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ARTICLE

Authoritarian Commitments to Democratic Ideals: The Role of Constitutional Preambles in Central Asia

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Abstract
Constitutional preambles serve as introductory statements outlining a constitution's purpose, justification and foundations. While preambles in democratic states often affirm commitments to human rights, democracy and the rule of law, those in authoritarian regimes frequently appropriate democratic language to legitimise autocratic rule, yet they remain largely understudied. This article examines the function of constitutional preambles in authoritarian regimes, with a particular focus on Central Asia, encompassing five former Soviet republics: Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan. Following the collapse of the Soviet Union, these states adopted formally democratic constitutions despite remaining consolidated autocracies. Their preambles frequently invoke democratic values and human rights, raising questions about their purpose. By analysing these preambles, this article explores how they function as instruments of authoritarian governance. It assesses both their symbolic and practical significance and situates them within broader debates on constitutions in autocracies to illuminate how authoritarian states manipulate constitutional language to reinforce their rule while borrowing democratic rhetoric to maintain credibility.

Introduction

Most contemporary constitutions, whether in democratic or authoritarian regimes, begin with a preamble.[1] In democratic systems, constitutional preambles typically articulate the foundational principles of the state, such as the rule of law, human rights and democratic governance. For example, the preamble to the Swiss Constitution invokes liberty, democracy, peace, solidarity and respect for diversity. However, the invocation of democratic ideals is not confined to democratic regimes. Even

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[1]Justin Frosini's survey of 183 countries found that 40 have constitutions without a preamble and 143 include one, see Justin O Frosini, 'Changing Notions of Democracy: A Comparative Analysis of Constitutional Preambles' in Igor Filibi, Noé Cornago and Justin O Frosini (eds), *Democracy with(out) Nations? Old and New Foundations for Political Communities in a Changing World* (Euskal Herriko Unibertsitatea, Argitalpen Zerbitzua 2011). Wim Voermans, Maarten Stremler and Paul Cliteur examine 190 preambles from written constitutions worldwide, including both democratic and non-democratic states, 158 of which contain a preamble in *Constitutional Preambles* (Edward Elgar Publishing 2017).

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in states with limited or no democratic practices, preambles may still include references to democracy and human rights. In Central Asia, for instance, constitutional preambles often use the language of liberal constitutionalism, despite the region being frequently described as one of the most repressive and authoritarian in the world.[2] At the opposite end of the spectrum, the North Korean Constitution exemplifies a more openly authoritarian approach, using its preamble to glorify autocratic leadership while omitting any reference to democratic values.

Despite being a common feature of many constitutions, preambles have received limited scholarly attention, primarily because many legal scholars believe they lack normative legal value. The existing literature tends either to adopt a broad comparative approach, examining preambles across a wide range of constitutions, or to focus on specific case studies, usually within democratic or transitional contexts.[3] Although there is a growing body of research on the role of constitutions in authoritarian regimes,[4] the specific function and significance of preambles in these contexts remain underexplored. This gap raises several questions. Why do authoritarian states, despite a limited commitment to political pluralism and restricted civil liberties, incorporate references to democratic values in their preambles? Do such references serve as mere rhetorical devices while offering a veneer of democracy and legitimacy to domestic and international audiences? Conversely, to what extent do authoritarian preambles emphasise principles designed to consolidate power and legitimise a regime, often through ideological or cult-like representations of leadership?

This article addresses these questions by focusing on the five post-Soviet republics of Central Asia: Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan. The constitutions of these countries offer a unique lens for exploring the paradox of authoritarian regimes' rhetorical commitments to democratic ideals. After gaining independence in the early 1990s, these states adopted new constitutions. Over the subsequent decades, these documents were frequently amended and often entirely replaced, reflecting the region's fluid constitutional development.[5] Despite this intense constitutional activity,[6] scholars have often dismissed Central Asian constitutions as inadequate tools for understanding the region's political development, frequently viewing them as shams or façades designed to mask the authoritarian nature of local regimes.[7] This scepticism is partly due to the gap

[2]See Freedom House, 'Turkmenistan: Freedom in the World 2025 Country Report' (2025) <https://freedomhouse.org/country/turkmenistan/freedom-world/2025> accessed 14 Oct 2025 and Freedom House, 'Tajikistan: Freedom in the World 2025 Country Report' (2025) <https://freedomhouse.org/country/tajikistan/freedom-world/2025> accessed 14 Oct 2025. See also Simeon Nanovsky and Colin Knox, 'Political Stability in Authoritarian Regimes: The Case of Central Asia' (2025) 44 Central Asian Survey 346, 346-369.

[3]See Liav Orgad, 'The Preamble in Constitutional Interpretation' (2010) 8 International Journal of Constitutional Law 714, who examines a sample of fifty democratic countries, revealing that most have included a formal preamble in their constitutions. See also Justin O Frosini, *Constitutional Preambles at a Crossroads between Politics and Law* (Maggioli 2012); Justin O Frosini, 'The Making of Constitutional Preambles' in David Landau and Hanna Lerner (eds), *Comparative Constitution Making* (Edward Elgar Publishing 2019); Justin O Frosini, 'Constitutional Preambles: More Than Just a Narration of History' (2017) University of Illinois Law Review 603; Javier Tajadura Tejada, *El Preámbulo Constitucional* (Comares 1997); Antonio Torres del Moral, Tajadura Tejada and F Seisdedos (eds), *Los Preámbulos Constitucionales en Iberoamérica* (Centro de Estudios Políticos y Constitucionales 2001); John W Welch and James A Heilpern, 'Recovering Our Forgotten Preamble' (2018) 91 Southern California Law Review 1021.

[4]See Tom Ginsburg and Alberto Simpser (eds), *Constitutions in Authoritarian Regimes* (Cambridge University Press 2014).

[5]See Carna Pistan, 'Authoritarian State-Building Through "Democratic" Constitutions: Lessons from Central Asia' (2020) 1-3 Percorsi Costituzionali 38.

[6]See Scott Newton, *Constitutional Systems of the Independent Central Asian States: A Contextual Analysis* (Hart Publishing 2017).

[7]See József Böröcz, 'Informality Rules' (2000) 14 East European Politics and Societies and Cultures 348 and John Anderson, 'Constitutional Development in Central Asia' (1997) 16 Central Asian Survey 301. David S Law and Mila Versteeg, 'Sham Constitutions' (2013) 101 California Law Review 863 et seqq, define sham constitutions as documents that fail to constrain or even describe the powers of the state, while Giovanni Sartori, 'Constitutionalism: A Preliminary Discussion' (1962) 56 American Political Science Review 853 et seqq, describes a façade constitution as a document that declares aspirational principles and adopts power structures for government, but whose provisions and principles are ineffective and potentially delegitimised because they are not followed in practice.

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between the formally democratic language of constitutional texts and the authoritarian practices that dominate the region's political life. The prevalence of neopatrimonialism, clientelistic networks and clan politics has led many scholars to prioritise the study of informal politics, norms and institutions over formal legal documents and frameworks.[8] However, this approach risks overlooking how constitutions, including their preambles, may contribute to the construction and legitimisation of authoritarian rule.

By examining Central Asian constitutional preambles, this article investigates whether and how these texts function as instruments of authoritarian governance. It proceeds in five parts. First, it develops a theoretical framework for understanding constitutional preambles through a comparative analysis of their style, length, language, content and functions. Second, it traces the creation of Central Asian preambles through the lens of constitutional development in the five states. Third, it offers a close reading of the structure and content of these preambles, identifying the themes and values they claim to promote. Fourth, it explores the use of constitutional preambles in constitutional review. Finally, it considers the implications of these findings for understanding the symbolic and practical roles of constitutional preambles in authoritarian states. In non-democratic regimes, a substantial gap often exists between law in the books and law in action. Understanding this gap requires not only legal analysis but also consideration of the political context, as preambular texts alone may not fully capture how preambles function in practice. By adopting such an approach, the article argues that while Central Asian preambles frequently employ the language of democracy and human rights to project an image of legitimacy, this functions largely as a veneer. Their primary purpose is not to uphold democratic norms but to legitimise undemocratic power, thereby reinforcing authoritarian rule under the guise of constitutionalism.

