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DEVELOPMENT OF POST-COMMUNIST PARLIAMENTARISM IN KAZAKHSTAN AND ROMANIA: A COMPARATIVE ANALYSIS

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Development of post-communist parliamentarism in Kazakhstan and Romania: a comparative analysis

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Становление посткоммунистического парламентаризма в Казахстане и Румынии: сравнительный анализ. В статье рассматривается и сравнивается развитие и эволюция законодательных органов в посткоммунистическом Казахстане и Румынии. Несмотря на общее коммунистическое прошлое, переход от старого политического порядка к новому и последующие события в Казахстане и Румынии осуществлялись совершенно по-разному: Казахстан неохотно воспринял распад Советского Союза в 1991 году и мирно провозгласил свою независимость, тогда как Румынская революция 1989 года против диктаторского режима была самой кровопролитной в Центральной и Восточной Европе. Однако, несмотря на географическую отдаленность двух стран, различные культурные и исторические корни, этнический и религиозный состав, колоссальные расхождения в экономике, Казахстан и Румыния имеют некоторые схожие элементы коммунистического наследия, что в свою очередь оказало влияние на развитие посткоммунистических политических институтов. Тем не менее, это пордразумевает схожесть коммунистических режимов и путей перехода к демократии в двух странах. Развитие парламентаризма в этих государствах различается друг от друга не только уровнем институционализации, но и степенью стабильности законодательных органов. Данная статья преследует две задачи; Первая и важнейшая из которых – объяснить развитие парламентаризма в посткоммунистическом Казахстане и Румынии с исторической точки зрения и определить, что повлияло на изменения и разные последствия в становлении законодательных органов в данных государствах. Вторая задача – сравнить два парламента и выявить сходство и различие между ними.

Ключевые слова: Парламентаризм, Казахстан, Румыния, посткоммунизм, сравнение

Development of post-communist parliamentarism in Kazakhstan and Romania: a comparative analysis. This study compares institutional development of legislative bodies in post-communist Romania and Kazakhstan. Despite having shared a communist past experience, Kazakhstan and Romania have followed a quite different path in their post-communist political order: Kazakhstan is unwillingly accepted the break-up of the Soviet Union in 1991 and peacefully declared its independence, while Romanian Revolution of 1989 was the most bloody of all in East Central Europe. However, in spite of their geographical remoteness, different cultural and historical backgrounds, various ethnic and religious compositions, as well as different economic profiles, Romania and Kazakhstan have shared some common elements of communist legacy and its side-effects during the post-communist development of political institutions. It does not necessarily mean that their respective experiences with communist rule and transition to democracy were the same. The parliamentary development in the two countries differs from each other, both in terms of stability and the level of institutionalization. The goal of this article is twofold. First and foremost aim of the paper is to explain parliamentary development in post-communist Romania and Kazakhstan from historical point of view and to identify what contributes to changes and different outcomes in legislatures of the respective countries. Second goal is to compare two parliaments and identify similarities and differences with making some inferences about the strength of legislatures compared to each other and to other major political institutions.

Key words: Parliamentarism, Kazakhstan, Romania, post-communism, comparison

1. INTRODUCTION

Democracy today is not conceivable without a legislature or parliament. The key element in democratization is to have a legislative body which is accountable to voters and has some degree of influence over the national policy. The Parliament which is fairly, freely and regularly elected in ideal ought to perform these functions. If legislatures are an essential part of democratization, knowing what kind of factors influence changes in Parliaments, especially in newly democratizing countries, would contribute to understanding of political development *per se*.

Some scholars support idea that a stronger legislatures contributes to a stronger democracy [1]. Legislative strength influences democratization in various ways. The legislative body can serve as a check on the executive branch through issuing laws and amendments to legislation or more forcefully through no-confidence practice. An effective legislature also performs the will of the people through translating it into laws and government budgets. Therefore, understanding how legislatures grow stronger is critical to understanding and promoting democratization.

The transition, triggered by the collapse of communist rule in Romania and Kazakhstan, is a part of the processes of what Huntington called the Third Wave of democratization which have also involved East Central Europe and Central Asia in last few decades [2]. Most students agree that "these states were faced with the enormous challenges of building democratic state institutions at the same time as building a nation; creating a national economy; and formulating their foreign policy orientation" ([3] p.1). Yet, the process of transition from communist rule to the construction of democratic order in the former communist countries has evolved differently. In other words the post-communist history and development of political institutions vary substantially from country to country. It is also true that "many state institutions were inherited from the Soviet period and were adapted to the new tasks of independent statehood, while Soviet-era officials continued to staff these institutions" ([3] p.1). Therefore, according to Whitmore "these institutions where not designed for sovereign, rule-of-law states and were poorly equipped to manage the wider state transformations" ([3] p.1).

