding of the interplay of ideas and power in international relations.

This chapter is structured into three parts. It begins by giving a cursory look at the historical developments and goes on to discuss the roles of domestic factors, such as political culture, institutions, and legal frameworks in the inclusion of human rights discourse in Kazakh foreign policy. It then explores how human rights policy is applied in multilateral and bilateral contexts. The final part summarizes key findings and suggests questions for further reflection and self-study. This chapter does not pretend to cover the subject of Kazakh human rights policy in its entirety. No short monograph can fully investigate such a broad subject. Therefore, a selection has been made to give a bird's eye look at the topic. In the multilateral area, the main emphasis is put on the activities and role of Kazakhstan in the United Nations (UN) system. The section on bilateral relations deals chiefly with the questions of the rights of the diaspora populations.

Domestic Factors

Historically, various nomadic warriors held rule over what is now Kazakhstan. They formed a complex society with a military democracy with elected kings and warriors ("Saka Tribes," 2020). Although nomadic law and various political institutions had gradually developed through many centuries, systematic attempts to compile customary law had begun during the late fifteenth century (Kembayev, 2012a). It is worth mentioning that Kazakh people were exposed to early democratic institutions, however rudimentary, during this pre-colonial era. Indeed, although oligarchical, the system dictated by clan politics was effectively a representative form of government (Bremmer & Welt, 1996). The emergence of this advanced system of nomadic law was precipitated by the interaction of numerous nomadic tribes of both

European and Asian origins. Nomadic law, as Kembayev has persuasively argued, was a product of nature that is clear, precise, and easy to understand, transferred from generation to generation for many centuries supported by a nomadic state which was itself a product of nature. The cornerstone of this nomadic state was, not surprisingly perhaps, a family in which a related group of people united in the clans, tribes, and union of tribes (zhuz or horde) (CASC, 2015). Moreover, the family-based clans remained as the Kazakhs' primary attachment which commanded their loyalty for centuries before the Russian conquest (Bremmer & Welt, 1996). Kazakhstan gradually became a part of the Russian empire in the 18th and 19th centuries. From the Russian Revolution in 1917 until gaining independence on December 16, 1991, the republic was an integral part of the Soviet Union and therefore was a country with socialist ideology and a state-managed economy (Blackburn & Ireland, 2012). The consolidation of Soviet rule involved repression, sedentarization, and collectivization, with the latter two being instrumental in the destruction of the traditional Kazakh pastoral-based and kin-based nomadic economy (Cummings, 2005) since nomadism was seen as incompatible with the socialist system. The rapidly changing population makeup was another reason for the eventual elimination of the traditional lifestyle and customary law.

After gaining independence in 1991, Kazakhstan has embarked on a path of a long-term process of political reforms and economic development while trying to create its own national identity by uniting more than 100 different ethnic and religious groups (Blackburn & Ireland, 2012). For many years since independence, it has been seriously debated what this self-identity entails for modern Kazakhs. For instance, Chokan and Murat have argued that a new national identity which is now actively taking shape, has been molded under the impact of many factors, including geography, religion, and culture, although the greatest influence came from radical changes in the ancient and more recent history of Kazakhstan, the last of which was occurred not so long ago, in 1991, with the collapse of the Soviet Union (Laumulin & Laumulin, 2011). Kembayev similarly pointed out that Kazakhstan of today is still in the search of its identity which is only emerging and is a kind of mixture of nomadic values, rules, and practices with the Soviet influence (CASC, 2015). Caron (2019) stressed that in many regards the Soviet legacy is still being felt today which explains not only the persistence of the Russian influence on Kazakhstani politics but also its patterns of centralization and bureaucratization, as well as its reliance on autocracy. Besides, Burkhanov and Collins (2019) have compellingly argued that political culture in Kazakhstan

is a "remarkable combination of continuity of the Soviet 'passive majority' political legacy and a new, emerging group of pro-active citizens, who are able to act even in a politically restrictive environment" (p. 27).

Some scholars see in this Soviet experience the source of Kazakhstan's over-centralized political system dominated by the president and the existence of a one-party parliament (Kembayev, 2012b). The real constitutional values, Kembayev argues, can be encapsulated in the following principles: public concord, political stability, economic development, Kazakhstani patriotism, and only then "resolution of important issues of the state affairs by democratic methods." The constitution, then, appears to reflect the first President Nursultan Nazarbayev's approach of "economy first, political reforms later." In other words, "democracy is not the beginning of the path, it is the end" (Kembayev, 2017). The major aim of this combination of a strong presidency and a centralized government is obviously to ensure public harmony and political steadiness in a multiethnic and multiconfessional country which had no tradition of democracy (Kembayev, 2017).

Perhaps the strongest statement in this regard came from Sholk (2015) who argued that Kazakhstan is a traditional society in which "deference to authority defines political culture." In other words, compared to liberal democracies in the West, the political culture appears to be more deferential. For her, Kazakhstan's contemporary political culture can be characterized by conservatism, which does not lend itself to confrontational political life, and a preference for a strongman leader whose primary responsibility is to safeguard national security. As she puts it in a recent article in *The Diplomat*, "Security is a central tenant (sic) of Kazakh culture. As a historically nomadic people..., Kazakhs consider the preservation of unity to be invaluable to the existence of the Kazakhstani state. Kazakhs' sensitivity to border threats manifests today in the country's multi-vector foreign policy, which emphasizes friendship with all peace-loving peoples. Within Kazakhstan, security, unity and solidarity are predominant tropes in national politics" (Sholk, 2016). Thus, it would be no exaggeration to assert that maintaining unity, tolerance, interethnic and interfaith harmony, can be regarded as the Kazakh nation's distinguishing trait in the world.

Interestingly, survey results drawn from the sixth wave (2010-2014) of the World Values Survey (WVS) series shows that respect and praise for authority remain strong in the Kazakh society. This is perhaps not surprising because the collectivistic and deferential attitude towards a strong leader, which is valid for most post-Soviet nations, is one of the legacies of the Soviet

and pre-Soviet times.⁶ When, for example, people were asked how they find the idea to have a strong leader who does not have to bother with parliament and elections (see V127 in WVS), 64.4 percent in Kazakhstan said it is a 'very good' or 'fairly good' idea. The results of the same survey also confirm that some 67.9 percent of those surveyed indicated they were "very much" or "a great deal" worried about a war involving their country (V183), another 63.1 percent were concerned about a civil war (V185) and 75.6 percent were feared about a terrorist attack (V184) (World Values Survey). Legacies of defining (and culture-altering) events over the past century have arguably had the most significant impact on political culture in Kazakhstan, with the potential to alter and shape their value systems, including a desire for order, security and stability even at the expense of other values. On the other hand, the Kazakh society embraces democracy as a good political system. When people were asked what they think about "having a democratic political system" (V127), 87 percent of the people in Kazakhstan said it is a 'very good' or 'fairly good' way of governing this country.

Institutions

From an institutional standpoint, Kazakhstan has made substantial progress in bringing its legal system closer to international norms and standards. The constitution as amended in 2017 proclaims Kazakhstan to be "a democratic, secular, legal and social state whose highest values are a person, his life, rights, and freedoms" ("The Constitution of the Republic of Kazakhstan," Article 1). It should be noted, however, that unlike the 1993 constitution, the current fundamental law does not include the "guarantee of the essential content" of constitutional rights and freedoms. Although articles in section II of the constitution concerning "person and citizen" provide for basic freedoms and rights, those rights and freedoms are ensured only within the scope of the law and can be restricted by legislation as stipulated in Articles 12(5) and 30(1). It is important to note though that Article 4(3) declares that "international agreements ratified by the Republic have primacy over its laws."

Kazakhstan has ratified most of the core UN human rights treaties and, in collaboration with the UN, has taken on various initiatives to improve national human rights mechanisms and effectively implement the commitments made in the area of human rights. Measures to improve human rights protection system are envisaged in several policy documents and action plans,

⁶ See generally Barrington (2013) and Remington (2010).

including the National Human Rights Action Plan for 2009-2012 (promoted in conjunction with the country's chairmanship of the Organization for Security and Cooperation in Europe (OSCE) in 2010), the Legal Policy Concept Paper for 2010-2020, the Gender Equality Strategy for 2006-2016, the Concept on Developing the Juvenile Justice System, and state programs on such issues as fighting corruption and transnational organized crime, developing civil society, and protecting national heritage (Partnership Framework For Development, 2015).⁷ These initiatives, according to the official view, have helped, *inter alia*, to limit the use of the death penalty, strengthened legal guarantees in criminal procedure, reinforced measures to combat corruption and improve the judicial system, increased support to vulnerable societal groups, enhanced consumer rights, and strengthened the rights of refugees (Weitz, 2012).

Furthermore, the Commission on Human Rights, a non-judicial and consultative body to the Head of State, was established by a presidential decree in 2003 which was preceded by another institution, the Commissioner for Human Rights (Kazakhstani Ombudsman), formed in 2002 to investigate human rights abuses in the country and to protect "human rights from encroachments of state officials" (The National Human Rights Commission). Despite the measures taken to strengthen the status of the Ombudsman, the institution is still far from perfect in fully complying with the 1993 Paris Principles relating to the status of national institutions for the promotion and protection of human rights. A recent report prepared by the Office of the High Commissioner for Human Rights (OHCHR) notes that there is no special legislation concerning the Ombudsman, the institution is not represented in the regions of the country and lacks sufficient financial resources to perform its functions (Universal Periodic Review, 2019). These bodies are being further complemented by a plethora of other agencies and national programs such as the Ombudsman on the Rights of the Child, the National Centre for Human Rights, and the Ministry of Foreign Affairs-led Consultative Advisory Body.

Besides, national and ethnic tolerance is a government policy in Kazakhstan (Laumulin & Laumulin, 2011) which, without doubt, has much to contribute in discussions about the concepts of harmony and unity. Kazakhstan is firmly committed to interfaith and interethnic dialogue and coexis-

tence which sets it as a unique model of a multiethnic society, as Assenova and Bugajski (2009) have pointed out. Indeed, "it is a country that successfully completed the transition to independence at a time in which other multiethnic societies were fragmenting or even confronting civil war. The Kazakh authorities are proud of their efforts to ensure interethnic and interconfessional accord and view this as a significant achievement in the human dimension" (Assenova & Bugajski, 2009). Interethnic harmony and tolerance are further strengthened by the formation of the Assembly of the People of Kazakhstan in 1995 which today enjoys the constitutional status and is represented by nine deputies in the Mazhilis of the Parliament. Fostering interfaith concord has also, since independence, been one of the key priorities of domestic policy which is certainly reverberated in Kazakhstan's foreign policy and has earned the country a positive self-image for its promotion of freedom of religion and belief on domestic and global platforms. The Congress of Leaders of World and Traditional Religions, first of which was held in Nursultan in 2003 and since then was hosted every three years, is, for example, a testament to the efforts of Kazakhstan to facilitate interfaith conversation and dialogue.

Major Domestic Issues

While Kazakhstan demonstrates a determination in addressing its human rights issues domestically, leading some outside observers to believe that the country's post-independence history represents a "miracle" (Williamson, 2016), more needs to be done to achieve true splendor.⁸ This has been acknowledged by the then Minister of Foreign Affairs, Erlan Idrissov, who tersely observed in 2012 that "while we are proud of our progress as a country, we do believe that we have not yet got everything right." "After all," he continued, "Kazakhstan has only been an independent country for 21 years. We emerged out of the break-up of the Soviet Union without a democratic culture or institutions to build on. So while we are confident that our record on human rights stands comparison with any country in our region, we know there is more to do" (Idrissov, 2012).

The human rights situation in the country has been criticized by some international organizations, Western governments, and human rights NGOs. Kazakhstan's slow progress in fulfilling reforms aimed at strengthening dem-

⁸ Freedom House ranked Kazakhstan "Not Free" in its 2019 report with scores of 5 and 18 for political liberties and civil liberties respectively. For more details, see Freedom House (2019). Another independent NGO, Reporters Without Borders (RSF), ranked Kazakhstan 158 out of 180 countries in its 2019 world press freedom index. On this, see Reporters Without Borders (2019).

⁷ The action plan is the first comprehensive document in the history of the countries of Central Asia, formulating fundamental guidelines for the internal and foreign policies of Kazakhstan in the sphere of human rights and containing concrete proposals for the perfection of mechanisms and procedures for their protection. For more on this, see National Human Rights Action Plan (2013).

ocratic governance and the rule of law obligations according to OSCE commitments, given its highly centralized political system, remains a subject of criticism. As a recent PACE (Parliamentary Assembly of the Council of Europe) report notes, "the pace of reform has been slow, democratic culture has yet to take root among citizens and dialogue between civil society and the authorities is at a very early stage" (PACE Resolution 2193, 2017). A series of critiques concluded, among other things, that more attention needed to be paid to areas such as the abolition of the death penalty, the independence of the judiciary and Ombudsman, freedom of expression, of peaceful assembly, and of religion or belief, violence against women, and the fight against torture.⁹

Kazakhstan pursues a gradual abolition policy on the death penalty, arguably because Kazakh society appears to be divided on the issue of capital punishment (Dang, 2017). Article 15(2) of the amended constitution stipulates capital punishment as an "exceptional punishment" which is reserved for instances of military offenses in wartime and crimes against the state such as treason, terrorism, and armed insurrection (Dang, 2017). The scope of capital punishment had been reduced by a new Criminal Code in 1998. What this means is that, as a recent study notes, Kazakhstan has become abolitionist for ordinary crimes, and has been classified as such by both the UN and Amnesty International (Hood & Hoyle, 2016). In the international arena, Kazakhstan clearly outlined its abolitionist aspirations by supporting the UN General Assembly (UNGA) Resolution on a Moratorium on the Use of the Death Penalty in 2012 (Serwisu, 2014) and Human Rights Council (HRC) Resolution (A/HRC/RES/26/2) on "the question of the death penalty" in 2014. In addition, the 2009-2012 National Action Plan has set the goal to completely abolish and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, although this had not been done by the spring of 2020. What the government says stands in its way is the threat of extremism and terrorism (Hood & Hoyle, 2016). Although Kazakhstan shows a determination to adjust its national law to its international obligations, many observers are concerned that the 2015 Criminal Code still maintains the death penalty for 17 types of crime.

Although the constitution formally adopts the principle of separation of powers, with recent amendments empowering legislative and executive branches to a certain extent, the president is accorded a central role that makes all three branches of the government subordinate. For instance, article

40 of the constitution explicitly grants the president the right to arbitrate to ensure the concerted functioning of all branches of state power and the responsibility of the institutions of power before the people (Yilamu, 2018). In the words of Kembayev (2017), "Kazakhstan's presidency may without any exaggeration be described as a super-presidential one, a fact that can easily be seen by looking at the Kazakh president's diverse competences" (p. 311). While the president fully controls the executive branch, he also plays a major role in the formation of the Constitutional Council and exerts a substantial influence on judicial power. Besides, although the newly amended constitution stipulates that the parliament is the highest representative body of the republic performing "legislative power," the constitution still puts the president in a superior position vis-à-vis the legislature. When deemed necessary, the president can disband the entire parliament or only its lower chamber ("The Constitution of the Republic of Kazakhstan," Article 63). Thus, it has been argued that the excessive concentration of political power in the presidency entails the fragility of the legislature and other political institutions, and results in the lack of development of a strong civil society (Kembayev, 2017).

Another source of concern for outside observers is the lack of independence of the judiciary branch which includes the Constitutional Council and a multi-layered court system. Article 77 of the constitution declares that judges should operate independently. However, provisions in articles 82 and 83 prevent it from acting as an effective counterweight to other branches of the state. Court activities are under the supervision of the procurator's office, which is a system of unified and centralized law enforcement bodies accountable only to the president who can effectively exert control over the judicial bodies (Yilamu, 2018). Prosecutors enjoy a quasi-judicial role and have the authority to suspend court decisions ("2019 Country Reports on Human Rights Practices," 2020). Judges, as in many post-Soviet countries, traditionally remain subject to some external influence, especially in high-profile or political cases. Therefore, despite the measures taken to reform the judicial system and enhance efficiency and independence of the legal procedure, "positive trends," as has been acknowledged by an official action plan, "are still far from perfection" (National Human Rights Action Plan, 2013). According to the same source, there are cases of corruption and the violation of statutory requirements and the Code of Judicial Ethics in the judicial system. As indicated above, the position of the Human Rights Commissioner (Ombudsman) leaves a lot to be desired in terms of compliance with the Paris Principles

⁹ See generally Partnership Framework For Development (2015) and PACE Resolution 2193 (2017).

related to the status of national human rights institutions.

Additionally, the practices of human rights and individual freedom in the country have received more consistent attention over the years. Respect for the integrity of the person and civil liberties, such as freedom of expression, freedom of religion, freedoms of peaceful assembly and association, freedom from torture, etc., reads well on paper,¹⁰ but actual respect for these rights had been inconsistent, at best. Podoprigora et al. (2017) argued that human rights do not seem to be a priority for the state despite the constitutional declarations and international obligations, and considered as a matter of secondary importance (p. 15). Restrictions on free expression, the press, and the internet, restrictions imposed on "nontraditional" religious groups (Kazakhstan International Religious Freedom Report, 2018) unlawful or arbitrary killing, torture, substantial interference with the rights of peaceful assembly and freedom of association, restrictions on political participation, significant acts of corruption, and the outlawing of independent trade unions, among others, are listed as significant human rights issues by a recent report published by the United States (US) Department of State ("2019 Country Reports on Human Rights Practices," 2020). Overall, the country's human rights record has remained meager, except in the areas of individual economic rights such as private property rights (Yilamu, 2018), and gender equality in elected office (Universal Periodic Review, 2019). Thus, it seems fair to conclude that political liberalization in Kazakhstan is still, at best, a work in progress.

Multilateral Policy

It has long been suggested that Kazakhstan seeks to promote its role as an active player on the international scene, in particular through its involvement in multilateral diplomacy (PACE Resolution 2193, 2017). Multilateralism, together with other principles laid out in the new Foreign Policy Concept of the Republic of Kazakhstan for 2020-2030 (FPC 2020-2030) (Akorda, 2020a) that has recently been approved by the President Kassym-Zhomart Tokayev, is an axiomatic characteristic of Kazakh foreign policy which has largely been explained by the geographical location of the country, with a relatively large area with a small population, in combination with rich natural resources. As is equally valid for some other post-Soviet countries, Kazakhstan prefers to approach the promotion of human rights agenda abroad within established

multilateral frameworks and institutions, in particular the UN which is at the center of its foreign policy. As the current Foreign Minister, Mukhtar Tleuberdi puts it, "the cooperation with the UN remains a priority" for Kazakh foreign policy (Cooperation with UN, 2019). The fact that Kazakhstan hosts scores of UN entities and became a party to more than a hundred multilateral treaties bears witness to this strong partnership between the two. Indeed it is fair to state that Kazakhstan is greatly affected by human rights workings of the UN system and regional organizations, in particular the OSCE, the European Union, and the Council of Europe (Cornell & Engvall, 2017). Kazakhstan's role as a decisive adherent of a multilateral approach is reflected in three areas of the UN's work: peace and security, development, and human rights (Cooperation with UN, 2019).

There are currently nine core international human rights treaties (Core International Instruments, n.d.), each of which has established a "treaty body" (committee) of experts to monitor implementation of the treaty provisions by its States parties whereas several treaties are supplemented by optional protocols dealing with specific concerns (Complaints Procedures, n.d.). Today, the most significant elements of the politics of human rights could usefully be framed in terms of the International Bill of Rights which consists of three documents: the Universal Declaration of Human Rights (UDHR), a non-binding declaration, and two "harder" legal documents, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) (Weiss & Wilkinson, 2014). Kazakhstan formally adhered to both of the Covenants and several other human rights conventions. It has been argued that nearly all the ideas of the UDHR and other instruments have received a legal mandate in the Kazakh constitution and national legislation (Sarsembayev & Sarsembayev, 2013) which has been acclaimed as the most significant human rights pursuit ever. Also noteworthy is the fact that Kazakhstan made itself a party to seven legal instruments which, under specified conditions, enables individuals to bring communications or complaints about violations of their rights.¹¹

11 These are, in chronological order, Inquiry procedure under the Convention against Torture (1998); Inquiry procedure under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (2001); Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (2001); Individual complaints procedure under the Convention against Torture (2008); Individual complaints procedure under the International Convention on the Elimination of All Forms of Racial Discrimination (2008); Inquiry procedure under the International Convention for the Protection of All Persons from Enforced Disappearance (2009); and Optional Protocol to the International Covenant on Civil and Political Rights (2009).

10 The constitution dedicates a whole section with 30 articles (articles 10 through 39) to the subject of fundamental human rights and freedoms, taking up almost one-third of the constitution. See Yilamu (2018).

As Sikkink revealingly points out, willingness to surrender a degree of sovereignty and submit internal human rights practices to external review is central to discussions about ratification of human rights instruments, as "they involve not only the international codification of norms but also specific mechanisms for the international supervision of domestic practices" (Goldstein & Keohane, 1993). Interestingly, Kazakhstan's human rights policy can be analyzed in line with the typology of human rights policy, developed by Sikkink, by arraying countries in accordance with the four possible types of human rights policy, as shown in Figure 1. She employs two different systems of categories which she calls a "multilateral human rights policy" and an "external human rights policy" that together makes up a "comprehensive human rights policy" (Goldstein & Keohane, 1993). Those countries which are classified as possessing a multilateral human rights policy have either ratified, according to Sikkink, the optional protocol to the ICCPR or conceded to the compulsory jurisdiction of a regional human rights court, such as the European Court of Human Rights. The second category includes countries which maintain express human rights law or governmental policy documents (e.g. Norway's Foreign Policy White Paper) that allows for human rights values and concerns to be included in foreign policy calculations (Goldstein & Keohane, 1993). Based on this typology, countries can be placed on a spectrum where countries in box (I) can be classified as having a comprehensive human rights policy while at the other extreme, countries in box (IV) would have no human rights policy at all. Thus, Kazakhstan can be placed in box (III) and considered as having a multilateral (i.e. partial) policy since it became a party to the Optional Protocol to the ICCPR in 2009.

Figure 3.1. Human rights policies of selected countries and Kazakhstan

		Multilateral human rights policy (partial surrender of sovereignty)	
		Yes	No
External human rights policy	Yes	Norway Denmark Netherlands Sweden (I)	USA (II)
	No	Portugal Greece Germany Kazakhstan (III)	Iran China (IV)

Adapted from Goldstein & Keohane (1993), p. 144.

As being a party to the Optional Protocol, Kazakhstan accepts the competence of the UN Human Rights Committee, a panel of 18 independent experts who meet three times a year, to receive complaints from persons within their jurisdiction alleging violations of their rights under the Covenant (Individual Communications, n.d.). As of April 2020, the Human Rights Committee has delivered 28 decisions and communications regarding complaints lodged by the citizens of or asylum-seekers in Kazakhstan. The communications received under the Protocol contain a broad range of violations of such civil and political rights as freedom of expression and assembly, non-discrimination, torture while in detention, arbitrary detention, fair trial, and refoulement. In a recent case, for example, which was delivered on 7 August 2019, the Committee has decided that Kazakhstan violated articles 19(2) and 21 of the Covenant, and is under an obligation to provide the victim with an effective remedy, including reimbursement for any legal costs incurred by the complainant (UN Human Rights Committee, 2019).

As to the external human rights policy, it does not exist since Kazakhstan lacks official human rights legislation or executive policy document that would lead to the inclusion of humanitarian concerns into the foreign policy calculus. Although the Foreign Policy Concept of the Republic of Kazakhstan for 2014–2020 (FPC 2014–2020) lists among the goals of its foreign policy reinforcing rule of law and democratic institutions, protection of human rights and freedoms, protection of the rights of personal, family and business interests of citizens and legal entities of the Republic of Kazakhstan, as well as support to Kazakh diaspora and Kazakh language overseas (Akorda, 2014), the concept does not establish a clear commitment to advance human rights abroad and integrate them into the wider foreign policy considerations.

Moreover, since its membership in the UN in 1992, Kazakhstan has been active virtually in all bodies in the UN system. In particular, Kazakhstan became institutionally involved in the human rights regime. Kazakhstan has supported the establishment and work of the UN Human Rights Council (HRC) and has initiated the Universal Periodic Review process, thus sending positive signals about its commitment to the human rights agenda (Policy Brief Number 5, 2009). Kazakhstan's election for the first time to the HRC, for the 2013–2015 period, enabled Kazakh diplomats to actively engage with regular UN forums concerning human rights. Kazakh government sees the Council as an institution which has the potential to be a powerful force for good in the world and is determined to support the body in its aims to achieve progress, prosperity, and peace through the means of monitoring the per-

formance of countries and actively promoting and protecting human rights (Idrissov, 2012). While being aware of the insufficient domestic progress in human rights, Kazakhstan sees itself to be ready to work with both domestic and international NGOs to deliver the council's aim and is determined to work to promote human rights internationally. Idrissov (2012), for example, views their election to the HRC as the starting point of a new phase in Kazakhstan's advancement as a nation and its place in world society, rejecting the view that it was an end accomplished. "At home and abroad," he wrote, "we are determined to help bring the dream of the visionary architects of the Universal Declaration closer" (Idrissov, 2012).

At the same time, surveys of the Kazakh delegation's voting patterns in the HRC sessions reveal some interesting trends. At the 22nd session of the HRC in 2013, Kazakhstan voted for a resolution (A/HRC/RES/22/17) titled "Human rights in the occupied Syrian Golan," for which the US voted against and 17 countries abstained. Also, the Kazakh diplomats consistently supported resolutions on the right of the Palestinian people to self-determination, Israeli settlements issue and overall human rights situation in Palestine and other occupied Arab territories,¹² that can be seen as a manifestation of the Kazakh government's approbation of collective human rights such as the self-determination of peoples. Kazakhstan voted in favor of a decision of the HRC in 2013 (A/HRC/DEC/22/117) titled "High-level panel discussion on the question of the death penalty," adopted by a recorded vote of 28 to 10, with 9 abstentions. Additionally, Kazakhstan was among those countries who voted in favor for a resolution (A/HRC/RES/24/26) that emphasized a need to mobilize the necessary political will to address comprehensively, by all available measures, the various forms and manifestations of racism, racial discrimination, xenophobia, and related intolerance. However, in 2013, perhaps not surprisingly, Kazakhstan voted against a resolution (A/HRC/RES/23/15) that expressed deep concern at continuing violations of human rights in Belarus and called upon the government of Belarus to, *inter alia*, carry out a comprehensive reform of the justice sector, release all political prisoners, and establish a national human rights institution following the Paris Principles. Likewise, during its membership in the council, Kazakhstan remained abstained in all resolutions adopted by the HRC on "grave deterioration in the human rights and humanitarian situation in the Syrian Arab Republic" where the US voted in favor and Russia against in all these resolutions.

¹² See, for example, the HRC resolutions A/HRC/RES/22/25, A/HRC/RES/22/26, A/HRC/RES/22/27, and A/HRC/RES/22/28.