Constitutional preambles: definition and comparative analysis

In legal scholarship, constitutional preambles are commonly defined as introductory statements preceding the main body of the constitutional text, outlining the reasons for adopting the constitution, its purposes and its justification.[9] While the concept of the preamble is rooted in ancient political and legal traditions, in which foundational charters often began with declarations of purpose, modern constitutional preambles gained prominence with landmark documents such as the 1787 United States (US) Constitution. Since then, the inclusion of preambles has become a standard feature of constitutional design.[10] Beyond their definitional elements, comparative research shows that contemporary constitutional preambles may vary significantly in style, structure, language and length. Some constitutions, like those of Germany and South Africa, explicitly label their introductory text as a 'Preamble'. In other cases, such as the US and India, the introductory section is unnamed or given an alternative title, such as 'Historical Foundations' in Croatia. Some countries, like Albania and Bahrain, use the term 'Foreword' for their preambles, while Japan refers to it as a 'Preface'.[11] Preambles may also vary in formatting. The preamble to the Constitution of India, for instance,

[8] See Kathleen Collins, *Clan Politics and Regime Transition in Central Asia* (Cambridge University Press 2006); Gregory Gleason, 'Uzbekistan: From Statehood to Nationhood' in Ian Bremmer and Ray Taras (eds), *Nations and Politics in the Soviet Successor States* (Cambridge University Press 1993); David Lewis, 'Understanding the Authoritarian State: Neopatrimonialism in Central Asia' (2012) 1 The Brown Journal of World Affairs 115; Martha Brill Olcott, 'Central Asia's Political Crisis' in Dale F Eickelman (ed), *Russia's Muslim Frontiers: New Directions in Cross-Cultural Analysis* (Indiana University Press 1993).

[9] See Justin O Frosini, 'The Making of Constitutional Preambles' (n 3) 341; Voermans, Stremler and Cliteur (n 1) 1. See also Peter Häberle, 'Präambeln im Text und Kontext von Verfassungen' in Joseph Listl (ed), *Demokratie in Anfechtung und Bewährung: Festschrift für Johannes Broermann* (Duncker & Humblot 1982), who compared preambles to the prologue of Goethe's *Faust* and the overtures of the operas of Mozart or Bach, emphasising their introductory character.

[10] According to Tom Ginsburg, Nick Foti and Daniel Rockmore, "'We the Peoples": The Global Origins of Constitutional Preambles' (2013) University of Chicago Public Law & Legal Theory Working Paper 447, 101, over 80% of all historical constitutions had a preamble. 89% (125 out of 141) of constitutions produced after 1990 have a preamble.

[11] Orgad (n 3) 715.

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emphasises key principles such as justice, liberty, equality, fraternity and the constituent assembly by capitalising them. Other constitutions, such as those of Cameroon and Mongolia, use bullet points, numbers or alphabetic characters to emphasise the most important elements.[12]

Preambles also differ in terms of linguistic style. Peter Häberle distinguishes three different tones: (a) a solemn, ceremonial tone, as in the US and Gambia, sometimes also enriched by poetic language, as in Micronesia; (b) plain language, using simple, everyday vocabulary to ensure the text is comprehensible to ordinary citizens, as in Ecuador; and (c) legal language, especially when preambles include a catalogue of fundamental rights, as in Cameroon.[13] Finally, preambles may differ considerably in length. The shortest preamble, containing only 11 words, can be found in the Greek Constitution, followed by those of Costa Rica and Peru (33 words each) and Liechtenstein and Jordan (43 words each). Other preambles exceed 1,000 words. Notable examples include China (1,162 words), Egypt (1,288 words) and Iran (3,249 words).[14] Some scholars have suggested that preambles in non-democratic regimes tend to be longer, as they often serve as ideological manifestos rather than simple introductory statements.[15] For example, the Iranian preamble is divided into paragraphs and consists of a detailed account of the Islamic Revolution and the characteristics of the country's political and institutional structure.

Common themes in preamble design

Despite their stylistic and structural diversity, constitutional preambles tend to converge around a set of common themes.[16] A central feature of many preambles is their reference to constituent power; that is, the authority responsible for enacting the constitution. In democratic states, preambles usually attribute this power to the people, either directly or through their representatives.[17] An often-imitated model is the US Constitution, whose preamble famously begins, 'We the People'. This formulation has inspired numerous other preambles, sometimes with slight variations: 'We the people of Afghanistan', 'We, the Sovereign People of Burkina Faso', or 'The German people'. In other cases, preambles emphasise that *representatives* of the people adopted the constitution. Tunisia's preamble opens with 'We, the representatives of the Tunisian people, members of the National Constituent Assembly'. Constitutional monarchies may invoke a different sovereign, typically a monarch, as in Liechtenstein: 'We, John II, by the Grace of God, Prince Regnant of Liechtenstein'.[18]

Another recurring theme is state sovereignty, which is frequently linked to independence or territorial integrity. For example, South Africa describes itself as 'a sovereign state in the family of nations', while Belarus affirms its status as 'a full-fledged subject of the international community'. In countries engaged in long-standing territorial disputes, preambles often assert claims over contested regions. North Korea's preamble proclaims the reunification of the two Koreas as 'the nation's supreme task'. China asserts that 'Taiwan is part of the sacred territory of the People's Republic of China'.[19]

[12]Voermans, Stremler and Cliteur (n 1) 79.

[13]Häberle (n 9) 211 et seqq.

[14]Frosini, 'Changing Notions of Democracy' (n 1) 89.

[15]See Ginsburg, Foti and Rockmore (n 10) 110.

[16]See Orgad (n 3) 716 et seqq, who identifies five recurring elements: the sovereign, historical narratives, supreme goals, national identity and references to God or religion. Similarly, Frosini, 'The Making of Constitutional Preambles' (n 3) 342 et seqq distinguishes between the constituent power, the form of state and government, historical references, religious references and territorial claims, observing that preambles may include some or even all these elements. Voermans, Stremler and Cliteur (n 1) 25, group the content of preambles into three main categories: a) elements that concern the general structure of the constitutional system (eg constituent power, national sovereignty, rule of law, democracy); elements that relate to fundamental rights and freedoms (eg human dignity, equality); and elements that concern national characteristics (eg history, religion, secularism, pluralism, minorities).

[17]Voermans, Stremler and Cliteur (n 1) 26.

[18]ibid 30.

[19]ibid 31et seqq.

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Among foundational principles, democracy is one of the most frequently cited. Egypt's preamble describes democracy as 'a path, a future, and a way of life', while India prefers a more concise formulation, depicting the country as a democratic republic. Democracy is often linked to public participation (eg Belize, Gambia), political parties (eg Nepal, South Sudan), opposition rights (eg Burundi, Senegal) or political pluralism (eg Haiti, Mozambique). Even the preambles of communist states may refer to democracy: China's preamble invokes 'the people's democratic dictatorship', while that of Laos refers to 'the people's democratic regime'.[20] The rule of law, human dignity and equality are typically listed amongst the core democratic values.[21]

Many preambles further emphasise the importance of fundamental rights and freedoms. Haiti's preamble echoes the US Declaration of Independence by affirming inalienable rights to 'life, liberty, and the pursuit of happiness'. Others, such as Mauritania's, enumerate the rights deemed most fundamental, including property rights, political freedoms and economic and social rights. In some constitutions, such as those of Cameroon and Comoros, preambles contain a long, detailed list of rights, including the right to free settlement and movement, the inviolability of the home, the privacy of correspondence and the right to a fair trial. The preambles of Uganda and Papua New Guinea contain entire sections on the protection and promotion of fundamental rights.[22] Some preambles also incorporate external legal sources, granting them constitutional relevance. The French preamble, for instance, refers to the 1789 Declaration of the Rights of Man, the 1946 French Constitution and the 2004 Charter for the Environment. Similarly, the preambles in Guinea, Rwanda and Togo contain references to the United Nations (UN) Charter and international human rights instruments.[23]

Historical references are another common feature of preambles, although they vary in tone and detail. Egypt's preamble, for example, celebrates past greatness, while others adopt a self-critical stance, such as Japan's renunciation of war. In other cases, preambles emphasise historical continuity and national identity. The Albanian preamble, for example, recalls the 'centuries-old aspiration of the Albanian people to their own identity and national unity'. Similarly, the Slovak preamble invokes a centuries-long struggle for national existence and statehood. Portugal's preamble refers to the political events that gave rise to the constitution itself, including the fall of the fascist regime and the end of colonialism. In post-colonial and post-conflict contexts, preambles are often oriented towards reconciliation. The South African preamble, for instance, explicitly acknowledges past injustices and commits to the creation of a democratic society founded on dignity and equality.[24] The German preamble situates itself within the tragic legacy of World War II, committing to peace and democracy. In Latvia, the preamble condemns twentieth-century totalitarianisms, explicitly denouncing both Communism and Nazism. Some preambles also invoke historical figures. Turkey, Vietnam and Pakistan name their ideological founders, while North Korea centres its entire preamble on Kim Il-Sung. Preambles may also incorporate explicit ideological commitments. Marxism-Leninism is mentioned in the preambles of Vietnam, China and Cuba. North Korea's constitutional preamble mentions a particular national ideology of self-reliance known as *Juche*, which the regime uses to justify its dictatorship.[25]

Religious references are equally frequent in preambles. The Greek Constitution opens with an invocation of the 'Holy Trinity, Consubstantial and Indivisible'. Ireland's preamble declares that the

[20] ibid 35 et seqq.