The main aim in this article is to explain parliamentary development in post-communist Romania and Kazakhstan and to identify what contributes to changes and different outcomes in legislatures of respective countries. The existing literature does not provide a clear answer what determines the different levels of post-communist legislative development. Since no previous studies have compared countries from East Central Europe and Central Asia in terms of political institutions, especially Romania

and Kazakhstan, this article would be a seminal work of authors and could be used as a good hypothesis generating text in order to claim general inferences for these regions. The comparative politics' literature provides with some examples of comparative studies between Latin America, East Central Europe, Western Europe, former Soviet states, and post-communist countries in terms of political institutions, but it seems that students of this field have almost totally ignored post-communist Central Asian countries. In the most cases Central Asian states are excluded from respective research papers. Therefore, such a framework does little to explain different levels of parliamentary development and variations in terms of similarities and differences in countries such as those in East Central Europe and Central Asia. Students of comparative politics have usually been analyzing legislatures only within a specific region or the specific case in East Central Europe and Central Asia. However, given the fact that this paper attempts to compare only two countries from different respective geographical regions, it will be possible to depict them thoroughly and prepare fertile ground for further study.

The intended structure of this paper as following: in the first part of the article it analyses the development of legislative bodies of Kazakhstan and Romania, separately, since break down of communism and up today; then it compares legislative institutions of two countries and tries to identify similarities and differences; and in conclusion it draws some inferences according to the both Parliaments of respective countries.

2. PARLIAMENTARY DEVELOPMENT IN POST-COMMUNIST ROMANIA

Since the parliamentary development of Romania has been fully analyzed by Steven D. Roper, in this article will be only given a brief description of main events of the evolution of post-communist parliamentarism in Romania [4].

After the collapse of communism and revolution of 1989 Romania had entered a new phase of political development. In the autumn of 1989 all communist countries in Central and Eastern Europe one by one had witnessed the collapse of the old regime. In this sense Romania was no exception, although it was almost last country in Central and Eastern Europe who faced the collapse of communist regime only on 22 December 1989. The revolution and regime change in Romania was abrupt and the most violent in the region ([5] p. 146).

Most scholars believe that the development of political institutions in the post-communist Romania was influenced by both the communist legacy and pre-communist democratic experience. In this vein Steven D. Roper notes that "parliamentary development during the communist period was severely limited, and

as a consequence, the Romanian parliament confronts the concomitant problem of developing as an institution to meet twenty-first-century challenges while dealing with the political, social and economic legacies of the communist past" ([4] p. 159).

Right after the revolution of December 1989 in Romania was formed a provisional government led by the National Salvation Front (FSN). The FSN was a movement which had a leading role during the events of December 1989. It was a main reason why the FSN was supported and accepted as a legitimate authority at the moment by the broad population of Romanians. According to Roper the FSN established the parameters in which institutional decisions were made, thus it was mostly responsible for the development of political institutions at the beginning of 1990s ([6] p. 65).

It was this provisional revolutionary government who created a two-chamber parliamentary system. The Romanian Parliament has been evolving all the way from the Constituent Assembly in 1990 to the professional and multiparty Parliament in 2011. The development and institutionalization of parliamentarism in post-communist Romania was uneven and less stable in comparison to the established democracies in Western Europe, but more stable and more efficient than in a number of post-Soviet countries.

The first post-communist parliament of Romania (1990-1992) had been limited to the self-organizing and constitution drafting functions. Due to the adoption of French system the president had a much more power than the legislature. The legislative body had consisted of the Assembly of Deputies and the Senate. Although these two chambers performed similar functions and had an equivalent legislative power, they differed in numbers of deputies. In the 1990 Senate was 119 seats and the Assembly had 387 members ([7] p. 162). It is also worth to mention that no Senate seats were allocated to ethnic minority parties, only the Assembly seats. As it mentioned before the primary objective of this legislation was to draft a new constitution. During the constitutional drafting debate the FSN's voice was prevailing, due to the fact that the constitution drafting committee consisted mostly of the FSN members. Eventually the parliamentarians overwhelmingly passed the new constitution in November 1991. However, it was adopted only after the national referendum on 8 December 1991. The new constitution conflated with the intentions of the FSN and Iliescu and resulted in a strong presidency.

A national election for ***second post-communist parliament of Romania*** (1992-1996) was held in September 1992 [8]. This election was held under the new constitution and new electoral rules. Besides, up to this time political situation in Romania changed considerably. Unlike the 1990 national elections, the 1992 elections

saw no clear majority party and an opposition became a much stronger ([4] p. 165). However, Iliescu's new party, the Democratic National Salvation Front (FDSN) held a plurality of seats and started to create a coalition government. Although there was a clear opposition, members of the FDSN held almost all the government portfolios, and were chosen to preside over the renamed House of Deputies and the Senate ([4] p. 166). The number of contested seats in the both chambers had changed, in the House of Deputies it was reduced from 387 to 328, whereas in the Senate it was increased from 119 to 143. Based on a new electoral rules it was also added to the standing orders the 3 percent electoral threshold for parties in order to be represented in the parliament. Nevertheless, the most scholars on the field agree that the second post-communist parliament still did not perform very well and professional. The FDSN then exercised not efficient leadership in the Parliament. Thus, the parliamentary groups were highly fragmented and not much significant laws were passed.