While serving in various structures of the UN system, Kazakh delegations actively participated in the management of various delicate issues on security, peace, stability, and development. In particular, during its tenure as a non-permanent member of the UN Security Council for the year 2017-2018, the first-ever country in the region to get elected to the body, Kazakhstan put special emphasis on topics such as nuclear non-proliferation and disarmament, the development of Central Asia and Afghanistan, countering international terrorism, peace, and security in Africa, the conflict in Syria, the Middle East peace process, and the situation in North Korea, among others. As the first and so far the only country in the world that voluntarily renounced its nuclear weapons, Kazakhstan chaired a special meeting on the non-proliferation of weapons of mass destruction (WMD) and confidence-building measures while steered the work of the Security Council in January 2018 (Itkushev, 2019). Kazakhstan is also committed to preventive diplomacy and nuclear disarmament, as evidenced by its signing of the Treaty on the Prohibition of Nuclear Weapons in March 2018 and its sponsorship of the UNGA resolution 64/35 for the International Day against Nuclear Tests (Kazakhstan-Statement, 2018). Kazakhstan demonstrated a decisive position with respect to the numerous violations of the UN Security Council (UNSC) resolutions by North Korea, by supporting the adoption of sanctions resolutions of 2345 in March; 2356 in June; 2371 in August, and 2375 in September 2017 (Alshanskaya, n.d.). Kazakhstan also lobbied and secured the adoption by the UNGA of the Code of Conduct towards Achieving a World Free of Terrorism, which aims to bring about closer regional and international coordination in the fight against terrorism, an instrument drafted by Nazarbayev's initiative and has now been signed by 80 countries (Altynsarina, 2019).

It is important to note, however, that although Kazakhstan was in general supportive of most human rights resolutions and decisions in the UN bodies, the Kazakh delegations have been far more sensitive and selective about certain draft resolutions critical of human rights records in, for example, Syria, Iran, and several post-Soviet countries, taking a position largely in line with Russia. For instance, when the UNGA adopted a resolution on "situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine" in December 2019, by a recorded vote of 65 in favor to 23 against, with 83 abstentions, Kazakhstan was among the 23 countries that opposed the resolution. Likewise, the Kazakh diplomats voted against the UNGA resolution (A/RES/73/181) on the "Situation of human rights in the Islamic Republic of Iran" in December 2018 which was adopted by 84 to

30, with 67 abstentions, where Kazakhstan was joined by Russia, Uzbekistan, Syria, and North Korea, among others. Outside observers criticized Kazakhstan for opposing the UNGA resolutions critical of human rights violations in Iran and also for supporting a Cuban-sponsored resolution on "human rights and cultural diversity" which, according to Human Rights Watch (Weitz, 2012), hamstrung efforts to advance universal human rights.

During the past decade, Kazakhstan had displayed highly active diplomacy in other regional (in particular European)¹³ and international settings as well. Kazakhstan has successfully chaired the Organization for Security and Cooperation in Europe (OSCE) in 2010, reaffirming its strong commitment to uphold the basic principles and values of the organization. The Kazakh chairmanship arguably "put the limelight on Central Asia" (Lohuizen, 2010) and tried to extend human rights and democracy obligations to Afghanistan, the idea which was opposed by the Russian diplomats, for understandable reasons. In 2011, Kazakhstan became a full member of the European Commission for Democracy through Law (also known as the Venice Commission). Additionally, the country has held the chairmanships of the Conference on Interaction and Confidence Building Measures in Asia (CICA) for the period 2002-2010, the Shanghai Cooperation Organization (SCO) in 2010-2011 and 2017, the Collective Security Treaty Organization (CSTO) in 2012 and 2017, as well as of the Organization of Islamic Cooperation (OIC) in 2011 during which the organization made human rights a particular focus in the OIC (Idrissov, 2012). It provided a platform for the P5+1 negotiations on Iran's nuclear program, hosting productive talks between the two sides in the city of Almaty in 2013. Kazakhstan has held several rounds of diplomatic talks since 2015 involving the Damascus regime and the armed opposition groups in the Syrian conflict. As noted above, Nazarbayev initiated the Congress of Leaders of World and Traditional Religions promoting religious tolerance and harmony. Last, but not least, Kazakhstan hosted the Regional Conference on Empower-

13 Unlike other regions of the world which include the European human rights system or the Inter-American Court of Human Rights, regional mechanisms for human rights in Eurasia are weak at best; at worst, it is non-existent. As is equally valid for the Asian continent in general, the trend in Eurasian institutional structures has been to separate human rights agenda from political and economic issues. State sovereignty and non-intervention are among the defining characteristics of the Eurasian value system. Although the CIS Convention on Human Rights to which Kazakhstan is not a party yet, endorses a body in the form of the Human Rights Commission, this mechanism has never begun to work since the adoption of its statute in 1993. Similarly, the Court of the Eurasian Economic Union and the SCO treaty instruments do not contain "human rights dimension."

ing Women in Afghanistan in September 2018. All these initiatives evidently enhance the country's image and international standing as a reliable partner in world affairs, a peaceful mediator, and an open state as officially affirmed in the FPC 2020-2030.

Similarly, in recent years, Kazakhstan began to engage more actively in peacekeeping, humanitarian and other efforts as the nation sees the peace activities as one of the pillars of its national security policy. Peacekeeping offers real opportunities to incorporate the human rights dimension into the foreign policy since the UN missions include human rights mechanisms to be implemented through their work. As Nigmatullin illustrates eloquently in his article, "Kazakhstan's active participation in peace operations under the UNSC resolutions is important for the promotion of Kazakhstan's military-political position and the broader interests of Kazakhstan, as well as extending the country's prestige internationally" (Nigmatullin, 2015). Although the Kazakh peacekeepers have once served in Tajikistan in the 1990s, there has not been any deployment of "blue berets" since then, at least until 2015, according to the official view (Pannier, 2018), when a law on peacekeeping activities was passed by the Parliament. In line with the core pillars of UN Peacekeeping among which the protection and promotion of human rights take the central stage, the said law also stipulates that the observance of human rights is one of the key tasks of the peacekeeping activities of Kazakhstan.

The first military unit composed of only contracted military service members, the Kazakh Peacekeeping Battalion (KAZBAT), was formed already in 2000 to meet the obligations of maintaining international peace and security which later became part of the Kazakh Peacekeeping Brigade (KAZBRIG) in 2007 (Nigmatullin, 2015). According to the UN Peacekeeping data, as of 31 January 2020, Kazakhstan deployed 4 experts to the UN mission in Western Sahara (MINURSO), and 2 staff officers and 122 contingent troops to the UN Interim Force in Lebanon (UNIFIL) (United Nations Peacekeeping, n.d.). While Kazakhstan has been eager in contributing to the UN peace operations, it has always been very careful to emphasize the importance of UNSC resolutions as the basis for peacekeeping missions (Cornell & Engvall, 2017) that arguably allows the nation to pursue its multivector foreign policy even in international peacekeeping operations. This growing humanitarian role of Kazakhstan can be seen as part and parcel of the national self-image, establishing itself as a trustful actor and peaceful nation in world politics, which obviously influences the extent and scope of attention to human rights in its foreign policy.

Another important aspect of the multilateral policy that is worth mentioning is Kazakhstan's relations with the Office of the UN High Commissioner for Refugees (UNHCR) and its implications on the workings of the body and other humanitarian programs. Kazakhstan became a party to the international refugee treaties on 15 January 1999 when it acceded to the 1951 Refugee Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees, which together remain the cornerstone of refugee protection and clarify the rights of refugees and the obligations of states parties (UNHCR, 2011). The core principle is *non-refoulement*, now considered a rule of customary international law, which asserts that a refugee should not be returned to a country where they face serious threats to their life or freedom, often recurring theme, for example, with respect to Chinese Uighur and Uzbek refugees and asylum seekers in Kazakhstan. According to Saber Azam, the UNHCR Regional Coordinator for Central Asia, provisions of the Convention have been guiding refugee operations in Kazakhstan that served as the basis for the adoption of national refugee legislation in 2010.

Although Kazakhstan's financial contribution to the UNHCR is relatively insignificant, which totaled US\$ 127,240 in 2019 (0.004 percent of all governmental, intergovernmental and private donors), it actively participates in and supports humanitarian programs, relief efforts, and resolutions, which, in part, can be seen as a substitute for the meager funding provided. For example, in 2019 alone, Kazakh diplomats voted in favor of the UNGA resolutions A/RES/74/131, A/RES/74/130, A/RES/74/129, A/RES/74/86, A/RES/74/85, and A/RES/74/83 dealing with refugees and other humanitarian affairs, among others. At the regional level, since 2011, the Almaty Process on Refugee Protection and International Migration, an intergovernmental consultative platform in Central Asia, brings together seven member countries in the region to harmonize national migration and asylum systems. Kazakhstan joined the *#IBelong* campaign in 2014, the UNHCR's ten-year campaign (2014-2024) to end statelessness in the world, which allowed identifying over 5000 people of concern, many of whom were children who lacked birth registration and birth certificates (UNHCR, 2019a). By June 2019, Kazakhstan granted citizenship to more than 7,000 stateless persons and assisted 1,400 individuals of undetermined nationality to resolve their status (UNHCR, 2019b). There are now 574 refugees and 195 asylum-seekers in Kazakhstan, predominantly from Afghanistan because of the prevailing security conditions there (UNHCR, n.d.) and others from such countries as Uzbekistan, Syria, and Somalia.

Finally, last but not least, Kazakhstan, despite criticism at home, has

increasingly sought to expand its activities as a donor country, in particular in recent years, possibly in the hope of raising its image on the regional and global stage. The FPC 2014–2020 identifies ODA as one of the priorities of the foreign economic policy. This document and other regulatory instruments do not emphasize any conditionality linked to ODA, such as democratic reforms or human rights developments in aid-recipient countries. For Kazakhstan, the main concerns for foreign aid are humanitarian, economy, and security. Kazakhstan Agency for International Development, or KazAID, was formed in 2014 that marked, in the words of Stephen Tull, a resident representative of a UN agency, Kazakhstan's "transition from aid recipient to aid donor." It is the first ODA program in Central Asia, and also one that started with a neighborhood focus (Sieff & Witte, 2014). It is interesting to note that, although Afghanistan has indisputably been the main recipient of Kazakhstani aid where KazAID focuses its attention on infrastructure, humanitarian aid, education, and gender equality initiatives, other countries, such as Kyrgyzstan, Tajikistan, Syria, Ukraine, Serbia, Lebanon, Bangladesh (the refugees of Rohingya), and, to a lesser extent, Uzbekistan, have also benefited from this assistance (Sharifzoda & Temirov, 2019). While growing foreign aid may help Kazakhstan to increase its visibility on the international plane and to achieve certain humanitarian objectives, the country's efforts to increase its positive image abroad may, as argued by Sharifzoda and Temirov (2019), only decrease its standing at home unless the government fails to meet the domestic expectations.

Bilateral Policy

Kazakh bilateral human rights policies have been mainly limited to questions of the rights of national minorities and those who have been forced to flee (including refugees and asylum-seekers), and are essentially focused on the immediate neighborhood where Kazakh diaspora populations live. A report published by the United Nations Development Program (UNDP) estimates the numbers of ethnic Kazakhs living outside of Kazakhstan at about five million (Status of Oralman, 2006). Kazakhstan made the protection of these ethnic Kazakhs a priority of its foreign policy. As already alluded to above, the FPC 2014–2020 makes specific mention of supporting "Kazakh diaspora and Kazakh language overseas" as one of the main goals of foreign policy and further stipulates that Kazakhstan "will support development of Kazakh language and culture in localities with a high density of the Kazakh diaspora abroad, and work to promote ties with their historical homeland"

(Akorda, 2014). Likewise, "effective protection of the rights, freedoms and legitimate interests of Kazakh citizens and compatriots living abroad" (Akorda, 2020a) is featured as a basic foreign policy principle in the new FPC 2020–2030. While, as shown above, concern for collective human rights abroad was not absent from Kazakhstan's multilateral policy, bilateral policy on rights abroad has been dominated by its concern for ethnic Kazakhs living outside of the homeland. Thus, important bilateral relationships in Kazakh human rights policy are with several neighboring countries, above all China, Russia, and Uzbekistan which are home for both the Kazakh diaspora and irredenta.

While the Kazakh diaspora's fate has not been as conflictual as the Russian-speaking minority living in some ex-Soviet republics (such as Ukraine or Estonia), the rights of the Kazakh minority in China's Xinjiang Uyghur Autonomous Region, where about 1.5 million ethnic Kazakhs live, have increasingly become a subject for the works of the Kazakhstani diplomats. Since the collapse of the Soviet Union in 1991, 200,000 ethnic Kazakhs from China have moved to Kazakhstan and have become Kazakh citizens, while tens of thousands of other ethnic Kazakh Chinese nationals live in Kazakhstan as permanent residents (Standish, 2019). Despite negative societal perceptions of China, geographic, economic, and security dynamics that exist between the two make it imperative for Kazakhstan to maintain a cooperative working relationship with Beijing which is in the interests of both countries. The length of the Kazakh-Chinese border is estimated at 1,100 miles. After the EU and the USA, China is the third-largest investor in the Kazakh economy. Geography positions Kazakhstan as a logistical buckle in China's ambitious Belt and Road Initiative. However, in recent years, notwithstanding good ties between the two countries, relations have been strained at times and become complicated caused by domestic developments, especially the treatment of ethnic Kazakhs in Xinjiang by Chinese authorities.

In China, it is estimated that over a million ethnic Uighurs, Kazakhs, and Hui have been forced into re-education centers, from where torture and custodial deaths are being reported (Democracy in Retreat, 2019). Although exact figures of how many ethnic Kazakhs have been detained in Xinjiang are not available, a watchdog organization in Kazakhstan says it has documented 10,000 cases (Standish, 2019). Several independent media outlets in Kazakhstan have reported a number of cases of the confiscation of passports, detentions of Xinjiang's Kazakhs and *kandas* (repatriates who are Kazakh citizens), and incarceration in re-education camps in China since 2017. An increasingly large segment of the population has become enraged by the de-

tention of ethnic Kazakhs in China that seems to be putting the government's China-friendly attitude in disagreement with the public mood in the country (Standish, 2019). Since there is no effective regional human rights mechanism for addressing these issues on a multilateral basis, diplomacy seems to be the only way to achieve normality.

Not surprisingly, the issue was included on the agenda of the Kazakh-Chinese talks during the then Deputy Foreign Minister Aqylbek Kamalidinov's planned visit to Beijing in December 2017. In February 2018, according to an article published by the Kazakh media, it was officially recognized by the government that the Kazakhs in China are under pressure after which the Ministry of Foreign Affairs of Kazakhstan handed over the diplomatic note to the Chinese Foreign Ministry (Bojan, 2018). The issue of the situation with ethnic Kazakh diaspora again was on the agenda of negotiations when the Kazakh Foreign Minister Beibit Atamkulov paid an official visit to Beijing on 29 March 2019. It is interesting to note that, on 28 May 2019, Kazakhstan's Foreign Ministry made its strongest-ever statement on the issue, which reads in part: "The question of the situation of ethnic Kazakhs, who have resettled from China to Kazakhstan and have become citizens of the Republic of Kazakhstan, was raised by the Kazakh side. An urgent request was expressed about an objective and fair review of affairs and the release of those ethnic Kazakhs detained in China who have dual citizenship" (Putz, 2018).

Although the Kazakh government has brought the issue of detained Kazakh citizens up directly with Beijing in diplomatic negotiations, as Putz (2018) has suggested, "It has done so carefully, quietly, and to seemingly limited effect" which can be seen as an indication of a "very good understanding of Beijing's heightened sensitivity when it comes to Xinjiang." The desire of the government to play an assertive role in addressing these issues encounters immediate difficulties since this may conflict with other important foreign policy objectives, particularly economic and security ones. It should also be noted that Kazakhstan has rather limited resources at its disposal (i.e. diplomatic instruments together with repatriation policy) to influence the human rights situation in Xinjiang. Thus, Kazakhstan, as Standish (2019) points out in his recent article in Foreign Policy, "has engaged in some behind-the-scenes diplomacy with China due to mounting public pressure but has treaded carefully in public statements so as not to contradict Beijing's line about the camps, which justifies them as a needed measure to combat extremism among China's Muslim population." In other words, Kazakh foreign policy on this issue seems to be torn between pleasing a vital political

and economic partner in Beijing and appeasing a populace dismayed over the fate of ethnic Kazakhs in neighboring China (Standish, 2019). It has also been argued that Kazakhstan's diaspora policy was constrained by the desire not to be perceived as meddling in the internal affairs of powerful neighbors (Melvin & King, 2019). Although it is difficult to say exactly how and when the sufferings of ethnic Kazakhs and other minority groups in Xinjiang will end, it seems quite obvious that economic and security interests will continue to prevail over human rights concerns.

Another dimension of Kazakhstan's bilateral human rights policy is largely directed towards its own populations, i.e. ethnic Russians living in Kazakhstan. None of the post-Soviet countries except Russia has employed a wide range of tools in its foreign policy to protect the rights of their co-nationals in the former Soviet republics. These tools, according to Porter and Saivetz, have included, among others, economic pressures through oil and natural gas deliveries, the diplomatic support of Russians living in the post-Soviet space, fiscal inducements, such as debt relief, and outright military blackmail, such as threats to keep troops stationed in the Baltic states (Porter & Saivetz, 1994). In October 1991, the Russian State Council openly announced that the Russian leadership was responsible for all Russians living in the former Soviet republics. This declaration was followed by the then Foreign Minister Andrei Kozyrev's speech at a UN conference on human rights in February 1992 where he made it clear that Russia regarded this issue as a very high priority in its foreign policy (Mouritzen, 1998) and would act tough if necessary to protect the rights of Russians in former Soviet republics. Russians in northern Kazakhstan have arguably been bolstered by such statements as they are by the increasingly harsh calls from the Russian nationalist right in Moscow to re-establish Russian influence over traditional areas of Russian interest (Bremmer, 1994). The Kazakh leadership strongly reacted to the remarks by Kozyrev, and Nazarbayev was quoted by Interfax as saying, "When someone talks about the protection of Russians not in Russia but in Kazakhstan, I recall the times of Hitler, who started with protecting the Sudeten Germans" (Minorities at Risk Project, 2004).

In many respects, Moscow appears to be immensely susceptible to the developments in the former republics (Forsythe, 2000). The motives behind Russia's diplomatic activities in the near abroad, including Kazakhstan, are multifarious. According to a draft national security White Paper prepared in 1996, the most serious problems for Russia in the post-Soviet space were kin ethnic contradictions, deterioration of the economy, and loss of consumer

markets, as well as violations of the human rights and freedoms of Russian speaking population. Therefore, Kazakhstan together with a number of other republics (such as Ukraine, Belarus, and the Baltic states) became the highest priority for Russian foreign policy in which the protection of the rights of the Russian minority has been exclusively prioritized.

Ethnic Kazakhs now account for 68 percent of the population, according to the CIA's World Factbook, up from 44 percent in 1994 when they were a minority in their own lands. Since Kazakhstan's independence in 1991, the percentage of ethnic Russians living in the country has shrunk from over 50 percent to roughly 20 percent (Pakhomenko, 2015). While Kazakh is the official state language since 1991, Russian serves as a language of inter-ethnic communication. Kazakhstan has certainly made significant progress towards the fulfillment of its obligations and commitments with respect to the rights of Russian and other minority groups in the country. Measures taken to enhance ethnic Russians' sense of belonging within the current system include, inter alia, equal treatment of Kazakh and Russian languages under the law and establishment of the Assembly of the People of Kazakhstan (Sullivan, 2019). Yet many Russians are feeling increasingly insecure, as Chugrov argues, "notably because of an increase in broadcasting in Kazakh and because their children have to study Kazakh language at school" (Forsythe, 2000). Diverse population composition and complex language situation, together with the revengeful Kazakh nationalist discourse and policies arguably contributed to the disaffection of certain groups from the political process (Burkhanov & Collins, 2019).

Although there are no signs of Moscow promoting separatism in Kazakhstan, hard-line nationalists in Russia do arguably seek to blackmail the Kazakh authorities with the threat of encouraging the breakaway of its northern and eastern provinces to avert Muslim, Western, or Chinese expansionism in the region (Forsythe, 2000). The experience of Kazakhstan shows that ethnic politics are extremely complex and it is far from clear that ethnic Russians have a strong Russian national identity that they wish Russia to protect, as Melvin revealingly argued in 1993. Therefore, he wrote, "it needs to be clear exactly whom they intend to defend, and from what" (Melvin, 1993). It is no exaggeration to say that Russia is Kazakhstan's single most important partner in foreign relations, and despite the contradictory perceptions of Russia, the logistical, economic, cultural, and military bonds that existed historically between the two necessitate to maintain non-conflicting ties with Russia (Kassymova, Kundakbaeva, & Markus, 2012). In the meantime, it can

be said that so far diplomats from both sides appear to be doing a much better job, with tools at their disposal, "to prevent further aggravation of the situation" (Forsythe, 2000).

Yet another issue that is related to bilateral policy on rights concerns Kazakhstan's commitments assumed under the international refugee treaties, as partly discussed above, and the principle of non-refoulement in particular. As a party to the Refugee Convention and its Protocol, and pursuant to the national legislative and other regulatory frameworks, Kazakhstan is obliged to permit refugees to enter its territory, assure that their fundamental rights are respected and safeguard refugees from forcibly returning (refouled) to their home country. Similarly, Article 3 of the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to which Kazakhstan is a party, prohibits the expulsion, return, or extradition of any "person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture" (UNHCR, 2019c). The extent of the progress that Kazakhstan achieved in order to honor its obligations can be seen in the national mechanisms established to provide assistance to refugees, and even more significantly, in the decisions of courts and public agencies that allowed many ethnic Kazakh refugees and asylum seekers from China to remain in Kazakhstan. Nevertheless, Kazakhstan also made headlines in the past years when several refugees and asylum seekers from China and Uzbekistan have been detained, disappeared, or denied asylum status facing a risk of being deported back to their country of origin. In 2018, for example, a migration committee denied political asylum to an escaped Chinese national whose court testimony and her subsequent speeches about Chinese oppression of ethnic minorities in Xinjiang sparked international response against human rights violations. To take another apposite example, in 2009, Kazakh authorities allegedly arrested and mistreated three Uzbek refugees and two Uzbek asylum seekers in Almaty after which the UNHCR issued a formal protest note to the government of Kazakhstan with respect to this incident (UNHCR, 2009). These cases also indicate how difficult it is for national authorities to reconcile attitudes towards human rights with other foreign policy considerations.

Conclusion

Kazakhstan's national history, its landlocked geography, and the desire to maintain unity, combined with successful coordination of relations with Russia and, increasingly, with China, are arguably undisputed assumptions

that circumscribe foreign policymaking in general, and human rights policy in particular. Kazakhstan professes to be a peaceful nation and a trusted partner in regional and international affairs. The rich historical heritage of the Kazakh nation has produced complex cultural characteristics that manifest itself in the humanitarian dimension of the foreign policy. As already alluded to above, the national self-image of the country extends support for humanitarian or ideational considerations in foreign policy, be it as linked to the official support for the protection of the rights of national minorities at home and abroad, or as tied to ODA to developing nations, or as reflected in the Kazakh nation's determination to contribute to second-generation UN peacekeeping that contains human rights dimensions.

Domestically and institutionally, Kazakhstan has gone through an immense change since independence. It substantially brought its legal system closer to international standards. The constitution acknowledges that international treaties ratified by the government have primacy over domestic laws. Also, Kazakhstan has ratified most of the core UN human rights treaties and, in collaboration with the UN, has taken on various initiatives to improve national human rights mechanisms. But the challenge remains in translating these institutional ideals and legal commitments judiciously into practice. Except in the areas of individual economic rights and gender equality in elected office, the country's human rights record leaves much to be desired. The domestic practice is crucial since, as has been suggested elsewhere, until a rights culture is instituted and implemented at home, human rights are not likely to be a major issue in foreign policy (Forsythe, 2000).

Internationally, Kazakhstan has placed the UN at the center of its foreign policy since its membership to the organization. Kazakhstan is greatly affected on human rights matters by the workings of the UN bodies and several regional organizations. Kazakhstan prefers to approach the promotion of human rights considerations abroad within the established multilateral institutions, such as the UN and the OSCE. Trust in these multilateral bodies permitted Kazakhstan to develop human rights policies gradually in selected issue areas. Although Kazakhstan supports the internationally recognized human rights in general, particular attention in both multilateral and bilateral human rights policies, not surprisingly, has been directed towards the protection of ethnic minorities. Since a large number of Kazakh diaspora populations are found in neighboring countries, Kazakhstan's foreign policy consistently prioritized the protection of minority rights (not only for ethnic Kazakhs but also, for example, the rights of the Palestinian people).

Thus, it would be fair to conclude that selectivity, pragmatism, and inconsistency have been key characteristics of Kazakh human rights policy. This can be explained in various ways. One explanation may be related to one of the central assumptions of this chapter: domestic factors and political culture. In other words, complicated, and sometimes conflictual, national attitudes towards democracy and other values might explain the selectivity and inconsistency in the country's human rights policy. It is true in general that, both in official discourse and principle, the Kazakh leadership considers it vital to support and cooperate with the UN by endorsing all principles of this universal organization, including promotion and protection of human rights. But the challenge here is presumably that foreign policy in general, and human rights policy in particular, create policy dilemmas that are not easy to reconcile (Forsythe, 2000). On the one hand, for example, the Kazakh diplomats by and large sided with the international community (in particular Western democracies) on general issues in the UN bodies. On the other hand, Kazakhstan remained far more sensitive about certain resolutions and policy initiatives that are critical of human rights records in select countries, taking a position largely in line with its allies and the nearest neighbors, and making sure that the policy not to be used against friends in a way that might threaten the stability of political, security, and economic ties. Likewise, bilateral human rights policies involved all three elements to varying degrees, particularly when it comes to balancing different policy considerations, as occurred in the relations of Kazakhstan with neighboring countries on issues of refugee affairs and minority rights.

Study questions:

1. Why do human rights matter in foreign policy? What are some of the pros and cons associated with this approach?
2. Can the national interest and human rights values be reconciled conceptually and in practice? Be specific and provide examples.
3. Should human rights be a concept that shapes states' foreign policies? What speaks for it and what speaks against it?
4. What are the main characteristic features of Kazakhstan's multilateral and bilateral human rights policies? Use examples to illustrate your arguments.
5. What role do you think human rights should play in Kazakh foreign policy?

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Part II

International Cooperation

Chapter 4

Regionalism in the Post-Soviet Region: From the Commonwealth of Independent States to the Eurasian Economic Union

Alzada Nuriddenova

Learning outcomes

- students will gain the basic theoretical understanding on regionalism and economic integration;
- students will be able to categorize various processes of regionalism that took place in the past and are being shaped currently in different regions;
- students will be able to comprehend and assess the patterns, characteristics, achievements, and failures of the post-Soviet regionalism.

