1

The Continuity of Change

OLD FORMULAS AND NEW INSTITUTIONS

The collapse of the Soviet Union was widely welcomed in the West as a clear sign that democracy and capitalism had "won." For scholars and policy makers alike, it presented a long-awaited opportunity for the peoples of this once vast multinational state to embark on a more desirable path of political and economic development. As part of the euphoria surrounding the recent "third wave" of democratization, the rejection of the Soviet system in favor of Western political and economic institutions was thus expected, and indeed, seemed certain.[1] Yet, a decade after the Soviet Union's celebrated demise, the transitions across its successor states have failed to produce institutional forms that are consistent with these expectations. Throughout the former Soviet Union, there are countless examples of presidents who rule by decree; elections that fail to meet international standards of competitiveness and transparency; and privatized enterprises that continue to receive state subsidies as well as directives.

The conventional wisdom led us to expect a decisive break with the Soviet past in the newly independent Central Asian states – Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan. After the breakup of the Soviet Union, both scholars and policy makers predicted the rejection of Soviet institutions throughout Central Asia, either through the reemergence of pre-Soviet tribal divisions and the rise of Islamic fundamentalism; the violent outbreak of nationalism and ethnic conflict; or the

[1] See, for example, Huntington, Samuel P. 1991. *The Third Wave: Democratization in the Late Twentieth Century*. Norman, OK: University of Oklahoma Press; Fukuyama, Francis. 1989. The End of History? *The National Interest* 16, and Timetable to Democracy, *The Economist* June 22, 1991: 49–51.

adoption of democratic and market-oriented reforms.[2] From this perspective, the establishment of Western-style, multiparty electoral systems in three of these former Soviet republics – Kazakhstan, Kyrgyzstan, and Uzbekistan – during the first few years of independence was indicative of the "democratic impulse" sweeping across the Soviet successor states.[3] Indeed, these electoral systems contain a great deal of institutional innovation and conform only minimally to the preceding (i.e., Soviet) electoral law and procedures. Thus, for many, they signaled the mere beginning of Central Asia's wholesale retreat from undesirable Soviet political and economic institutions.

On closer examination, however, these electoral systems represent a much greater degree of continuity with the Soviet past than was either expected or immediately apparent. Indeed, the entire process by which the Central Asian states adopted new political institutions indicates the enduring strength of the Soviet system, rather than its impending demise. Negotiations surrounding the establishment of electoral laws in each state included an identical set of core actors who used the same criterion for determining both their preferences over institutional outcomes and assessing their relative bargaining power. In short, all three were characterized by regionally based actors, preferences, and conceptualizations of power and power relations. These striking similarities in the negotiating process are not mere coincidence, but rather, stem from the predominance of regional political identities (or regionalism) among political leaders and activists within each state as a result of their shared Soviet institutional legacy.[4] Nonetheless, they produced electoral systems that differed in significant ways – both from the Soviet electoral system and from one another's. These differences, moreover, mirrored their respective levels of

[2] See, for example, Haghayegdi, Mehrdad. 1994. Islam and Democratic Politics in Central Asia. *World Affairs* 156, 3; Naumkin, Vitaly V. 1994. *Central Asia and Transcaucasia: Ethnicity and Conflict*. Westport, CT: Greenwood Press; and Olcott, Martha Brill. 1994. Central Asia's Islamic Awakening. *Current History* April. Others claimed that Soviet rule had left Central Asia virtually untransformed from its pre-Soviet state. See, Fierman, William K., ed. 1991. *Soviet Central Asia: The Failed Transformation*. Boulder, CO: Westview Press.

[3] The outbreak of civil war in Tajikistan in the spring of 1992 thwarted the political reform process there. In Turkmenistan, there was not even the pretense of undertaking political reform.