The third post-communist parliament of Romania (1996-2000) had been elected in October 1996. Up to this date the Romanian political landscape had changed substantially. The opposition gained more strength and access to the media. Also some scholars argue that there was a change in the Romanian electorate itself ([4] p. 170). As a result the Democratic Convention of Romania (CDR) received a plurality of seats in both chambers and formed a coalition government with the Social Democratic Union (USD) and the Hungarian Democratic Union (UDMR). In addition to its parliamentary victory, the CDR presidential candidate Emil Constantinescu defeated Iliescu in the second round ([4] p. 170). The structure and the functioning of the Parliament did not significantly change.

To sum up, the parliamentary activity and the level of parliamentarism in the first decade after the revolution was very well assessed by Cornelia Ilie as following: "During the first tormented decade of post-communist transition the Romanian Parliament was rather weak and ineffective. Apart from the heavy Communist legacy, this may be accounted for by the fact that the country adopted a French-like semi-presidential regime in which president Ion Iliescu had a dominant role. As a result, parliamentary oversight of the executive was minimal. After 1996, under Constantinescu's rule, the parliamentary activity improved, as did parliamentary control over the legislative process. However, the parliamentary activity was still ineffective, allowing the president to exercise legislative power" ([9] p. 197).

In the 2000 elections to ***the fourth post-communist parliament of Romania*** (2000-2004) the Iliescu's Social Democratic Party of Romania (PDSR) received almost an absolute majority of seats (46 percent), and Iliescu was once again elected president in a second round runoff with Tudor ([4] p. 175). By governmental

ordinance on 28 June 2000, the electoral threshold to enter parliament was increased from 3 percent to a nominal 5 percent for a single party, but coalitions faced an additional one percent for each party in the coalition ([7] p. 135).

The modification of the Constitution and referendum in 2003 was an important point for Romanian Parliament in terms of the functioning of chambers. Prior to this events two chambers had the same attributes. The law had to be approved by both chambers. If one of them rejected the law, a special commission was formed. However, the report of that commission had to be approved in a joint session of the Parliament. After 2003, a law still has to be approved by both chambers, but each chamber was designated as "deciding chamber" on the issues relating to its competence. If one of the chambers makes a proposal, and other chamber rejects it, it makes amendments and sends it back to deciding chamber, the decision of which is final.

A national election to ***the fifth Romanian legislature*** (2004-2008) was held on November 2004. In this case also no party won an absolute majority. The Social Democratic Party (PSD) won the largest number of seats, but was not able to form a coalition government. The presidency won in a second round runoff the Justice and Truth Alliance candidate, Bucharest Mayor Traian Basescu, who was fervently in favor of Romania joining the EU in 2007, and of maintaining close ties with the United States [10].

The fifth post-communist parliament of Romania had played a crucial role in the process of accession to the EU. After the elections this parliament had debated and adopted an impressive number of laws and regulations, aimed at reforming all society on democratic bases, including the observance of fundamental human rights, the promotion of socio-economic reforms, the consolidation of the market economy and of new institutional legislation, which are the prerequisites for Romania's integration into the European institutions ([9] p.197). It was this fifth parliament under which Romania became full member of the European Union on January 1, 2007.

On 30 November 2008 Romania organized its first parliamentary elections after its accession to the European Union. It is the ***sixth post-communist parliament of Romania*** (2008-present). It was also the first time when parliamentary and presidential elections were not held simultaneously and the proportional representation on party lists system was replaced by a single-member-majority system. Five political parties gained parliamentary representation: the Social Democrats (PSD), the Conservatives (PC), the Democrat-Liberals (PD-L), the Liberals (PNL) and the Democratic Union of Magyars (UDMR). In addition, 18 seats were distributed among ethnic minority parties. On 22 December 2008 the new PD-L–PSD grand coalition government was invested, headed by Prime Minister Emil Boc (PD-L)

[11].

All in all, today the Romanian parliamentarism are established and highly institutionalized, although it is still substantially influenced by the President. Due to the nature of post-communist transition functions of post-communist parliaments have been limited to the law-making processes and the formation of government. Until the 2004, with the exception of 1996-2000 years, the parliament was under the control of former communist ruling party and its leader Iliescu. However, after the 2004 elections and joining EU in 2007, the Parliament of Romania was no more subservient institution to the president, but was highly organized and differentiated body.