Introduction

The end of the Cold War was followed by the emergence of various regional groupings of states worldwide such as North American Free Trade Agreement (NAFTA), Asia-Pacific Economic Cooperation (APEC), Association of Southeast Asian Nations plus China, Japan, South Korea (ASEAN+3), and Southern Common Market (MERCOSUR), Economic Community of West African States (ECOWAS), and so on. It gave rise to the study of regionalism in international relations as more scholars began to emphasize the resurgence of regionalism, a new wave of regionalism or the beginning of new regionalism as opposed to the old one. The central feature that is attributable to all these regional groupings is that they all emerged with the purpose of removing the barriers to trade and allow the free movement of goods, people, and the capital, thus prioritizing economic integration among countries. Similar projects had been implemented in the post-Soviet region too ranging from economic integration to the coordination and cooperation in the field of security. Hence, the purpose of this chapter is to understand and assess the various projects of regionalism in the post-Soviet region since the dissolution of the Soviet Union. The thorough understanding and assessment of post-Soviet regionalism would enable us to establish its patterns, characters, and challenges in order to contribute to the theoretical foundations of regionalism in future studies.

Regionalism: A Conceptual Discussion

Defining Regionalism

The literature on regionalism abounds and the definitions of regionalism vary substantially from being broad and vague to being fairly specific. Broadly construed, *regionalism* is defined as "an ideology and practice of international affairs specifically motivated by the goal of a joint construction of a 'region' – that is, a territorially defined entity consisting of several adjacent states that have collectively decided to hold certain political and economic structures in common" (Molchanov, 2009, p.328). Thus, it is pertinent to note that in order to develop regionalism the existence of a well defined region becomes a prerequisite.

In his comprehensive study Hurrell (1995) presents regionalism as a general phenomenon comprising five major categories such as regionalization, regional awareness and identity, regional inter-state cooperation, state-promoted regional economic integration, and regional cohesion. Libman posits that regionalism is a consequence of intergovernmental bargaining (Libman, 2007). The difference between regionalism and regionalization should be presented here. *Regionalization* refers to the networks of companies and people that operate on the basis of the market forces, private trade and investment flows. Regionalization can occur independently from a conscious policy of states (Hurrell, 1995). Thus, regionalization is the parallel process that brings regional economic, social, and cultural cohesion independently of national governments' decisions and actions and it is usually driven by individuals.

While emphasizing its economic component in the form of economic integration some define regionalism as free trade areas, customs unions, and common markets (Gibb and Michalak, 1996) and preferential trade agreements among nations (Bhagwati, 1992). Mansfield and Milner too accept this version of the definition of regionalism which posits that it is "a political process characterized by economic policy cooperation and coordination among countries" (Mansfield and Milner, 1999, p. 591). In this sense regionalism becomes closely linked to the term international or regional economic integration which is a state of affairs "concerned with the discriminatory removal of all trade impediments between the participating nations and with the establishment of certain elements of cooperation and coordination between them" (El-Agraa, 1989, p.1). There are several stages of regional integration ranked from the lowest to the highest forms (Kembayev, 2009). It may start from free trade areas, passing to customs unions, moving to common markets which

is usually followed by complete economic unions and if the countries have a strong enthusiasm it can further result in complete political integration (El-Agraa, 1989). *Free trade areas* emerge when participating countries remove all trade barriers among themselves but retain their freedom in regards to determining their policies vis-à-vis the non-participant countries. *Customs Unions* occur when participant countries adopt common external tariffs on imports in relation to non-participants. *Single markets* are the customs union that allows for the free movement of capital, labor and enterprise between participating countries. *Economic Union* is a common market that requires a complete unification of monetary and fiscal policies, whereas complete political integration or *political union* includes the establishment of a central parliament that unites all the participating countries with the central authority (El-Agraa, 1989). Thus, in this sense regionalism's goal is to promote free trade between adjacent countries which makes it a supplementary process that can contribute to the World Trade Organization's (WTO) mission that focuses on the removal of trade barriers worldwide.

One of the successful implementations of economic union and to a certain degree a political union can be attributed to the European Union (EU) that has been evolving since the early 1950s. Therefore, it is crucial to note that regionalism albeit a broad phenomenon can and is frequently manifested in the form of regional economic integration.

It is argued that the other aim of regionalism is to promote common goals in one or more issue areas that vary from fostering a sense of regional awareness to the establishment of regional groups facilitated by interstate arrangements (Fawcett, 2004). Overall, regionalism (in particular its recent wave) is marked by its benign character considering its contribution to strengthening of the domestic reforms, liberalizing the markets and fostering countries to resort to mediation in resolving trade disputes (Mansfield and Milner, 1999). Moreover, it is argued that participating in regionalism projects facilitates industrialization and economic growth of developing countries in particular (Uvalic, 2002). Hence, regionalism's positive characteristics may help explain the surge in various regional projects worldwide.

Waves of Regionalism

Although there is a considerable surge in regionalism projects after the end of the Cold War it has to be noted that there have been several waves of regionalism that predate the post-Cold War period. According to Mansfield and Milner the *first wave* of regionalism started in Europe during the second

half of the 19th century with the surge in the European trade until the outbreak of the World War I. Facilitated by the industrial revolution and technological advances the degree of the European integration had reached the functions of the contemporary single market by the start of the 20th century. It was largely possible as a result of the conclusion of the customs unions and bilateral trade agreements. For instance, starting with the signing of the Anglo-French commercial treaty (also known as Cobden-Chevalier Treaty) in 1860, Great Britain had made bilateral agreements with 46 countries; Germany had concluded similar agreements with 30 states, while France did so with 20 countries (Mansfield and Milner, 1999). Such free trade agreements fostered European integration and open trade until it was disrupted by World War I in 1914.

The *second wave* of regionalism emerged soon after the war ended in 1918 lasting till the start of World War II and can be distinguished by its selective and discriminatory nature. For example, France had established customs union with the countries that were members of the French empire in 1928 and Great Britain had created the Imperial Preference system in 1932. These efforts were made in order to strengthen French and British empires. By the same token, Italy, Austria, and Hungary concluded a preferential trade agreement (PTA) by signing Rome Agreement in 1934. Likewise, Belgium, Denmark, Finland, Luxembourg, the Netherlands, Norway and Sweden signed several economic agreements in the 1930s. In the western hemisphere, the United States had concluded several trade agreements with mainly Latin American countries during the mid-1930s (Mansfield and Milner, 1999).

The *third wave* of regionalism is considered to have started in late 1950s with the establishment of numerous regional trade blocs and mostly was dictated by the Cold War confrontation. Originated from the idea of preventing another world war French initiative called the Schuman plan of 1950 led to the signing of the Treaty of Paris by France, West Germany, Italy, Belgium, the Netherlands, and Luxembourg in 1951 that established the European Coal and Steel Community (ECSC). This initiative paved the way for further evolution of the European integration that eventually resulted in the establishment of the EU. Moreover, Britain after having observed the benefits of regionalism fostered another European regional project by establishing European Free Trade Area with Switzerland, Austria, Portugal, Denmark and Scandinavian countries in 1960 (Cai, 2010). In 1967, five Southeast Asian countries (Indonesia, Malaysia, the Philippines, Singapore, and Thailand) had established the Association of Southeast Asian Nations (ASEAN) - a regional organization

that also included economic cooperation as one of its goals. In 1989, a broader regionalism project that enveloped the countries of East Asia, Oceania and Americas emerged forming Asia Pacific Economic Cooperation.

The *fourth wave* has started after the end of the Cold War and is mainly promoted by the US (Mansfield and Milner, 1999). For instance, the US-Canada Free Trade Agreement of 1989 was extended into the North Atlantic Free Trade Area after incorporating Mexico in 1994. Furthermore, Argentina, Brazil, Paraguay, and Uruguay had signed the Treaty of Asuncion in 1991 thus establishing a significant regionalism project in Latin America - MERCOSUR. By the same token, African countries sought to build the institutions of regional economic integration by establishing Common Market for Eastern and Southern Africa (COMESA) in 1994, Southern African Development Community (SADS) in 1992, Economic Community of West African States (ECOWAS) by revising the initial treaty in 1993 (Cai, 2010, pp.80-84). Moreover, after having realized a need for free trade agreement with East Asian states, the ten ASEAN countries initiated another regional framework called ASEAN+3 which included China, Japan and South Korea in 1997 (Cai, 2010).

There are some authors who distinguish only two waves or eras of regionalism – old and new; the latter being the integration processes fuelled after the end of the Cold War and former being the efforts on promoting regional economic integration in 1950s and 1960s (Hurrell 1995, Ethier 1998, Uvalic 2002).

Regardless of the number of waves and eras of regionalism, it can be easily observed that it is the crucial element of globalization that is regarded as worldwide networks of interdependence (Nye, 2005). Thus, different projects of regionalism have been spreading in different parts of the world throughout history with two interruptions that happened during the two world wars. The Cold War had constrained the development of regionalism into the two blocs – Western and Soviet. However, the number of regional groupings that aim to eliminate border restrictions has been on the rise in the post-Cold War world, thus accelerating the pace of globalization even further.

Regionalism in the Post-Soviet Region

The process of regionalism in the post-Soviet region had started right after the Soviet disintegration. On 8 December 1991, leaders of Russia, Belarus and Ukraine had met at Belavezha (near Minsk) and declared that the USSR "no longer existed as a subject of international law and as a geopolitical reality" and declared that they formed the *Commonwealth of Independent States*

(CIS) that resulted in joining of other republics that signed the Alma-Ata Declaration on December 21 on joining the CIS (Agreement on the establishment of the CIS and Alma-Ata Declaration, 1991). The CIS includes Russia, Belarus, Azerbaijan, Armenia, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Turkmenistan, and Uzbekistan. Georgia joined the organization in 1993 and left it after the conflict with Russia in 2009, whereas Ukraine followed suit in 2014 after the Crimean crisis. The following agreements which brought the replacement of Soviet Union with the Commonwealth of Independent States entailed the peaceful disintegration of the former superpower or "civilized divorce" of the former Soviet republics.

The main principle of the CIS was declared as follows: to serve further development and strengthening of relations of friendship, good neighborhood, mutual understanding and mutually beneficial cooperation between member states. Within the above mentioned principles, the main goals of the organization were determined as the realization of political, economic, environmental, humanitarian, cultural and other fields of cooperation; comprehensive and balanced economic and social development of member states within common economic space; interstate cooperation, and integration (Charter of the CIS, 1991). The idea of establishing a successor organization was supported by former soviet republics because they lacked military and economic self-sufficiency. Article 7 of the Agreement on the establishing the CIS referred to joint activities in the spheres of foreign policy, the creation of a "common economic space", transport and communication systems, environmental protection, migration policy and the suppression of organized crime (Agreement on the establishment of the CIS, 1991). These provisions were accepted by member states as they seemed to guarantee peaceful and successful development of their newly acquired independent statehood. In other words, CIS was designed to manage the Soviet breakup and preserve many of the pre-existing economic, political, and military ties among the former Soviet republics.

All above mentioned events show the willingness of Russia to lead the regional institutional order and the willingness of the Newly Independent States to follow and participate in regional organization (in this case, the CIS) that could benefit them all as a means of softening the negative impacts of Soviet collapse and breaks of mutual ties.

Another post-Soviet regionalism project, namely the *Eurasian Economic Community* (EurAsEC) was set up by Russia, Belarus, Kazakhstan, Kyrgyzstan, and Tajikistan. EurAsEC originated from the CIS customs union be-

tween Belarus, Russia and Kazakhstan on 29 March 1996. According to the Treaty EurAsEC was meant to be an international organization with clear structures (Eurasian Economic Community). As written in Article 2 of the treaty, the main aim of the organization was 'an effective promotion of the creation of the Customs Union and further the Single Economic Space by member states and coordinating their approaches into the world economy and the international trade system' (Treaty on setting up the EurAsEC). Compared to the CIS the EurAsEC was generally successful in deepening regional economic integration. With the aim of furthering such accomplishment, the founding states Russia, Belarus, and Kazakhstan have decided to create customs union within the 'well-prepared' (in terms of economy) states and the other member states of the organization are supposed to join customs union as they are ready (Molchanov, 2015).

Apart from the economic sub-regional groupings some CIS countries led by Russia formed the *Collective Security Treaty Organization (CSTO)* regarding the regional security issues. CSTO is the organization that had emerged within coordinative procedures of CIS. Control of the former Soviet nuclear arsenals was a priority, as was the prevention or control of sectarian violence in the former USSR, particularly where large numbers of ethnic Russians were concentrated. While transferring nuclear arsenals from former places in Ukraine, Kazakhstan, and Belarus was one of the main priorities for Russia, this demanded various institutional frameworks within CIS. Further, a civil war in Tajikistan threatened to spill over into the rest of Central Asia. Thus, all of the former Soviet republics' leaders recognized a need to consolidate their positions and prevent the destabilization of their territories. In May 1992, presidents of six of the twelve CIS members – Russia, Armenia, Kazakhstan, Uzbekistan, Kyrgyzstan, and Tajikistan signed a Collective Security Treaty. According to Article 4 of the Treaty, "aggression or threat of aggression against one country would be regarded as an aggression against all participants in the treaty" (Treaty on CSTO). The Treaty was in effect from April 20, 1994 for a five-year term (CSTO). In 1999 when the five-year term of the treaty expired Azerbaijan, having been dissatisfied with the Russian failure to mediate its dispute with Armenia over the territory of Nagorno-Kazabakh, refused to renew its membership in this treaty. Georgia and Uzbekistan withdrew from the Treaty as well. Despite this Russia sought to revitalize the this grouping by opening the Anti-Terrorist Center in Moscow and its branch in Kyrgyz capital Bishkek, thus intensifying the coordination efforts to be able to meet new security threats in the post-Soviet region (Molchanov, 2015).

Another regionalism project in the post-Soviet region was implemented by the Central Asian states that established the *Central Asian Union* by signing Cholpon-Ata Treaty in April 1994. Kazakhstan, Kyrgyzstan, and Uzbekistan agreed to set up a Single Economic Space that would be compatible to the goals of the CIS. Furthermore, this grouping was redesigned again as the Central Asian Economic Community (CAEC) as Tajikistan joined in 1998 (Pomfret, 2009). If the start of the new millennium and with the emergence of new security threats CAEC was transformed too to include the issues of regional security. In December 2001, the heads of states of the four Central Asian states issued Tashkent Declaration that called for joint actions against terrorism, political and religious extremism, transboundary organized crime and other security threats and renamed the organization into Central Asian Cooperation Organization (CACO). This meant that the scope of the Central Asian integration was broadened from merely economic issues to include political, social, and cultural matters as well (Kembayev, 2009). In May 2004, Russia joined CACO thus ending the existence of this organization as solely Central Asian grouping. Overall, this organization was short-lived since at the St. Petersburg Summit of the CACO in September 2005 it was agreed to merge it into Eurasian Economic Community (EurAsEC) (Pomfret, 2009).

Meanwhile, there were centrifugal forces in the post-Soviet region that culminated with the creation of *GUUAM*. The Organization for Democracy and Economic Development – GUAM which does not include Russia has centrifugal character within CIS. In October 1997, four countries – Georgia, Ukraine, Azerbaijan, and Moldova – created the organization (in Strasbourg) called GUAM and named the initial letters of each of these countries (Shurubovich, 2011). In 1999, the organization was renamed GUUAM due to the membership of Uzbekistan. Therefore, after the establishment of GUAM, Azerbaijan, and Georgia left the CIS Collective Security Treaty Organization (CSTO) in April 1999. However, Uzbekistan's membership proved half-hearted, reflecting fluctuations in its ties with Moscow and Washington rather than the commitment to the alliance's objectives. As its ties with Western countries, and particularly the United States, deteriorated after the Andijan incident of May 2005, Uzbekistan finally withdrew from GUUAM in May 2005 (Peimani, 2009). In May 2006, GUAM was transformed into an international formulation called the Organization for Democracy and Economic Development – GUAM (ODED-GUAM) (Papava, 2008, p.49). According to its Charter (Article 1) the main goals of GUAM are to promote democratic values, to maintain rule of law and human rights, to provide sustainable development,

to enhance international regional security and to step up European integration (Charter of GUAM).

However, GUAM has not been very active since its inception. After the departure of Uzbekistan founding member states of GUAM undertook a series of efforts to revitalize the organization and increase its membership. The leaders of founding states invite the states that share common objectives to join them. GUAM has economic, political, and security dimensions which are reflected in its organizational structure. The four countries shared an interest in developing political and economic relations, bilateral and regional cooperation, and regional and European security, while remaining committed to democratic values, as they claimed. The economic dimension includes a trade/transit route to connect Eurasia to Europe via the Caucasus and The Black Sea, on which two member states (Georgia and Ukraine) have ports. Such a route if it becomes a reality will enable Azerbaijan and Georgia to bypass Russia for their trade with Ukraine and Moldova and also to conduct trade through Ukraine with the rest of Europe. Theoretically, this route will also enable the landlocked Central Asian countries to bypass Russia and Iran for their international trade by accessing Azerbaijan via the Caspian Sea, through which they can reach the Black Sea passing through neighboring Georgia. Such a route could decrease the vulnerability of GUAM and the Central Asian states to pressure by Russia (Peimani, 2009).

Table 5.1. Major integration projects and regional organizations in the post-Soviet region

Project	Members	Year of establishment	Aims	Actual results of the integration
CIS	All 11 CIS states (except for Georgia; Ukraine as an associated member)	1993	Free Trade Area (FTA), customs union, common market and economic union, broad political and economic cooperation, free movement of labour	A multilateral FTA is not established; there are plans to introduce FTA in 2012; political and security cooperation does not exist; agreement on visa-free travel was abandoned in favour of bilateral treaties

EurAsEC (originally the Customs Union), merged with OCAC in 2005	Russia, Belarus, Kazakhstan, Kyrgyz Republic, Tajikistan, Uzbekistan	1995	Customs union, common market, common currency	A limited FTA and a developing customs union
Union State of Russia and Belarus	Russia and Belarus	1996	Confederation of two states, common economic space and common currency	A limited FTA
Common Economic Space (CES)	Russia, Ukraine, Kazakhstan, Belarus	2003	Common economic space with perspectives of establishment of supranational structures	Still under consideration; Ukrainian participation in the group is questionable
GUAM	Georgia, Ukraine, Azerbaijan, Moldova (Uzbekistan left the organization in 2005)	1996	Perspectives of a FTA and regional economic cooperation, mutual investment projects, regional security and democratic issues	Several mutual projects in economic and political sphere, but no developed coordination; new regional organization established in May 2006
Organization of Collective Security Treaty (OCST)	Russia, Belarus, Armenia, Kazakhstan, Kyrgyz Republic	1992	Collective defence treaty, terrorism problems	So far proved to be unable to react on rapid changes and threats for regional security

(Libman 2007, p.404.)

Since early 2009 Russia, Belarus, and Kazakhstan have been meeting to discuss the launch of *Customs Union* and thus agreed on a unified customs tariff. 1 January 2010 these countries declared the establishment of the Customs Union. In July 2011 they managed to remove all the customs controls

among them and enacted customs code. In January 2012 the common economic space had been introduced. Therefore, Customs Union was designed to set up a market which would enable three countries to eventually reach an economic union modeled and based on the EU. In 2012 Eurasian Community's Court of Justice was set up in order to settle disputes that could rise in the Customs Union (Molchanov, 2015).

On 1 January 2015 *Eurasian Economic Union (EAEU)* was officially established with the joining of Armenia on 2 January 2015 and Kyrgyzstan on 8 May 2015 thus replacing EurAsEC. It has complete set of institutions such as the Supreme Eurasian Economic Council that consists of the heads of states and addresses important issues, the Eurasian Intergovernmental Council that unites heads of governments, Eurasian Economic Commission (EEC) is the Union's regulatory body with 140 competencies, the Board acts as the EEC's executive body, the Court of the EEU is authorized to resolve the treaty implementation disputes and financial institutions such as Eurasian Development Bank and Eurasian Stabilization and Development Fund. Overall, EAEU possesses a common market of 182 million people and an aggregate GDP of roughly \$2 trillion (Vinokurov, 2017).

Overall, the post-Soviet region has hosted numerous projects of regionalism throughout the entire period after the Soviet dissolution. This led the regionalism experts to conclude that the post-Soviet regionalism follows "matreshka principle" which stipulates that the new regional economic integration projects include fewer members but gets more advanced in the degree of integration than the CIS as time passes (Kembayev, 2009). Some argue that the accomplishments and effectiveness that has been achieved by the EAEU than its predecessors might be linked to the lessons learnt from previous less successful projects and the effect of the Global Financial Crisis of 2007-2008 which demonstrated the effectiveness of the organizations with fewer members.

Conclusion

The post-Soviet regionalism has taken various forms and has extended to different directions starting from the establishment of more universal CIS and proceeding to more specific issue area organizations such as the EurAsEC, CSTO, CAU, GUAM, and EAEU. The regionalism projects developed on promoting economic integration such as the EurAsEC and EAEU have partly or fully undergone the stages of economic integration projects such as the creation of the customs union and single economic space. Some analysts

emphasize distinguishing aspects of the post-Soviet regionalism by highlighting its non-western or authoritarian nature and attempt to explore whether such regionalism produces different economic effects than the western liberal ones. Clearly, the post-Soviet regionalism needs further research in order to find out whether the post-Soviet region will follow already established patterns of regionalism or will forge a particular post-Soviet model of regional integration.

Study questions:

1. What is regionalism and how is it distinguished from regionalization?
2. What are the stages of regional economic integration?
3. How did the Central Asian regional integration project end?
4. What were the purposes of creating CSTO and GUAM?
5. What is the "matreshka principle"?

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Chapter 5

Shanghai Cooperation Organization: Challenges and Perspectives for Development

Durdona Yussupova

Learning outcomes

- students will develop general knowledge about the SCO's formation, its objectives and functions;
- students will be able to analyze the role of the SCO activities from security, economic and cultural dimensions in the region;
- students will be able to evaluate the challenges faced by the organization and perspectives for its further development.

Introduction

For several decades the role of the Shanghai Cooperation Organization (SCO) has been seriously contested among a wide range of scholars. Right after its formation, the SCO was perceived as "Sino-Russian Alliance", "Warsaw Pact 2", and as an "Eastern Bloc" in the new Cold War era, which was built to contain the West, precisely the North Atlantic Treaty Organization (NATO) and the U.S. influence to the region of Central Asia.

After its expansion in 2017 to India and Pakistan, the West has started to look at this international actor in a different way. These new members do not bear any "anti-Western" intention in the eyes of the West but, on the contrary, they are the non-NATO ally of the United States. This accession has proved to the whole world that the SCO is not a closed military alliance led by China and Russia, but an open regional cooperation organization that aims to ensure security, strengthen multidimensional political, economic, and humanitarian cooperation among member and other participating states.

Despite its aims, the SCO failed several times to address the emerging security issues in the multilateral framework, giving more way to bilateral talks. It paved the way for the criticism of the organization's structural and policy problems and its effectiveness as a regional organization. But the SCO as a complex structure of member states with different geopolitical and geostrategic position, unequal economic growth and cultural values, has been able to avoid major regional inter-state conflicts and somehow manage the

integration of countries in a broader region of Eurasia.

So, in order to look at the role of SCO, this chapter starts with outlining the historical development and structure of the organization, its objectives, and the main areas of cooperation. Then, it emphasizes the existing and potential regional problems to show the necessity for the organization in maintaining peace and stability in the region. Taking into consideration current regional developments in the economic sector and expansion prospects of the SCO, the chapter makes implications on perspectives for its future development.

History and Institutional Formation

The SCO is a byproduct of a multipolar system of international relations, in which the sharing of common borders gave birth to a mutual desire for cooperation among states. Having similar geostrategic objectives, states in the region seek integration to enhance their national security and increase economic benefits.

The Organization was formed in the Central Asian region as an inter-governmental structure, which builds the cooperation of participants based on equality. SCO has passed some stages in the development: from the formation and creation of a legal base for an expanded partnership to the development of concrete directions of cooperation.

Institutional formation of the SCO was preceded by the joint activity of the so-called "the Shanghai Five" on the border issues between China, Russia, Kazakhstan, Kyrgyzstan, and Tajikistan after the dissolution of the USSR. The first meeting of leaders occurred on April 26th, 1996 in Shanghai. As a result, a Treaty on Deepening Military Trust in Border Regions was signed. According to the Treaty, the armed forces of the parties in the border zone agreed not to carry out an attack against each other or conduct military exercises directed against the other party. The parties were obliged to inform each other on important military actions that they conduct within the hundred-kilometer to the joint border, to invite observers from other sides, to warn about dangerous military operations, and to strengthen friendly contacts between military officers of the armies deployed in a frontier zone. Then, along with signing the Treaty on Deepening Military Trust in Border Regions, "the Shanghai Five" held annual meetings. This was the beginning of the SCO as a systematic mechanism (Official website of SCO, 2001).

In 2001, Uzbekistan was accepted into the SCO, which made the first expansion period of the organization. From then on, the organization was

nominated officially as – the Shanghai Cooperation Organization. The Declaration on the creation of the SCO, the Shanghai Convention on combating terrorism, separatism, and extremism and the joint statement on the connection of Uzbekistan to the mechanism «Shanghai Five» became the first documents of the organization (Official website of SCO, 2001). The content of discussed themes extended further from questions on strengthening mutual trust on borders to widespread cooperation in spheres of diplomacy, politics, security, trade, economy, and culture (Alimov, 2017).

Figure 6.1. Structure of Shanghai Cooperation Organization



(International Peace Institute, 2013)

The subsequent institutionalization has been expressed in the form of frameworks of multilateral negotiations and meetings. In June 2002 in St. Petersburg at the meeting of heads of the states, the SCO Charter was signed. In the following year, a governance structure consisting of a Council of Heads of the States, Council of Heads of the Governments and Council of Heads of Foreign Ministers was established consequently (Aris, 2013).

The Secretariat, established in 2003 with headquarters in Beijing, and the Regional Anti-Terrorist Structure (RATS), established in 2004 with headquarters in Tashkent, are two permanent bodies of the organization (Plat-

er-Zyberk & Monaghan, 2014). The Secretariat is a constantly operating administrative body of the SCO. It carries out organizational and technical maintenance of the actions needed for the realization of the SCO projects and prepares the annual budget of the organization. And RATS is dealing with primary determinant goals of the SCO as a joint struggle against "three evil forces" – terrorism, extremism, and separatism.

Since 2004, the SCO has been functioning as a legitimate intergovernmental organization. Its purpose has been the realization of the aspirations of the Central Asian countries to build a universal model of interaction with each other and with the main regional powers for security and development, for the creation of a favorable economic climate and safe regional conditions in the military-political sphere.

From settlement of border questions at a stage of formation and fight against "three evil forces", the SCO has organically passed to the development of other spheres of cooperation, as economic and cultural, designed to enhance conditions for further regionalization of the wider region of Eurasia.

Expansion and Membership

From 2004, neighboring states were admitted as observers to SCO meetings, and regulation on observer status has been made (Haas & Putten, 2007). Presidents of observer and dialogue partners were allowed to attend meetings of heads of states. Some major powers, like the US, India, Pakistan, and Iran started to show their intention of joining the organization.

The Ufa summit held on July 9-10th, 2015 was of particular importance for the history of the SCO. At this meeting, they decided to start the procedure for admitting India and Pakistan to the SCO, as well as to grant observer status to Belarus and the status of dialogue partners to Azerbaijan, Armenia, Cambodia, and Nepal (Chinadaily.com, 2015).

