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Media in Kazakhstan: Between Democratic Emancipation and In-build Authoritarianism

Dr. Shazia Majid

Abstract

The freedom of the press is a crucial element of a democratic society. The right to communicate and express oneself through diverse forms of media, encompassing both traditional print and modern electronic platforms, is considered a fundamental entitlement. It acts as an educator and a watchdog, guarding the public interest. It is vital to ensure the protection of human rights. Sharing information with the public is the first step in addressing grievances and holding governments accountable. The Constitution should protect this freedom and be free from interference from an overreaching state. However, in Kazakhstan, the freedom of the press is severely restricted. The Kazakh government's control over the media threatens democratic norms in the country and destroys the process of democratization initiated by Kazakhstan after the collapse of the Second World. This paper examines how restricting press freedom alters Kazakhstan's democratization process and how Kazakhstan has shifted from its commitment to democracy on paper to authoritarianism in practice.

Keywords: *Kazakhstan, Authoritarianism, Decriminalization, Democratization, Freedom, Press, Transition.*

Introduction

The countries in different regions—Asia, Africa, Latin America, Middle East, Southeast Asia and Central Asia—have witnessed political, economic, and social transformations in the wake of democratic transitions experienced by them. However, these democratic transitions have produced varying outcomes according to the socio-economic and political context of the particular country. The global political landscape changed democracy worldwide, starting in the middle of the twentieth century. The democratic transitions happened in waves because they were concentrated in time and place rather than spread randomly. Samuel Huntington mentioned three waves of democratization. The first wave started from 1826 to 1926 during which there was a gradual and uneven spread of democracy through most industrialized Western European

countries. Nevertheless, the progression was disrupted by the emergence of authoritarian and totalitarian regimes, which surfaced globally during the interwar period, extending even into Western nations. The subsequent wave of democratic transformation occurred following the removal of authoritarian rule in countries such as Germany, Italy, Japan, and others. This phase spanned from World War II to the mid-1960s. The third wave of democratization commenced in the mid-1970s with the downfall of dictatorial regimes and the establishment of democratic governments in Portugal, Greece, and Spain. By 1973, only 45 out of 151 countries met the criteria for political/electoral democracies. The global trend of democratization regained momentum with the collapse of the Berlin Wall in 1989 and the collapse of communist regimes in Eastern European countries. Since the close of the twentieth century, democratization has persisted without interruption. The third wave of democracy reached both post-communist and post-colonial nations in Asia, Africa, and Latin America. Consequently, the last three decades have witnessed widespread transitions to democracy on a global scale, transcending specific geographical or political regions. Simultaneously, democratic transformations across the world have exhibited notable distinctions from one another (Heywood, 2013).

After years of Communist rule, the democratic wave influenced politics in newly independent Central Asian countries. The Central Asian countries vehemently adopted the democratic principles. However, the political leaders and the authoritarian institutions were reluctant to accept and apply the principles of democracy in practice. More specifically, the freedom of speech and expression remained a vital concern as it directly intersected with their dominance and power. Kazakhstan has been a unique case of the regular violation of freedom of expression and public opinion by political leadership. This paper aims to analyze the events that reflect how the government and political institutions in Kazakhstan have led to the sabotage of media, which constitute a significant instrument of citizen-government communication.

Freedom of Press in Kazakhstan: A Historical Overview

Many countries have transitioned from autocratic to democratic regimes during the past two centuries. Generally, we measure the existence of democracy in these countries on the basis of how their different institutions function there in practice. In this respect, the transition to democracy can only be said to have occurred when democratic institutions are established in the form of open competitive elections, civil and political rights and freedoms, effective opposition, effective political institutions, minority rights, democratic governance, and all other principles associated with the tradition of democracy, and all these institutions are practically functional (Bratton & Van de Walle, 2012).