3. EVOLUTION OF PARLIAMENTARISM IN POST-SOVIET KAZAKHSTAN

The evolution of post-communist parliamentarism in Kazakhstan has been comprehensively explored by Anthony Clive Bowyer [12]. Nevertheless, in this part of article would be made an attempt to analyze briefly the development of post-communist parliamentarism in Kazakhstan.

The Republic of Kazakhstan is one of the fifteenth states which had appeared after the dissolution of the Soviet Union. These states were faced with a huge task of building democratic state institutions, which was not an easy thing to do. Nevertheless, newly created former Soviet states did not start building their institutions from the clean list, thus "there was no institutional *tabula rasa*" ([3] p. 30). In this sense the Republic of Kazakhstan is no exception. During the initial years of independence the functions of legislature in Kazakhstan was performed by the unicameral symbolic Supreme Soviet, until new Constitution of 1995 has brought to the political life of country professional bicameral Parliament of Kazakhstan. Today, the Parliament of Kazakhstan is institutionalized, stable and efficient legislative body of the country, though highly controlled by the President. It has been transformed and changed over time all the way from gaining the independence of Kazakhstan in 1991.

A post-Soviet history of legislative body of Kazakhstan would be appropriate to study from the elections to the Supreme Soviet of the Kazakh SSR on March 25, 1990, which was technically the twelfth parliamentary convocation of the Kazakh SSR, since the formation of the ***first post-communist representative body of newborn Kazakhstan*** had started with this convocation.

The March 1990 elections to the twelfth convocation of the Supreme Soviet of Kazakh SSR were the first semi-democratic election with the first multiple-candidate contests since 1925 ([13] p. 30). It was contested by over 2000 candidates for 360 seats. Although the elections passed under the influence of administrative-command

system and without alternative party contestation, voters of Kazakhstan for the first time had a chance to choose freely between various candidates to the legislative body ([14] p. 40). However, this unicameral Parliament still functioned under the old socialist framework. Moreover, members of the government elite and members of newly elected Supreme Soviet were still members of the Communist Party. So with deeply rooted socialist mindset and communist mentality of elite it was difficult to reform country and to maintain smooth democratic transition. Its primary goal was to elaborate new constitution for independent Kazakhstan. The first Constitution of independent Kazakhstan was adopted at the 9th Session of Kazakhstan Supreme Soviet on January 28, 1993. Parliamentary republic model was taken as a basis for Constitution of 1993. However, this constitution didn't change much in functioning of legislative body. It was still unicameral Supreme Court, but rather reinforced its power. In most scholars opinion the constitution of 1993 was least adapted to the new market economy order of the day. It didn't answer for challenges of contemporary democratic transition. As a result this Parliament was ultimately "persuaded" to self-dissolve in autumn 1993.

A national election to the ***second post-communist Parliament of Kazakhstan*** (1994-1995) was held under the new constitutional order on March 1994. The new parliament was designed to be a permanent, professional body consisting of 177 seats, with forty of them filled by individuals chosen by the President ([15] p. 102). Representatives of four political parties were elected, including President Nursultan Nazarbayev's Party of People's Unity (33 seats won), the People's Congress Party of Kazakhstan (9 seats), the Socialist Party (8 seats), the Federation of Trade Unions (11 seats) and deputies from fourteen different groups. This convocation of parliamentarians was very much controversial. Due to a lack of legislative experience of its members and its rivalry attitude toward the executive branch it could not pass any significant laws, which resulted in legislative and political stalemate. As a result this Parliament was dismissed in March 1995 based on a constitutional court decision (resulting from a dispute filed by one complainant) which ruled that the parliamentary elections of one year prior were invalid due to administrative irregularities involving the vote counting process [12].

The turning point for the development of parliamentarism in Kazakhstan was an adoption of a new constitution in August 30, 1995 by the passing of a national referendum with 81.9 percent of voters voting in favor of the new constitution, which created a two-chamber parliament consisting of the upper house, the Senate and the lower house, or the Majilis.

National elections to the new two-chamber, ***third post-communist Parliament***

(1995-1999) were held in December 1995. According to the constitution and new electoral law the formation of the Senate and the Majilis differed substantially in terms of mode of designation, and the number of seats. The upper house, the Senate was elected indirectly by the majoritarian voting system, where 40 senators elected by the Maslikhats (local representative bodies) in 19 regions and the capital, which together represented 20 multi-member constituencies, by 2 seats in each constituency and 7 senators were directly appointed by the President. So taken together the Senate consisted of 47 senators elected for the 4 year terms, while the 7 remain for entire term of the Senate, half of the remaining 40 are re-elected every two years. The lower house, the Majilis, featured 67 members elected directly in single-member constituencies for four years on the basis of the majoritarian electoral system ([12] p. 44).