This is the first case of expanding the membership of the organization since six countries organized the SCO in 2001. And on June 9th, 2017 at Astana summit, two South Asian powers - India and Pakistan - became official members. This expansion is a historical moment for the SCO, which will greatly influence not only the future development of this regional organization but also the development of the world situation as a whole. Moreover, Rakhimov and Kurylev (2018) suggest that the admission of India and Pakistan has destroyed the "psychological barrier" among experts of SCO enlargement and made the further expansion of the organization look natural and inevitable.

Thus, today the SCO has eight member states – The Russian Federation, People's Republic of China, Republic of Kazakhstan, Uzbekistan, Kyrgyzstan, Tajikistan, India, and Pakistan. Four states have observer status – Belarus, Afghanistan, Mongolia, and Iran. And there are six dialogue partners as Armenia, Azerbaijan, Cambodia, Nepal, Sri Lanka, and Turkey. It covers a considerable territory of the Asian continent – 'stretching from north to south from the Arctic to the Indian Ocean, and east to west from Lianyungang in China to Kaliningrad in the Russian Federation (Alimov, 2017). The multilateral regional structure is home to almost 44% of the world's population.

Fields and Means of Cooperation

Security Issues

From 1990, the regional problems in Central Asia have been in the struggle for the spheres of influence between major powers: access to rich resource areas, and rivalry for markets of finished goods, which strengthen the activity of radical and criminal groupings. This, in turn, created a threat to states' regimes, their sovereignty, and territorial integrity. In order to address these problems, the SCO has developed and adopted a number of legally binding documents, laying the legal basis for security cooperation. As it is stated in the SCO Charter, the main objectives of the organization are to enhance mutual trust, friendship and good-neighborhood policies between members, to maintain regional peace, security and stability through comprehensive cooperation, and to develop joint actions for countering "three evil forces", organized crime and drug trafficking.

In order to counter the three evils, the SCO adopted the Declaration on the fight against terrorism, separatism, and extremism as well as a number of other similar documents. Further, it created the Regional Anti-Terrorist Structure in the region, a security secretariat, and other cooperation bodies in many areas.

The tasks of RATS included elaborating offers and recommendations about cooperation against terrorism, separatism, and extremism. It has offered assistance to competent bodies of member countries in fighting with the three evils. It also gathers and analyzes the information arriving in RATS from member countries and forms databank about the international radical organizations, their structure, leaders and participants, other people involved in them, and also sources of their financing. Along with it, the RATS cooperates with major international organizations, like the UN and its institutions, OSCE, the antiterrorist center of the CIS (Xiadong, 2012).

Today the RATS is a significant structure in combating the three evils in the region. For many years, the SCO has conducted bilateral and multilateral military anti-terrorist training and exercises. For example, in 2003, a multilateral exercise of member countries called "Interaction 2003" took place in Kazakhstan and Xinjiang-Uighur autonomous region in western China; in 2005 with joint military forces of China and Russia "Peace mission – 2005" was organized; in 2007, a training exercise unprecedented in scale, labeled "Peace mission- 2007" took place near Chelyabinsk. About 7.5 thousand military men and more than 1.2 thousand units of military equipment participated in those events. In 2009, antiterrorist training labeled 'Norak-antiterror-2009' took place in about 30 kilometers from Dushanbe, Tajikistan with the divisions of a special unit of the armed forces of Russia, China, Kazakhstan, Kyrgyzstan, and Tajikistan (SCO, 2009).

With the withdrawal of US troops from Afghanistan, the hope for the SCO role to counter the three evils has been increased. The withdrawal of allied forces left Afghanistan in uncertainty and economic difficulty. Extremist and terrorist forces gained their position, and the number of terrorist attacks increased. In turn, the growing influence of religious extremism from the Middle East creates a danger for the security of states in Central and South Asia. The existence of "Islamic State", its recruitment of personnel from different countries and activities characterized by surprise and secrecy, could undermine the territorial integrity and stability of the SCO members.

Another factor that threatens regional security is drug trafficking across the border. Afghanistan is the key producer and supplier of drugs in the world. About 90% of drugs are directed to Central Asia, Russia, and the European countries. Consumption of narcotics is increasing. Moreover, money from the sale of drugs is a direct source to finance the existing radical groups.

Among the many important meetings and consultations on prevention of these problems, the Moscow conference of 2009 can be pointed out. There were 36 delegations, including member states, the observer states, and Afghanistan, Turkmenistan, and Turkey, G8 countries, representatives of the international organizations (CSTO, OSCE, NATO, EU, the United Nations, and the CIS). As a result, the Declaration of the Special Conference on Afghanistan was accepted (UNODC, 2009).

High-level side events in 2016-2017 between the SCO and the UN on fighting against drugs were prevalent in defining common threats and joint actions (Alimov, 2017, December 19). During this panel discussion, the or-

ganizations discussed the status and prospects on cooperation development between the UN and the SCO in the field of countering security challenges, especially terrorism and extremism, illegal drug trafficking and transnational organized crime, as well as joint efforts of the UN and the SCO in the maintenance of international peace and global stability.

Economic Cooperation

Turning to the economic cooperation within the SCO, the Charter accurately defines that one of the basic major goals of the organization is to assist in the comprehensive and balanced growth, social and cultural development in the region. In 2003, the program of multilateral trade and economic cooperation of six countries was confirmed. The given program was focused on the period until 2020. The main goals were to generate stable, predicted, transparent rules and procedures concerning trade and investments, and to develop joint projects and programs. Expert groups have been created in four areas: electronic trade, customs affairs, the unification of standards, and assistance in investments. The Business Council, Interbank Association, and a number of other institutes are key mechanisms for cooperation at the present stage in the economic and investment sector.

In terms of economic cooperation, Central Asian states have closest ties and high rates of economic trade and investment with China and Russia. For example, in 2016, the total volume of Chinese investments in the Central Asian member states of SCO reached \$ 34.56 billion. At the same time, Russia's accumulated investments in Central Asia amounted to \$ 16.1 billion (including 47% in the fuel and energy sector, 22% in non-ferrous metallurgy, and 15% in telecommunications) (Rakhimov & Kurylev, 2018).

The economic pillar of the SCO today has mainly concentrated on investment and transport infrastructure projects. At the Ufa Summit, special attention was paid to the adaptation of new and adjustments of existing project documents, as SCO Development Strategy, Multilateral Trade and Economic Cooperation Program of the SCO Member States, and the List of Activities for the further development of projects within the SCO. China has been a leading country in showing great efforts to develop transport infrastructure, as "the E-40 international transport corridor, situated on the territory of Kazakhstan, Uzbekistan and Russia, and the construction of a China-Kyrgyzstan-Uzbekistan railway" (Maduz, 2018).

Even though the SCO undertakes these projects, the role of the organization in implementing them has been limited. It lacks systematic collective

cooperation in the economic sphere and only creates the legal framework and helps to find investors to implement them. In the last summit in June 2019, the SCO showed again its preference for bilateral cooperation over multilateral. For example, the negotiations on projects worth \$7 bn were announced between PRC and Kyrgyzstan. The SCO acted as a good platform for the advertisement of different initiatives: if China continues discussion over its "Road and Belt" initiative, Russia proposed to build "Eurasian space", whereas Uzbekistan mentioned concentrating more on Central Asia as priority region of the organization (Murataliyeva & Izimov, 2019). The effective coordination of the economic projects was taken on the basis of bilateral/trilateral negotiations or pushed by economic initiatives of Russia and China with particular member states.

Today, there are two major projects for economic integration of SCO member-states, led by two leading countries: Eurasian Economic Union – by Russia and Silk Road Economic Belt or Belt and Road Initiative (BRI) – by China. The EAEU creates a common market with free movement of goods and services, and common policy provision in all spheres of economic interaction between Russia, Kazakhstan, Belarus, Armenia, and Kyrgyzstan. In turn, BRI is a program to intensify foreign economic activity and strategic objectives of the PRC and aims to develop infrastructure and connectivity in the vast region of the Eurasian continent. It is addressed primarily to the post-Soviet republics of Central Asia, many of which are also members of the Eurasian Economic Union (EAEU) and the SCO.

It is important to note that the global BRI project of China including the land and sea routes of the Silk Road, will be able to contribute to the revitalization of the SCO's economic activities in general. Today, the initiative proposed by Chinese President Xi Jinping to jointly build the Silk Road Economic Belt is also being actively discussed at the Shanghai Group meetings. In the "Joint Statement on Regional Economic Interaction" adopted by the Council of Heads of Government of the SCO member states on December 15th, 2015, countries confirmed the support for the initiative to build a Silk Road Economic Belt and its goals coincided with the aspirations of the SCO.

So far, the EAEU and BRI - along with the SCO - are developing in parallel, independently of each other, creating some competition in the transport, energy and trade sectors. In order to develop further the existing projects the role of two leading actors of the organization - China and Russia - is really important. Even if these two powers pursue their geopolitical interests in the region, they are somehow able to make their positions compatible. In

May 2015, Russia and China signed a joint statement on the construction conjugation of the EAEU and the BRI. The created Russian-Chinese working group has already formulated the priorities for cooperation between the two countries. The cooperation goes several directions, including support in infrastructure projects, elimination of barriers to trade, the formation of mutual investment protection systems, and mechanisms for resolving various kinds of disputes.

The advancement of the EAEU and BRI projects indicates the possibility of integration processes both within the SCO and between particular member states around the region. In this respect, experts consider various options for further development of the SCO (Li, 2018). And the most preferred one is to create an interactive platform, in which the SCO will play a key role as a "Eurasian bridge" between the EAEU and BRI. The initiative to jointly build the Silk Road and cooperate in economic terms could act as a platform for enhancing cooperation in the region and consequently its stability. Effective integration measures can be built based on economic pragmatism, while the subsequent integration infrastructure can be produced around agreements that regulate trade relations between the parties in one form or another.

Cultural Dialogue

To enhance the regional integration on security and economic sectors based on mutual understanding, friendship, and trust, the role of cultural dialogue is quite important. The SCO has members that not only differ significantly from each other in terms of political regimes, geopolitical position, levels of economic development, but they also belong to different cultures: Christian, Islamic, and Buddhist. It brings to the primary need for a cultural understanding of each other's ambitions and preferences, which will bring them to effective political conversation and preservation of integrity in accessing declared goals of the SCO.

The SCO established cooperation in the field of science, education, culture, sports, and communications. Member countries engaged in organizing cultural exchange events, festivals, exhibitions, competitions, and sports activities. One of the achievements worth mentioning in this field is the SCO University. In 2010, member states agreed to launch the program of first graduate students in five directions: ecology, energetics, nanotechnologies, regional studies, and IT-technologies. Students study in universities of their country, which were chosen as member institutions for the SCO University. About 56 universities take part in this project, including the Moscow State

Institute of International Relations, Beijing University of Foreign Languages, the Kazakh National Technical University, and the Osh Technological University.

As the SCO Secretary-General Rashid Alimov pointed out "the expanding cultural interactions within the SCO region, strengthening mutual understanding among its peoples, respecting their cultural traditions and customs, and preserving and enhancing cultural diversity within SCO member States will remain top priorities for our work aimed at promoting peace and ensuring security and sustainable development" (Alimov, 2017).

Challenges and Perspectives for Future Development

The SCO has existed as a regional organization for almost two decades. Experts argue that it did not offer any effective solution to the problems which have challenged the member states. For example, no action was taken by SCO members on the Russian-Georgian conflict of 2008, color revolutions in Kyrgyzstan, and the bloody events in Osh. That is to say, there is an organization with high ambitions to maintain stability and security, but in reality, it is just a bunch of ratified documents without effective implementation in practice. Is there a need for this organization? What are the regional problems that require the necessity for the Shanghai Cooperation Organization?

The discussions around the role of this organization intensified even further after its expansion. Previously, the accession of historical enemies as India and Pakistan to the SCO has been unreal and controversial, now a wide range of predictions on the SCO's evolving new role is being made. Why India and Pakistan were admitted to the organization? Will these countries bring positive developments or problems to the region, including the Indian-Pakistani conflict? What this accession will tell about further expansion of the organization? These questions are going to be discussed further.

There are several challenges to regional security that require the SCO framework for mutual cooperation. First of all, the geopolitical role of Central Asia remains important in determining the interest and activities of major powers in it. Central Asia is a subject of "chessboard" in the Great Game between powers like Russia and China, and the US for regional and global dominance (Brzezinski, 1997). Here the important target for the confrontation of major powers has been oil and gas.

The strategic location of countries in the region is crucial in terms of its impact on the security and stability of Eurasia, where states give access to the Persian Gulf via Iran, through Afghanistan and Pakistan - to the Indian

Ocean, through China and Russia – to the Asia-Pacific. The process of globalization and the development of economies gradually changed the status of Central Asia from periphery to a large intersection of the Eurasian continent, in which water and energy infrastructures are interdependent.

Central Asia has been a backyard of Russia, and Russia as a successor of superpower always has felt its influence on the Central Asian states. Within the SCO more advantage and leverage in policies and proposing the initiatives were given to founders and major players as Russia and China. Central Asian states have been constrained in their decisions not to contradict the policies of Russia. The ongoing Ukrainian crisis best illustrates the choices of the regional states toward Russia and its unpredictable policies. The construction of West-supported alternative energy transportation routes (Nabucco, Trans-Caspian pipeline) going through some Central Asian states has been complicated due to the opposition by Russia.

Geopolitical rivalry can be noticed in the interaction between regional leaders as Russia and China. They both try to promote their initiatives and become more active in the region. Russia as a 'big brother' of Central Asian countries tries to contain the overgrowing influence of China. This action became evident when India and Pakistan at the same time joined the SCO. As India is an ally of Russia, whereas Pakistan is an ally of China, it was possible to maintain balance within the SCO (Plater-Zyberk & Monaghan, 2014).

India was initially opposed by China in its admission process, but supported by Russia – its traditional partner. The main reasons for that are US-India close relations. India supports the US stance in the South China Sea, where China perceives the US as the main rival in South East Asia. Another reason is the border dispute in Tibet, McMahon Line, and Ladakh between India and China, which undermines the territorial integrity of the countries. These factors make their cooperation in the SCO complex and unpredictable. But to be under one umbrella, it stresses the importance of cooperation with India on the economic and energy security sector for China in promoting its BRI initiative.

The second factor influencing the regional stability previously mentioned is the existence of the three evils and the situation in Afghanistan. In general, destabilizing tendencies in Central Asia are caused by cultural, religious, as well as by economic and social factors. There is a tendency of re-traditionalism, which is the reason for the growth of interest in religion, including sects. For example, the bloody and extremist events in Xinjiang (1997, 2011, 2014), Osh (2003), Andijan (2005), minor strikes in Aktobe and

Taraz (2011), Rasht Valley (2014) had religious roots. It is an indisputable fact that Islam has begun to play a greater role in the life of the citizens of the Central Asian region. Even if recently the religious groupings have not been violent, several threats exist in their recruitment by radical groups that can come from ISIS and Afghanistan. In 2010, there was an alarming situation in the Rasht Valley, where Tajik Islamists and foreign extremist groups committed actions of protest together (McGlinchey, 2013). Also, organized crime and continuous flows of drug trafficking negatively affect the situation in the region. These processes intensify the growth of shadow economies, put pressure on , and prevent the region from stable development. Money from drugs feeds crime and extremist groups, increases bribery, and paves the way for corruption.

The challenges of the three evils are relevant and represent threats to the life of the states in the region. In recent years, due to the tireless joint efforts of the organization's member states, the struggle against terrorism, extremism, and separatism in the region have gained initial achievements. But in order to eliminate them in Central Asia and Xinjiang, it is necessary to destroy their sources and nests outside the border. It can be made only when all participating states in the region will be able to mutually cooperate. Pakistan joining the SCO can play an effective and constructive role in the joint struggle against the three evil forces.

Another factor threatening the security of the region can be uneven political developments and regimes in the states. In 2005 and 2010, when "color revolutions" and political disasters have already occurred in the region, the world democracies are inclined to believe that the threat of new "color revolutions" in Central Asia is growing. Each of the countries in Central Asia underwent different paths of development. Despite the similarities in culture and language, they have had absolutely different politics after independence. Turkmenistan went neutral, Tajikistan waged civil war, Uzbekistan under Karimov conducted strict state control of economics and Islam, and today under Mirziyoyev tries to liberalize political and economic spheres. Kazakhstan and Kyrgyzstan were trying to democratize and liberalize. The latter state could achieve little success in the nation's welfare and has been plagued by crippling political instability. Kazakhstan, in turn, has been democratizing itself from independence, but in recent years the rise of authoritarianism can be noticed, which gives the way for an opposed civil society against the government. The potential for future political instabilities will require the regional organizations to test their functionality in assisting their member

states to maintain national peace and security.

There is an additional factor exacerbating the prospects of the regional integration, it is the emergence of "exclusivist", "narrow" identities, which lead to the rise of the tensions among different groups of people. "Exclusivist" identities are constructed in opposition to 'the other/s'. Today in Central Asia we may easily witness the following identity-related clashes: Uzbek identity (descendants of Timur) versus others (non-descendants of Timur); Kyrgyz identity versus others; Tajik (Arians) identity versus others (Zhusipbek, 2012). The presence of exclusivist identities in Central Asia also bears negative implications for regional cooperation and stability.

In contemporary studies, it is believed that migration processes will need careful consideration by sending and receiving countries together. Experts mention the necessity for joint migration policies also between the member states of the SCO (Zavalishin, 2016). Today migration issues become important, as globalization causes both push and pull factors for people to choose their place of living and working. There are increasing migration flows from Central Asian countries, especially to Russia, Kazakhstan, and China. Even though states recognize human rights and the right to freedom of movement, they tend to restrict it through the regulations and mechanisms of strict control. These regulations in many cases violate the rights of citizens in the destination.

The situation which prevents people of Central Asia from exercising their rights on a legal basis lays in the lack of consistent internal institutions that are obliged to carry out the related issues and solve problems in the field of migration (Sadovskaya, 2016). At present, the regulation of migration processes in these countries is fulfilled mainly by the Ministry for Internal Affairs. Migration relations between the countries of the SCO are carried out exclusively on the narrow bilateral agreements. The states in the region don't have a single legislative framework in the area of regulating migration processes, and in particular, the right to freedom of movement, choice of place of residence. This necessitates the development of a new unilateral policy within the SCO. It is important to implement a united migration policy for all states in the region. This policy needs to be focused on the regulation and management of migration processes in order to ensure security and establish stability in the SCO countries.

When the scope of the SCO expanded, including the larger area of Eurasia together with observer and dialogue partners, sustaining security became complicated but believed to be more effective in the future as security issues

challenge not just separate countries, but the whole region. So, the long-term priority for all SCO countries remains to strengthen cooperation on peace and stability through state and local institutions to ensure the well-being of their nations.

The enlargement of the SCO to India and Pakistan definitely will affect the further activities of the organization. Whether it will be the forum for open discussions or an active international organization that takes serious and concrete steps to integrate the states, is the question of time. In any case, the SCO will try to unite the members and avoid any potential confrontations between them. Through increasing talks and joint economic projects hopefully, the organization's integration process will have a spillover effect. The implementation of the BRI initiative will require, first of all, the stabilization of the security situation within each state and in border regions. To have Pakistan in this organization is of great significance. As an Islamic state bordered with Afghanistan, this country has been a ponderable player in fighting and countering terrorism in the region.

The entry of India and Pakistan into the SCO opens the way for other partner countries to join the organization in the future, like Iran. Iran also has declared its desire to become a full member from the beginning, but this process was frozen by its nuclear issue. In 2016 after several years of negotiations, finally, Iran and the six countries reached an agreement on the Iranian nuclear program for lifting sanctions. It was a historical moment for a successful solution to the Iranian nuclear problem and demonstrated that the process for accession will come soon.

For SCO major powers as Russia and China, Iran is a valuable partner in regional issues. Iran has been actively participating in SCO initiatives and regional activities and enhances its ties with China and Russia in the economic and energy sectors. In the 2018 Summit in Qingdao, Russia's president Putin supported Iran's membership in the SCO (Tehran Times, 2020). Chinese leaders also showed their full support for Iran's intention to join the organization.

Iran is a bridge connecting the Middle East, Afghanistan, and Iraq with strong states. Its participation in the SCO will enhance the interaction of states in the field of security, economy, and politics. It is also worth noting that Iran has opportunities in terms of energy since the Islamic Republic has enormous reserves of gas and oil. In general, Iran can be useful in strengthening the SCO and achieving the goals of this organization.

However, one can oppose this way, saying that Iran's accession will

pull the SCO into international conflicts and confrontations with the West and the US. Thus being a member of the SCO, Iran can manipulate and use the SCO and member states for purposeful balance against the West. Although this option has a little probability, as members with mutual interests will pursue and try to keep their cooperation through the organization's binding principles.

The most important condition for the construction of mutual trust and effective integration is political and cultural dialogue between the member states. As Zavalishin (2016) notes, there has been a cross-border dialogue between the SCO members, a type of dialogue where borders play a crucial role. It was based on unequal factors such as historical past, political weight, and economic leverage. The cultural and political dialogue within the SCO takes place at national levels, whose cultural characteristics are different from each other. Therefore, the political will and ambitions of political leaders will determine the future of dialogue and cooperation within the SCO framework.

The integrationist structures in the region, which try to unite states under unilateral aims, tend to bring a political dialogue further. Sharing common borders and facing the same regional problems, the members of the SCO are obliged to negotiate in finding common solutions. The SCO activities and practices in cultural cooperation between member states can contribute to the effectiveness of dialogue, as joint cultural projects, science, and educational exchange programs, the development of international tourism, wider use of the media for the formation of positive images of peoples and states.

The aforementioned issues in the time of globalization will require a multilateral framework. For a long time in the future, the Shanghai Cooperation Organization will be in high demand to fulfill its role and show its efficiency and functionality in solving regional problems and contributing to the sustainable development of its member states.

Conclusion

The Shanghai Cooperation Organization has shown to the world its livability. Even not being like the EU or ASEAN, who gathered relatively similar countries with culture, history, political system, or mentality, the SCO could sustain its different members under one framework and continue to attract new states. Following the same security and economic concerns, the SCO states continuously keep interaction through regional and global integration projects.

In the scope of the complex regional security situation, it remains cru-

cial how effectively the member states and participating countries of the SCO could counter "three evil forces", avoid "colored" revolutions, deal with drug trafficking and organized crime, and manage geopolitical rivalry of major powers. Thus, maintaining a safe climate in the region is an important prerequisite. It guarantees the economic development and social well-being of each member. As the idea of regional integration was the way to solve the common complex security and social issues through merging resources and efforts.

The organization will remain as a multidisciplinary alliance, putting more attention to economic initiatives like BRI and EAEU, transport infrastructure, and logistics. The development of these projects will objectively depend on strategic partnerships and interests of leading states, especially China and Russia. These major powers will continue to have more leverage in defining the organization's further development. But the consensus of all SCO members will remain a fundamental principle for effective integration.

Study questions:

1. What was the purpose of creating the SCO?
2. What are the main areas of cooperation in the SCO?
3. What is the role of Russia and China in the organization?
4. Why India and Pakistan were accepted as full members to the SCO?
5. What are the prospects for further expansion of the SCO?
6. What are the current challenges that undermine regional security?
What role does the SCO play in addressing the existing problems?

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Part III

Migration and Identity

Chapter 6

Population Movements from Central Asia in Global Migration Processes

Gaukhar Baltabayeva

Learning outcomes

- students will develop an understanding of global migration patterns and trends;
- students will grasp the major historical patterns of migration from Central Asia;
- students will be able to understand migration within the globalization frame.

Introduction

Global migration is not a new process. Population movements around the globe are dated far back in history. However, in certain periods, largely due to globalization, migrations of human beings were more considerable and intensive since the world became more open and people less restricted to move. This chapter will demonstrate that the dissolution of the Soviet Union in 1991 contributed to the occurrence of intensive international migration from Central Asian successor states Kazakhstan, Kyrgyzstan,¹⁴ Uzbekistan, Tajikistan, and Turkmenistan. The flows of people from these countries have become since then a part of global migration processes, reflecting their major trends and patterns. However, migration processes in Central Asia are much more diverse than just outmigration. First, Kazakhstan has become a migrant-receiving state in the post-Soviet space that receives labor migrants, coming mainly from other Central Asian countries such as Uzbekistan, Kyrgyzstan, and Tajikistan. Second, ethnic migrations within the Central Asian region itself also took a significant place after the dissolution of the Soviet Union when particular ethnic minorities returned to their ancestral homelands. For instance, Kazakhs migrated from Uzbekistan and Turkmenistan to Kazakhstan under the repatriation program implemented in the state;¹⁵ due to ethnic tensions Uzbek minorities left Kyrgyzstan; Tajik refugees fled to Uz-

bekistan and so on. These migration dynamics are very important to consider since they reflect socio-economic, political, and cultural relationships among Central Asian states that are rooted deep in history. However, the outflow of people from the region has much more to say about the integration of migratory flows from Central Asia into the global migration processes.

This chapter covers a very short in a historical understanding period – from 1991 to 2009. It can be broadly referred to as a post-Soviet period when major socio-economic and political changes took place. During this period, migration processes also underwent significant changes because new types of migration, as well as new destination and sending countries, appeared. Undoubtedly, this was largely caused by globalization forces that made the world closely connected and interrelated. Therefore, this chapter starts with a section that outlines how globalization and migration are associated with each other in the modern world. Further, it provides a more focused account on recent global migration that discusses the main trends and patterns of contemporary migration. Finally, it demonstrates how the outflow of people from Central Asia integrates into global migration processes.

Globalization and Migration

Even though there are no commonly accepted definitions of globalization, many authors in their attempts to define globalization often highlighted the importance of migration in global processes:

Migrations are not isolated phenomena: movements of commodities capital and ideas almost always give rise to movements of people and vice versa. Global cultural interchange, facilitated by improved transport and the proliferation of print and electronic media, can also increase migration aspirations. International migration ranks as one of the most important factors in global change (Castles et al., 2014).

People flows are fundamental in creating a global economy and interplay among immigration, capital and trade are essential to understanding the way globalization affects economies (Freeman, 2006).

Moreover, migration and globalization are often treated as 'twin processes' (Papastergiadis, 2000). When considering globalization from the economic perspective, the integration of national economies becomes a key point, where "trade, direct foreign investment, capital flows, migration and the spread of technology" comprise main unifying forces (Stearns, 2010). Therefore, globalization is often associated with increased prosperity, better opportunities, advanced technologies, openness, and freedom. However, the distribution of

¹⁴ Officially the Kyrgyz Republic, although here referred to as Kyrgyzstan for the sake of being short

¹⁵ See Chapter 7 for Kazakhstani Oralman Resettlement Program

globalization benefits is unequal among different nation-states. Therefore, it should be taken into account that along with wealth, globalization also brings economic imbalances and crises. Such unequal spread of economic wealth is reflected in higher wage differentials among nation-states, labor shortage in some regions and labor demand in other. This subsequently creates a need to move in a pursuit of better opportunities, knowledge, ideas, jobs, higher salaries, and higher living standards. In addition, when people migrate they are often followed by their families and fellow citizens, which creates chains of migration (Solimano, 2010).