[21] Francophone African states often used the term 'state of law' (*l'État de droit*) instead of rule of law, while other alternatives include 'sovereignty of law' (Lebanon) or 'civil state founded on the law' (Tunisia). The meaning of equality in preambles also varies. It may denote equality before the law (South Africa), equality of political participation (Senegal) or distributive justice (Iraq, Solomon Islands). Many preambles emphasise non-discrimination either in general terms (Seychelles) or by specifying prohibited forms of discrimination based on aspects such as race, colour, ethnic origin, sex, religion and creed (Comoros, Venezuela, Morocco). See Voermans, Stremler and Cliteur (n 1) 34 et seqq.

[22] ibid 41 et seqq.

[23] Frosini, 'The Making of Constitutional Preambles' (n 3) 343.

[24] ibid.

[25] Frosini, 'Changing Notions of Democracy' (n 1) 97.

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Constitution is enacted 'in the name of the Most Holy Trinity'. Many Latin American countries invoke 'the protection of God' (eg Paraguay, Peru, Guatemala, Costa Rica, Argentina, Brazil), while in Muslim-majority countries, such as the Comoros and Iran, preambles contain clear references to Islam. Religious references also appear in African countries such as Nigeria, Rwanda, South Africa and Togo. However, Zambia is the only African country whose preamble explicitly defines the state as a 'Christian nation'. Conversely, some preambles emphasise the state's secular nature. Turkey's preamble asserts that religious sentiments must not interfere with governance. Azerbaijan and Mali similarly commit to establishing a secular state, while the preambles of Namibia and Cameroon explicitly declare that 'the state shall be secular'.[26]

Depending on their textual content and framing, Liav Orgad argues that preambles may have either integrative or disintegrative effects: they may foster unity and integration by forging a common identity, but they may also drive people apart and contribute to social tension when they reflect only the story of a dominant group.[27] Although the US preamble is often cited as a classic example of an integrative preamble, 'We the People' initially excluded significant portions of the population, including enslaved individuals and women. A more recent example of a divisive preamble is the original 1991 version of the North Macedonian Constitution.[28] By declaring that 'Macedonia is established as a national state of the Macedonian people' and failing to recognise Albanians and other minority groups as constituent peoples, the preamble relegated them to a subordinate status. This exclusion contributed to the ongoing ethnic grievances that culminated in a violent conflict in 2001, when segments of the Albanian population took up arms against state institutions to challenge their marginalised constitutional status.

The legal function of preambles

Carl Schmitt and Rudolf Smend were among the few classical legal scholars who assigned importance to preambles, both emphasising their politico-symbolic function.[29] Alongside this primarily symbolic role, which most scholars recognise, there is also a legal normative function that tends to divide constitutionalists.[30] Several scholars have argued, for example, that preambles lack legal normative value because they do not contain prescriptive provisions.[31] However, a comparative analysis of constitutional systems across the globe suggests that the answer is not uniform. For example, some authors have emphasised the importance of distinguishing between whether the preamble forms part of the constitution or merely precedes it; that is, whether one should refer to the preamble *of* a constitution or a preamble *to* a constitution.[32] This distinction is significant because it may have legal

[26] ibid 94.

[27] Orgad (n 3) 731et seqq.

[28] ibid.

[29] Carl Schmitt, *Verfassungslehre* (Duncker & Humblot 1928), viewed preambles as articulating the values that express a nation's political unity. Rudolf Smend, *Verfassung und Verfassungsrecht* (Duncker & Humblot 1928), understood them as embodying the values upon which the integration of a political community is based.

[30] On the debate regarding the legal and non-legal functions of constitutional preambles, see Frosini, 'The Making of Constitutional Preambles' (n 3); Frosini, *Constitutional Preambles at a Crossroads between Politics and Law* (n 3); Frosini, 'Constitutional Preambles: More Than Just a Narration of History' (n 3); Jaclyn Neo and Diego W Arguelhes, 'Rediscovering the Constitutional Preamble? How Judges Enlist Preambles to Legitimate Transformative Interpretations' (2025) 73 American Journal of Comparative Law 236; Adeno Addis, 'Constitutional Preambles as Narratives of Peoplehood' (2018) 12 Vienna Journal of International Constitutional Law 125; Sanford Levinson, 'Do Constitutions Have a Point? Reflections on "Parchment Barriers" and Preambles' (2011) 28 Social Philosophy & Policy 150; Hartmut Maurer and Kyrill-Alexander Schwarz, *Staatsrecht I. Grundlagen, Verfassungsorgane, Staatsfunktionen* (CH Beck 2010); Anne Winckel, 'The Contextual Role of a Preamble in Statutory Interpretation' (1999) 23 Melbourne University Law Review 184; Dominique Rousseau, *Droit du contentieux constitutionnel* (Montchrestien 1995); Dan Himmelfarb, 'The Preamble in Constitutional Interpretation' (1991) 2 Seton Hall Constitutional Law Journal 127.

[31] See Diego Espín Cánovas, *Manual de derecho civil español* (Edersa 1975).

[32] Frosini, 'Changing Notions of Democracy' (n 1) 86 et seqq.

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consequences. For example, if the preamble includes a catalogue of fundamental rights and is considered part of a constitution, those rights may be directly enforceable in judicial proceedings.[33] In some cases, preambles explicitly state that they form part of the constitution, as in Burkina Faso. In others, such as North Macedonia, the preamble is followed by a separate heading titled 'Constitution'. Sometimes, the entire document, including the preamble, is collectively referred to as the constitution, as in India. Javier Tajadura has argued that preambles should be considered part of constitutions for two main reasons: (a) they are amended through the same procedures as the numbered articles, and (b) they are preceded by an enactment formula.[34] Other authors, however, contend that the argument based on the fact that preambles are amended through the same procedures as the numbered articles is more persuasive because many constitutions lack an enactment formula.[35]

According to Orgad, three potential legal functions can be identified for preambles. The first is the ceremonial-symbolic function, in which the preamble consolidates national identity but lacks binding legal force, as with the US Constitution. The second is the interpretive approach, in which the preamble is accorded a guiding role in statutory and constitutional interpretation. This is the case for South Africa (where the Constitutional Court has confirmed the preamble's status as a guide when interpreting the Bill of Rights), Ireland (where the courts have invoked the preamble to interpret the constitution and as a tool for guiding its understanding) and North Macedonia (where the Supreme Court upheld restrictions on the freedom of political association because certain activities were perceived as contrary to the preamble). The third function is substantive, meaning preambles are legally binding constitutional clauses and serve as independent sources of rights and obligations. This is the case, for example, with the preamble to the 1958 French Constitution, which was not originally considered to have binding legal force or to be an integral part of the constitution. However, in 1971, the *Conseil constitutionnel* recognised its binding force as an independent legal source of human rights. Similarly, the Indian Supreme Court ruled that the preamble is part of the constitution and has legal force.[36]

The making of Central Asian preambles

Style, structure and length

Although the constitutions of Central Asia have rarely attracted scholarly attention (largely because they are seen as posing little constraint on political power), their preambles reveal much about the region's post-independence development, particularly the ways in which principles and values typically associated with democratic regimes have been reinterpreted to serve authoritarian purposes. This pattern in constitutional development has occurred in a region that largely lacks a tradition of either constitutionalism or democratic governance. Before the Soviet era, the region had no experience with written constitutionalism, and the constitutions adopted during the Soviet period served a mostly formal role.[37] It was only after independence in 1991 that all five Central Asian states adopted new, formally democratic constitutions: Uzbekistan and Turkmenistan in 1992, Kazakhstan and Kyrgyzstan in 1993 and Tajikistan in 1994. These documents promised a wide range of fundamental rights and freedoms and committed to the principle of separation of powers by establishing secular governments, representative legislatures and independent judicial systems. They also introduced predominantly presidential systems while providing national parliaments with a mechanism for balancing strong presidential powers.[38] Each of these constitutions also included a preamble that further reflected democratic aspirations. For example, David Kirkham noted that the preamble to

[33] Voermans, Stremler and Cliteur (n 1) 19 et seqq.
[34] Tajadura Tejada (n 3).
[35] Frosini, 'Changing Notions of Democracy' (n 1) 87.
[36] Orgad (n 3) 731 et seqq.
[37] Anderson (n 7) 301.
[38] Pistan, 'Authoritarian State-Building Through "Democratic" Constitutions' (n 5) 40.