While conceptualizing democracy, Robert Dahl (1971) has used ‘polyarchy’ as opposed to the term ‘democracy’ to differentiate between the democracy that is currently

in practice, which he characterizes as a polyarchy, and the true or ideal theory of democracy. A country that practices polyarchy, which is an important part of democracy, achieves a certain level of democratic development. According to Dahl (1971), for a system to be a polyarchy, the people must be able ‘to formulate their own preferences’; ‘signify their preferences to their fellow citizens and the government by individual and collective action’; and ‘to have their preferences weighted equally in the conduct of the government, that is, weighted with no discrimination because of the content or source of preference’ (p. 2). For these three conditions to be achieved, the government must fulfill eight requirements to qualify for polyarchy: the freedom to form and join associations, the right to freedom of speech and expression, the right to vote, eligibility for public office, the right of political leaders to compete for support and votes, the availability of alternative sources of information, free and fair elections, and presences of institutions that allow citizens to express their preferences through voting and other means (Dahl, 1971). Civil liberties are a vital component of the Dahlian foundation (polyarchy) for a healthy democracy and are essential for democratization. This paper, by analyzing freedom of the press in Kazakhstan, attempts to see whether Kazakhstan adheres to Robert Dahl’s conception of polyarchy.

Kazakhstan is one of the Central Asian republics located in the north. Russia borders it to the north, China to the east, Kyrgyzstan and Uzbekistan border it to the south, and the Caspian Sea, along with a portion of Turkmenistan, connects it to the west. The current population of Kazakhstan reflects both the Russian expansionism of the 19th and 20th centuries and the Turkic penetration of Central Asia. The Russian Empire had established settlements in Kazakh territory by 1718. Before that, in 1713, a Kazakh Khan (leader) made a featly commitment to the Russians, and by 1740, all of the Kazakh Khans had made a featly commitment to Russia, which was unknown to the average Kazakh. As a result, many Soviet historians assert that the ‘voluntary unification’ of the Kazakh and Russian people began around 1730. On the other hand, contemporary nationalist historians in Kazakhstan contend that these alliances were intended only as a temporary, strategic response (“Kazakhstan: Political conditions”, 1994).

Over time, by the late 18th century, Russia began to impose centralized and direct administration across the Kazakh territories despite Kazakh’s resistance and intermittent uprisings. To establish strongholds in Kazakhstan, Russia increased its involvement by settling Russian and German colonies, making Kazakhs a minority in their own country. To compensate for the Russian casualties during World War I, the Tsarist regime attempted to conscript over 3 million Kazakh teenagers into the Russian army in 1916 (“Kazakhstan: Political conditions”, 1994). The Bolshevik seizure of Russia’s major cities in 1917 led to the emergence of Kazakh nationalists who demanded complete autonomy from Russia. Such events led to a civil war, during which the Kazakh national government, known as the Alash Orda, was established. Although many Kazakhs and

non-Kazakhs, including Russian nationals in Kazakhstan, supported the Soviet Union, the Ordas and anti-Bolshevik groups temporarily retained power in Kazakhstan. Nevertheless, as the civil war raged on, alliances changed along ethnic lines, with Russians and other Slavs fighting the Turkic peoples (Kazakhs and Kyrgyz) until the mid-1920s, when the Soviets forcibly subjugated all of Kazakhstan. Many Kazakhs emigrated to China and other countries during and after the revolution (“Kazakhstan: Political conditions”, 1994).