Migration has become a common, rather than exceptional, global feature of modern life. However, it is the main contradiction of globalization that compared to goods, capital, money, and technology, human beings are more restricted to move (Aman, 1994). Indeed, individuals who wish to move across national boundaries experience substantial obstacles in a face of foreign and domestic policies of involved states. Moreover, there are no global organizations that regulate migrations worldwide. Such an absence of a global agency responsible for migration was called "institutional vacuum" by Solimano (2010). However, in the current stage of globalization, there is a limited number of countries that close their borders; although it happens sometimes as a response to certain political threats. Thus, it is fair to say that "globalization has knit countries together in a dynamic network of cross-border exchange, of which migration is a constituent element" (Goldin et al., 2011).

Historically, due to the occurrence of better travel facilities, development of national industries and massive construction projects, people migrated from impoverished regions of Europe (mostly from Ireland, Scandinavia, Spain, Italy, and Poland) to 'New-World economies' such as the U.S., Canada, Australia, New Zealand, Argentina and Brazil. However, the improvement of the economic situation in Europe changed its role from a major sending region to a major receiving one with immigrants coming from Asia, Africa, and Latin America. Thus, the US and Europe have become global destination countries. In recent decades, East Asian economies have risen dramatically, and as a result, they have also started welcoming immigrants from the neighboring regions to fill the gaps in low-wage labor and service sectors. South Korea, for instance, has introduced an 'employment system' through which immigrants from eight countries such as China, Kazakhstan, Indonesia, Mongolia, the Philippines, Sri Lanka, Thailand, and Vietnam can be employed under a year-long employment contract (Solimano, 2010).

It is not only physical labor that can be offered by immigrants, there

are also highly professional individuals, young talents, scientists and graduate students who are extremely mobile these days. They form a small cluster of 'highly-valued' immigrants in receiving societies. For instance, Silicon Valley, which is regarded as the world's leading technology-developing region, in 1992 employed a million of high-tech professionals, among whom 40 per cent were foreigners (Gapova, 2006). It is important to note here that the main migration types and trends will be discussed later in the following section, but for now, it should be evident that globalization and migration are closely interrelated processes; one being a facilitator and another being an essential component without which the modern global world cannot be described.

Global Migration in the 1990s-2000s

It was said earlier that in the last couple of decades historical net emigration countries turned to become net recipient countries. The main premises for such development were the economic expansion, improved living standards and a shift toward liberal political regimes. Since the workforce in many developed countries in the 20th century became highly educated, the unemployment in manufacturing, agricultural, construction and service sectors increased. This received a subsequent reaction of the nation-states that created legal frameworks that aim to recruit international low-skilled labor. However, not only positive developments led to changes in migration patterns but also negative ones. For instance, an increasing number of aging populations in the developed world created workforce maldistribution and made nation-states look for foreign labor that mostly came from China, Latin America, and former Soviet Union states (Castles et al., 2014).

Along with economic transformations, political upheavals, revolutions, civil wars, and breakdowns of empires became the moving forces of migration. In addition, many people who experienced racial and/or religious discrimination, political persecution or natural disasters made a decision to leave their home countries. Thus, between the 1970s and 1990s, people seeking asylum surged sharply, from 50,000 to a half a million per annum, while the increase for the European Union alone was about 200,000 between 1981 and 1999. Important contributors to the considerable increase in the applications for EU asylum were the disintegration of the Soviet Union and Yugoslavia, and related Balkan conflicts in the early 1990s (Hatton & Williamson, 2005). Refugee situations, as Castles and colleagues point, "are hardly ever a simple matter of individual persecution. Almost invariably, economic and environmental pressures play a major part. Refugee movements, like mass labor

migration, are the result of the massive social transformations" (Castles et al., 2014). While the numbers of refugees dropped in 2001, refugee movements always created heated debates among receiving countries' populations. For this reason, refugee movements are the most controlled type of migration thanks to the international refugee regime. Nevertheless, the governance of asylum applications is very inconsistent among nation-states because each state applies its own procedures that greatly vary between countries and from year to year (Goldin et al., 2011).

Turning again to the dissolution of the Soviet Union, another migration pattern can be outlined. This is a return of ethnic minorities to their ancestral homeland - repatriation that escalated during the period from 1990 to 2000s. For instance, over a million Russian Jews moved to Israel whereas two million ethnic Germans from former Soviet countries (mainly from Russia and Kazakhstan) migrated to Germany. It is interesting to know how such ethnic migrants are treated in theory and practice. It is not said without the reason that "[d]iaspora shows how deep and resilient are the cultural link to a homeland" (Papastergiadis, 2000). Anne De Tinguy, in turn, states the following:

Ethnic Russians who move to the Russian Federation, ethnic Ukrainians who move to Ukraine, ethnic Germans who move to Germany, former Soviet citizens of Polish, Finnish, Greek or Latvian origin who move to Poland, Finland, Greece, and Latvia and Jew who move to Israel are not, in theory, 'immigrants'. Because of the ethnic or sometimes ethno-cultural or even ethno-religious tie they have with the receiving country, defined as their 'homeland of origin', they are not usually considered as foreigners, but as 'return' migrants or 'repatriates' (de Tinguy, 2003).

Another development, which is associated with the collapse of empires and formation of new nation-states instead of them, is the transformation of migration from *internal* to the *international* one. For example, people migrating to Russia from former Soviet Union republics after the collapse of the Soviet empire were engaged in international migration, which previously would have been considered as internal one. Thus, in 2000 Russia became a second global destination country after the U.S. (Freeman, 2006).

In the late 20th century and early 21st centuries, more women were engaged in international migration, compared to the previous centuries when men comprised the majority of immigrants worldwide. The former consideration that migration is a male phenomenon was based on the fact that women in most cases were treated as dependent wives following their husbands.

However, in the past decades, autonomous female migration increased and women became main economic providers for their families (Knight, n.d.). Thus, the feminization of migration processes can be also observed among contemporary global migration patterns.

To briefly sum up, global migration types developed in the last few decades include labor migration both low-skilled and highly-skilled, refugee movements, repatriation or 'return' migrations, and feminization of migration processes. Moreover, global migration patterns were largely influenced by various contemporary socio-economic and political processes, and the same time they reflected them, creating modern global realities.

Central Asia Defined

Central Asia can be defined as five former Soviet countries of Kazakhstan, Uzbekistan, Kyrgyzstan, Tajikistan, and Turkmenistan. Central Asia is a diverse region with vast steppes and deserts; mountainous areas and plains. Geographically it spans from Siberia to central Europe. People of Central Asia were always dependent on the division and exchange of labor and production. In addition, for many years in the medieval period, the economy of the region was sustained by the commodity exchanges along the routes of the Silk Roads. Central Asia has a rich history of migration as well. Historians have discovered the abundant evidence of ancient recurrent waves of migration out of Central Asia in all directions (Balland et al., 1992; Laruelle, 2013).

Central Asia experienced imperial domination long before the Soviet regime came into power. Starting from the Tsarist conquest in the mid-19th century, many Russians were exiled into the region. This concomitantly diversified the ethnic composition of Central Asian states at that time. Under the Soviet rule, Central Asia was a place that welcomed thousands of people from European Russia who came when the massive industrial and agricultural projects were implemented. The influx of people escalated during World War II when numerous factories were evacuated to the region from various industrial centers of the Union. Also, the region was a place for deportation of Volga Germans, Poles, Caucasians, Koreans, Ukrainians, Balts and Greeks who were thought to be a threat as potential allies of enemy Nazi (Laruelle, 2013). Thus, forced and sometimes voluntary migrations to the Central Asian region created a multiethnic society so that indigenous populations in some areas even comprised almost the least proportion of the population. The influx of people also greatly contributed to the transformation and the development of the region during the Soviet times.

However, the disintegration of the Soviet Union had a tremendous impact on the socio-economic and political situation in Central Asian successor states and as a result, migration dynamics there. Therefore, the migrations in and from the region in the post-Soviet period had a direct interrelation with this event. For this reason, the study of migration in the post-Soviet period becomes essential in the studies of the Central Asian region since it provides important insights into economic, demographic and political dynamics there.

Migration from Central Asian Countries in the Post-Soviet Period

After the collapse of the Soviet Union and during first years of their independence, Central Asian states experienced severe hardships: political and social instability associated with state-formation and nation-building processes;¹⁶ the economic crisis that was reflected by mass unemployment, scarcity of consumer goods when national economies underwent a transition from centrally planned economy to market economy. It is not surprising that people were largely disoriented by these processes. Moreover, it was during these years, namely, in the first decades after the collapse of the Soviet Union when Central Asian states saw previously unknown phenomenon: large-scale migration abroad (Zotova & Agadjanian, 2014). Different accounts treat the massive exodus of people from Central Asia as having predominantly ethnic character. Others, in contrast, suggest that labor migration has become more significant.

Ethnic Migration

As the Central Asian states started their nation-building processes after they got independence, so-called 'titular' ethnic groups which were previously discriminated by the Russian and other Russophone elites became central in the nationalizing agenda. Thus, particular nationalizing methods were aimed to secure and promote cultural and political revival of titular nations. As a result, indigenous languages were granted national status and some national holidays were re-invented. Moreover, some covert nationalizing methods affected employment, promoting and firing of the personnel on the ethnic basis. Thus, the competition between titular and non-titular ethnic groups for job positions in the public sector, in particular in culture, education and health systems led to the outflow of some ethnic groups, mainly, Russians and other Slavs from these countries (Smith et al., 1998).

Taking this into account, migration flows from post-Soviet Central

Asia out of post-Soviet space and to the successor states can be referred to as diaspora or ethnic migration (Heleniak, 2003). For instance, since 1991 with the collapse of the Soviet Union, in Kazakhstan, emigration has been mainly an ethnic phenomenon. Ethnic Russians emigrated to Russia (54.2 % of all emigrants in 1997), ethnic Germans emigrated to Germany (18.4 percent- with their families – in 1997); in addition, some ethnic Poles also left the country. Among Central Asian states, Kazakhstan was an absolute source country of ethnic Russian return migration, comprising 35 % of the return population in the Russian Federation. Russians started leaving Kyrgyzstan in 1989 and later the number of Russian return emigrants increased. During the civil war in Tajikistan (1992-1997), the outflow of Russians was estimated to involve 220,000 individuals. In Turkmenistan, in contrast, the emigration rate of ethnic Russians remained the lowest due to the relative lack of ethnic conflicts and the significance of Russians in the national gas industry. Over the ten-year period from 1989 to 1999, 26% of the Russian population left Uzbekistan. During the same period, Jewish and German populations in Uzbekistan considerably reduced due to massive emigration when 31% of various non-Uzbek people (Russians, Ukrainians, Belarusians, Tatars, Jews, and Germans) migrated to their historical homelands (de Tinguy, 2003). These ethnic outflows, according to Khazanov, have "contributed to a certain homogenization of the ethnic composition of the new [Central Asian] states" (Khazanov, 2006).

Labor Migration

Once Central Asia turned to be a major migrant-sending region in the world, different types of migration along with ethnic one can be observed after the collapse of the Soviet Union. The most obvious type of migration from the region was labor migration with Central Asian migrants working in diverse geographical areas and remittances being sent in enormous amounts.

Labor migration has become a central part of socio-economic processes of most Central Asian countries, except Turkmenistan. It developed in the mid-1990 in Tajikistan, later in Kyrgyzstan and Uzbekistan (Thorez, 2014). In the Soviet times, labor migration processes were extremely restricted and regulated within the framework of a centralized model. 'Free' labor migration had a form of very limited seasonal work and, as a rule, trade trips of a part of the population to Russia. Movements of people were also related to the studies outside the origin countries of a limited number of young people in other union republics. In addition, the shock constructions in the regions of Siberia and the Far East were very popular, often attracting students and other youth

¹⁶ See, for example, Chapter 9 on nationalism in post-Soviet Kazakhstan

to work there. In contrast to the past rates of labor migration, this type of migration greatly intensified after the breakup of the USSR (Kurbanov, 2006).

In 1990 there were one million researchers who did research into applied sciences, fundamental sciences and worked on the development of the warfare industry in the USSR. With the dissolution of the Soviet Union, these researchers lost their jobs. Nevertheless, some Central Asian specialists, especially in the high-tech sphere migrated to the USA and Canada where a substantial wage differential, even compared to Russia and Belarus, as well as favorable visa frameworks for the highly-skilled existed in the 1990s (Gapova, 2006). However, highly-skilled labor migration from Central Asia was not as large-scale as low-skilled labor migration.

The main destination country for Central Asian labor migrants, in particular, from Tajikistan, Uzbekistan and Kyrgyzstan, was the Russian Federation, despite the presence of xenophobic and racist environment there (Thorez, 2014). Brusina states:

People from Tajikistan, Uzbekistan and Kyrgyzstan are perceived by ordinary Russians and by the authorities as a large and at the same time unfamiliar, alien to them, and therefore unsafe, element of society, which is too noticeable in the streets of large cities and in the rural countryside, while remaining absolutely closed (Brusina, 2008).

Nevertheless, this did not stop migrants who largely relied on earnings abroad as the main source of their income. Also, due to relaxed visa frameworks among former Soviet countries, which are now part of the Commonwealth of Independent States,¹⁷ lower transportation costs (migrants usually traveled by interstate taxi, bus or train the fares for which ranged from 5 to 50\$), competence in Russian language and shared historical past, Central Asian labor migrants headed for Russia (Marat et al., 2009). Thus, the major points of migrant accumulation there were the Central Federal District, with Moscow and the Moscow region in first place (Zotova & Agadjanian, 2014). Other Russian cities receiving migrants included big industrial centers such as Yekaterinburg, Tiumen, and Novosibirsk (Laruelle, 2013). Some studies also revealed that the neighboring regions of Russia attracted migrants from Kazakhstan. For instance, during the 1990s the Omsk region experienced an inflow of citizens from Kazakhstan, comprising Russians, Germans and ethnic Kazakhs who were escaping from the political and economic instability of a newly-independent state. Moreover, the Kazakhs who migrated to Omsk

joined a minority already present in the region (Le Huerou, 2014).

Being engaged in temporal seasonal or sometimes permanent migration, Central Asian migrants comprised almost half of Russian immigrant workforce. According to Thorez, among these migrants, about 2 million came from Uzbekistan, 1 million from Tajikistan and 0.5 million from Kyrgyzstan. A bigger number of Uzbek migrants can be explained by a higher population rate in the country.¹⁸ However, many researchers complain about the restricted availability of the precise data on the number of emigrants since governments of Uzbekistan, Kyrgyzstan and Tajikistan are unwilling to accept the existence of labor outflow from their countries caused by governmental inefficiency to improve the economic situation and provide employment.

Traditionally, male population of Central Asia was involved in migrations; however, it is a development of the early 2000s that the number of working abroad Central Asian women increased. Female migrants were usually employed in the service sector working as cooks, waitresses, house keepers, and day-care workers. There were also cases of women from Central Asian countries engaged in prostitution outside the post-Soviet space, in particular, in the United Arab Emirates, Turkey, and Thailand (Laruelle, 2013). As labor migration is quite significant for the region, it is reasonable to pay some attention to its dynamics in each Central Asian state.

Tajikistan

In the 1990s, unemployment in Tajikistan was over 30 per cent, average monthly salaries comprised about 8-11\$ and more than a half of the population were engaged in the agricultural industry. Tajik civil war, lasting from 1992 to 1997, forced thousands of people in fear of famine and life safety to move abroad as refugees and labor migrants. In the years 1992-1995, the country was left by mostly young able-bodied men in their 20s, the majority of whom had little hope of ever returning to their homeland; they sought to move their families as soon as possible after they had settled themselves. Since their education was interrupted by the war, they had little competence in the Russian language, compared to migrants in their 40s who received a Soviet education. The language skills became decisive for Tajik migrants as they were able to get better jobs in the construction sector (Marat et al., 2009). The second wave of migrants began to leave Tajikistan in 1995-1998

18 By saying Uzbek/Kyrgyz/Kazakh migrant I do not refer to the ethnic belonging, unless, it is explicitly indicated so in the context. In most cases, this refers to the country of origin and citizenship.

17 For the role of CIS after the dissolution of the Soviet Union, see a chapter by Nuriddinova

because of devastation, unemployment, and political instability. In this migration stream, a significant proportion comprised intellectuals who, due to the presence of a qualification and knowledge of the Russian language, expected a decent position in Russia. Among others, there were physicians, teachers, as well as the military, mostly officers serving in the 201st Russian division near Dushanbe, who feared reprisals from the Tajik authorities. The third stage of the mass flow of residents of Tajikistan to Russia (1998-2002) involved men of working age who left their families at home and sustained them by sending remittances. They were pushed out of the republic due to economic factors: unemployment and catastrophically low living standards associated with agrarian overpopulation (Брусина, 2008).

To illustrate the labor distribution among Tajik migrants in Russian, Erica Marat and others (2009) provides the following statistics:

Most Tajik labor migrants in Russia come from rural areas, with Sogd oblast and Pamir autonomous region leading the list. Nearly half of all Tajik migrants work in the construction sector, another third are shuttle traders, while 6% work at oil and gas exploration sites and 6% in the agricultural sector. Only 3% work in highly professional sectors, such as education and medicine. Over two-thirds of migrants travel to Russia seasonally, with 25% working for six months, 53% for 7-12 months, and 22% for over a year. Only a small fraction of migrants remain in Russia for over three years.

In major Russian cities, Tajik diasporas have formed promptly due to the massive influx of labor migrants and refugees. Some Tajik diasporas have also organized small businesses consulting migrants and informing them about migration trends and the incidents of violence against migrants in Russia. Reportedly, some Tajik diasporas have been also involved in human trafficking and slavery (ibid.).

Uzbekistan

Uzbekistan with a population of slightly more than 32 million makes up almost a half of all Central Asian population (Worldometers, 2018b). The socio-economic situation that has developed there since the collapse of the Soviet Union made Uzbekistan one of the major migrant-sending countries. Mass unemployment, low labor costs, lack of starting capital to run businesses were the main factors that pushed people to migrate. In addition, there was gender discrimination in Uzbek society: women were more socially vulnerable; they were not competitive in labor market and were at more risk of being

fired from a job than men. For all of the above reasons, the number of women engaged in labor migration has risen substantially. The majority of Uzbek female migrants were involved in shuttle trade, which becomes less popular now, as well as in physical labor in construction and agricultural sectors. Thus, the increased cases of female involvement in migration processes can signal a feminization of migration from Uzbekistan. Uzbek women migrated to former Soviet countries, while the geography of male migration was much more diverse. Approximately 15-20 % of Uzbek labor migrants worked in the US, Greece, Israel, United Arab Emirates, Turkey, South Korea and in some European countries. Nevertheless, a larger portion of people went to Russia and Kazakhstan due to existing cultural, language and family connections, and because of favorable visa regulations (Malynovska, 2006).

Kyrgyzstan

Kyrgyzstan has experienced the similar hardships as other Central Asian countries following the dissolution of the Soviet Union. In 1991, 7.5 % of the 4.5 million-population of Kyrgyzstan left the country, a substantial majority of whom were ethnic migrants as indicated above. However, labor migration has also become significant in the country since the 1990s, though Kyrgyz authorities were rather reluctant to talk publicly about labor outflow, making labor migration a sensitive political topic due to its effect on the relationships with the Russian Federation (Abazov, 1999). The principal sectors of Kyrgyz economy in the Soviet era were heavy production and agriculture. The employment in these sectors sharply fell in independent Kyrgyzstan, leaving over 200,000 people unemployed between 1992 and 1996 (ibid.). Thus, unemployment and low living standards were primary causes of labor migration. The average age of Kyrgyz labor migrants was 32 and many of them were highly qualified. It happened that each year university graduates were unable to find jobs locally and this made them look for international labor markets. However, people with a university education who decided to emigrate often performed low-skilled jobs in destination countries and this led to a concern of researchers about the 'brain drain' from the country (Marat et al., 2009). Nevertheless, external labor migration of Kyrgyz citizens was of temporal and often of illegal character. Over 60 per cent of migrants worked illegally and most of them were exploited by their employers (ibid.).

Kazakhstan

The massive outflow of migrants greatly changed the demographic

composition of Kazakhstan. Today, the country is regarded as an underpopulated country with about 18 million citizens and the population density of 7 persons per square kilometer (Worldometers, 2018a). The biggest number of emigrants was registered in 1994 when slightly more than 480,000 people left the country. The outflow of people reduced when the country recovered after the crisis associated with the disintegration of the Soviet Union and implemented a number of economic reforms. However, during the crisis, external migration was considerable when Russian-speaking population emigrated to CIS countries (Turekulova et al., 2016). The reasons for outflow of Russian-speaking people included difficulties at work and lack of promotion possibilities associated with low skills in Kazakh language, ecological concerns and concerns about the future of children (Makeev, 1999).

Irregular labor migration also involved Kazakh migrants. It is reported that many Kazakhstani citizens worked irregularly in Western countries with the US in the first place (IOM, 2003). In the Western world, nationals from Kazakhstan were also engaged in highly-skilled migration and welcomed in conventional global migrant-receiving states such as the US, Canada, and the UK (Gapova, 2006). Overall, there were 3.7 million Kazakh citizens residing abroad in the mid-2000s (Marat et al., 2009). The fact that migrants from Kazakhstan were able to afford expensive transportation costs and move to the distant Western countries indicates that their financial position was not the worst in the country. It is also interesting to note that in the two-year period, from 1998 to 2000, the number of Kazakh asylum-seekers in Europe increased seven-fold and reached 2,738 people with Belgium as the most preferred country of asylum (IOM, 2003). Although not well reflected in the scholarly literature, the potential reason for refugee movements from the country might be political persecution by the established political regime in the country that received substantial public attention several years ago.

Turkmenistan

Even though labor migration from Turkmenistan was not of the same scale as, for instance, from Tajikistan or Uzbekistan, labor migration from the country had quite the same patterns as from the other Central Asian states. In the 1990s, Turkmens were also involved in temporal seasonal and permanent labor migration. Between 1992 and 1995, mostly due to economic and political conditions which existed in the country, people headed for the Russian Federation, Ukraine, Belarus, and Kazakhstan. However, the number of Turkmen migrants outside the country was largely restricted by the

governmental policies, strict border control and poverty of people who could not afford travel and other expenses related to migration. Illegal migration was also very limited; however, it was reported that Turkmen women were involved in human trafficking because were found in Iranian and Turkish brothels (Malynovska, 2006).

Destination Countries of Central Asian Migrants

From the above, it is clear that Russia was the number-one destination country for Central Asian migrants. Nevertheless, people from Central Asia also migrated to other migrant-receiving countries, which may be regarded as the openness of the world associated with globalization. However, another explanation of the diversified destination points for Central Asian migrants, suggested by a Central Asia analyst, is an economic crisis in Russia, which makes labor migrants from the region look for alternative international labor markets, in particular in the European Union (Lang, n.d.). In either way, 'new' destinations for Central Asian people also included most of the Gulf countries. Moreover, the United Arab Emirates and Saudi Arabia have already created legal pathways for labor migrants from Tajikistan, Uzbekistan, and Turkmenistan. In addition, the study of Kyrgyz irregular migrants revealed that the unofficial channels for labor migration to the US and the UK have been well established for migrants from former Soviet Union republics (Libert, 2010). Nevertheless, it should be noted that the choice for the destination country for labor migration often heavily depends on migrants' financial opportunities. Therefore, it can be suggested that it was the richest migrants from Central Asia that reached distant Western and Eastern states (Laruelle, 2013).

Remittances

Remittances play a crucial role in labor migration and sometimes can be regarded as being the main cause for migration (Solimano, 2010). Most Central Asian economies are dependent on labor migration of their nationals abroad and are sustained by the remittances migrants sent back home. Tajikistan and Kyrgyzstan can be the bright examples of such a development. In the 2010s, Kyrgyzstan received remittances that comprised about 30% of national GDP. Tajikistan in 2008 was also one of the top ten remittance-receiving developing countries in 2008 with 50 billion dollars as a share of GDP (Castles et al., 2014). Thus, remittances contributed to the development of the financial sector in Tajikistan and created much more elaborated money trans-

fer systems in the country (Marat et al., 2009).

Table 7.1. Remittances as percent of GDP (2000-18)

	2000-2004	2005-2009	2010-2014	2015-2018
Kazakhstan	0.3	0.3	0.3	0.3
Kyrgyzstan	2.8	18.5	29.2	30.0
Tajikistan	9.3	37.2	40.1	29.0
Turkmenistan	na	0.2	0.1	0.0
Uzbekistan	na	7.3	9.4	3.4

(Brownbridge & Sudharshan, 2020)

In the post-Soviet space, both formal and informal channels to send remittances occurred. Formal ones included money transfer systems like Western Union while informal ones were much more varied. The latter comprised different types of arrangements with migrant intermediaries and informal networks that were able to provide necessary identification documents (Liebert, 2010).

According to the International Organization for Migration (IOM) report, a great proportion of the remittances Kyrgyz families received was spent on consumer goods and everyday life needs, and only 10 % of them were spent on healthcare and education (IOM, 2003). It is an interesting finding and perhaps a peculiarity of Central Asian reality that a significant amount of remittances were spent on weddings celebrations, funerals, and other commemorations (Liebert, 2009). However, in the short term, the immediate benefit of remittances sent to Central Asian countries eased the financial hardships the left families and households experienced. In the long term, remittances have a potential to modestly improve national economies and increase a human capital base of the states (Goldin et al., 2011).

Thus, the outmigration from Central Asia after the collapse of the Soviet Union was quite diverse, involving substantial numbers of people. Nevertheless, the migration dynamics, although in many ways similar, had some differences across the states. There is also abundant evidence that ethnic and labor migrations influenced the region the most significantly, wherein ethnic migration was permanent whereas labor migration often was of a temporal character. Moreover, as the data presented above has shown, there were more individuals who performed low-skilled physical labor both legally and illegal-

ly. And while the authorities of most Central Asian states kept a non-intervening position and did not attempt to regulate the outflow of their citizens, the remittances sent by labor migrants from all over the globe sustained the national economies.

Global and Central Asian Migration

Central Asian countries have entered the global economic and political arena since the collapse of the Soviet Union. Therefore, the processes that originated in Central Asia have their effect on internal as well as external dynamics on both neighboring and distant regions. And migration is a bright example of this since migration is not an isolated phenomenon; it goes hand-in-hand with other numerous processes which are facilitated by globalization.

The above discussion showed how external migration developed in the Central Asian region and now it is time to draw parallels with global migration. Globalization makes the world similar in many ways and, as a result, the processes such as migration, as a rule, have a similar character. Therefore, this chapter aimed to demonstrate that outmigration of Central Asia encompasses certain patterns that reflect global migration realities. For this reason, it can be undoubtedly said the migration from this region is well integrated into the global flows of population.