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the 1992 Uzbek Constitution paid a powerful homage to democracy and contained multiple 'rule of law' provisions.[39]

Since the mid-1990s, however, a series of constitutional reforms across the region has concentrated power in the hands of the first post-Soviet popularly elected presidents: Askar Akayev in Kyrgyzstan (1990-2005), Nursultan Nazarbayev in Kazakhstan (1991-2019), Emomali Rahmon in Tajikistan (1994-present), Islom Karimov in Uzbekistan (1991-2016) and Saparmurat Niyazov in Turkmenistan (1992-2006). These constitutional changes extended presidential term limits or abolished them altogether, allowing political leaders to remain in office indefinitely while expanding their powers over the judiciary and legislature. By the end of the decade, each state had come under a form of authoritarian rule. In Tajikistan and Turkmenistan, the extension of presidential powers occurred through constitutional amendments.[40] In Kazakhstan, the first post-Soviet constitution was replaced with an entirely new document in 1995, further extending presidential dominance. The 1995 constitution was more recently replaced by an entirely new constitutional document, which entered into force on 1 July 2026 and was put forward by President Kassym-Jomart Tokayev, who succeeded Nazarbayev in 2019.[41] In other cases, new constitutions were adopted following periods of political upheaval or leadership transitions. For example, Kyrgyzstan adopted a new constitution following unrest in 2010 and again in 2021, while in Uzbekistan, President Shavkat Mirziyoyev, who succeeded Karimov in 2016, replaced the original post-Soviet constitution with a new document in 2023. Each new constitution retained a preamble, although the original texts were partially reworked.[42] In some states, like Turkmenistan, the original version of the preamble was modified through constitutional amendments.

From a formal perspective, all these Central Asian constitutions have explicitly labelled their introductory statements as 'Preamble', with the sole exception of the 1993 Constitution of Kyrgyzstan, where the introductory text was left unnamed. Stylistically, these preambles do not use specific formatting to emphasise key principles through capitalisation; the only capitalised word is the heading 'Preamble'. The language they use is largely ceremonial, occasionally combined with legal terminology, particularly when recalling national goals or fundamental rights. No preamble clarifies whether it forms an integral part of its own constitution. In terms of length, the preambles do not support the assumption that non-democratic states tend to adopt longer preambles. Among the current preambles, the shortest is Kazakhstan's (59 words), followed by Tajikistan (70), Turkmenistan (113) and Kyrgyzstan (149). The longest preamble is that of Uzbekistan (203).[43]

[39]David M Kirkham, 'Constitutionalism as Protector or Disrupter of Nationalism: A Selected Central, Eastern European and Eurasian Review' (2004) 3 Connections 49.

[40]Pistan, 'Authoritarian State-building Through "Democratic" Constitutions' (n 5) 41.

[41]This article examines the 1995 Kazakh constitutional text as it was in force at the time the research was conducted. The new 2026 constitution was adopted only after the completion of the research and peer-review process. Accordingly, the analysis presented here concerns the previous 1995 constitutional text.

[42]In Kyrgyzstan, the text of the 2021 draft constitution and its new preamble was criticised in the joint opinion of the Venice Commission and the OSCE/ODIHR, noting that, although the preamble brings together the key features that characterise the Republic and establishes general constitutional principles common to democratic states, its text suffers from the same shortcomings as the draft constitution as a whole: it is difficult to read, related matters are treated separately and extensive duplication invites inconsistency in application. The same opinion further observes that some of these inconsistencies appear in the preamble itself. See European Commission for Democracy through Law (Venice Commission) and OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), 'Joint Opinion on the Draft Constitution of the Kyrgyz Republic', CDL-AD(2021)007, Opinion No 1021/2021 (19 Mar 2021) <https://resources.osce.org/sites/default/files/f/documents/e/7/481840_1.pdf> accessed 14 Jun 2025.

[43]The analysis is based on the official English versions of the constitutional preambles, available on World Constitutions Illustrated, HeinOnline <https://heinonline.org/HOL/World-Constitutions-Illustrated> and Oxford Constitutions of the World, Oxford University Press <https://oxcon.ouplaw.com/home/OCW> both accessed 14 Jun 2025. For comparison, the previous version of Turkmenistan's 1992 preamble contained 96 words. Kyrgyzstan's 1993 preamble had 119 words, while its 2010 preamble had 103 words. Uzbekistan's 1992 preamble comprised 109 words.

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Interpreting the language of Central Asian preambles

While all current Central Asian constitutions formally uphold commitments to democracy and the separation of powers, their texts have been extensively revised to effectively obstruct further democratisation.[44] The preambles reflect this broader trend: they maintain the appearance of democratic legitimacy while helping entrench authoritarian governance. In terms of content, they generally echo the common themes found in constitutional preambles worldwide, including references to constituent power, historical narratives, independence, sovereignty, democracy and its related values, fundamental rights and international relations. While not every preamble includes all these elements, they are collectively represented across the region.

'We the People': rhetoric and reality. Emulating the US Constitution, nearly all Central Asian constitutional preambles begin with 'We the people of …'. The only exception is Uzbekistan's, which opens with the phrase 'The people of Uzbekistan', omitting the first-person plural. As Scott Newton has observed, these formulas conform to a civic – rather than a primordial or ethnic – conception of nationhood.[45] This preference is further reinforced throughout the preambles by emphasising values like diversity and harmony. Tajikistan's preamble calls for respect for the equality of rights and friendship among all nations and nationalities; Kazakhstan's describes its people as peace-loving; Turkmenistan's affirms the goal of ensuring civil tranquillity and societal unity; and Uzbekistan's promotes a decent life for its citizens, interethnic and interfaith harmony and the well-being and prosperity of its diverse population. Kyrgyzstan's preamble affirms the rights and interests of the people of the Kyrgyz Republic as a whole.[46]

These inclusive concepts of nationhood should be read in light of the region's complex demographic and historical realities. Central Asia is an ethnically and tribally fragmented region, with no natural geographic barriers between states and national borders that do not align with ethnic divisions. During the Soviet era, each republic was constructed as an ethnic homeland for a titular nation while also accommodating various non-titular communities. After independence, local political elites inherited multiethnic polities in which the titular ethnic groups generally formed the majority, with Kazakhstan being the only exception. These elites faced challenges in constructing new political communities outside Soviet frameworks. The inclusive language of the preambles reflects an attempt to meet this challenge by formally proclaiming the values of multiculturalism and equal citizenship for all, without ethnic differentiation.

However, despite these inclusive invocations of 'the people', Newton has noted that the operative parts of these constitutions lack counter-majoritarian or minority-protecting mechanisms that would safeguard the rights of minority groups or provide guarantees for the multinational character of the states.[47] This absence renders the rhetorical inclusiveness of 'We the people' largely symbolic. Meanwhile, the civic aspirations expressed in the preambles have been steadily undermined by the consolidation of ethnically hegemonic political orders, resulting in states that are significantly less plural than they were at independence.[48]

Primordial nationalism in historical narratives. While the opening formulas of Central Asian preambles refer to 'the people' as a source of sovereignty, following a civic concept of nationhood, this is less true for the historical references many of these preambles make. Rather than acknowledging their immediate Soviet past, these texts construct a narrative that roots the legitimacy of current

[44] Pistan, 'Authoritarian State-Building Through "Democratic" Constitutions' (n 5) 65.