[4] These regional identities correspond to the internal administrative-territorial subdivisions, or *oblasts*, within each former Soviet republic. At the time this study was conducted, Kazakhstan and Kyrgyzstan were subdivided into six *oblasts* and nineteen *oblasts*, respectively, and Uzbekistan was comprised of twelve *oblasts* and the Karakalpak ASSR.

commitment to democratization following independence. For example, the state that adopted the most inclusive electoral system – Kyrgyzstan – also instituted the greatest amount of democratic political reforms.

The story of establishing electoral systems in Kazakhstan, Kyrgyzstan, and Uzbekistan, then, is one in which the persistence of old formulas produced new institutions. How are we to understand this paradox of such strikingly similar negotiation processes and yet divergent institutional outcomes? This is the central empirical puzzle that I pose in this book. Due to the broad empirical and theoretical significance of electoral systems, the approach I develop to explain it makes substantive and theoretical contributions that reach far beyond both this particular institution and these three Central Asian states.

In sum, I highlight the role that elites' *perceptions* of power shifts during the transition play in shaping both the degree of institutional change versus continuity and the direction of regime change. Because elites are primarily concerned with either augmenting or preserving their own power, perceived shifts in relative power motivate institutional innovation. Those who believe that the balance of power has shifted in their favor, for example, will seek to design new institutions that redistribute goods and/or benefits accordingly, while those who believe that their relative power has declined will prefer institutions that retain as much of their previous distributional advantage as possible. Yet, unless a dramatic shift in power is widely perceived to have taken place, established elites will continue to dominate the process by which institutions are designed, and hence, reduce the likelihood for institutional innovation and political liberalization. Thus, in contrast to other approaches that focus on either structural conditions or the contingent choices of individual agents to explain regime change, I argue that what motivates elites to adopt political reform is their desire to acquire or retain as much power as possible given their perceptions of how present changing circumstances are affecting their previous ability to influence the distribution of goods and/or benefits.

Electoral Systems; Institutional Origin and Change; and Regime Transition

The simultaneous political and economic transitions occurring across the former Soviet Union provide us with both a unique opportunity and pressing need to study institutional origin and change. Institutions established under such circumstances are known to have a long-term impact on

subsequent political and economic development because they inaugurate a cycle of "increasing returns" whereby "the probability of further steps along the same path increases with each move down that path" or, simply stated, the costs of exit continue to rise.[5] Yet, at this critical juncture, theory in comparative politics remains limited in its ability to help us understand and explain these phenomena. Until very recently, scholars engaged in the study of institutions directed their attention and research toward illuminating the *effects* of various institutional structures rather than their *causes*. As a result, we know far more about the consequences of certain types of institutions than we do about how they originate and change.

This is particularly true of electoral systems. While volumes of research in comparative politics have been dedicated to elucidating their psychological and mechanical effects on voters, politicians, and hence, the development of political party systems around the world, the study of their origin has been largely neglected.[6] Yet, ironically, electoral systems are a central feature of both institutional analysis and the study of democratic transitions. Indeed, the struggle to define the nature of electoral systems is at the very heart of transitional politics. Particularly in a new state, they are the "rules of the game" that matter most because they determine who will set future "rules of the game." Thus, they determine not only who will govern, but also the manner in which they will govern. The establishment of electoral systems, moreover, serves as a window into the soul of power relations and the political process in a transitional state; it gives us insight into the key political battles and/or power struggles as the transition unfolds. Electoral systems are also an important institution for gauging political change, because they serve as a crucial benchmark for assessing the level of a country's commitment to democra-

[5] Pierson, Paul. 2000. Increasing Returns, Path Dependence, and the Study of Politics. *American Political Science Review* 94, 2: 252.