The period from the end of the 20th century to the first decades of the 21st century was critical in many respects and migration was not an exclusion. It was during this time when new destination countries became open for international labor migrants, due to the stabilization and increase of their economies, as well as social and demographic factors. Thus, countries such as the Russian Federation, the United Arab Emirates, Saudi Arabia, and South Korea have become global migrant-receiving states along with the USA, Western Europe, and Australia. Central Asian countries, especially Tajikistan, Kyrgyzstan, and Uzbekistan, in turn, have been experiencing a substantial outflow of labor migrants who after the collapse of the Soviet Union have become participants of international movements of people even in the cases when they migrated to the neighboring countries within the post-Soviet space.

In the same period, people experienced harsh economic and political crises that largely were caused by the events such as the dissolution of the Soviet Union and Yugoslavia. These turning points pushed people out of their origin countries both temporarily and permanently. It was during these decades when the European Union received a record number of asylum applica-

tions with a considerable number of Central Asian asylum-seekers.

After the collapse of the Soviet Union, global migration has seen a considerable number of return migrants or repatriates who migrated within repatriation programs designed for the descendants of deported by the Soviet authorities Germans, Jews, Poles, and Greeks. It was not only European countries that welcomed diasporas; the Russian Federation also saw a tremendous influx of Russians from former Soviet republics of Central Asia. Ethnic migration was also considerable during these years when ethnic minorities left countries where they allegedly and in some cases really suffered from ethnic discrimination. Such movements of ethnic minorities created new diasporas in migrant-receiving states. In all of these global migration processes developed at the turn of the century, migrants from Central Asia played not the least role. It should be noted here that repatriation and ethnic migration must be differentiated: repatriation refers to return to the ancestral homeland, whereas ethnic migration – to the outflow of ethnic minorities in general, not necessarily to their historical homelands. However, this difference is not explicitly indicated in the literature, especially in regard to the outflow of people from Central Asia.

Some countries are highly dependent on migrant labor, although the perception of labor migrants is not always positive in receiving societies. This is also a case for Central Asian labor migrants who often execute heavy physical work in construction and service sectors and are usually exploited by their employers that benefit from their vulnerable position of illegal migrants. The scale of labor migration of Central Asian people to the Russian Federation since the collapse of the USSR made the country a global destination country.

A growing global trend that was evident in the late 20th century and early 21st century is the feminization of migration. Compared to the earlier periods, when labor migration was a male phenomenon, the numbers of women leaving their home countries for work has increased. Most of the female migrants are engaged in service sectors. Feminization of migration also was considered among Central Asian outmigration with women being involved in shuttle trade and working in construction sites and service. In addition, many women from Central Asian countries such as Tajikistan, Uzbekistan and Turkmenistan were also involved in forced migration, human trafficking and slavery.

A very limited proportion of all migrants worldwide comprise 'highly-valued' migrants who are paid high salaries and sometimes provided with

accommodation, medical insurance, and other benefits. This was true for international information technologies specialists who were welcomed in the USA, the UK, Canada, and Australia to sustain their competitiveness in the global high-tech arena. Among such highly-skilled labor migrants were Central Asian nationals as well, who mostly originated from post-Soviet Kazakhstan and Russia (Gapova, 2006).

Labor migration has become significant for some migrant-sending countries; Central Asian countries included, as their economies experienced instabilities, and subsequently, became dependent on migrant remittances. In this regard, Tajikistan took a place among top ten remittance receiving countries. Here, globalization has facilitated the process which resulted in the development of global money transfer systems that took into consideration global migration patterns and needs of migrants. Thus, for instance, illegal migrants are able to send remittances through worldwide systems such as Western Union.

Conclusion

The recent outflow of people from Central Asia reflects the economic, demographic, and political situation in the region. When the Soviet Union disintegrated and the constituent states consequently became independent, Central Asian migration processes became a significant part of the global migration. The movements of people from Central Asia represent the larger global migration processes within which labor migration both legal and illegal, ethnic migration and repatriation, refugee movements, feminization of migration, and human trafficking are the most notable features. Nevertheless, it is the region's peculiarity, which was not seen before the collapse of the Soviet Union, that diaspora and ethnic migration along with labor migration are the most prominent.

In the era when globalization is the most salient, the local economic and political developments in some countries have their effect on the other ones worldwide. And here international migration becomes a special indicator of this global interrelatedness which goes far beyond national borders. Thus, the collapse of the Soviet Union affected not only its successor states but also the entire world. Moreover, the outflow of population from Central Asia influenced global migration dynamics: the scale of international migration rapidly escalated and new destination countries dependent on immigrant labor were supplied by the stock of Central Asian migrants.

Study questions:

1. How globalization and migration are related?
2. What are the major patterns of global migration observed today?
3. How did the disintegration of the Soviet Union change the character of population movements in and out the post-Soviet region?
4. In what ways does migration from Central Asia reflect the global migration trends?

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Chapter 7

The Phenomenon of Ethnic Migration Policies: Analysis of the Kazakhstani Oralman Resettlement Program

Xeniya Kryakvina

Learning outcomes

- students will gain an understanding of basic concepts in the sphere of ethnic migration;
- students will be able to understand how the process of formation of the national identity of the state affects the inclusion of migrants;
- students will be able to grasp and assess the current trends in the development of the migration policy of Kazakhstan.

Introduction

More and more people all over the world decide to change the state of their residence to pursue a better life. The mass movements of people over state borders push the countries in the direction of the development of sophisticated migration policies, which would balance the economic, international, and cultural demands of the state (Rosenblum & Cornelius, 2012). Thus, states become forced to decide between wanted and unwanted categories of migrants on one hand (Duvell, 2005), and the "liberal pressure" that advocates the protection of human rights on the other (Joppke, 2005a). The international tendency shows that more and more states prefer to avoid any collective criteria for selection, which can be interpreted as xenophobic or racist; rather the selectivity is mostly based on the individual qualities of migrants (Joppke, 2005a). Despite this growing international pressure some countries decide to declare ethnic migration policies. The governments of these countries frame these policies, in a manner that allows them to mitigate the "liberal challenge" and approaches vary from case to case (Joppke, 2005b).

This chapter provides an analysis of the case of the Kazakhstani Oralman Resettlement program. By using the framework suggested by Joppke (2005b), it reveals the mechanisms that the Kazakhstani government used to address challenges posed by the ethnic migration policy as well as approaches and challenges that are unique to the case of Kazakhstan. Throughout the analytical part, the chapter indicates several gaps that can become a basis for further research.

The Salience of Migration

Before proceeding to the analysis of the case of Kazakhstan, we need to explain the salience of the migration and its impact on the development of the country. In this section, we are going to overlook the development of debates over the content of migration policy of countries, in particular, we are going to analyze different modes of naturalization, and how the nation-building process of the state affects the inclusion of migrants and formation of the migration policy of a state. We are going to see the role of the ethnic migration policies and their impact on the general migration flows.

Despite the increasing control over the state borders, more and more people are deciding to leave their home states in search of better living conditions. Motivations of those people vary greatly, while some of them seek for work and economic opportunities, others may decide to change the residence due to the social factors as they attempt to reunite with their family members, to escape from the harsh environmental conditions, to save their lives from the devastating consequences of war (Gold & Nawyn, 2013). Along with the mass movement of people from one state to another, migration facilitates change in ideologies, identities, political practices on different levels: like changes in the perceptions of human rights on the international level, and the change in the almost every aspect of social and political life within states (Gold & Nawyn, 2013).

Along with the potential benefits that migration can bring to the country like an increase in the available labor force, and stabilization of demographic situation (especially salient for post-Soviet countries); mass migration can potentially destabilize the social and economic wellbeing of a state. Therefore, while designing the migration policy of the country, the government should carefully balance the economic, international, and cultural interests of the state (Rosenblum & Cornelius, 2012). One of the major parts of this process is defining the difference between wanted and unwanted categories of migrants (Duvell, 2005). It is becoming even more complicated when the government decides on the policy of admission to citizenship (naturalization), which means that people will reside in a country on a permanent basis and will enjoy the same rights and privileges as well as those people who already were members of the state.

The main two modes of naturalization of the modern state are based on the categories of *jus sanguinis* (law of blood) and the *jus soli* (law of the soil), where the former refers to the right of obtaining the citizenship via blood ties (being child of citizens of a particular state), and the latter is the acquisition of

citizenship at the place of birth (Brubaker, 1992). The mode of naturalization via the blood ties was considered as xenophobic, since it is limiting the possibility of people to fulfill their human rights (Hampton, 1995). In other words, by defining the naturalization policy by using ethnic categories like "blood", the state fosters further development of "social closure". By the "social closure" we understand the process of creation of subcultures or classes that specify the differences between the "us" (citizens of a country) and "them" (immigrants) (Wimmer, 2002).

In theory, modern nation-states managed to build the communities in which the right of equality, participation, and solidarity is the major signal of inclusion, and these privileges belong only to people, who were participating in the construction of these communities (Wimmer, 2002). Therefore, xenophobia and racism are supposed to be the part of the institutional order of a nation-state, which in its turn affects the procedure of inclusion of people in the society (Wimmer, 2002). Thus, social closure based on particular categories like blood ties is supposed to affect the migration policy of the country in an exclusivist manner but at the same time, it is supposed to be considered as the natural phenomenon.

However, some scholars argue that these perceptions are incorrect. Joppke (2005a) brings the "liberal challenge" argument in the debates. In his view, the emergence of the liberal state pushed back the particularistic views in the migration policies of the countries. Thus, countries nowadays, while conducting nation-building, are oriented on the universalistic values like principles of human rights (Joppke, 2005a). Therefore, in the development of the migration policy the only distinctions are "citizens", who have the legitimate right to reside on the territory of the state; "foreigners", who do not enjoy such a privilege, and those who are targeted by the immigration and the foreign policies of a country (Joppke, 2005a). Joppke (2005a) claims that it is not correct to perceive the law of blood as xenophobic, because in the conditions of a modern state it means that citizenship would be transferred from parents who are citizens of a particular country to a kid, regardless of ethnicity.

Moreover, liberal states are not able to put any collective restrictiveness on naturalization and immigration (Joppke, 2005a). The only restrictive measure is the reduction in the number of quotas for entry suggested by the country. Thus, in a situation where the public pressure would try to define who is eligible for the entrance, the option available for the government would be to close or reduce all the immigration, but not the imposition of

restrictions on a particular group (Joppke, 2005a).

The main puzzle here is the fact that despite growing liberal tendencies like the development of multiculturalism in liberal communities (Kymlicka, 2001), some countries still resort to the ethnic immigration policies (Joppke, 2005a). The most famous examples are Germany and Israel. In these policies, countries provide more privileges for the naturalization to the representatives of core ethnic groups. The reason for the emergence of the special treatment of ethnic diaspora lies in the "ethnic" self-understanding of the receiving state (Brubaker, 1996). This sort of policy presupposes the existence of ethno-nation which exists for the benefit of a particular ethnic group (Brubaker, 1996). Nevertheless, the phenomenon is a rare case, and these programs lose their intensity with the growth of liberal pressure as it happened in case of Germany after the most of the ethnic discourse was outlawed; also the way these policies are framed in the official discourse shows the limited nature of their effect on the migration policy of a country in general (Joppke, 2005a).

In sum, we can see that for a modern state the control over the migration flows should be one of the key priorities to preserve stability. Despite the presence of the public pressure over the definition of particularly preferred groups for immigration, because of the liberal pressure, countries are not able to impose any collectivist restrictions on immigration. The exceptions are some states, where the ethnocentric national ideas led to the development of positive discrimination towards the particular ethnic group. Nevertheless, these programs are considered to have a limited effect on the migration policy.

The following section will consider the phenomenon of the presence of ethnic migration policies in more detail. In particular, we are going to analyze what kind of forms of ethnic migration policy exist, what kind of selection mechanisms are employed, and what types of conflicts emerge around these policies, which will become a framework for the further analysis of the case of Kazakhstan's ethnic repatriation program.

Ethnic Migration Policies

In the previous section we have delineated the fact that despite the growing liberal pressure in the world, which aims at the protection and spread of universal support for human rights, some countries still resort to ethnic categories while designing migration policies. However, the design of ethnic migration policies requires those states to hide the ethnic selectivity from the public (Joppke, 2005a). In the following chapter, we are going to explain what

the ways of framing ethnic migration policies are, their mechanisms of selection and types of pressures and conflicts that evolve around these policies.

It was mentioned above that the reason for the development of the ethnic migration policy lies in the "ethnic" self-understanding of the receiving state, and that the state is existing for the benefit of a particular ethnic group (Brubaker, 1996). However, despite this criterion of ethno-nation, ethnic migration policies appear in many different forms (Joppke, 2005b).

Joppke (2005b) suggests a set of criteria depending on which ethnic migration policies vary from each other. These are the discriminatory directions, justifications, selection mechanisms, and types of conflict that emerge around these policies.

Thus, by discriminatory directions, Joppke (2005b) suggests that there are two ways of development of the migration policy in relation to the rest of immigrants: positive and negative. In the case of negative discrimination, one group with a particular identity (ethnic) is denied immigration rights. Whereas, by positive discrimination, we understand the process when in the conditions of equal treatment of non-citizens, one particular group enjoys positive derogations just on the basis of its identity.

The next criterion is built around the idea of justification for the promotion of the program for the larger audience. Since the international community is moving in the direction of the development of incivility, which is the opposite of the exclusive nature of the ethnic selectivity, states need to hide the presence of such categories in their policies (Joppke, 2005a). The process of hiding such selectivity is conducted by means of justification of the policies for the public. There are several approaches to justification (Joppke, 2005b). The first one is the idea that people with a similar identity have the best "assimilability" in the society of the home state. Another approach is the justification through the employment of rhetoric of protection of rights of diaspora, in other words, governments elaborate on the idea that compatriots abroad are the subject for the prosecution, and the state has the moral-historical responsibility to protect those people. The third way is developing the idea that a particular group or the historical community that encompasses more than one state should consolidate in a "pan-ethnic community". In some cases, those justifications can overlap, or the state can employ more than one of these approaches in order to promote its policy (Joppke, 2005b).

The third criterion is related to the legal mechanisms of naturalization for these groups. At first sight, the process of naturalization may seem as non-ethnic, simply because it is legal, however, in some cases, it can become

an example of "pan-ethnic constructs state-transcending community" Joppke (2005b). There are two types of ethnic immigration policies, "putative proximity" and "putative similarity". The policy of naturalization via the "putative proximity" triggers the people who are listed in the pan-ethnic dimensions. Whereas, the naturalization via "putative similarity" addresses the descendants of former emigrants.

The last criterion for the analysis is the type of pressure that the policy encounters, so-called "liberal challenge", or the situation when the inequality between migrant groups is contested. Joppke (2005b) differentiates between three types of challenges that ethnic migration policy may face. The first one is the international pressure from international actors, which are aimed at the promotion of moral universalism and protection of human rights. The second type is the pressure from the domestic actors, where the groups that were disadvantaged by the policy are imposing pressure on the government, and thus achieve the de-ethnicized migration policy. The last type of pressure can come from the supranational organizations created by groups of states, within which the indiscriminatory movement of people is the salient criterion for the existence of the organization.

Overall, we can see that despite the similar preferred ethnic category of migration, the ethnic migration policies can vary from case to case. The variation can occur in several forms like the type of discriminatory dimension, justification of the policy for the broader public, legal mechanisms of selection, and the type of liberal pressure that the policy echoes.

In the following section, we are going to see the comprehensive analysis of the Kazakhstani ethnic resettlement program. Based on the theoretical framework suggested by Joppke (2005b), we are going to analyze the case of Kazakhstan's migration policy and will reveal differences of this program with other similar policies and will see some unique dimensions of the Kazakhstani resettlement program.

Kazakhstan's Ethnic Return Migration Policy

General Information about the Oralman Resettlement Program

After getting independence, Kazakhstan faced a variety of issues regarding nation-building. Two of them are of particular importance for this chapter, the identity building and the demographic situation of the state, which affected the trajectories of development of the migration policy of Kazakhstan.

By 1992, the Kazakhstani government encountered several challenges related to the demography. The first one is that despite the fact that Kazaks were the titular nation (the system of ethno-nations was inherited from the Soviet ethno-federal state structure), the number of ethnic Kazaks was only 40.1% (Diener, 2005). The relatively little number of representatives of the titular nation and uneven spread of Kazaks over the territory of Kazakhstan, namely, the fact that the Northern region of the state was populated mainly by ethnic Russians, increased the threat of secession of the region (Zardykh, 2016). Another demographic issue was the fact that the overall population of the country was decreasing due to the emigration of representatives of other ethnic groups to their home states (Diener, 2005; Dubisson & Genina, 2011) (also, see the chapter by Baltabayeva). Thus, the state had to create a policy, which would help to solve these issues rapidly and will have a long-run effect on the demographic stability of the country.

The best option that was available for the government was the creation of the migration policy that would aim at the repatriation of ethnic Kazaks. It was estimated that around 4.1 million of ethnic Kazaks were residing outside of the territory of Kazakhstan (Diener, 2005). Building close ties with diaspora and attracting it's portion back to the homeland was expected to have a positive effect on the demographic conditions of the state and supposed to diminish the threat of separatism by relocating more Kazaks to the Northern Parts of the country (Zardykh, 2016). Financial support and the development of economic ties was the additional benefit of the program (Diener, 2005).

The adoption of the policy also affected the identity building process of the state. Kazakhstan due to the multicultural nature had problems in defining national identity. On one hand, the state was facing the pressure from the representatives of different ethnic groups, who were advocating the development of the civic national identity; on the other hand, there were advocates of the idea that nationalism should be built around the titular nation of the state (Kuscu, 2013). We cannot claim that the adoption of the policy drastically affected the formation of the national identity of Kazakhstan, rather the identity building is still on the agenda, and it is impossible to draw a clear conclusion. However, what we can observe is that by adopting ethnic migration policy, the government was able to enhance its legitimacy as the predominantly ethnic Kazakh government by bolstering the percentage of titular people in the total amount of population (Diener, 2005).

Thus, by weighing arguments pros and cons of the policy, Nazarba-

iev decided to declare the policy that will attract compatriots and "unite all Kazaks under the single flag on the soil of Kazakhstan" (Diener, 2005). The policy was officially declared during the First Qurultay (*reunion*) of World Kazaks, so the right of Kazaks to repatriate was established not only in discourse but gave an impetus for the development of the policy (Kuscu-Bonenfant, 2012).

The policy started to attract many members of Kazakh Diaspora to Kazakhstan. Since the declaration of the program until now, more than 1 million ethnic Kazaks returned to the home state (Ministry of Labor and Social Protection, n.d.). The majority of them returned from China, Uzbekistan, and Mongolia (Ministry of Labor and Social Protection, n.d.). Repatriates who decide to come back to Kazakhstan via the ethnic migration program receive a special status of Oralman (*returnee*), which provides them with the list of social and financial benefits upon their return. These benefits include educational opportunities, employment, pensions, healthcare, transportation allowances, and housing (Egov. Status and Rights of Oralmans. n.d.). Several scholars reported that people faced problems on the stage of implementation of the program, mostly in the face of corruption and bureaucratic issues (Diener, 2005; Dubisson & Genina, 2011; Kuscu, 2013).

In sum, we can see that by declaring the ethnic repatriation program government aimed at solving demographic and nation-building issues. Participants of the program are entitled to some social and economic benefits. However, it was also observed that at the stage of implementation people encountered corruption and bureaucratic issues. In the following chapters, we are going to analyze the Kazakhstani ethnic migration program and will show that it has some unique patterns, which can become a basis for further investigations.

Selectivity

As it was mentioned above, ethnic migration policies are the rare phenomenon, because the selectivity criteria are exclusivist and growing "liberal pressure" diminishes its impact worldwide (Joppke, 2005b). Nevertheless, such policies are still taking place, they manage to survive due to different forms in which they are framed by politicians (Joppke, 2005a). Joppke (2005b) provided several criteria for the comparative analysis of ethnic migration policies.

The first criterion is selectivity. Joppke (2005b) argues that there are two basic discriminatory directions in the process of selecting the preferred

immigrants: negative and positive. The former takes place in the situation when the government selects the "unlikely" group for immigration. However, when it comes to the ethnic repatriation programs, they are usually framed in form of positive discrimination, which means that while preserving equal treatment of non-citizens, the positive legislative derogation appears for the treatment of particular ethnic group.

The case of the Kazakhstani repatriation program is not an exception. People of Kazakh ethnic identity are provided with the separate track for naturalization, which is the most convenient: if a non-citizen decides to apply for the citizenship they need to have a Permanent Residence on the territory of Kazakhstan for at least 5 years before they will become eligible to apply for the citizenship; whereas people, who received the status of Oralman can apply for the citizenship regardless of the amount of time for the residence, and their application is considered within 3 months (Law On Citizenship of Republic of Kazakhstan, article 16-1).

Along with the fastest way for naturalization, this group is enjoying state support in terms of social and financial benefits. Upon the arrival to Kazakhstan and receiving the status of Oralman, they are expected to go through the adaptation period in special adaptation centers, where they are provided with assistance in applying for citizenship, employment, education, health-care, and any legal issues that people face. Also, Oralman receive allowances in the form of social pensions, allowances for the transfer, and the allowances for the rent of housing for the period of 12 months (Egov. Oralman in Kazakhstan, n.d.). Besides Oralman, the Law on Citizenship specifies additional naturalization tracks for ethnic Kazaks, who are studying at universities in Kazakhstan (Article 16-1, part 3).

Overall, it becomes evident that ethnic Kazaks enjoy positive discrimination in comparison with other non-citizens. It is expected that positive discrimination is not going to be opposed by the population, but in fact, the preference of one group is the discrimination of the other (Joppke, 2005b). Thus, there is a chance that discrimination will trigger public protests. In this case, the government resorts to the justification of the policy that is aimed at the generation of public support for the implementation of the policy. In the next section, we will analyze which methods for justification were employed by the government of Kazakhstan.

Justification of the Repatriation Policy

The next criteria for the analysis of repatriation policies is the justifi-

cation or the basis for the implementation of a particular policy. The theory specifies three distinct approaches for justification of the policy (Joppke, 2005b). The first one is the pragmatic notion of the assimilability of an ethnic group in the host state. The second is the protection of the rights of compatriots. The last one is justification based on pan-ethnic ideas. In some cases, these justifications can overlap. The government in Kazakhstan resorted to two approaches: the assimilability idea and the idea of protection of rights of compatriots, who emigrated from Kazakhstan due to unfavorable socio-economic conditions in the home state.

The first approach employed by the state was based on rational statements concerning the fact that those people were expected to assimilate more successfully in comparison with other groups of migrants due to shared cultural patterns (Kuscu, 2013). However, this sort of statements were actively criticized by the opponents of the policy (Kuscu, 2013) and the Oralman themselves (Diener, 2005). The main point of the criticism was the high level of russification of the state, which complicated the process of assimilation of Oralman (Diener, 2005; Dubisson & Genina, 2011; Kuscu, 2013).

We can also observe one unique tendency that was mentioned in the attempt of the government to foster the impact of the rationality rhetoric in the process of justification. Some ethnic nationalists were emphasizing the idea that Oralman could preserve the essentials of Kazakh culture, which was not preserved here in Kazakhstan due to the Soviet policy of Russification (Kuscu, 2013). Thus, they expected that Oralman will help to revive cultural heritage and will help to build the community consolidated around genuine Kazakh values (Kuscu-Bonnenfant, 2012; Kuscu, 2013). This view was accepted with public criticism and fostered the development of debates over the state identity.

Another approach for justification that was employed by the state was the rhetoric of victimization. In official statements, this policy was justified by the fact that Oralman are descendants of those people, who were the subjects of prosecution and who have the right to return to their historical homeland (Kuscu-Bonnenfant, 2012). The Law on Citizenship does not connect the status of Oralman with the victimization directly, however, the same article, which provides a simplified track for naturalization of Oralman indicates that people who previously were residing on the territory of Kazakhstan and have lost the citizenship without own will due to political situation can apply for the similar simplified track as well (Law On Citizenship, Article 16-1, part 2). This amendment helps those people who could not get the Quota for the

status of Oralman, to go through the naturalization process in a fast way, but without additional social and economic support from the side of the state.

In sum, we can see that the government simultaneously resorted to two ways of justifying the implementation of ethnic migration policy. This could be done in order to address different groups in society: those who are sympathetic to ethno-nationalist ideas and pragmatic groups in the population. The puzzle here provides some prospects for further investigations, which is out of the scope of this paper. The following chapter would present the selection mechanisms that were employed by the government while designing the ethnic migration policy.

Legal Infrastructure and Selection Mechanisms

Ethnic immigration policies can provide the route for the naturalization of people in the home state. However, cultural variables, in this case, ethnic identities, are difficult to define. Joppke (2005b) defines two ways in accordance with which countries define the target groups of the policy. The first way is "putative proximity", where the belonging is traced to pan-ethnic ideology. The second is "putative sameness", where the target group includes descendants of former emigrants.

Kazakhstani government resorted to the latter when defining the target group of the migration policy. Thus, people who would like to apply for the status of Oralman need to present autobiography and any document that indicates the ethnic identity (Kazakh) of the applicant (Egov. Oralmans in Kazakhstan, n.d.). The procedure of establishment of ethnic identity of the applicant was not clearly defined in the law, and in case if a host state does not specify the ethnic origin of a citizen, then the application procedure can become more complicated. Another limitation that was set by the state policies are quotas for the number of people who are eligible for receiving the status of Oralmans. They were introduced by the state in the late '90s when the government was unable to deal with the burden caused by mass immigration (Kuscu-Bonnenfant, 2012). The number of quotas is defined by the president and declared on a yearly basis. The inconsistencies in legal procedures and gaps in the legal framework can negatively affect the assimilability of these people, and its impact has good potential for further investigations.

A "Liberal Challenge"

Joppke (2005b) states that one of the main features of ethnic migration policies is their susceptibility to the liberal challenge. Thus, the inequality that

can be presented in the form of either positive or negative discrimination of the particular ethnic group can be challenged by the disadvantaged migrant groups or minorities within the population. The author (Joppke, 2005b) specifies three types of liberal challenges that can occur: International pressure, domestic pressure from disadvantaged groups, and supranational pressure.

The case of the Kazakhstani program can become subject only to two of these dimensions of "liberal pressure", International and Domestic. The scale of the International pressure on the ethnic migration policy of Kazakhstan can not be considered as high. UNDP is constantly monitoring the situation, however, the recommendations that were provided in the report are mostly addressing the socio-economic challenges that people face, not the ethnic nature of the program (UNDP, 2006).

While the International pressure on the policy is not active, the domestic pressure shows some unique dimensions. Once again, in theory, it was indicated that the preferential treatment of a particular group can create unrest among other immigrants and disadvantaged minorities within citizenry (Joppke, 2005b). The case of Kazakhstan shows that the division can also take place within the titular ethnic group.