Before the disintegration of the Soviet Union in 1991, the concept of ‘freedom of the press’ in Kazakhstan, as well as in other Soviet republics, was significantly different from the Western understanding of press freedom. The Soviet government tightly controlled the media, and press freedom was virtually non-existent in the way it exists in democratic countries. The Soviet government, under the leadership of the Communist Party, controlled all forms of media, including newspapers, radio, and television. These media outlets were considered the mouthpieces of the Communist Party and the government. Journalists were expected to adhere to the official party line, and censorship was pervasive. The media’s primary function was to disseminate state-approved propaganda, promote the Soviet ideology, and maintain the image of the Soviet government and its leaders. This meant that the media was often used to suppress dissent and any information that was critical of the government. Independent journalism and investigative reporting were practically non-existent. Journalists were closely monitored, and any deviation from the official narrative could result in severe consequences, including imprisonment. The Foreign media was also subject to strict control, and access to information from the outside world was heavily restricted. This contributed to a largely isolated and controlled media environment. Censorship was a fundamental aspect of media control in the Soviet Union—all content, whether print or broadcast, had to be approved by government authorities. Editors and journalists were expected to self-censor their work to avoid trouble with the authorities. The public’s access to information was limited, and state-approved content dominated all media channels. This lack of access to diverse information and alternative viewpoints was a defining characteristic of the media landscape in Kazakhstan and other Soviet republics (Kangas, 2018).

As a positive development, the dissolution of the Soviet Union and the subsequent collapse of communism added new horizons to global politics. Experts in international relations were optimistic about the transition from communism to democracy and the drafting of the Kazakhstan national constitution. Following the fall of the Soviet Union, Central Asia gained its independence. It began to reform its political system with the universally recognized democratic principles enshrined in their respective national constitutions. These principles included respect for human rights, legislative elections, institutions of the presidency, and the supremacy of international law. By the mid-1990s, the institutionalization process had successfully implemented

democratic governance, eliminating obstacles to establishing regional democracies. However, these Central Asian nations received heavy national and international criticism for not fully upholding democratic norms. One of the reasons for this could be the shorter span of transition. Central Asian people had no time to imbibe or inculcate these principles gradually (Kukeyeva & Shkapyak, 2013). A decade later, as some democratic states displayed a comeback of authoritarianism, this democratization euphoria was replaced with mounting anxiety over the retreat of democracy. Despite promising to foster democracy, these republics adopted non-democratic practices characterized by personal dictatorship and authoritarian presidentialism. The scholars initially approached the study of regimes in Central Asia through the prism of transitology, which viewed democratization as a linear process aided by political elites and civil society actors. The Central Asian leaders, who saw democracy as the primary threat to their political and personal survival, were now directly accountable for the current situation (Omelicheva, 2013).

This pluralist and tolerant culture of the valley was further developed by Sultan Zain-ul-Abidin whom all Kashmiris usually call *Bud Shah* (great king). He ruled over

Media in Post-Soviet Kazakhstan

The role of mass media is integral to the functioning of a democratic society. It serves as a vital conduit for political information, shaping voters' decisions. Beyond being an information source, media outlets are crucial in identifying societal issues and facilitating public discourse. They act as watchdogs, uncovering errors and wrongdoings among those in positions of power. Given the pivotal functions of the media, it is justifiable to expect them to adhere to specific standards in fulfilling these roles. The foundation of our democratic society relies on the premise that the media effectively performs these functions (Fog, 2013).

In Central Asia, laws safeguarding freedom and regulating media activities share notable similarities with those that have long existed in Western democracies. However, in practical terms, substantial differences exist concerning constitutional protections and the specific legal frameworks addressing various aspects across different republics. In the Soviet Republic, the Central Asian region experienced considerable advantages from Gorbachev's Glasnost policy. An inevitable by-product of this policy was the establishment of a diversity of newspapers designed to challenge the communist authorities by capitalizing on the national sentiments of the masses. Eventually, it led to the changing political atmosphere in Kazakhstan, Uzbekistan, and Tajikistan with the rise of several political movements. Consequently, newspapers like *Mustaqil Haftalik*, *Erk*, *Tumaris*, and *Munosobat* in Uzbekistan, and *Jami-i-Jam*, *Charogi Ruz*, and *Adolat* in Tajikistan with other newspapers in Soviet Central Asia region played a significant role in

channeling the adoption of national language laws in Tajikistan, Uzbekistan, and Kyrgyzstan, making Russian the language of inter-ethnic communication. With the collapse of the Soviet Union, the newly founded newspapers in post-Soviet Central Asian states gradually expanded their focus to include matters closely related to the substance and method of their respective governments. After this qualitative change in the orientation of these newspapers and their supporting organizations, the Central Asian governments initiated stringent restrictions on the activities of both independent and state-operated media.