[6] For a comprehensive overview, see Lijphart, Arendt. 1985. The Field of Electoral Systems Research: A Critical Survey. *Electoral Studies* 4, 1: 3–14; and Lijphart, Arendt. 1990. The Political Consequences of Electoral Laws, 1945–85. *American Political Science Review* 84: 481–96. The few studies that do focus explicitly on the origin of electoral systems include Bawn, Kathleen. 1993. The Logic of Institutional Preferences: German Electoral Law as a Social Choice Outcome. *American Journal of Political Science* 37, 4: 965–89; Boix, Carles. 1999. Setting the Rules of the Game: The Choice of Electoral Systems in Advanced Democracies. *American Political Science Review* 93, 3: 609–24; and Brady, David and Jongryn Mo. 1992. Electoral Systems and Institutional Choice: A Case Study of the 1988 Korean Elections. *Comparative Political Studies* 24, 4: 405–29.

tization.[7] In sum, they are an important first step toward establishing independent statehood as well as winning the approval of the international community. It is not surprising, then, that electoral systems are often the first institution that political actors in new states, or states undergoing transition, seek to design – both to gain internal recognition and to bolster external legitimacy.

Accordingly, all three Central Asian states established a set of rules governing the election of national legislatures within the first few years of their newfound independence. The intense debates surrounding the adoption of new electoral laws in Kazakhstan, Kyrgyzstan, and Uzbekistan reflected the degree of importance that political leaders and activists across these three states placed on this institution. Whether or not they were directly involved in the process of designing electoral laws, most believed that there was a significant distributional advantage to be gained by influencing the outcome. Indeed, when they began drafting new electoral rules in the spring of 1993, all three nascent states had yet to settle several basic foundational issues, including those concerning the relationship between the executive and legislative branches of government. Thus, these electoral systems had the potential to determine both the composition of the new parliament and its role in making subsequent constitutional decisions. Moreover, in addition to their international significance, electoral systems occupy a central place in the domestic politics of Kazakhstan, Kyrgyzstan, and Uzbekistan due to both the historical and contemporary role that elections, electoral rules, and national legislatures play in these former Soviet Central Asian republics.

During the Soviet period, elections and the electoral system on which they were based played a crucial political role. They served as a vehicle for both limited contestation among political elites to achieve consensus and fully mobilized participation among the population to popularly legitimate decisions made undemocratically.[8] Elections were one of the primary

[7] As Samuel P. Huntington writes in *The Third Wave* (1991), "[e]lections, open, free and fair, are the essence of democracy, the inescapable sine qua non." Electoral systems are the basis on which "founding elections" in transitional states occur.

[8] On the role of elections and participation in the Soviet Union, see Friedgut, Theodore H. 1979. *Political Participation in the USSR*. Princeton, NJ: Princeton University Press. This pattern is also consistent with the role of elections in other semi- or noncompetitive electoral contexts. See, for example, Heredia, Blanca. 1993. Making Economic Reform Politically Viable: The Mexican Experience. In William C. Smith, Carlos H. Acuna, Eduardo A. Gamarra, eds. *Democracy, Markets, and Structural Reform in Latin America: Argentina, Bolivia, Brazil, Chile, and Mexico*. New Brunswick, NJ: Transaction Publishers, 280.

mechanisms through which the Soviet government distributed political rewards to loyal elites as well as checked their performance. The elected officials were essentially handpicked by the Soviet leadership and incumbents at all levels were expected to "bring out the vote" or lose their positions. The electoral law allocated responsibility for both supervising the nomination of candidates and conducting the elections, and therefore, determined a crucial basis of power relations among the political elite. Moreover, under Soviet rule the republic-level legislature in each Central Asian republic served as an instrument for regional leaders to exert influence on republican affairs.[9] While these legislative bodies did not engage in the same law-making activities as national parliaments in Western democracies, they exercised authority over other fundamental matters in their respective republics such as the territorial allocation of material and financial resources.