[45] Newton (n 6) 268 et seqq.

[46] The 1993 Constitution of Kyrgyzstan was more ethnically focused, calling for the protection and development of all nationalities that, together with the Kyrgyz, form the people of Kyrgyzstan, and committed to promoting a decent life for all. By contrast, the 2010 preamble took a more civic tone, referring to the unity of the country's people without distinguishing between titular Kyrgyz and other ethnic groups.

[47] Newton (n 6) 269.

[48] ibid.

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Central Asian states in an ancient (often mythologised) past, implying a continuous national identity across centuries. For example, the preambles frequently invoke pre-Russian and pre-Soviet pasts, glorify supposed golden ages in pre-modern territories and emphasise heroic figures and values said to be inherited from that era, all hallmarks of primordial nationalism.[49]

For instance, Uzbekistan's preamble affirms more than three millennia of historical continuity in the development of its statehood. It celebrates the scientific, cultural and spiritual heritage of ancestors who made invaluable contributions to world civilisation.[50] Turkmenistan's preamble pledges loyalty to a 'covenant of ancestors' to live in unity, peace and harmony. Kazakhstan's preamble emphasises a primordial attachment between people and territory by referring to the creation of the current state 'on the indigenous Kazakh land' and being united by a 'common historical fate'. Kyrgyzstan's preamble invokes national heroes and calls for loyalty to the traditions of ancestors and the precepts of Manas the Great to live in unity, peace and harmony with nature.[51] Tajikistan's preamble is somewhat distinct, emphasising only a responsibility to past, present and future generations without mentioning a distant or more immediate past, such as the violent civil war that followed the country's independence (1992-1997).[52]

Despite these historical claims, there is no continuity between present-day Central Asian states and the pasts the preambles invoke. None of these countries has a continuous thousand-year-old state tradition. Before the Soviet period, no independent political entities resembling today's Central Asian republics existed. These states were 'drawn' and 'created' by the USSR in the 1920s. The lands now comprising the region were territories colonised by the Russian Empire in the eighteenth and nineteenth centuries, inhabited by a mix of dispersed nomadic tribes that were gradually consolidated into entities such as Kazakh, Kyrgyz and Turkmen, and sedentary populations such as the Uzbeks and Tajiks.[53] After gaining independence, however, these states embarked on processes of historical revisionism, rejecting the Soviet legacy and constructing national narratives rooted in an imagined antiquity. This rewriting of history not only forged new national and cultural identities but also legitimised territorial borders and independence.[54] References to a glorious, ancient past and the values supposedly inherited from it became key tools for nation-building and political legitimation.

A particularly illustrative example is the invocation of Manas the Great in Kyrgyzstan's preamble. Although the *Epic of Manas* – one of the longest known poems in the world – is central to Kyrgyz cultural identity, most historians agree that Manas is a mythological figure. In the epic, Manas is portrayed as a unifier of the forty Kyrgyz tribes, symbolised today by the forty rays of the sun

[49]See Diana T Kudaibergenova, 'National Identity Formation in Post-Soviet Central Asia: The Soviet Legacy, Primordialism, and Patterns of Ideological Development Since 1991' in Sevket Akyildiz and Richard Carlson (eds), *Social and Cultural Change in Central Asia: The Soviet Legacy* (Routledge 2014) 162, who defines Central Asian state-sponsored primordialism as the tendency to construct symbolism and myths of nationhood by invoking a distant, ancient past rather than the more immediate Soviet legacy.

[50]In contrast, the 1992 preamble of Uzbekistan mentioned only the historical experience in the development of Uzbek statehood.

[51]This part of the preamble, together with certain provisions of the new chapter on the spiritual and cultural foundation of society under section I of the draft 2021 constitution was criticised for placing increased emphasis on traditions and customs, national and moral values and patriotism, potentially at the expense of human rights and fundamental freedoms. References to morals, ethical values, and the 'public conscience of the people' as potential grounds for restricting activities and human rights were also considered concerning, given the likely wide and inherently subjective interpretation of such terms. Moreover, the placement of the new chapter on spiritual and cultural foundations in section I, ahead of section II on human rights and fundamental freedoms, appeared to signal a shift in priorities and a possible dilution of the weight and value accorded to human rights and fundamental freedoms. See Venice Commission and OSCE/ODIHR (n 42) 9 et seqq. Despite these criticisms, the final version of the constitution retained all of the provisions that had been challenged.

[52]This can be at least partly explained by the fact that the Tajik regime has worked hard to control the national narrative and has developed a complex process of oblivion and erasure around the Soviet years and the more recent civil war. See Marlene Laruelle, *Central Peripheries: Nationhood in Central Asia* (University College London Press 2021) 64.

[53]Kudaibergenova (n 49) 160 et seqq.

[54]ibid.

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on Kyrgyzstan's national flag. The narrative claims Manas led the Kyrgyz back to their traditional homeland, modern-day Kyrgyzstan. Despite a UNESCO-sponsored commemoration of a thousand years of the Manas epic held in 1995, most scholars agree that the poem is most likely from the late eighteenth century,[55] and that it was not until Soviet rule that the disparate nomadic groups were consolidated into a single 'Kyrgyz nation'. The first region, called 'Kyrgyzstan', was actually in modern-day Kazakhstan, while the territory of present-day Kyrgyzstan belonged to the broader region of Turkestan.

This constitutionalisation of ancient myths has had significant political consequences. First, it has facilitated authoritarian state-building. Values like unity, peace and harmony – framed in preambles as inherited from a distant past – have become synonymous with stability and have been co-opted by leaders to legitimise their authority. These values became slogans closely associated with authoritarian presidents who claimed that their rule was based 'on their ability to deliver these benefits', an idea that later evolved into the claim that only these leaders could preserve them, fuelling the rise of cults of personality.[56]

Second, narratives centred on the ancient past carry significant geopolitical risks, as they can fuel tensions between states, especially where historical claims overlap. Many of the region's territorial borders were drawn arbitrarily by Soviet authorities, without regard for ethnic, tribal or historical realities. As a result, competing claims over heritage and territory persist. Tajiks, for example, claim historical ties to Samarkand and Bukhara, which are now within Uzbekistan's borders. Kazakhs claim Tashkent, Turkmens contest parts of the Caspian territory and Uzbeks the Ferghana Valley.[57] These overlapping claims complicate both the selection of national heroes and the construction of distinct national histories, contributing to regional rivalries and latent interstate tensions. For example, there has been considerable tension between ethnic Tajiks and ethnic Uzbeks, as these two groups promote competing versions of history based on the Samanid and Timurid empires, respectively, whose lands extended over the territory of present-day Uzbekistan, Tajikistan and parts of Turkmenistan, Kyrgyzstan and Kazakhstan.[58] These conflicting historical narratives fuel symbolic contestation that can easily escalate into real conflict. In April 2021, one such conflict began on the Kyrgyzstan/Tajikistan border and, by September 2022, had escalated into a four-day war. The violence resulted in many deaths and serious human rights violations,[59] highlighting how historical and territorial disputes can destabilise the region.

From reluctant sovereigns to the sacred status of sovereignty. A recurring theme in the current preambles is the emphasis on sovereignty and independence. Turkmenistan's preamble highlights the importance of strengthening both; Kazakhstan's affirms the country's sovereign right to adopt its own constitution; Tajikistan's stresses the need to ensure the sovereignty and development of the state; and Uzbekistan's reaffirms its commitment to the principle of state sovereignty (already established in the 1992 preamble). Kyrgyzstan is the only country in the region whose preamble omits direct references to these concepts.[60]

While similar references to sovereignty and independence can be found in the constitutional preambles of many Central and Eastern European countries, where such declarations were introduced in the early 1990s in response to past Soviet domination,[61] their meaning in Central Asia is

[55] See Arthur Thomas Hatto, 'Tradition and Change in the Kirghiz Manas', in Shirin Akiner and Nicholas Sims-Williams (eds), *Languages and Scripts of Central Asia* (Routledge 1997) 99.

[56] In this sense see Kudaibergenova (n 49) 163.

[57] ibid.

[58] Martha Brill Olcott, 'The "Stans" at 20' (2011) Real Instituto Elcano <https://www.realinstitutoelcano.org/en/work-document/the-stans-at-20-wp/> accessed 14 Jun 2025.