Basically, the division lies between the Russophone Kazakhs and Kazakhs advocating ethno-nationalist ideology. The study conducted by Kuscu (2013), where the author conducted the comparative content analysis of Russian and Kazakh language media coverage of the resettlement program, shows that society can be divided into the opponents (those who resort to Russian media coverage) and proponents (those who use Kazakh media coverage) of the program. Proponents support the claims of the government concerning the revival of Kazakh culture, whereas the opponents claim that the policy is irrational, people that the government is attracting in most cases have low education levels, and that the government should rather concentrate on the development of social and economic conditions for the citizenry. The explanation of why the cleavage appeared within the titular nation, and why it is located exactly along the linguistic lines is a prominent area for further research. Some ready answers that come to mind are the relation to the conflict of civic and ethnic perception of the nationhood, or the rational calculations related to the well-being of people. However, as it was mentioned above, in order to be able to provide confident answers more research should be conducted.

Conclusion

The growing "liberal pressure", which advocated the idea of protec-

tion of human rights, forces states to specify individual characteristics while designing the migration policy; thus reducing the chance of collective discrimination of people. However, some states still follow the ethnic migration policies, which are in most cases framed as repatriation policies that allow governments to justify group selection.

In this chapter, we have analyzed the case of the resettlement program of Kazakhstan. We figured out that the program is positively discriminating ethnic Kazakhs by providing them with the fastest track of naturalization and additional social and economic support in the form of allowances. Officials justify this discrimination by combining both the rationality and victimization rhetoric, and what was peculiar about the rationality argument, is that local ethnic Kazakhs were sympathetic with the idea that Oralman could help to revive the essential ethnic culture which would foster the process of nation-building.

Another major peculiarity of the program, indicated above, was that the public resonance was allocated within the titular ethnic group and was not much articulated by minorities and other groups of migrants like it is suggested in the theory. This gap can become a prominent basis for further research.

Study questions:

1. What is the process of naturalization?
2. What are the two main modes of naturalization?
3. How can you define "liberal pressure"?
4. Why did the government of Kazakhstan decide to adopt the repatriation program?
5. What was the effect of the liberal pressure in Kazakhstan?

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Chapter 8

National Identity of Youth in Kazakhstan

Assel Abisheva

Learning outcomes

- students will gain the basic theoretical understanding on nationalism and national identity;
- students will be able to categorize various types of national identity;
- students will be able to understand the current mood of youth on the national identity of Kazakhstan.

Introduction

The question of studying nationalism and national identity has dominated social science for the last two centuries. Depending on the level of discussion, such as individual level, levels of collective actors, and enclosed political entities, definition and operationalization of the term "national identity" might differ. Abdelal et al. (2006) define national identity as the "collective identity" formed by constitutive norms that provide "formal and informal rules that define group membership"). Therefore, it can be argued that national identity provides a feeling of inclusion, lessen confusion, and generates social cohesion. Identity not only represents institutions and formal laws, but also the values and culture of the nation.

The relevance of the study of national identity is due to crisis phenomena in the public consciousness. The crisis of the identity of individuals and social groups with larger communities contributes to the development of such processes as migration, destabilization of the political and economic environment, the transformation of consciousness, modernization, and others (Fukuyama, 2018). Moreover, these phenomena are of a global nature and can be observed in virtually all societies and states. Fukuyama (2018) argues that the rise or demise and stability of one country somehow depend on the national identity; therefore, countries that have weak national identities have suffered from the disintegration of a state, internal dissents, and chaos. Examples are Syria, Somalia, Iraq, Afghanistan, Libya, and Yemen. Most of the developing countries are facing the same problems of a weak sense of national identity. In Nigeria and Kenya, national identity is divided into ethnicity and religion, and the only way out for stability is the alternate change in ruling

parties. Another main obstacle that derives from the chaos that weak national identity causes are failed economic development, high levels of corruption, and poverty (Fukuyama, 2018).

After the collapse of the Soviet Union, new countries had to come up with a policy on how to retain their national sovereignty, and Kazakhstan was not an exception. With an ethnic Russian majority second to the Kazakhs, the government had to find its place in this tense situation. Given the heterogeneous ethnic formation of the state, Kazakhstan's government was unable to apply the ethnicity-based concept of nationhood management (Kesici, 2011). However, according to Karin and Chebotarev (2002), Kazakhstan from the beginning of the independence tried to promote the "Kazakhisation campaign".

This chapter first gives theoretical background to the notion of national identity and differentiate between national and ethnic identity, which is based on a different understanding of the terms *nation* and *ethnos*. Then, it provides an analysis of youth's identity in Kazakhstan. Lastly, the chapter, analysing seven in-depth interviews with the youth, discusses the effect of identity on the development of human capital in Kazakhstan.

National Identity and Nationalism in Theory

National identity is a sense of belonging or one's identification with a particular state or nation. It creates a sense of the homogeneous whole as one nation and is represented by culture, traditions, politics, and language.

The historical and cultural evolution of the application of the terms nation and *ethnos* in philosophy and science is described in detail by Granin (2015). In his opinion, the terms nation and *ethnos* date back to different languages and have different historical and scientific destinies. If the latter is formed from the ancient Greek *ethnos* (people) and as a special concept entered the language of European science only in the second half of the 19th century, the former (from Latin *natio*, which in turn goes back to *nasci*, which means 'born') was actively used by historians and writers of ancient Rome. In the late Middle Ages, the word 'natio' was filled with new content. So, in medieval universities, they speak of nations, already understanding under them student corporations, that is, a kind of community. Religious orders, merchant unions, and many other corporate organizations were also divided to the nation. "At the same time", notes Habermas (2001, p. 204), "the other national origin attributed to others was associated from the very beginning with the negative alienation of the Stranger from Own".

A laconic and capacious definition of the nation was given by Stalin

(1967): "A nation is a historically established stable community of people that arose on the basis of the commonality of language, territory, economic life and the mental make-up manifested in a community of culture". As a result, many specialists came to the conclusion: since it is impossible to give an exact conceptual definition of *ethnos* and nation, it is preferable to eliminate them altogether from the categorical composition of social science. Sorokin can be given as an example who made such a proposal. It is not accidental that, following Sorokin, already in the middle of the 20th century, some researchers (e.g. Carr, 1945, Kohn, 2018, .) either refused to give an exact conceptual definition of the nation or suggested that it would be considered an empty definition, or even simply a "product of faith". The statement of this circumstance allowed in 1964 the British social scientist Gellner (2008) to declare that "the nation is the invention of nationalists", through which they implement their political ideas.

National identity is one of the multiple forms of identification of an individual or a social group with fairly large political communities. Accordingly, national identity is the result of identifying an individual or social group with a particular nation. Spitsyn (2005, p. 146) gives the term national identity the following definition: it is "a socio-psychological and socio-cultural phenomenon that presupposes a conscious self-determination of a person based on comprehension and experience of belonging to the nation depending on what is considered a nation in a given sociocultural context".

It is possible to continue giving various definitions to national identity, but in fact, all of them contain one formulation. National identity acts as a relationship between the state and the individual, the state, and the social group. Individuals seeking to enter an organized and structured community to gain their own inner integrity, harmony with the world around them. Communities also develop common rules of coexistence as a result of interactions. In general, when we talk about political communities, for example, nations, it is a classic 'social contract' (Ozkirimli, 2010).

A nation, being a social phenomenon, is dynamic. It is subject to changes that are the result of a reaction to external challenges and threats. Changes not only the content of a nation that includes national ideas, ideals, values of a particular society, but also the external appearance of the nation, its image that is embodied in state symbols (flag, coat of arms, anthem), colors, outstanding personalities, and many other things. Objective reality confirms the facts of the transformation of nations in the modern conditions of globalization. Not only the nations that are experiencing the rise of the national move-

ment as a result of the collapse of the Soviet Union are being transformed, but also the 'old nations' of Europe, where the dynamics of ethno-demographic changes in the structure of the population are high.

Starting from the core debates in the study of nationalism, scholars argue about when the first nation appeared. Over the years since nationalism was created and considered of political and social importance people have argued about its origins whether the nation was created first and nationalism second or vice versa. It is still contested whether a nation is a primordial or modern phenomenon. Some people believe that nations have always existed by ethnic lineage, while others argue that nations are a mere social construction. The concept itself is essentially modern. It gained recognition in the late 18th century. The national perception of what the nation's unity is built is crucial to understand since it is one of the forces that affect national policies and future aspirations of nations. Academics have suggested different explanations and the most discussed ones are primordial and modernist schools of thought.

Primordialism

According to this approach, nations have always existed and nationality is an essential and natural part of a human being as smell, sight or speech. This view is widely accepted and supported by historians, who believe that nations have been there since the very beginning of human existence on Earth. The term is derived from the word 'primordial' which means existing from the beginning of time; distant in time, ancient. In other words, primordialism states that a person is born with nationality, it is given and never-changing. It is generally accepted that the first person to use the term primordialism was Edward Shils to describe the kinship in a family (as cited in Ozkirimli, 2010). Once one is born, they automatically have their ethnic identity and attachment to their nation is like the deep feelings one experiences towards their family members. Primordialism, on the subject of ethnicity, argues that nationalities and ethnic groups exist due to the fact there are traditions of belief and action in the direction of primordial objects including biological factors and especially territorial location (Gryosby, 1994). This view is based on the notion of kinship, according to which members of one ethnic group share perceptions of common origins, characteristics, and even sometimes a blood relationship. Once constructed, primordialism considers ethnic identity fixed (Bayar, 2009).

According to Ozkirimli (2010), primordialism as a theoretical approach

does not form one category. It comprises four different subcategories: the nationalist, culturalist, sociobiological, and perennialist approaches. The common variable is that all of these subcategories believe in the naturalness of nations (Ibid., p. 50).

The nationalists believe that nationality is an inborn human condition and as Gellner said "a man must have a nose and two ears" (as cited in Ozkirimli, 2010, p. 51). This approach holds that people are divided into distinct nations, and the nations are the only repository of sovereignty, legitimacy, and political power. Every nation has the right to claim for their own homeland, unique destiny, and history. For nationalists, the past plays an unproblematic and clear role. The nation has always been there as part of the natural order, and their task is to remind each other of their past full of glory, so that they can relive and recreate those moments (Smith, 1994).

This approach has affected not only politics but also fields of folklore, history, which serve as a nation-building force among people of one nation.

Generally, the culturalist approach to nationalism is associated with the research works of Cliffords Geerts and Edward Shils. Eller and Coughlan (1993, p. 187) wrote an article where they summarized these writers' main views: primordial attachments are not sociological but rather natural and even spiritual; primordial sentiments are coercive and overpowering; «primordial identities are different from other types of identities». Primordialist schools argue that a nation is a self-aware community and it should govern its future and territory itself. It has a common language, territory, and history.

The oft-quoted proponent of the sociobiological approach to studying nationalism, Van den Berghe (1983) believes that there is an external bias, objective to the existence of ethnicity, nationality, and race. "In simplest terms, the sociobiological view of these groups is that they are fundamentally defined by common descent and maintained by endogamy. Ethnicity, thus, is simply kinship writ large". One of the basic questions asked within sociobiology is "why animals cooperate"? The truth is that animals are social so long as their cooperation is mutually beneficial. At this point, sociobiology provides a genetic mechanism called kin selection to increase the extent of inclusive fitness. According to Van den Berghe (1978) the same applies to people: race and ethnic sentiments are attenuated and extended forms of kin selection. In other words, nations, ethnic groups, races are superfamilies of relatives who intermarry and are knit together by close ties of descent. The kinship is usually thought to form powerful sentiments that we call tribalism, ethnocentrism, nationalism, and racism. There are two additional mech-

anisms that help understand human sociality in the sociobiological approach: coercion and reciprocity. The former is a use of force for the benefit of one side, whereas the latter is cooperation which takes place either between kins or non- kins for mutual benefit. As Van den (1983) put it: "the larger and the more complex a society becomes, the greater the importance of reciprocity".

Introduced by Smith (2002), the term 'perennialism' refers to the belief in the nation's antiquity and immemorial character. He distinguishes two types of perennialism: continuous perennialism and recurrent perennialism. The former highlights continuity of nations, their culture, and identities, the roots of nations go back several centuries in time, in some cases even millennia into the past. The latter indicates that nations are found everywhere and recurrent, and also argues that the number of chronicles and document proving the existence of national sentiment and nations in West Europe starting from the medieval period is sufficient (Smith, 2002, p.12) According to Smith (1994, p. 18-19), for perennialists nation is an immemorial phenomenon. The forms and nations may change over time, but the nation's identity does not change.

Modernism

An opposing position takes academics of the modernist approach. According to them, nation and nationalism is something new, modern, and constructed. They believe that nationalism has appeared first and nations were invented second. If we take a look at history from the early 15th to 19th centuries in countries like England and France, states always came before the nation, and citizens of these states did not have a common language but still stayed unified and defended their common territory. This shows that the nation has not always been a source of unification and people did not pay that much attention to nationalism as in the 19th century or in modern times where significant efforts are spent on recreating the historical greatness of states like in Russia, post-Soviet countries, and China. Unlike primordialism, the modernist approach holds that nations and nationalism are modern and that in the pre-modern era there was no room for nationalism or nations (Ozkirimli, 2010, p. 72). Scholars of these schools of study have different opinions depending on the factors they prioritize in their findings such as political, economical, and social/cultural.

Eric Hobsbawm (as cited in Ozkirimli, 2010, p. 94) is one of the prominent scholars who studied nationalism in the modernist approach and highlighted the importance of traditions in forming national unity in a state. In

particular, he underlines that both nationalists and nations are the products of 'social engineering'. According to him, traditions were invented and by that he means a set of practices governed by tacitly and overtly accepted rules of a symbolic or ritual nature, that seek to instill particular norms of behavior and values by repetition, which implies continuity with the past (Hobsbawm & Ranger, 1983). Nations belong to a historically recent period and there is no sense in speaking of nations before the creation of the modern territorial states. Despite the nations' novelty, they create a link between a suitable past and "use history as a legitimator of action and cement of group cohesion" (ibid.). He identifies two types of invention of traditions. The first type is when states adapt to old traditions and the second one is a deliberate invention of new traditions. The latter occurs when there are periods of rapid social change and there is a paramount need to create unity and order within the society. Eric Hobsbawm argues that three major innovations accounted for the development of nationalism: the development of primary education, the invention of public ceremonies and the mass production of public monuments (Ozkirimli, 2010, p.96)

Everyone who studies International Relations, History, or Sociology has at least come across Ernest Gellner's book "Nations and Nationalism" (1983). It is one of the most important books in nationalism studies. The very notion of nationalism presupposes that nation and state depend on each other, one is incomplete without the other. However, Gellner (1983) argued that to be destined to each other they had to emerge at first and that states emerged without the help of nations, and some nations appeared without the blessing of states. Two men are from the same nation if and only if they believe to be of one nationality, which leads to a conclusion that nation is a mere artifact of human consciousness. For him nationalism was a condition with sociological nature and a possible consequence of modernization which was evidently seen in the change from an agrarian society to the industrial. Furthermore, his theory mainly focuses on the cultural and political aspects of this change. He particularly writes about unifying and homogenizing forces of the homogenous education systems, labor markets, and developed mobility and communication. The key concepts in Gellner's viewpoint are capitalism and industrialization that bring about common and compulsory education to all cities.

Another modernist approach is seen in Benedict Anderson's "Imagined community" (1983) idea in "The Nation is Imagined Community". He believed that a nation is imagined in a sense that it is both limited and sovereign. It

is imagined because every member of one nation will never meet each other personally, will not know of every one member of their community, but have the feeling of being similar to each other, the feeling of being one nation and belonging to one group apart from others. It is imagined as limited because members of one nation believe that there is an elastic boundary between their nation and other nations. It is imagined as sovereign because the concept was developed during the Enlightenment and Revolution when freedom was everything associated with sovereignty. It is imagined as a community because the nation is an idea of fraternity and brotherhood (Anderson, 1983).

The key concept in Anderson's (1983) findings is the impact of print capitalism on the nationalist atmosphere in states. The impact of print language was reflected on national consciousness by means of the introduction of unified language that allowed the majority of the population to understand the same texts and identify with each other. Moreover, fixing language gave way to the development of the widespread perception of the antiquity of nations. At a later stage in history state consolidation at home and in the colonies created groups of people who felt culturally and politically alienated and by 'imagining' themselves as separate communities, they were able to shake off outside rule.

National Identity Perception of the Youth in Kazakhstan

The end of the USSR period for Central Asian countries fostered the interest of local and global researches in this area. Especially, it can be argued that areas such as national identity raised a big curiosity among researchers, because as Ken Roberts noted, former Soviet Union countries do not have a history of statehood (as cited in Sharipova & Burhanov, 2014).

Mostly explored areas where the growing 'revenge' of the nationalizing Kazakhization process; the relationship between Kazakhs and other ethnic groups living in the country, notably Russians; the role of intra-Kazakh cleavages; and the continuity between Soviet policies and independent Kazakhstan's approaches to the language situation. (Sharipova, 2019).

According to some scholars, the government of Kazakhstan supported more ethnic Kazakh identity, instead of cultivating inclusive civic identity. As a result of this, the government supported ethnic nationalism by using school history narratives (Diener, 2002). Scholars who had done research on Central Asia and its national identity mostly concentrated on the whole population and not focused on the youth. (Burkhanov, 2019).

The relevance of taking the youth as respondents to this study is that,

in the period between 18 and 29 years, people start to grow their autonomy, rethink their attitude, and build their identity differently from their families'. Youth are open-minded and ready to learn and change segments of society, and as for Kazakhstan, it is a 21.5 % percent of its population (Youth Scientific Research Center, 2018). Therefore, it is very important to work and research on the identity building process of youth in Kazakhstan and how that identity affects their motivation to work and develop.

According to different research, youth in Kazakhstan has a different view on their identity. Maybe because of the Soviet past or any other triggering factors, their perceptions of identity are multidimensional and complex (Sharipova, 2019).

Furthermore, multiple dimensions can be seen not only in the different worldviews of the youth (modern conservatism and core liberal values) (Zhussipbek & Nagayeva, 2019), but also in the division of linguistics to *shala* Kazakhs and *nagyz* Kazakhs. Here *nagyz* Kazakhs can be defined as youth who are speaking Kazakh and mostly coming from rural sites, and *shala* Kazakhs ethnic Kazakhs, who do not speak Kazakh and are coming from urban sites (Kudaibergenova, 2019).

Furthermore, as Laruelle (2014) noted, there are different discussions on nation-building in Kazakhstan: Kazakhstanness, Kazakhness, and a transnational paradigm. Rico Isaacs (2015) added that in the region, there is a divide between civic and ethnic identity. Then he also adds that for youth national identity, which he calls hybrid identity, we should look at the effects of globalization. It can be seen from the global trends in economic, social and cultural areas.

Scholars also argue that generally, youth are distant from or even hostile to the national identity. In the case of the UK, it was found out that youth in England are aggressive to the British identity. Fenton claims that, the reason for that maybe that the younger generation does not want to seem nationalistic or even racist (Fenton, 2017). Some scholars also claim that the attitude of young people mostly depends on their experience at the micro-level. Families, schools, universities, communities, and others may help to shape their view about national identity and create their own (Sharipova, 2019; Jahromi, 2011).

Baigozhin (2019) in his article makes an interesting point about the students of Nazarbayev University and their belonging to the different, sometimes contradicting ideas. He argues that it is easy for them to move from local to global ideas and vice versa, however, they are known to be oppo-

site to each other. Blum (2007) in his research on youth from three different countries (Russia, Azerbaijan and Kazakhstan) makes the same argument and calls it "hybridization" discourse. In addition to that, Hilary Pilkington, on her works on Central Asia, calls the phenomenon of reflecting both ideas as 'parallel perception' (Pilkington, 2002).

National Identity and Human Capital

This section will try to find out the national identity perception of youth, and their view regarding the opportunities to work and develop in Kazakhstan. Overall, from the information that was collected during the interviews, it can be seen that all of the respondents had the same answers on the national identity of the Kazakhstani population. Even if they had different backgrounds, (they lived in different cities and studied in different languages) they all agree that Kazakhstani society is fragmented. Even though it is already 30 years from independence, Kazakhstan still could not unite the whole population under the same national identity. Some of them added that fragmentation also takes place in religion, ethnicity and language. One of the respondents stated that the only things that unite Kazakhstani people are common problems. Counting the problems, such as the land issue which took place in 2016 and the explosion in Arys in the summer of 2019. Moreover, he adds that not only common tragedies but also political injustice also can unite the Kazakhstani population, although all of them have different, sometimes controversial interests and beliefs (Personal communication, 2020).

Another common point for the respondents was the self-identification of all of them with being a human in the first place. Classifying themselves first of all as humans make the civic form of national identity more relevant to these adults. Even second and third self-identification words were not related to ethnicity, which is the main element of ethnic identity. An interesting fact was that three of the respondents answered that nationality is the same with ethnicity and a person should have proper blood to be of one's nationality. However, throughout the interview, I could notice that, actually, they mostly had the ideas common with the civic identity but answered the question with nationality as a result of a misunderstanding of the concept. It can be argued that this was due to the policy of Kazakhstan in the wake of its independence, where they were promoting the unofficial «Kazakhisation campaign» (Karin & Chebotarev, 2002). As a result of this campaign, most of the population started to think of nationality as an ethnicity.

Regarding the work conditions, five of the respondents agreed that

they do have opportunities, but to a certain level. After that level you should have some networks (nepotism) to climb the career ladder, otherwise, a corrupt system or not working institutes will not let the person succeed. Others believe that it depends on the person and his/her qualities. If they have a will and proper education, they will be successful.

From the answers of some respondents, notions of 'hybridization' (Blum, 2007), 'parallel perception' (Pilkington, 2002) or 'moving from local to global and vice versa' (Baigozhin, 2019) could have been seen. Even if they were advocating the values of civic identity, they still could not give equal rights to women.

When we have started to talk about social norms or factors that affect a person's opportunity or right to develop, some of the respondents (mostly women, and one man) stated that gender-related issues take away the opportunities of women. Women are treated as a future wife, and it limits the job possibilities that they can do. Moreover, one of the respondents believed that in our society, if something happens in the family, the interests of women can be sacrificed in the first place. Another respondent believes that gender issues are not only related to women but men as well. Social norms dictate men to choose more masculine professions, such as lawyers and military.

Overall, as Zhussipbek and Nagayeva (2018) also mentioned, it can be concluded that the most significant factors hindering the development of inclusive institutions and development of human capital in Central Asia are non-material factors, which refer to the concept of culture in the broad sense, and which form and define both personal and group identifications (i.e., not material factors, such as the remoteness of the region's countries from the oceans, an unfavorable climate, lack of resources, or, conversely, an "oil needle"). Promoting tradition through national identity or retraditionalization of national identity may limit youth's personal development, which in turn may lead to the decrease in attachment to the country.

Conclusion

Although it is hard to give an exact definition to the word nation, there are still ongoing debates about the identities of nations. The development of a sense of belonging to a particular state, emotional attachment to that country, awareness of the rights as the country's citizen forms a person's national identity.

In this chapter, we have defined theories that have been used in the analysis of national identity. We have seen that primordialism and mod-

ernism outline the main characteristics of identity and belonging. Furthermore, we have analyzed how youth in Kazakhstan identify themselves when asked about their nationality. Even though the young people interviewed in the study were from different parts of Kazakhstan and with different backgrounds (traditional family, ethnic minority), they all believe that there is a fragmented identity among people in Kazakhstan. Lastly, we have found out the opinion of the youth about the work conditions in Kazakhstan. Most of them agreed that they have the same opportunities to work until some level, after that our cultural norms may affect their career and working conditions.

Study questions:

1. What is national identity and what is the difference between national identity and nationalism?
2. What are the main elements of primordialism?
3. What are the main elements of modernism?
4. Why is it important to have a common national identity?
5. What is the youth's perception towards national identity in Kazakhstan?

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Chapter 9

Impact of Socio-economic Reforms on the Perception of Kazakhstani Women

Mariyam Ydyrys

Learning outcomes

- students will develop general knowledge about the impact of gender on construction of national identity;
- students will be able to analyze different socio-economic reforms and their impact on the perception around women in three periods of transition, namely Kazakh Khanate, USSR, and post-independent Kazakhstan;
- students will be able to evaluate the impact of transition from command to market economy on the development of female entrepreneurship in Kazakhstan.

Introduction

Kazakhstan is a young developing country that attained its independence in 1991 after the disintegration of the Soviet Union. For a society of such a transitional type, in order to reinforce newly determining directions of development, it was necessary to construct national identity, which primarily involved gender factors. Gender is a system of social practices that creates and maintains gender distinctions and organizes inequalities of such distinctions. Continually produced and reproduced concepts of masculinity and femininity tend to influence the perceptions and roles of both men and women in society. It is self-evident that an early established patriarchal ideology shaped the views of most societies, where men are represented as the main warrior and breadwinner, while women are keepers of home values. Discrimination against women arising from this ideology tends to become a debatable issue. Historical development of a particular society can be a rigid foundation for the characteristic behavior of women expected from a given culture. Therefore, for states like Kazakhstan, which have undergone various types of significant systematic changes, in-depth historical and economic analysis is required in order to determine the impact of these changes on women.

The ethnic unification of Kazakh people started when Kazakh khanate in the middle of the 15th century was formed. Not only was Kazakh

khanate popular for its environmentally favorable location, but also for its extremely large territory. Nomadic and semi-nomadic styles of living were practiced almost by every Kazakh; therefore, these conditions have deeply shaped the understanding of gender relations. Specifically, despite the fact that women in this society were viewed as a keeper of the hearth and traditions, Kazakh women were more independent, relative to other Central Asian women. However, the expansion of the Russian Tsarist Empire followed by the formation of the USSR has also considerably influenced society's perception of women. Kazakhstani women in the 20th century were obliged to live according to the two ideologies of the USSR. The first one is more public, in which the setting up equal treatment of men and women is established in public labor. The second one is more private, in which women were encouraged to be the primary caretakers in the family.

In this chapter, the systematic changes that happened during Kazakhstan's historical development and its impact on the perception of women are shown. After the collapse of the Soviet Union and the transition of the state to the market economy, Kazakhstani perceptions of women's roles shifted as women became more mobile, active, and independent. Privatization, economic instability, and high unemployment initially forced women to engage in shadow businesses, but after the insurance of greater stability, women started to open their own small enterprises. However, society's core perception of women as the keeper of home values persists despite the changes led by socio-economic reforms.

Research Methodology

In-depth interviewing and conducting surveys were selected as two main methods of collecting empirical data for this research. In the first method, in order to avoid biases related to gender of the respondents, I interviewed five men and five women. I tried to interview people with different social backgrounds in order to have some variation in the answers. They spent most of their adulthood (i.e. between 29 and 40) in the Soviet Union during 1970-1980s. The reason for choosing this time framework is that the USSR during this decade was at its highest peak of both economic and social development. As the position of women in the society can be determined according to the development of the country, this period seemed to me the most suitable to conduct a research. Interviews were semi-structured. I asked each respondent the same four questions regarding their understanding of femininity and the traditional role of women, changes in

perception of women before and after the collapse of the USSR as well as possible causes of these changes. Additional questions were provided on the basis of the respondent's answers for the initial four questions. I took notes and recorded each response, which helped me later to appropriately analyze the collected data. Following research ethics is necessary in the research process. Therefore, to avoid potential confusions, I gave pseudonyms for women in alphabetical order, so that I had interviewee A, B, C, D and E.