Following independence, the republican legislature automatically became the national legislature in each state and acquired added significance. Not only did members of parliament retain their privileged access to scarce political and economic resources and continue to influence the distribution of these resources through the budget-making process, they also gained some authority to draft and discuss legislation. This greatly increased their influence on crucial issue-areas including the direction of economic reform as well as state- and nation-building, while reinforcing their prior status. In all three Central Asian states, for example, national legislatures confronted legal and social questions associated with the privatization of land, the establishment of a state language, and the definition of citizenship. Members of parliament also had the potential to play a crucial role in determining the fate of the country's natural and strategic resources, which were previously controlled by Moscow. Moreover, in light of international pressures to democratize, national legislatures became the "testing ground" for the newly independent states' commitment to political liberalization, and hence, the focal point of both international and domestic political reform efforts. Indeed, one of General Secretary Mikhail Gorbachev's last concrete steps toward realizing his radical political and economic reform programs (*glasnost'* and *perestroika*) in the latter years of the Soviet Union was holding competitive elections to a new national legislative body (the Congress of People's Deputies

[9] The legislature at both the all-Union and republican levels was called the "Supreme Soviet."

[CPD]), and then subsequently to the republic-level legislatures.[10] These elections raised similar expectations regarding the degree of political competition for parliamentary seats and the role of parliaments throughout the Soviet successor states following the USSR's collapse.[11]

Thus, while the establishment of electoral systems did not launch a full-fledged transition to democracy in Kazakhstan, Kyrgyzstan, or Uzbekistan, both the process by which these new electoral systems were designed and the outcome of that process provide several crucial insights into the nature of power and political change in Central Asia after independence. As demonstrated previously, elections are intimately connected to power relations in Central Asia – that is, who has access to power as well as how power is understood and allocated. In the context of a transition from Soviet rule, negotiations over electoral systems are also well positioned to reveal the underlying sources of power. Just as the cycle of increasing returns makes power asymmetries less apparent over time, so too does the initiation of this cycle serve to uncover asymmetrical power relations by literally forcing them out of hiding and onto the bargaining table.[12] At the same time, the respective electoral systems that these negotiations produced are a proxy for gauging not only the extent to which political change has actually occurred since independence, but also prospects for future political change. According to the logic of "increasing returns," even if one were to conclude that Kazakhstan, Kyrgyzstan, and Uzbekistan's new electoral systems amounted to only incremental or minor changes, because of their capacity to restructure power relations these changes nonetheless have profound consequences for subsequent institutional, and hence, regime change in each state.[13]

In sum, due to their broad empirical and theoretical significance, electoral systems serve as an especially appropriate vantage point from which to assess Central Asia's transition from Soviet rule since independence and to improve our understanding of both institutional design and regime change, particularly in dynamic settings.

[10] In March 1989, two-thirds of the CPD deputies were elected by popular vote. The following year, all fifteen Soviet republics elected new legislative bodies under more competitive conditions.

[11] For an example of how the 1990 elections raised expectations for parliamentary power in Ukraine, see Hale, Henry E. 1999. The Strange Death of the Soviet Union: Nationalism, Democratization and Leadership. *PONARS Working Paper Series No. 12*, 20–2. http://www.fas.harvard.edu/~ponars.

[12] Pierson, 2000, 259.

[13] Ibid., 263.

The Establishment of Electoral Systems in Central Asia: Populist, Centralist, and Dualistic

The negotiation processes in Kyrgyzstan, Uzbekistan, and Kazakhstan shared some striking similarities. If one could actually take a visual scan of the individuals seated around the proverbial bargaining tables and peruse the official transcripts, it would immediately become apparent that, in each of these three states, two core sets of actors negotiated the same four core issues. The four core issues that framed the negotiations included (1) the structure of parliament, (2) the nomination of candidates, (3) supervision over the elections, and (4) the determination of seats. The main actors were divided into essentially two groups – regional leaders (i.e., governors and their deputies) and central leaders (i.e., the president and his advisors). These actors, moreover, universally preferred electoral systems that would maintain and/or increase the status of the regional versus central level of government, respectively. Yet, because central and regional leaders alike considered themselves representatives of the region (*oblast*) in which they most recently served, they also viewed their own interests as commensurate with maintaining and/or increasing the status of that particular region. Preferences over specific aspects of the "new" electoral system, therefore, were based on the actors' expectations of how that particular aspect would affect, first, the overall regional balance of power vis-à-vis the center, and second, their own region's position of strength or weakness within it. Central leaders, for example, wanted electoral laws that would give them more discretion over the composition of the new parliament and the conduct of its deputies, while regional leaders wanted electoral laws that would guarantee them a seat in the new parliament as well as greater independence from the center. This points to another key similarity across these three states' negotiation processes. All the actors involved viewed asymmetrical power relations in terms of the distribution of authority and decision-making influence between regional-level and central-level governments, on the one hand, and between regions, on the other.