The third post-Soviet parliament of Kazakhstan was elected under new constitution, more or less without Soviet orientation, though still staffed by the old establishment. Nevertheless, this convocation started to frame contemporary parliament's role in the country and shaped its path of development.

The forth post-communist Parliament of Kazakhstan (1999-2004) featured differently according with amendments to constitution in autumn 1998. The parliamentary elections to both the Senate and the Majilis were held under the new rules in September 1999 and October 1999 respectively. According to constitutional amendments in October 1998 the terms of office of the Majilis and the Senate were increased from four to five and five to six years respectively ([5] p.198). Most significant change for the development of parliamentarism and party system was that first time in the history of Kazakhstan 10 additional seats in the Majilis were elected by the party list system. As a result, these elections were more contested by political parties. In the election of Parliament had participated 10 political parties [16]. All together the size of the Majilis was increased from 67 to 77; 67 members was elected by the same mode as in 1995 elections, namely, on the basis of majoritarian electoral system to single member constituencies and 10 members by the proportional representation system in one nationwide constituency, with a high 7% threshold in place ([12] p. 46).

As a result of the elections to the Majilis via party list only four parties out of ten were able to overcome 7 per cent barrier, including the newly-minted presidential OTAN (Fatherland) party (30.89%, 4 seats), the CPK (17.75%, 2 seats), the Agrarian Party (AP, 12.63%, 2 seats) and the Civic Party (CP, 11.23%, 2 seats). During the elections to the Majilis 34 deputies (45%) out of 77 were registered as independents [17]. Nevertheless, taken together with the single mandate elections, the

progovernment parties received 55 per cent of the vote and managed to secure 80 per cent of the seats in the Majilis ([15] p. 123). For the Senate the same electoral system was at place, where 7 senators directly appointed by the President and the remaining senators elected indirectly by the deputies of Maslikhats. The number of senators slightly changed in comparison to 1995 elections, due to the fact that in 1997 according to administrative-territorial reforms 5 out of 19 oblasts (region) were abolished and two cities, a new capital Astana and the former capital Almaty, were given a special status. Thus, from that time the Senate was elected in 16 multi-member constituencies instead of 20, two senators from each. Technically, the Senate consisted of 39 senators, but since the half of senators was reelected every three years and the senators from abolished oblasts had to finish their terms, in the Senate were serving more senators than that.

All in all, fourth post-Soviet legislature of Kazakhstan functioned under the strong presidency and with limited leverages of power. It was limited to the law-making processes. However, the introduction of party list system stirred political parties and movements up.

The fifth post-communist Parliament of Kazakhstan (2004-2007) was elected by the same electoral rules, but differed in terms of a lack of strong opposition. The national elections to the Majilis were held in September 2004. The mode of designation and the electoral system did not change from the time of last elections. It again featured 77 seats, 10 elected via party list and 67 elected in the single member constituencies. For the electoral competition were registered 12 political parties, where 4 parties out of 12 coalesced into 2 party blocks. As a result of elections, just like happened in last elections, only 4 parties managed to pass the 7 per cent threshold, including presidential OTAN party (60.61%, 7 seats), the opposition party AK ZHOL (12.04%, 1 seat), party ASAR led by President Nazarbayev's daughter, Dariga Nazarbayeva (11.38%, 1 seat), and the AIST Bloc (a coalition of the Agrarian and Civic parties, 7.07%, 1 seat) ([12] p. 47).

To sum up, the fifth post-communist Parliament of Kazakhstan proved to be even more unanimous and homogenous in terms of both party affiliations and political orientations. On the one hand, this kind of solidarity contributed to the political stability and smooth political reforms; on the other hand, homogeneity of the Parliament impacted the lack of competitiveness and hampered the development of party factions and deputy groups within Parliament and the development of party system per se.

The sixth post-communist Parliament of Kazakhstan (2007-present) was elected by the totally different electoral rules in August 2007. According to the

constitutional amendments of May 2007 the Majilis deputies started to be elected relying exclusively on the party list vote. However, the outcome of the 2007 elections to the Majilis proved to be not so different from previous elections, even worse, due to the fact that all seats won only the ruling party. Most significantly, according to the amended Election Law, which was the result of these constitutional changes and parliamentary reforms, the mixed electoral system of the Majilis was changed to a pure proportional representation system. The numbers of deputies in both chambers were also increased. If before the Majilis consisted of 77 deputies, now the number of deputies was increased to 107. According to the new electoral system 98 deputies out of 107 are elected via party list with 7% threshold at place in one nationwide constituency and 9 are elected by the Assembly of the People of Kazakhstan ([12] p. 48). The Assembly of the People of Kazakhstan was created in 1995 and meant to be an 'umbrella grouping' of more than 130 ethnic groups in Kazakhstan. 'According to the constitution, the Assembly of the People of Kazakhstan has the role of providing representation of Kazakhstan's various ethnic groups in social and political life' [18].