[59] Human Rights Watch, 'Kyrgyzstan/Tajikistan: Apparent War Crimes in Border Conflict' (2 May 2023) <https://www.hrw.org/news/2023/05/02/kyrgyzstan/tajikistan-apparent-war-crimes-border-conflict> accessed 14 Jun 2025.

[60] Similarly, the 1993 preamble did not refer to such concepts, while the 2010 preamble explicitly declared an 'unwavering commitment and firm will to develop and enhance the Kyrgyz statehood' and protect state sovereignty.

[61] See eg Anneli Albi, *EU Enlargement and the Constitutions of Central and Eastern Europe* (CUP 2005) 23.

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more ambiguous. Scholars generally agree that in 1991 the Central Asian republics did not actively seek independence.[62] Daniel L Burghart observed that independence had been thrust upon these countries,[63] while Martha Brill Olcott noted that few peoples of the world have ever been forced to become independent nations, but this is precisely what happened to the five Central Asian states after the collapse of the USSR.[64] Mohira Suyarkulova referred to these states as 'reluctant sovereigns', liberated not by choice but by circumstance.[65] As Suyarkulova noted, several factors are commonly cited to support this interpretation.[66] First, in 1991, Central Asia supported Gorbachev's (in office 1985-1991) plans for a renewed USSR treaty. Local political elites all wanted greater economic, cultural and political autonomy, but also feared that full independence might provoke ethnic or political unrest in their republics.[67] In the all-Union referendum of 17 March 1991, the populations of the five republics overwhelmingly voted in favour of preserving the USSR as a 'renewed federation of equal sovereign republics', rather than independence.[68] Unlike the Baltic republics, where independence movements were strong and the idea of genuine sovereignty within a renewed USSR was considered contradictory, the Central Asian states lacked similarly organised pro-independence mobilisation. Additionally, most of their leaders adopted an ambiguous wait-and-see approach during the August 1991 coup attempt against Gorbachev. The coup was launched by a group of hardline Soviet officials seeking to seize power from Gorbachev, reverse his liberal reforms and prevent the signing of a new Union treaty that would have devolved greater autonomy to the republics. It, however, collapsed within a few days, paradoxically accelerating the disintegration of the USSR. Apart from Akayev in Kyrgyzstan and Nazarbayev in Kazakhstan, who explicitly condemned the coup, the other Central Asian leaders delayed their responses or reacted with cautious ambiguity, avoiding any categorical stance. This lack of open opposition has been interpreted as tacit support for the coup[69] and as reflecting both uncertainty about its outcome and the leaders' dependence on Soviet political and administrative structures. In the aftermath of the failed coup, the same elites rapidly repositioned themselves, embracing independence as a pragmatic adaptation to the new political reality. For the Central Asian republics, however, declarations of independence did not initially amount to full secession; rather, they were conceived as instruments to secure equal footing in negotiating a new Union

[62]Daniel L Burghart, 'In the Tracks of Tamerlane: Central Asia's Path' in Burghart and Theresa Sabonis-Helf (eds), *In the Tracks of Tamerlane: Central Asia's Path* (National Defense UP 1994) 6.

[63]ibid.

[64]Martha Brill Olcott, 'Central Asia's Catapult to Independence' (Foreign Affairs, 1 Jun 1992) <https://www.foreignaffairs.com/articles/kazakhstan/1992-06-01/central-asias-catapult-independence> accessed 14 Jun 2025. See also Kathleen Collins, 'Clans, Pacts, and Politics in Central Asia' (2002) 13 Journal of Democracy 138, stating that the USSR's collapse in 1991 hurled all Central Asian states into the same process of sudden and involuntary independence and putative political transition. Merle Wesley Shoemaker, *Russia and the Commonwealth of Independent States* (Bloomsbury 2014) 248 et seqq, further observed, with reference to Kazakhstan, that even as the USSR began to disintegrate in late 1991, Nazarbayev strongly supported some form of continued union of the republics, not pressing for a declaration of independence until it became clear that the old union was dead.

[65]See Mohira Suyarkulova, 'Reluctant Sovereigns? Central Asian States' Path to Independence' in Sally Cummings and Raymond Hinnebusch (eds), *Sovereignty after Empire: Comparing the Middle East and Central Asia* (Edinburgh University Press 2011) 130.

[66]ibid 131.

[67]Brill Olcott (n 58) 108.

[68]Sally N Cummings, *Understanding Central Asia: Politics and Contested Transformations* (Routledge 2012) 35, notes that during the All-Union referendum of March 1991, over 90% of voters in the Central Asian republics favoured maintaining the USSR in a renewed form.

[69]For example, President Niyazov in Turkmenistan remained publicly silent; however, according to a cabinet minister, his initial reaction was to support the coup, though he was careful not to reveal his position openly. This was not the case for Qahhor Mahkamov in Tajikistan, who publicly supported the coup attempt, which ultimately cost him the presidency of the Tajik SSR. In Uzbekistan, Islam Karimov declared that perestroika had reached a dead end. See Farangis Najibullah, 'Watching The Soviet Coup From Central Asia' (Radio Free Europe/Radio Liberty, 18 Aug 2011) <https://www.rferl.org/a/central_asia_soviet_coup_anniversary/24301711.html> accessed 14 Jun 2025 and Martha Brill Olcott, *Central Asia's New States: Independence, Foreign Policy, and Regional Security* (United States Institute of Peace Press 1996) 10.

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treaty. When the coup failed, the Central Asian republics advocated for a looser version of Soviet integration, debating whether it should be a federation or a confederation. Akayev, for example, proposed a future Union modelled after the British Commonwealth. Finally, the Central Asian republics were excluded from the decision-making process surrounding the formal dissolution of the USSR on 8 December 1991, when leaders from Russia, Ukraine and Belarus signed the Belavezha Accords. The three Slavic republics justified their unilateral action by referring to their status as the original signatories of the 1922 Union Treaty. Nazarbayev later condemned this move as an act of 'autarchy', criticising both the exclusion of Central Asia and the abrupt nature of the dissolution.[70]

Despite their involuntary path to independent statehood, official historiographies in the region insist on a radically different interpretation of the events of 1991. The emphasis on sovereignty and independence in constitutional preambles reflects this reinterpretation. In Uzbekistan, for example, the March 1991 referendum has been reinterpreted as an expression of the Uzbek people's desire for independence, with emphasis placed on the ballot language describing the republics as 'sovereign' and 'enjoying equal rights'. This reinterpretation, now embedded in school curricula, can be traced back to President Karimov's 1996 speech, in which he described the Soviet era as a period of totalitarian rule and argued that Uzbekistan's independence was legitimised, rather than undermined, by the results of 17 March 1991. Although the results supported a decentralised union rather than full independence, the dominant narrative has reframed the event as a foundational moment in the republic's rebirth. Karimov further linked the independence narrative to the mythologised thousand-year state tradition, stating that with the proclamation of independence, an ancient dream had come true. He described it as the most significant event in the nation's centuries-long history, asserting that much of what had remained unachieved for a century was attained in the first year of independence.[71] According to this narrative, independence was not an accidental result of the Soviet collapse but the culmination of a prolonged, bitter struggle for sovereign statehood. In this view, sovereignty was not involuntary or sudden but instead the natural course of history.

Other Central Asian leaders have echoed the same rhetoric. In Turkmenistan, for instance, President Niyazov initially opposed the dissolution of the USSR. In the spring of 1991, he called for a parliamentary vote to remain in the Union, with 98% voting against dissolution. However, when the collapse became inevitable, Niyazov requested a new vote, this time in favour of leaving the USSR, and the parliament responded with 94% in favour of independence. He later rewrote the official history to portray himself as an early supporter of the dissolution of the USSR.[72] Such examples show how constitutional preambles work alongside official historiographies to affirm revised national narratives retroactively. Although sovereignty may not have been demanded in 1991 and may even have arrived unexpectedly, it has since been jealously guarded and reframed as the natural and rightful culmination of a historical struggle.

Democracy reinterpreted. Another recurring theme across the constitutional preambles is the invocation of democracy, often linked to the rule of law (under various names) and/or other democratic values. Turkmenistan's preamble proclaims the intent to 'substantiate the foundations of democracy' and build a democratic, legal, secular state. Uzbekistan affirms its commitment to democracy, freedom, equality, social justice and solidarity.[73] In Kyrgyzstan, the preamble reiterates commitments to the rule of law, justice and equality, as well as the aspiration to establish

[70] ibid 147.