The universal dominance of regionally based actors, preferences, and power asymmetries in Kyrgyzstan, Uzbekistan, and Kazakhstan's electoral design processes, however, did not preclude a significant degree of variation in their respective electoral systems. As Table 1.1 illustrates, negotiations among the same core set of actors over the same four core issues in each state nonetheless produced different institutional outcomes. Kyrgyzstan's electoral system, for example, might be characterized as "populist," or

Table 1.1. *Variation in the design of electoral systems in Central Asia*

Country	Main Issues			
	Structure of Parliament	Nomination of Candidates	Supervision of the Elections	Determination of Seats
Kyrgyzstan "Populist"	**Part-time** Bicameral	**Local workers' collectives and residential committees** Political parties	DECs	Both chambers: SMDs based on total population
Uzbekistan "Centralist"	**Part-time** **Unicameral**	Regional councils Political parties	CEC	**SMDs based on voting population**
Kazakhstan "Dualistic"	Full-time Bicameral	Senat: President and regional heads Majilis: Political parties	CEC and TECs	Senat: Equal number per region Majilis: **SMDs based on voting population**

Note: Bold type indicates those features of the Soviet electoral system that were retained.

relatively inclusive, because it allows local workers' collectives and residential committees, as well as newly formed political parties, to nominate an unlimited number of candidates for office and includes the total population in determining the number of electoral districts. In contrast, Uzbekistan's electoral system is more accurately described as "centralist" and more restrictive than either Kyrgyzstan's or Kazakhstan's because it limits the right to nominate candidates to one per electoral district for each officially sanctioned political party and regional-level legislature and concentrates the supervision of all electoral procedures and outcomes in the president-appointed Central Electoral Commission (CEC). The electoral system in Kazakhstan takes on a hybrid form in comparison to both Kyrgyzstan and Uzbekistan. I refer to it as "dualistic" because it divides supervision over the election between electoral commissions at the central and regional levels, and the nominations of candidates between the president and regional governors for the parliament's upper house (Senat) and registered political parties for its lower house (Majilis).

Moreover, these new electoral systems contain several areas of institutional innovation and only a minimal amount of continuity with the previous (i.e., Soviet) electoral law. Uzbekistan's electoral law has the most in common with its Soviet predecessor, while both Kyrgyzstan's and Kazakhstan's represent significant departures from the Soviet law. For example, only in Uzbekistan did the new parliament (Olii Majlis) retain both the Supreme Soviet's part-time and unicameral structure. In Kyrgyzstan, the new parliament (Jogorku Kenesh) retained only the Supreme Soviet's part-time feature. The full-time, bicameral parliament (Olii Kenges) in Kazakhstan retained neither Soviet feature. Similarly, regarding the determination of seats, Uzbekistan alone maintained the Soviet practice of basing single-member districts on voting population, whereas Kyrgyzstan and Kazakhstan both introduced alternatives – seats based on total population and an even number of seats per *oblast* (or region) regardless of population size, respectively.

Perceptions of Power: Strategic Bargaining and Institutional Design

The similarity in process and yet variation in outcome that characterized the establishment of electoral systems in Kazakhstan, Kyrgyzstan, and Uzbekistan thus presents a complex set of integrally related empirical puzzles. Why did three states with very similar historical and structural