Although the Constitution of Kazakhstan provides for freedom of speech and media, Kazakhstan, like other Central Asian countries, has adopted extensive legislation to control media-related activities. The Law on Press and Media in Kazakhstan, which came into effect on August 1, 1991, imposes severe undemocratic restrictions on media. Article 5 of the law, titled ‘Inadmissibility of Abuse of the Freedom of Speech’, straightforwardly prohibits the use of mass media in promoting the ‘change in the existing state and social order’. Further, Article 32 stipulates that ‘the legal position and professional activity of correspondents and other accredited representatives of mass media which reaches an all-union audience, as well as mass media of other union republics shall be regulated by government legislation’.

Apart from a set of legislative restrictions, institutionalized corruption, which has become a permanent feature of Kazakhstan state, has deeply reduced the space for independent media. The democratic institutions in Kazakhstan are in crisis because the people at the helm of affairs do not allow these institutions to function in accordance with democratic norms. In 2001, Emma Grey made a critical remark on the media of Kazakhstan by asserting that, except for a few independent newspapers, television, and radio stations, the media in Kazakhstan is firmly under the influence of individuals who are either loyal or related to the then President, Nursultan Nazarbayev (Irwin, 2000). As she has argued: ‘the striking feature of media in Kazakhstan is the way in which Nazarbayev and his family and business associates have taken control of all of the most influential organs of the media in the republic’ (as cited in Pannier, 2007).

Shortly after Kazakhstan gained independence in 1991, Nazarbayev’s friends and relatives started acquiring media outlets. The most notable instance of this was Dariga Nazarbayeva, Nazarbayeva’s daughter, who once headed ‘Khabar’, a leading state news agency. She resigned as head of the news agency in 2003 and launched her own political party in the same year, although she retains significant influence in the agency (Pannier, 2007).

Independent media in Kazakhstan experienced a further setback when its economy began to flourish due to increasing oil exports. The President’s friends and

associates make up a large portion of Kazakhstan's robust business community, and they invested their newly acquired wealth in previously independent newspapers and radio and television stations. For instance, for most of the 1990s, the KTK Television Station and the weekly newspaper 'Karavan' were just two of the several media outlets that published news stories highlighting the administration's shortcomings and governmental atrocities (Pannier, 2007). In 1998, a media consortium spearheaded by Rakhat Aliev, Dariga's husband, acquired both the television station and newspaper. However, on May 24 of that very year, the Prosecutor-General's Office halted the activities of both organizations following criminal charges against Aliev (Pannier, 2007).

Another aspect of Kazakhstan state's undemocratic strategy towards the media is that the independent media outlets are being closed down, either temporarily or permanently, by the government. The official reason that the government often gives for this suspension is procedural violations. However, the press and media, supported by international organizations like the International Press Institute (IPI), Organization for Security and Cooperation in Europe (OSCE) and Radio Free Europe (RFE), Eurasianet, claim that the political motives are behind the suspension and shutdown of native media outlets in Kazakhstan (Merritt, 2004). The nature of political sabotage via continuous media oppression remains significant. In Kazakhstan, a few native independent media outlets experience a different threat in the form of closure or fines by the courts, as Tamara Kaleeva, the head of the Adil Soz, Kazakh-based media-freedom group, has stated: We have a serious problem with judicial persecution of the media; these are criminal cases and the biggest obstacle we see from year to year is the civil and administrative cases [against the media], mainly accusations of insulting the honor and dignity [of government officials] and the crazy, astronomical fines imposed for moral damage (as cited in Pannier, 2007).