The fundamental aim of the second methodology is to compare the perception of women in the Soviet and post-Soviet periods. Women interested to participate in this survey were divided into two groups (i.e. ten women in each group) in accordance with their age. The first group had members between the ages 50 and 60. These women who were influenced by the Soviet ideology filled the questionnaire based on their memories of their experiences when they were between the ages 25 and 35. This age category correlates with the desired time frame of the 1970s. The second group consisted of ten women currently between 25 and 35 years. Most of the questions asked in the questionnaire were close-ended. They were classic and mostly related to household division of labour and representation of women both in public and private life.

Three Periods of Transition in Perceptions Around Women in Kazakhstan

The first factor is the values and norms of traditional Kazakh culture coming from ancient times that laid a basis on gender relations, especially women's role in society. The next influential factor is the inheritance of etocratic Soviet gender system: its models and norms of gendered behavior, and the egalitarian treatment of women imposed during the socialist period. The third one that the chapter will discuss is the transition of the state from command to market economy and the consequences of this transition.

Pre-Tsarist and Tsarist Kazakh Society

The woman's role in pre-Tsarist Kazakh society was predetermined from a young age. The first gender differentiation process begins from 3-7 years when Islamic ritual of circumcision for a boy takes place; afterward, a boy learns to be a horseman. Therefore, by age 8 he became a skillful

rider; ready to protect the family's livestock. However, girls during ages 8-12 start to intensively engage in housework, learn to stitch and prepare food. During the next age category (for boys 13-15 years and for girls 12-13 years) both boys and girls are considered to be sexually mature and ready to have their own family. This can be demonstrated by their style of clothing, where boys wear a belt, a symbol of strong masculinity and sexual potential, while girls have owl feathers attached to their headgear, a symbol of femininity and the ability to bear children. Marriages were arranged by relatives and neither the bride nor the bridegroom had a voice to choose their future spouse. Regarding divorces, in theory, both husband and wife had a right to split from their spouse, but in most cases, the husband had the privilege of divorcing with his wife. As a representation of the birth of the first child women wore headgear called "Kimishek" (Sarsembayeva, 2004, p. 42-44).

Tribal relations, which were based on patriarchal ideology, took two basic forms with respect to rule; the first is the obedience of younger tribe members to those who were older, and the second is the obedience of women to men. Despite the fact that men saw their wives as their property, Kazakh women had one of the most liberalized styles of living among Central Asian countries. Kazakh women have never worn the hijab, and have solved all of the housework problems by themselves. In addition, they were highly respected within their family. Historical literature, illustrating the courage and intellect of Kazakh people, describes women as heroes on the same level as male heroes. Respectful relationships of Kazakh people towards women have also been noticed by foreign scholars of that time. For instance, the famous Russian researcher Severtsev N.A. highlighted that Kazakh women were "independent morally and physically" (Sarsembayeva, 2004, p.45).

The nomadic and semi-nomadic conditions of life in the pre-Tsarist period encouraged men to mainly engage in protecting the territory from the invasion of enemies and controlling the prosperity of their livestock. For all other duties, including child-bearing, women, as the keeper of home values, were responsible. However, according to one of my interviewees' response it can be concluded that women who lived during this period had a privilege and substantial authority within their relatives. She explained it in the following manner:

Despite the fact that officially a woman's role in the family was secondary, all of the issues concerning our family were solved by my

grandmother. We had a very big family, and I remember that my parents, uncles, and aunts necessarily visited once in a month the main house where my grandmother and grandfather lived. This house was like a decision-making center, where all of my relatives asked for advice from my grandmother. In my opinion, my grandma like all other Kazakh women had the skills to represent her husband as the main breadwinner and head of the family, but ultimately she had equal authority (Interviewee A, university executive, 55-years-old).

Pre-Soviet Kazakhstan was incorporated into the Tsarist empire over a period of 150 years. Even though Russian imperial policies over these territories varied across time and region, they were less interventionist in comparison to other European colonial powers. Therefore, the Islamic laws of *sharia* and *adat* continued to regulate the lives of the population. Despite the fact that Kazakh women had opportunities for basic education from the local *molda* (representative of the mosque), the Russian empire from 1890-1896 started to open local Russian-Kazakh secondary schools for girls in northern regions of Kazakhstan. In 1896, 211 girls, including 70 Kazakh girls from rich families were educated (Sarsembayeva, 2004, p. 48).

Therefore, these examples suggest that women's rights in Kazakh culture were undermined by official policies that restricted their participation in household affairs. However, older women had a substantial degree of autonomy to act both within the tribe among their relatives and among the ruling elite.

Kazakh Society Under the USSR

The Bolshevik Revolution, followed by the introduction of the Soviet Union's communist ideology, reshaped Kazakh people's understanding of gender relations. The Soviet Union tried to impose the egalitarian treatment of women in the sphere of public labor. There were three main reasons for this. First, Marxist feminist activists, who were controlled by the Communist Party of the Soviet Union, viewed Central Asian women as slaves and tried to reduce social injustice. The second is the party's political purpose of destroying any class divisions and religious fundamentalism. The last one is the economic necessity that required engaging women into socialized production (Akiner, 1994, p. 265). A legal framework that encouraged women's rights was established from the first days of the party. Between 1921 and 1923, practices similar to polygamy, payment of *kalym*

(bride price), and marriage without the consent of women were universally banned. By 1927, the Islamic education system was entirely replaced by Sovietized educational institutions (Akiner, 1994, p. 264). In the 1930s, primary school participation both for boys and girls was compulsory, which afterward was extended for an 8-year course and an added two years of optional higher secondary school education. Even though the number of women entering tertiary education increased by the 1970s, Kazakh women's level of employment was proportionally less than in other Soviet Republics (Sarsembayeva, 2004, p.42-65).

Soviet ideology had a significant impact on the equality of women in the sphere of public labor. Women started to successfully compete with men in different types of occupations. However, it can be argued that Soviet women's emancipation, in the first place, helped to highlight gender differentiation in other areas. Western feminists were convinced that the Soviet model of emancipation through public labor tended to be more beneficial.

Table 9.1. Female employment in Kazakhstan

Years	1922	1926	1940	1945	1950	1955	1960	1970
%	25	23	39	56	47	46	47	51

(Sarsembayeva, 2004).

However, the USSR began its industrialization process almost a century later than did countries in northwestern Europe. Therefore, rapid and intensive industrialization of the whole Union required massive engagement of all adult citizens. One distinguishing feature of increasing female employment was that women were obliged to work in jobs that required fewer qualifications with harsh labor conditions. Almost half of the industrial, construction, and agricultural fields were occupied by women. By 1986, women comprised 51% of the national labor market, where half of them worked in manual labor with an insufficient amount of mechanized tools (Sarsembayeva, 2004, p. 46). One of my interviewees stated: "We got used to working hard. For us, work was almost everything" (Interviewee B, housewife, 60-years-old)

In addition, Kazakh women in the USSR, in comparison to other Soviet republics, were obliged to expend more time and energy in housework due to the presence of inherited ideology and absence of the housework mech-

anization. From this, we can deduce that the Bolsheviks' initial attempt to enforce an equal division of household labor failed. According to Ashvin (1998 cited in Sarsembayeva, 2004, p. 56), Soviet women always tended to consider housework as their own responsibility. As a consequence, patriarchal dominance of this manner was reflected also within the family as well as in jobs and occupations. This fact supported by data collected from my survey, in which almost 70% of women from the first group (aged 50-60, recalling their experiences in the USSR) highlighted that housework should solely be done by a wife and not by a husband. Furthermore, 80% of respondents put their own family in first place on the first list of their priorities. Specifically, they emphasized that child-bearing and fulfilling their role as a wife tended to be their top priorities in life. The remaining portion, who argued that career improvement is much more important than family, were active participants of the Communist Party. Therefore, the priorities of those women at ages 25-35 during the 1970-1980s were in the first place education and then career advancement. It has been argued that despite the fact that both women's education and employment increased dramatically, occupational opportunities of women in comparison to men were restricted. The average income of women remained about 75% of men's average income (Sarsembayeva, 2004, p. 45). Some researchers explain this fact by stating that "feminization" of some jobs in the service sector such as teaching and nursing reinforced stereotypes that these jobs were not prestigious, which consequently resulted in a payment of lower wages.

Independent Kazakhstan

The collapse of the USSR accompanied by dismantling of the command economy and the development of the market economy, which was integrated with the world economy, had an impact on women's role in Kazakhstan. One of the main factors influencing the change in perception of women in post-Soviet Kazakhstan is increasing female entrepreneurship during and after the difficult economic transition of the state. A steep decline in output, hyperinflation, and unemployment were the most distinguished effects of new socio-economic reforms that destabilized the economy of the state. The significant drop in output from 1991 until 1996 resulted in lower standards of living. Even though during 1996-1997 there was an observable increase in GDP, although its level only reached 60% of the output produced in the pre-independence period. According to the National Statistics Agency (NSA),

in 1991 the ratio of labor activities (the percentage of the economically active population out of the total population of working age) was 84.4% for males and 85.8% for females (Klaveren, Tijdens, Hughie-Williams, and Ramos Martin, 2010, p. 11). The rise of the unemployment rate in comparison to changes in GDP was more modest, but it can be argued that an increasing number of people living below the poverty line is strongly associated with the rate of unemployment. According to the NSA, the unemployment rate between 1994 and 1997 was 13% and increased to 13.2% in 1998, while 34.6% of the population was living in poverty in July 1996 (Murthi, Pradhan and Scott, 1998, p. 5). This reinforces the fact that the bottom quintiles of the population were at a higher risk of being hired up from their working place. It is worth pointing out that women were more vulnerable to unemployment in comparison to men. It was extremely hard for women to find a job irrespective of age, education, and specialty. In 1998, almost every ninth unemployed woman had tertiary education and every third had accomplished secondary education. Data on officially registered unemployment in 1998 suggests an average of 163 unemployed women per 100 unemployed men in Kazakhstan. In economically developed and urbanized regions where average salaries were higher, the ratio of unemployed women to men was even higher: 234:100 in the northern region of Kazakhstan; 250:100 in Astana, and 308:100 in Almaty (IHF, 2000, p.221).

In post-Soviet Kazakhstan, the distribution of men and women in important types of economic activities tends to be different from the Soviet period. Even though the proportion of women working in the service industry is still greater than men, in the market economy this trend seems to be dramatically increasing. The table below illustrates the occupation of women in some of the basic economic activities in 1998.

Table 9.2. Number of men and women in main types of economic activities in Kazakhstan (1998)

	Total number of workers	Gender Composition		Proportion of females, in %
		Males	Females	
Total of all types of activities including:	3,070,600	1,665,200	1,405,000	45.8
Agriculture, hunting and forestry	494,400	371,600	122,800	24.8

Fishing, fish-breeding	5,200	3,800	1,400	26.9
Total industries, including:	756,300	501,300	255,000	33.7
Mining	120,000	90,000	30,000	25.0
Manufacturing	491,800	309,100	182,700	37.1
Production and supply of energy, gas and water	144,500	102,200	42,300	29.3
Construction	133,200	106,300	26,900	20.2
Trade: repairs of cars and domestic utilities	79,000	38,800	40,200	50.9
Hotels and restaurants	24,100	5,600	18,500	76.8
Transport and communications	332,500	228,900	103,600	31.2
Financial activities	35,600	12,000	23,600	66.3
Trade in property, rentals and commercial property	135,800	73,000	62,800	46.2
Public administration	177,200	106,200	71,000	40.1
Education	510,400	127,200	383,200	75.1
Health care and social services	312,600	56,200	256,400	82.0
Other social, personal and communication services	74,200	34,800	39,400	53

(IHF, 2000).

However, it should be noted that the official data do not reflect the true picture of the population's economic activities. The number of women involved in shadow or black businesses, street trading, *shuttle business* (delivery and trade of imported/exported goods specifically from China and Kyrgyzstan), catering services, etc. is much higher than the number of men. The total number of women in this form of work (denoted by the NSA as a "self-employed population") in 1997 was 2.4 million, or 38% of the total number of those employed in the republic (IHF, 2000, p. 222). This statistical data significantly corresponds to the results I obtained from interviews. Eight out of ten respondents (4 men and 4 women) strongly agreed with the fact that during 1994-1998 unemployed Kazakhstani women started to actively participate in the service sector, especially in *chelnok* business:

Most of the women I am familiar with carried Chinese backs and took their positions in the stores of the market. It was a very hard

time... (Interviewee B, dean of a university, 59-years-old).

In addition, after analyzing these interviews, I suggest that this situation mainly involved women with multi-children families and those who are older than 40-45 years. One of the possible explanations is that most of the social protection programs changed and large numbers of kindergartens, schools, and hospitals were either closed or privatized; therefore, mothers with young children were obliged to leave their work, stay at home and take care of their children. This was possible for women who had an additional breadwinner in the family, but for single young mothers, there were only two outcomes: either to leave a child with her parents and migrate or leave their children at orphanages.

These examples suggest that women's roles and society's perceptions of these roles in Kazakhstan started with the intense engagement of women in small enterprises. Statistical evaluation conducted by international experts on women entrepreneurs suggests that business women comprise 25% of all entrepreneurs in the states under economic transition (Ionescu, 1999, p. 5). For example, some post-socialist Eastern European countries had similar statistics: for the Czech Republic 22%, Slovakia, Romania, and Bulgaria 26%. In nearby countries such as Russia, which had a similar history of economic development in the post-Soviet period, women occupy 27% of main administrators within 200 entrepreneurship. Sarsembayeva (2004) argues that not only socio-psychological reasons but also the continued insufficiency of financial means limits the participation of Kazakhstani women in business. Large privatization during the 1990s tended not to be beneficial for women; therefore, they were not able to own large-scale and even medium-scale enterprises. However, some cases in which women became owners of industries can be explained by official restrictions on their husbands and fathers to privatize more than one enterprise. With regard to land ownership, women took only 14% of the whole land that was open to privatization (*ibid.*). Immediately after the independence, women were limited in their ability to receive loans from banks due to the absence of a stable income source and collateral; therefore, this also explains the reason why there are fewer women in large enterprises. However, in 1999 when the foreign banks operating in the state started issuing "micro-loans", the stream of women, especially from the agricultural sector, opened small businesses by taking these loans (Sarsembayeva, 2000, p. 189).

Entrepreneurship means a risk of walking away from security, which requires an individual to be prepared for unexpected situations, especially

bankruptcy. I suggest that the main motivation for Kazakhstani women to engage in entrepreneurship was the economic crisis and lack of stable work opportunities. A painful economic transition gave incentives for women to find a source of income in order to feed their families and children. This followed the formation of a new category in the public sphere called *businesswomen*. According to my interviewee's responses, during the 1990s many of the women became the main breadwinners in their family. One of them asserted:

After independence women became very active in order to feed their families, especially children. Most of the women despite the presence of their husbands started to engage in small enterprises, mainly because men were unemployed. However, it is necessary to point out that women's role as keeper of home values did not change. Indeed she was the person who supported the whole family morally since Kazakh women's complaisance and respectfulness towards husband and relatives can never be abolished. She still remains for one as the Mother and for another one as the Wife... (Interviewee C, Ph.D in Social Sciences, 59-years-old)

It is evident that the perception of women started to change since post-Soviet Kazakhstani people started to accept the newly formed notion of women's active role in public affairs. In other words, the traditional stereotype of women, in which the money earning potential of women should be limited or be less than their husbands, became less widely accepted in society. According to the analysis of collected data through interviewing, four out of five women respondents supported and even encouraged women's active economic participation in entrepreneurship. Male respondents also agreed on women's participation in enterprises; however, four out of five men seriously mentioned that women's active involvement in entrepreneurship should not interrupt her main role of keeping home values. A survey conducted in Almaty in 2001 illustrates the motivations that encouraged both women and men to set up their business. It can be seen that 59% of female respondents stated that their main motivation to start-up business was the improvement of the family's budget.

Table 9.3. Responses of both men and women to the question: "What was/are your motives in starting your new enterprise?"

Motives	Total (%)	Women (%)	Men (%)
To improve Family's budget	56.7	59.0	52.0
To save for a future of children	53.2	54.3	51.1
To overcome crisis	38.4	37.8	39.8
To obtain financial and individual independence	35.3	35.2	35.6
To explore the new sphere	19.7	20.7	17.6
To invest personal savings into	6.9	5.2	10.0
Other	1.7	1.6	2.0

(Sarsembayeva, 2004).

Another interviewee's claim supports my view that men were not prepared to engage in small businesses of the service industry:

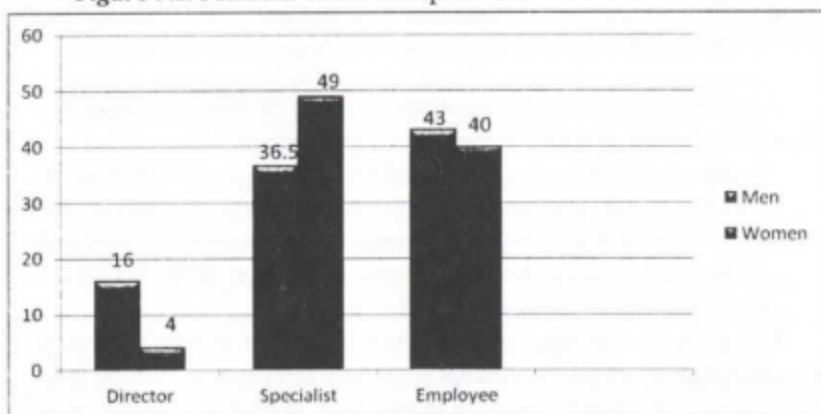
Economic shock negatively affected men's psychological well-being, they thought that working in less prestigious jobs in the service sector was beneath their dignity. Therefore, women took initiative and entered the labor market (Interviewee C, manager of the human resources department, 48-years-old).

Furthermore, this situation supports the fact that women's negative self-perception, in which they accept secondary roles and undermine their potential, limited women's mobility, interactions, and active economic participation in both large and small industries as heads of administration. This can be illustrated in the chart constructed on the basis of data collected during the survey, which took place in Almaty (2001). It is indispensable to point out that only 20% of directors were women.

Despite the fact that Kazakhstan has undergone dramatic difficulties during the transition period, the economy of the state was effectively stabilized by the beginning of the 21st century. Advancements in economic activities and sectors, the effectiveness of fiscal policy that stabilized the currency, the export of resources and manufactured goods, and other factors contributed to the rapid development of the state. The government started to pay more attention to gender-related issues and tried to impose equal treatment of both men and women in almost all spheres of private and public affairs. In 1998 and 2000, Kazakhstan ratified the UN's Convention concerning elimination of any type of women discrimination. Now Ka-

zakhstan has signed 60 international conventions protecting human rights. In 2005, the National Strategy of Gender Politics for 2006-2016 was established under a decree of the President. Other Strategic arrangements such as the economic and political advancement of women in 45 large industries were imposed in order to get rid of discriminating gender differentiation. In 2009, the law "State guarantee regarding equal rights and opportunities of men and women" was introduced. Furthermore, state organizations helping to develop women entrepreneurs are performing their jobs successfully (Ministry of economic development and trade, 2011, p. 4-5).

Figure 9.1. Positions of the entrepreneurs



Small and medium enterprises significantly improved and created equal occupational opportunities between men and women during this period. In some regions, small business has become the main source of income. According to 2011 statistics, the state has 675,400 actively operating small enterprises, which have 24744 employees. The output production of these enterprises increased by 0.4% in comparison to the previous year. Women entrepreneurs now comprise 66% of all individual entrepreneurs in small industries. Furthermore, the contribution of women to consistently increasing real GDP between 2005 and 2006 increased from 36 to 39 percent (*ibid.*, p. 5). Another observable change during these years is the increase in women's average total income as a proportion of men's income from 61 to 66 percent. Different educational programs dedicated to the improvement of entrepreneurial skills and financial literacy in agricultural sectors were provided, where half of the attendees were women from rural

areas. In addition, the development of microcredit organizations controlled by the government facilitated further engagement of women in small businesses. They issued 15,725 loans of which 43% were delivered to women (*ibid.*). Issuing microcredit loans was not practiced in the state until 1998. Therefore, this tends to be one of the reasons for the later participation of women in business.

These adjustments to the socio-economic reforms definitely had an impact on the perception of women. In addition to the data provided above, this can also be reinforced by the data obtained from my survey. Respondents stated the possible features that Soviet and post-Soviet women possessed. From the table provided below, which summarizes characteristic features; we can interpret that post-Soviet women are characterized as more active, independent, and initiative. Furthermore, almost 85% of respondents from the second group highlighted that contemporary women have equal opportunities to engage in public affairs and that housework should not be done only by women.

Table 9.4. Characteristic features of Soviet and Post-Soviet women according to responses of the survey participants (%)

Characteristics	Soviet women	Post-Soviet women
initiative in public affairs	10	90
financially independent	6	94
successful in entrepreneurship	17.65	82.35
liberated	25	67
passive	85	12.5
obedient	25	78
committed to a home and family	75	67.5

On the other hand, this table demonstrates that according to respondents both Soviet and post-Soviet women are expected to make a faithful commitment to home and family. This observation tends to additionally support the argument that Kazakhstani women's role in society still has an association with a woman's perception of being a mother and wife.

In 2009, Kazakhstan was ranked among the top ten states for pro-

viding a highly favorable business climate for entrepreneurs (Ministry of Economic Development and Trade, 2011, p. 4). Economic stability positively influenced economic processes such as licensing and opening new businesses, taxation, and investor protection. However, there are still some defects concerning administrative barriers that ceased the functioning of a significant portion of the medium enterprises. Generally speaking, in Kazakhstan, the economic environment for setting up enterprises has significantly developed. Therefore, the motives for women's mobility and interaction in enterprises have also changed. I suggest that this happened due to the elimination of two factors. The first is that the traditional stereotype of women, which started to lose its strength in the 1990s, did not produce socio-psychological interruption towards women's mobility. The second one, which is more intuitive, is that for a woman who became financially independent, it is hard to go back and sit at home. One of my interviewees said:

Business is self-development. If a woman gets used to this system, she will understand the core importance of it and will try to be engaged here forever (Interviewee D, entrepreneur, 56-years-old).

Therefore, these examples suggest that the perception of women in Kazakhstan has undergone changes to a limited extent with respect to the development of the market economy.

Conclusion

New socio-economic reforms have its influence on the change in the perception of women in Kazakhstan. Pre-Tsarist Kazakh traditions that were dominated by the idea of not engaging men in housework continued in the USSR period as well. However, it is indispensable to point that the dual ideology of the USSR, in theory, wished to view Soviet women as equal as men in the labor sector, but in practice, women worked in industries with harsh labor conditions and with insufficiently mechanized tools. In addition, the average total income of women comprised only 75% of men's income; they were more vulnerable to become unemployed and had fewer occupational opportunities. On the other hand, in the post-Soviet period, women who were motivated to feed their families started to participate in small businesses and generate their own source of profit. However, despite the fact that entrepreneurship makes women more mobile, active, and independent, Kazakhstani women tend not to lose their role of being a mother and a wife. Considering contemporary Kazakhstan in the 21st

century, improved facilities and a better business climate tend to change the motives of women from simply increasing the family's budget level to become financially independent. Furthermore, women now contribute considerably to the economic growth of the country. It is worth pointing out that this paper tends to help analyze political and economic changes and impact of these changes on gender, which is an indispensable part of forming national identity. Therefore, researches of this manner can help to direct strategic changes in ways that would be beneficial to the development of the state.

Study questions:

1. How were women in Kazakhstan portrayed during the pre-Tsarist and Tsarist periods?
2. Why Kazakh women in the USSR, in comparison to other Soviet republics, were obliged to expend more time and energy on housework?
3. What are the main factors influencing the change in the perception of women in post-Soviet Kazakhstan?

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Conclusion

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We have seen that Central Asia is a unique region. Being geographically unlocked, it is a dynamically changing socio-political space. Although the region is commonly defined as five developing countries of Kazakhstan, Kyrgyzstan, Uzbekistan, Tajikistan, and Turkmenistan, its rich history and intricate internal dynamics bring the understanding of the region outside the five modern states. Therefore, we have largely applied the post-Soviet perspective in the analysis of the politics and socio-economic developments in Central Asia.

The USSR disintegrated already thirty years ago; however, the fragments of the Soviet past still exist in the lives of the people who experienced the transition of powers and faced the formation of new sovereign states. Thus, the question that needs to be understood now is how much the modern reality is different from the Soviet one? For this reason, this textbook introduced you to the analysis of how our understanding of human rights, freedoms, ourselves, and our position in the world is influenced by the ideas promoted in the Soviet times.

The collapse of the Soviet Union left the successor states in a situation of full uncertainty; they all faced the challenge of establishing independent military, political, and economic systems. Although the approaches to address this issue slightly differed, the textbook pointed on the common directions that Central Asian and neighboring states followed facing the crisis. First, the lack of self-sufficiency in the economy was one of the reasons to initiate the first regionalism project in the post-Soviet region where Central Asian countries enjoyed the membership. The Commonwealth of Independent States (CIS), thus, ensured a peaceful transition and enabled mutually beneficial cooperation in the region. Being a primary successor organization, it preserved the non-western character of regional development.

Besides the economic issues, former Soviet Central Asian states encountered demographic changes led by mass migration and nation-building challenges. The attempts to build national identity on the images of the 'authentic' culture of titular nations and revive pre-Soviet traditions have created tensions between titular and non-titular groups. These tensions contributed to the increase of ethnic migration processes and policies in the region

that did not take place before the breakdown of the Soviet Union. On the other hand, the economic reforms that took place since the Central Asian states got independence also changed the social outlook. One instance illustrated here is a change in the perception of traditional gender roles driven by the threats and opportunities associated with the transition to market economy in Kazakhstan. Therefore, we can say that Central Asia should not be solely considered as a preserver Soviet legacy. Moreover, now the region experiences significant international influence.

Being at the heart of the Eurasian continent and possessing substantial oil and gas reserves, Central Asian states now balance their geopolitical interests with the interests of the powerful neighbors Russia and China. Although the creation of the Shanghai Cooperation Organization (SCO) has strengthened the Chinese presence in the Central Asian economic, political, cultural realms, Russia remains a key player in the region mostly due to the cultural proximity. A broader global influence can be observed in the questions of human rights protection.

Even though we have been experiencing the intensification of the globalization processes, it happened only after the disintegration of the Soviet Union when Central Asian states became a part of the global community. One of the evident instances of this development was the outmigration of the Central Asian population to the developed Western and rapidly developing Eastern economies.

Thus, we cannot exclude the Soviet component when studying new independent states of Central Asia. Their attempts to deny the Soviet ideology and to recover from the Soviet past are at the center of their development trajectory, which makes scholars delve into the Soviet times. The so-called Soviet legacy left an indelible mark on the successor societies that justify the application of the post-Soviet perspective in Central Asian studies.

This textbook covered seemingly distant topics ranging from gender perceptions to international relations. Nevertheless, it has demonstrated that only when looking at different socio-political questions, are we able to trace the common vectors of societal development. In this case, we traced the post-Soviet dynamics that can enhance our understanding of the peculiarities of Central Asia.



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