In the Senate the numbers of senators appointed by the President were increased from 7 to 15. For the remaining 32 senators the electoral system remained unchanged, where senators elected indirectly by deputies of local representative bodies from 16 regions (two from each, half elected every three years). The statutory number of senators was increased from 39 to 47. In general, the total number of deputies in the Parliament was increased for 38 seats and consisted of 154 deputies, whereas before it was only 116 [18]. In the 2007 elections to the Majilis, only one party of 7 who competed successfully passed the 7% threshold. It was president's party OTAN, which took all 98 seats in Majilis.

4. COMPARISON OF THE PARLIAMENTARY DEVELOPMENT OF KAZAKHSTAN AND ROMANIA

Now when the path of development of both Romanian and Kazakh post-communist legislatures have been thoroughly studied separately in two chapters from historical point of view, it is possible to compare the way of development over two decades and trace some similarities and differences. The in-depth cases studies of two parliaments in previous chapters helped us better understand the nature of parliamentary development and opened the perspective for comparison of parliamentarism in Kazakhstan and Romania.

The parliamentary development in post-communist Romania and Kazakhstan started approximately at the same time with the collapse of communist regimes in Central and Eastern Europe in 1989 and with the dissolution of the USSR in 1991,

respectively. Both countries were almost last countries in their respective regions to face the collapse of communist regime, although a break with the past was different in these countries. In Romania the break with the past was sudden and violent, while in Kazakhstan the transition was smooth and nonviolent, with high degree of institutional and elite continuity. At the beginning of transition both countries adopted the constitutions based on the French model with the semi-presidential systems, which resulted in the weak legislature. The distinct institutional and historical legacies of Romania and Kazakhstan are heavily reflected on the choice of different electoral systems and formation of legislatures. The first two post-soviet parliaments of Kazakhstan highly resembled the communist type Soviets, even retaining the old name the Supreme Soviet of Kazakh SSR. It was the situation in Kazakhstan until the adoption of new constitution in 1995, which created a new bicameral Parliament with the lower house called the Majilis, and the upper house, the Senate.

Whereas Romania due to the nature of its violent revolution totally rejected the old communist institutions and built a new bicameral Parliament consisting in two houses, the Chamber of Deputies and the Senate, "a structure modelled on the inter-war legislature" ([19] p.4). First post-communist parliaments in both countries had a similar task of drafting a new constitution and faced similar challenges caused by the economic and institutional crises right after the collapse of old regime. In Romania in 1990 was elected interim Parliament for 2 years term, which was in fact a constituent assembly with a primary task of drafting the constitution. It had to adopt the new constitution and a new electoral law, and then set the day for new national elections. Yet, the first post-communist interim parliament had to organize itself and perform its representative and legislative goals.

In Kazakhstan the first post-soviet legislature was elected in 1990 by the old Soviet rules, although for the first time it was free elections with multiple-candidate contests. This body found itself as the first parliament of independent Kazakhstan after the declaring independence in 1991. It was this regime change which consequently pushed this body to draft a new constitution in 1993. However, this constitution proved to be inconsistent with reality, and had to be rewritten in 1995 without participation of Parliament, due to the fact that the second post-communist parliament was dissolved by the Constitutional Court with granting the President the authority to rule by decree during the parliamentary interim from March to December 1995. Consequently, during this parliamentary interim the new constitution was drafted by the President and adopted by the referendum on 30 August 1995. Since then constitution and electoral law in Kazakhstan was a frequent subject to the

amendments. The 2 major amendments which reflected the parliament took place in 1998 and 2007. The electoral system in Kazakhstan at first was majoritarian, and then it changed to mixed electoral system in 2007. The Senate in Kazakhstan is indirectly elected in 16 multi-member districts (two in each) by majoritarian system and 15 out of total 47 members are directly appointed by the President. The Majilis is directly elected by the pure proportional representation system in one nationwide constituency, with a high 7% threshold in place. The number of deputies in the Majilis is 107, 98 out of total are elected by party list and 9 are elected by the Assembly of the People of Kazakhstan.

The first constitution in Romania was adopted in 1991 by the interim parliament. Due to the conditionality of EU in 2003 the constitution was revisited and adopted by the referendum. In sharp contrast to the case of Kazakhstan, the both houses of Romanian Parliament are elected in the same day and by the same rules. Unlike in Kazakhstan, in Romania from the beginning was adopted the system of proportional representation with closed party list. This system was successfully employed until the 2008, when election law was changed and the proportional representation on party lists system was replaced by a mixed single member majority system. In the new mixed electoral system the mandates are attributed in three stages: first stage according to the majoritarian system and remaining stages according to the proportional system. The number of seats in the Romanian Parliament is not fixed but determined through the election law with the representation rate: in the lower chamber, one deputy is elected per 70,000 inhabitants, while one senator represents 160,000 inhabitants. That is why the number of contested seats varied across elections.