[71] See Andrew F March, 'The Use and Abuse of History: "National Ideology" as Transcendental Object in Islam Karimov's "Ideology of National Independence"' (2022) 21 Central Asian Survey 371, 375.

[72] Anne McElvoy, 'Ashkhabad Guy' (1994) 210 New Republic 15, 15-16.

[73] Similarly, the 1992 preamble affirmed the commitment to the ideals of democracy and social justice, as well as the aim of creating a humane, democratic and law-governed state.

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the foundations of a true people's government, committed to social justice, prosperity, education and science.[74] Although the preambles of Kazakhstan and Tajikistan do not explicitly use the term 'democracy', they still emphasise democratic ideals. Kazakhstan's preamble mentions freedom, equality and concord, while Tajikistan's envisions the creation of a just society.

This widespread use of democratic language in preambles reflects the shifting meanings of 'democracy' across the region. In the early 1990s, references to democracy in preambles mirrored the immediate post-independence moment, when the five states sought international recognition and financial assistance. Alignment with democratic values was key to securing support from Western governments and international financial institutions.[75] Simultaneously, the newly independent states implemented some limited (but genuine) democratic reforms, suggesting that the constitutional language reflected sincere aspirations for democratisation.[76] Over time, however, the Western liberal model of democracy lost its appeal across the region. In its place, alternative conceptions of democracy were developed, often framed in opposition to Western democratic principles. As Mariya Omelicheva observed, Central Asian leaders have appropriated the language of democracy in their discussions of domestic political situations while redefining its meaning to justify and legitimise their authoritarian rule.[77] In effect, each state has constructed its own version of democracy as part of an effort to delegitimise the Western conception of democratic governance and defend its authoritarian alternatives.

For example, the Kazakh model of democracy, as articulated by Nazarbayev, promotes a form of 'managerial democracy' or 'presidential democracy' centred on strong executive leadership.[78] This model prioritises political stability and economic modernisation, with democracy portrayed as a long-term goal contingent on socio-economic development. Drawing on Kazakh nomadic traditions and post-Soviet realities, Nazarbayev rejected the universality of Western democratic models as premature or destabilising, instead promoting a nationally adapted system. Central to this vision was the slogan 'economy first, politics later'. Democracy, according to Nazarbayev, could only flourish once a strong economy, a developed middle class and an educated society were in place.[79] He, meanwhile, portrayed himself as a 'visionary leader' who could guide the nation through crisis and towards prosperity.[80] The development of this alternative model explains why Kazakhstan's authorities have consistently rejected claims that democracy is absent in their country, instead insisting that Kazakhstan had made significant progress in building a national version of democracy.[81]

[74]The 1993 preamble declared the intention to establish a free and democratic civil society, while the 2010 version emphasised the goal of building a free and democratic state, strengthening the rule of law and ensuring social justice and economic welfare.

[75]Neil J Melvin, 'Authoritarian Pathways in Central Asia: A Comparison of Kazakhstan, the Kyrgyz Republic, and Uzbekistan' in Yaakov Ro'i (ed), *Democracy and Pluralism in Muslim Eurasia* (Routledge 2004) 127-128.

[76]In Kazakhstan, for example, Nazarbayev initially promoted a 'Western' development model, embracing elements of democratic order, market economy, the rule of law and civil rights. Similarly, in Kyrgyzstan, Akayev promoted a broad-based course of liberalisation, implementing economic reforms and displaying important elements of pluralism and opportunities for the opposition, earning the country the label of an 'island of democracy' in the region. See Kathleen Collins, 'Clans, Pacts, and Politics in Central Asia' (2002) 13 Journal of Democracy 137; Roger D Kangas, 'Legal Reform in Central Asia: Battling the Influence of History' in Burghart & Sabonis-Helf (n 62) 74; Anderson, *Kyrgyzstan: Central Asia's Island of Democracy?* (Routledge 1999).

[77]Mariya Y Omelicheva, 'Central Asian Conceptions of "Democracy": Ideological Resistance to International Democratization' in Rachel Vanderhill and Michael E Aleprete Jr (eds), *The International Dimensions of Authoritarian Persistence in the Former Soviet Union* (Lexington Press 2013).

[78]ibid.

[79]Euronews Editors, 'Nazarbayev: "Economy first, then politics"' (European Dialogue, 15 Jan 2010) <http://eurodialogue.org/osce/Nazarbayev-Economy-first-then-politics> accessed 14 Jun 2025. See also Jonathan Aitken, *Nazarbayev and the Making of Kazakhstan: From Communism to Capitalism* (Continuum 2010) 202.

[80]Omelicheva (n 77) 113 et seqq.

[81]ibid.

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Similarly, in Kyrgyzstan, Akayev rejected the notion of a universal model of democracy, arguing that each nation must develop its own version. For Kyrgyzstan, this meant rejecting Western models, which were seen as incompatible with the local political order and the country's stability. Akayev feared that liberal democracy would lead to internal divisions, political chaos and economic decline.[82] To justify an alternative, he invoked elements of the Kyrgyz nomadic past, including the practices of the people's *kurultai* (assembly) and the freedoms of religion, movement and expression as the basis for a national model of democracy. This model promoted a form of gradual, culturally grounded democratisation, focused more on government responsiveness and collective welfare than formal political rights. In Akayev's view, democracy was not about electoral competition or the exercise of individual freedoms, but meant the government's concern for the well-being of its citizens.[83]

Akayev was ousted in the 2005 Tulip Revolution, and his successor, Kurmanbek Bakiyev (in office 2005-2010), went even further in his dismissal of Western democracy. He described elections as a 'marathon of money-bags' and criticised individual rights as corrosive to public morality. Bakiyev introduced a concept of 'consultative democracy' aimed at balancing modern governance with traditional Kyrgyz values. This included formalising the *kurultai* as a national consultative forum and creating a presidential council of handpicked representatives from government, parliament and civil society.[84] Yet this model, too, collapsed amid protests in 2010, leading to Bakiyev's ousting. A brief parliamentary experiment under the interim government of Roza Otunbayeva (in office 2010-2011) followed, but recent years have seen a retreat from liberal governance towards a collectivist, traditionalist framework. President Sadyr Japarov's (in office 2021-present) 'National Spirit – Global Heights' doctrine prioritises collectivism, spirituality and national traditions over liberal values like the rule of law.[85]

In Uzbekistan, Karimov also invoked democratic rhetoric while consolidating a rigid authoritarian regime. Deeply suspicious of democracy and its institutions, Karimov emphasised state control over all political processes. In the early 1990s, he outlined the 'Uzbek path' or 'Uzbek model' of development, which was grounded in several core principles, including strong leadership and gradual reform.[86] His model embraced etatism, or the supremacy of the state in directing all aspects of social, political and economic life. Gradualism defined both economic and political reforms, with Karimov asserting that democracy must be cultivated internally and cannot be imposed externally. This view rejects Western models and asserts the uniqueness of Uzbekistan's context, needs and solutions. Cultural justifications played a central role in legitimising this approach. Karimov emphasised national traditions, moral principles and glorious values as the foundation for democracy. Traits such as tolerance, respect for elders, patience, compassion for the less fortunate, collectivism and familial duties were portrayed as laying the groundwork for a distinctly Uzbek democratic order. In practice, however, political institutions became extensions of presidential authority, while political liberalisation was deferred indefinitely, as the government prioritised economic restructuring, national independence and security.[87] Following Karimov's death, his successor, Shavkat Mirziyoyev (in office 2016-present), began portraying democracy as a central pillar of his 'New Uzbekistan' vision, emphasising reforms aimed at enhancing openness, human rights and civic participation (without, however, producing any substantive change).[88]

[82] ibid.

[83] ibid.

[84] ibid.

[85] Editors, 'Kyrgyzstan's President Japarov Demotes Liberal Democracy in Favour of a "Traditionalist" Ideology' (bne IntelliNews, 22 Dec 2024) <https://www.intellinews.com/kyrgyzstan-s-president-japarov-demotes-liberal-democracy-in-favour-of-a-traditionalist-ideology-359564> accessed 14 Jun 2025.

[86] Omelicheva (n 77) 124.

[87] ibid.

[88] Shavkat Mirziyoyev, 'Speech by President Shavkat Mirziyoyev at the 76th Session of the United Nations General Assembly' (United Nations General Assembly, New York, 21 Sep 2021) <https://www.un.int/uzbekistan/statements_speeches> accessed 14 Jun 2025.