The practice of media crackdown was continued by the Kazakh government in 2013 in the form of censorship and intimidation, prosecution of journalists for defamation and libel, imposition of severe penalties for content violations, and a set of other undemocratic legal restrictions on media and journalists ("Freedom of the press", 2015). While the Constitution of Kazakhstan provides for freedom of speech and the press, these rights are often, in practice, undemocratically restricted by the Kazakh government. Defamation continues to be treated as a criminal offense, with harsh penalties for those involved in defaming the President, members of parliament, and other state officials. Such laws are often used against journalists, who are critics of the government and its policies, and independent media ("Freedom of the press", 2015). Kazakhstan remains one of the few member states of the Organization for Security and Cooperation in Europe (OSCE) without a freedom of information law, despite the ongoing discussion in 2010. In 2013,

President Nursultan Nazarbayev signed amendments to the country's counterterrorism legislation against government critics. The amended bill provides expanded authority to security entities, mandating all media outlets to collaborate with state bodies engaged in counterterrorism. However, the legislation does not specify the nature of the assistance required ("Freedom of the press", 2015).

In May 2016, Kazakhstan created a new Ministry of Information and Communication. At that time, it looked like the country's media had found itself an institution that could stand up for its interests inside the state structure. But it was just an illusion as 37 amendments in Kazakh's media law have done nothing to improve the media situation. On the contrary, these newly accredited rules forever tied the media's hands. The Kazakh government is continuously bringing the work of independent media under the control of the government.

Furthermore, any media outlet whose editorial policies do not meet the criteria of the relevant state ministry can be closed by a court order when it is allegedly involved in spreading fake news or in the case of libel. For instance, the online news site 'Ratel. Kz' was prosecuted on charges of disseminating false information as it had reported on alleged corrupt business practices by businessman and former Finance Minister Zeinulla Kakimzhanov ("Kazakhstan shuts down independent news site", 2018). Criminal liability for defamation has become an important feature of the Criminal Code in Kazakhstan, and it is being regularly strengthened. The serious problem associated with the criminalization of libel in Kazakhstan is that 'it is not only a crime and criminal liability "on paper," but as monitoring has shown, cases of defamation and insult have been actively instituted, investigated, and brought to trial' ("Decriminalization of slander: the best solution", 2020). It was only during Kassym-Jomart Tokayev's Presidency that several new measures were taken in relation to liberalizing the media. Seemed to be a step in the right direction towards a free press. Throughout his election campaign, he has focused on the freedom of expression and speech, the undemocratic curtailment of which has remained a big hurdle in Kazakhstan's democratization process. Accordingly, in June 2020, a new law aiming to Decriminalize defamation was implemented during his presidency. This new legislation states that defendants can face fines and up to 30 days in administrative detention if they are found guilty of defamation under the new administrative code. According to the previous criminal code, defamation was a criminal offense punishable by large fines and up to 3 years in jail ("Kazakhstan decriminalizes defamation", 2020).

Despite the positive step of reforming defamation laws, Kazakhstan still has a long way to go if the government is seriously concerned about freedom of the press. Alongside progress in the laws on paper, however, the Kazakh government continues to

employ coercive measures against journalists, the recent example of which is the installation of secret spyware on their phones in 2023 (Sorbelli, 2023). Furthermore, new legislation, which is seemingly unrelated to press freedom and instead targets cyberbullying, was passed in 2022. While this legislation is less stringent, it still holds the potential to block internet resources that fail to curate their content appropriately. On January 7, 2022, amid Qandy Qantar's harshest days of violence, including highhandedness against journalists, Tokayev sent a clear message of warning against journalists by saying that 'the so-called independent mass media have played an accessory role and, in some cases, an inciting role in violations of law and order' (as cited in Sorbelli, 2023). Characterizing independent media as an enemy, Tokayev has threatened the existence as well as the legitimacy of journalism in Kazakhstan.