Another important external variable in the case of Romania is the EU policies and institutions, which have a considerable impact on the context within which parliaments function. In Kazakhstan the minorities are represented by the Assembly of the People of Kazakhstan and 9 seats in the Majilis also allocated for the ethnic minorities from this body ([19] p. 3). The conditionality of EU in the pre-accession period heavily influenced the constitutional framework in Romania, thus it was adopted a new fundamental constitution “with a view to EU accession” ([19] p. 8). The process of Europeanization in Romania “also exerted considerable influence on party development, profoundly shaping the programmatic commitments and the organization of parliamentary parties”.313 However, main workload of implementation the EU conditions laid on the government and parliament had a tiny task of revisiting some laws and regulations, therefore, the “parliament lost a substantial degree of sovereignty” ([19] p. 10).

Taken together, both post-communist Romania and Kazakhstan have been marked by a relatively "stable constitutional environment, although in somewhat different ways" ([19] p. 10). In both countries since the beginning of transition two constitutions were adopted. Initially, when the old system collapsed Romania oriented itself to the pre-communist constitution and traditions, in Kazakhstan communist era constitution of 1978 remained at place until 1993. The Romanian first interim legislature adopted a new constitution in 1991 by choosing French model with semi-presidentialism and PR system, which remained up until 2003. In Kazakhstan first parliament adopted a new constitution in 1993, which proved to be not very well constitution and was redrawn in 1995. Because of this constitutional uncertainty in Kazakhstan was preserved an old legislature called the Supreme Soviet until 1995, when a new bicameral Parliament was created. By contrast, in Romania, the constitutional environment was more stable and persistent unlike in Kazakhstan. Moreover, in Kazakhstan the basic law was a subject to often amendments (major amendments in 1998 and 2007). The second constitution in Romania was adopted in 2003. However, "the 2003 Constitution was not so much a new fundamental act, as the 1991 Constitution revised for the 21 century and EU membership" ([19] p. 11). All in all, due to its peculiar historical and geographical proximity with Russia and over 250 years of joint history, Kazakhstan has faced more 'legal continuity' than Romania, which consequently affected the development of the legislature.

The main findings of the comparative study will be systematically summarized below by outlining some similar points and crucial discrepancies of post-communist legislative development in Romania and Kazakhstan, separately.

According to the analysis of the parliamentary development in Kazakhstan and Romania since break down of communism following similarities have been identified:

- Both countries adopted the Constitutions based on the French model with the semi-presidential systems, most precisely premier-presidential in Romania and president-parliamentary in Kazakhstan. Moreover, in both countries since the begging of transition two Constitutions were adopted, in Romania in 1991 and 2003, while in Kazakhstan in 1993 and 1995.
- The structural composition of parliaments is similar in both countries, which represents bicameralism with the Chamber of Deputies and the Senate in Romania and the Majilis and the Senate in Kazakhstan.
- Both countries shared some form of communist past and the parliamentary development started approximately at the same time (in Romania and Kazakhstan first post-communist legislature was elected in 1990).
- Both countries were almost last countries in their respective regions to face the

collapse of communist regime.

- In both countries the first post-communist parliaments had a primary task of drafting the new constitution.
- Both countries have a mixed electoral system.
- Both countries have established relatively high threshold in order to enter the Parliament, 7% in Kazakhstan and 5% for a single party and 8-10% for coalitions in Romania.
- In both countries by 2011 have been elected 6 legislative terms, thus 6 sets of parliamentary elections were held.
- In both countries most successful parties in parliamentary elections have been the transformed communist successor parties, which are the Iliescu's PSD (formerly FDSN, PDSR) and Nazarbayev's NUR OTAN (formerly UPU, PPU, OTAN).
- During the initial decade weakly organized parties led to a strong presidency and personal leadership in Romania, as well as in Kazakhstan.
- During the initial decade in both countries politics evolved around personalities rather than ideas.
- In both post-communist legislatures former members of the nomenklatura are well represented, therefore, in both countries the elite continuity has been persistent throughout post-communist period.
- In both cases the Government formation depends on the consent of Parliament.
- In post-communist Romania and Kazakhstan the Parliament only once managed to pass the successful motion of no confidence to the PM, in 2009 and 1994, respectively.
- In both countries the Parliament has a primary authority in law-making processes; however, the strength of legislature in Romania and Kazakhstan has somehow weakened by the delegation of legislative initiative to other branches of power.
- In both countries the Parliament has right to discharge the President from office only in the case of high treason.

As we have seen, the post-communist parliamentary development in Kazakhstan and Romania was more or less similar only during the first decade, while in the second decade it has been observed sharp distinctions between the two. The parliamentary development in the two countries differs from each other, both in terms of stability and the level of institutionalization, especially during the second decade. Therefore, by the comparative study of two post-communist countries and their legislatures following differences have been singled out:

- In Romania the break with the past was sudden and violent, while in

Kazakhstan the transition was smooth and nonviolent, with high degree of institutional and elite continuity.

- In Romania the bicameral Parliament had appeared almost immediately after the revolution of 1989, while during the initial years of independence the functions of legislature in Kazakhstan was performed by the unicameral symbolic Supreme Soviet, until the new Constitution of 1995 has brought the professional bicameral Parliament into the political life of Kazakhstan.

- From the beginning of transition the electoral system in Kazakhstan was a majoritarian with simple plurality voting system, while in Romania from the beginning the system of proportional representation with closed party list was adopted, although both countries later have changed their electoral systems to the mixed in 2007 and 2008, respectively.
- In Romania both chambers of Parliament are elected in an identical manner and have identical functions, whereas in Kazakhstan they are elected by different electoral rules and have different powers. For example, in Romania both chambers are elected by the mixed electoral system in the same day, while in Kazakhstan the Majilis is elected directly by the PR system and the Senate indirectly by the majoritarian system in different days. In addition, in Kazakhstan the lower house, the Majilis has more power than the Senate and their functions vary considerably.
- Romanian Parliament consists of only directly elected deputies and senators, while in Kazakhstan the senators are elected indirectly and some MPs directly appointed by the President without any elections (15 Senators appointed by the President, 9 Deputies selected from the Assembly of the People of Kazakhstan, which is the 'umbrella grouping' of the ethnic minorities accountable to the President).
- Unlike in Kazakhstan, the parliamentary development in Romania has been strongly influenced by the conditionality of EU in the pre-accession period and after the accession.
- Due to its peculiar historical and geographical proximity with Russia and over 250 years of joint history, Kazakhstan has faced more 'legal continuity' than Romania, which consequently affected the development of the legislature.
- In Romania the transformed communist successor party (PSD) had overwhelmingly won only in 3 elections in 1990, 1992 and 2000, while in Kazakhstan the NUR OTAN has overwhelmingly won 5 terms without interruption since the national elections of 1994.
- Unlike in Kazakhstan, where oppositional extremist and nationalist parties were

shut out and did not enter the Parliament, the Romanian Parliament was relatively open and some of nationalist and 'historical' parties regularly gained a considerable number of seats.

- In Romania the ruling party and oppositional parties have won seats in the Parliament interchangeably and the government and president have been changed by the electorate consistently, while in Kazakhstan the same ruling party NUR OTAN has consistently won the absolute majority in the Parliament and the 'first and the only president' of Kazakhstan continues to rule the country without any interruption since 1991.
- During the second decade in Kazakhstan the Parliament has been mostly composed of the ruling party and today the sixth post-communist Parliament of Kazakhstan is monopolized by the only one ruling party deputies, whereas in Romania the Parliament has been genuinely composed of multi-parties, especially in the last decade.
- In Romania the President is not allowed to dismiss the PM from office, while in Kazakhstan the President can dismiss the PM at his discretion.
- The Romanian Parliament has practiced the vote of no confidence to the PM much more often than its counterpart in Kazakhstan (only once).
- In addition, the President of Kazakhstan has the constitutional right to issue decrees that have the force of laws, while in Romania such power of the President is limited. Therefore, these 'unfettered decree powers' of the President of Kazakhstan contributes to the weak Parliament.
- In the post-communist legislative history of Romania the Parliament has used the power of suspension twice, namely, in 1994 against Ion Iliescu and in 2007 against Traian Băsescu, although in both cases unsuccessfully, while in post-Soviet Kazakhstan the Parliament have never applied its impeachment power to the President.

5. CONCLUSION

As we have seen, although the post-communist parliament of Romania and post-Soviet parliament of Kazakhstan have some similarities in their institutional developments, yet their differences strikingly both in terms of institutionalization and consolidation.

The main finding of the last chapter is that the Romanian Parliament being perceived as one of the "laggards" in Central and Eastern Europe is much more institutionalized and consolidated than the Parliament of Kazakhstan, which usually

perceived as “frontrunner” or “leading country” in the Central Asia.

To sum up, despite having shared a communist past experience, Romania and Kazakhstan followed a quiet different path in their post-communist institutional development. It can be argued that in Romania a multiparty system emerged and parliamentary stability has been achieved, while in Kazakhstan despite the fact that the Parliament has been stable and highly controlled by the President, the consolidated parliament and the multiparty system are still emerging.

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