Out of 180 surveyed countries for press media in 2021, a media watchdog known as 'Reporters Without Borders' ranked Kazakhstan 122nd. The country's score in 2022 demonstrated a decline compared to the previous year. While the quality of online news is improving, repression is modernizing. The Kazakh authorities have adopted a reformist discourse since Nursultan Nazarbayev's resignation as President and 'Leader of the Nation' in 2019 after a 30-year reign. However, at the same time, they have readily resorted to arrests, curbs on internet and telecommunications services, and even violence to prevent coverage of significant events ("Heading for reelection", 2020). Likewise, during the 2022 elections, political activities (campaigning, formation of new parties, participation of independent candidates, and their open engagement with the people) made it seem like the political regime was indeed becoming democratic. However, the course of voting and its results showed that the speed of the shift of democratization should not be exaggerated. The campaign did not generate much public interest, and elections took place with electoral fraud and the use of administrative resources (Abishev, 2023).

The Kazakh government's track record in upholding political and civil liberties is disconcerting, as it consistently falls short of meeting its commitments under international agreements and domestic laws, including its constitution. The elections, rather than being authentic expressions of democratic choice, are meticulously orchestrated. Both de jure and de facto constraints on press freedom and freedom of expression prevail, creating an oppressive environment where citizens who express dissenting opinions, be it online or offline, face severe consequences, including imprisonment. Legislation with undemocratic restrictive provisions hampers the right to freedom of assembly, leading to the arrest and detention of peaceful protesters. Civil society groups, trade unions, and religious congregations experience curtailed freedom of association. Instead of being impartial, the judiciary is manipulated for political

objectives. Western governments, historically, have been hesitant to confront Kazakhstan on human rights issues, inadvertently contributing to a sense of impunity among the authorities.

The international community has a constructive role to play in supporting the positive steps that Kazakhstan has recently taken in relation to its laws on the media and democratization. Global actors can foster a more inclusive environment by endorsing and assisting Kazakhstan in pursuing enhanced human rights standards. This involves advocating for legal reforms and actively engaging with the government to ensure the effective implementation of these reforms. Ultimately, such collaborative efforts can encourage Kazakhstan to respect and safeguard its citizens' fundamental rights and freedoms.

Conclusion

This paper has examined the condition of media, which is a vital component of democracy, in Kazakhstan from the perspective of Robert Dahl's conception of polyarchy. The paper has found that although the Constitution of Kazakhstan satisfies the requirements and conditions necessary for the existence of polyarchy (or modern democracy), the Kazakh state in practice regularly violates these conditions and so its democratic transition has taken the form of authoritarianism. While the system of elections and checks and balances exist, they are not implemented democratically. Opposition political parties are forbidden by the government to form and compete in elections. Instead of acting as a check on the executive, the judiciary often aligns with the ruling government. The country's constitution provides for safeguards for human rights, but they are systematically suppressed. Freedom of speech and expression is subjected to unreasonable restrictions and is regularly muzzled for political motives. The government exercises complete control over print and broadcast media and so limits the press, forces the media into self-censorship and regularly bans foreign media outlets. For these undemocratic (or authoritarian) practices, Kazakhstan's commitment to democratic principles is vociferously questioned. The paradox of Kazakhstan engaging in democratic rhetoric while exhibiting authoritarian tendencies raises intriguing questions. Following the ideology of modern authoritarianism, Kazakhstan's apparent commitment to democracy is a strategic move to gain international legitimacy, that is, to legitimize its practices on the international stage. Kazakhstan exemplifies how authoritarianism can be veiled under the facade of democracy. The challenge lies in distinguishing between democratic rhetoric and persisting authoritarian realities. The international community has a constructive role to play in supporting the positive steps that Kazakhstan has recently taken in relation to its laws on the media and democratization.

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