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Turkmenistan represents the most extreme case of authoritarianism cloaked in democratic rhetoric. Under Niyazov, the regime officially rejected the label of authoritarianism while claiming that Turkmen society was not yet ready for a full democratic transition.[89] Niyazov insisted on a 'stage-by-stage' approach, arguing that the population's nomadic past and lack of political experience required a gradual path towards democracy and a market economy. This claim masked the reality of a sultanate-style regime, characterised by a personality cult surrounding its president, total censorship and widespread repression. While international organisations have consistently rated Turkmenistan among the world's most repressive regimes, official discourse in the country has maintained the fiction of a deferred democratic transition.[90] Following Niyazov's death, his successor, Gurbanguly Berdimuhamedow (in office 2006-2022), and then his son, the current president, Serdar Berdimuhamedow (in office 2022-present), have consistently characterised the country's political system as a form of 'managed democracy'. This concept has been presented as a uniquely Turkmen approach to governance rooted in the country's unique 'national democratic traditions' and values, thus emphasising that the country's developmental path is shaped by its cultural and historical context.[91]

In Tajikistan, Rahmon has not explicitly rejected Western models of democracy. However, his public statements and the country's political development suggest a preference for a gradual, nationally tailored approach to democratisation over the rapid adoption of Western democratic models. In a 2012 interview, Rahmon articulated his perspective on the democratisation process by stating that

> A government that has had the same policy and the same ideology for 70–80 years cannot change in just 10–20 years into the model of a democratic and civilised society. It takes time to change the mentality of people […]. An American or European style democracy in Russia or other former Soviet republics in just a year or so, is impossible; it is just a dream.[92]

This viewpoint underscores his belief that democratisation should be a gradual process that is sensitive to the historical and cultural context of each nation, rather than a rapid implementation of Western models.

What emerges from these examples is not a rejection of democracy *per se*, but rather a reinterpretation of democracy that legitimises authoritarianism under the guise of cultural specificity, national development and political stability. Accordingly, references to democracy in the constitutional preambles of Central Asian states should be understood through these developments and interpretations, which reveal a strategic appropriation of democratic language rather than a commitment to liberal democratic principles.

Human rights without rights. In addition to proclaiming commitments to democracy, nearly all the preambles express support for fundamental human rights without, however, including detailed lists or dedicated sections identifying those rights. Turkmenistan's preamble affirms a commitment to 'guaranteeing the rights and freedoms of each person and citizen'. Tajikistan's preamble acknowledges 'the unwavering freedoms and rights of the person'. Uzbekistan's 'solemnly declares [its] adherence to human rights and freedoms', a formulation that has remained unchanged since the 1992 Constitution. Kyrgyzstan's preamble affirms 'the commitment to protect and respect human and civil rights and freedoms' and recognises 'universal human principles and values'.[93] Kazakhstan

[89] Alessandra Stanley, 'Ex-Communist Rules Turkmenistan Like a Sultan' (The New York Times, 23 Nov 1995).

[90] ibid.

[91] Victoria Clement, 'Passing the Baton in Turkmenistan' (Atlantic Council, 21 Oct 2019) <https://www.atlanticcouncil.org/blogs/new-atlanticist/passing-the-baton-in-turkmenistan/> accessed 14 Jun 2025.

[92] Euronews Editors, 'President Emomali Rahmon: There is No Short-Cut to Democracy' (Euronews, 30 Mar 2012) <https://www.euronews.com/2012/03/30/president-emomali-rahmon-there-is-no-short-cut-to-democracy> accessed 14 Jun 2025.

[93] The 1993 and 2010 preambles similarly confirmed the state's 'devotion to human rights and freedoms'.

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is the only country in the region whose constitutional preamble does not explicitly mention human rights.

While these constitutional preambles may have reflected initially sincere commitments to uphold human rights, such promises have largely failed to translate into practice. Over time, the gap between constitutional language and political reality has widened, revealing deep inconsistencies. Across the region, governments routinely suppress dissent, restrict freedom of expression and undermine judicial independence, thus directly contradicting the fundamental rights proclaimed in their constitutional texts.[94] This illustrates how human rights commitments in preambles often function less as binding principles of governance than as symbolic gestures for securing international legitimacy. The invocation of universal rights thus serves to obscure ongoing abuses.

In 2013, for instance, Turkmenistan's legislature approved the country's first media law since gaining independence in 1991, ostensibly to guarantee press freedom and prohibit censorship. Signed by Gurbanguly Berdimuhamedow, the law declared that citizens had the right to use all forms of media to express their opinions and disseminate information. It also banned the monopolisation of media ownership.[95] However, in practice, the law did little to change the tightly controlled media landscape. All media outlets remained under government control, with editors appointed by the president and content subject to censorship by the State Committee for Protection of State Secrets.[96] Observers have noted that the approval of the media law appeared to be a strategic move to improve Turkmenistan's international image and attract foreign investment, particularly in the energy sector.[97] The law was drafted with assistance from the Organization for Security and Cooperation in Europe (OSCE), suggesting an intent to signal reform to the international community.[98] Its adoption also coincided with Turkmenistan's efforts to develop an East–West gas pipeline to diversify its gas export routes and reduce European dependence on Russia. Although the 2013 media law professed to establish press freedoms, it largely served as a façade to placate international concerns and facilitate energy partnerships, without bringing substantive change to the country's repressive media environment. Despite the leadership change in 2022, the regime continues to rank among the most repressive in the world, characterised by systematic violations of fundamental rights – including the freedoms of association, information and movement – and the continued practice of state abductions.[99]

Tajikistan has also seen a sharp deterioration in its human rights record, marked by an increased crackdown on freedom of expression and the political opposition, the violent suppression of freedom of assembly in response to local protests (as in the Gorno-Badakhshan Autonomous Region) and the silencing of critics through censorship, harassment and torture.[100] Similarly, in Kazakhstan and Uzbekistan, episodes like the violent dispersal of protests in January 2022 and July 2022, respectively, demonstrate the persistence of authoritarian repression.[101] Even Kyrgyzstan, often considered the region's most pluralistic polity, has seen increasing constraints on civil society and press freedoms

[94] See Human Rights Watch Editors, 'Central Asia: Worsening Human Rights Records' (Human Rights Watch, 16 Jan 2025) <https://www.hrw.org/news/2025/01/16/central-asia-worsening-human-rights-records> accessed 14 Jun 2025.

[95] Inga Sikorskaya, 'Turkmen Media Law Work of Fiction', *Institute for War and Peace Reporting* (18 Jan 2013) <https://iwpr.net/global-voices/turkmen-media-law-work-fiction> accessed 14 Jun 2025.

[96] ibid.

[97] ibid.

[98] Freedom House, 'Freedom of the Press 2014: Turkmenistan' (8 Oct 2014) <https://www.refworld.org/reference/annualreport/freehou/2014/en/102028> accessed 14 Jun 2025.

[99] Human Rights Watch, 'Turkmenistan' <https://www.hrw.org/europe/central-asia/turkmenistan> accessed 14 Jun 2025.

[100] Human Rights Watch, 'Tajikistan' <https://www.hrw.org/europe/central-asia/tajikistan> accessed 14 Jun 2025.

[101] Human Rights Watch, 'Kazakhstan' <https://www.hrw.org/world-report/2024/country-chapters/kazakhstan> accessed 14 Jun 2025; Human Rights Watch, 'Uzbekistan' <https://www.hrw.org/world-report/2024/country-chapters/uzbekistan> accessed 14 Jun 2025.

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under Japarov.[102] These examples underscore the extent to which constitutional commitments to human rights in Central Asia often mask – rather than constrain – authoritarian practices.

Notably, the fact that these countries are signatories to all major international human rights treaties has done little to change this pattern. Scholars have observed, however, that while these ratifications signal compliance with international standards, they have not prevented widespread violations or promoted meaningful enforcement of fundamental rights. And their practical implementation remains severely limited. Key areas of concern include press freedom, judicial independence, the rule of law, corruption and gender equality.[103]

Neutrality as an authoritarian shield. Constitutional preambles in Central Asia rarely contain references to external sources or authorities, including international law. Uzbekistan's preamble is the only one in the region that explicitly grounds the adoption of the constitution in generally accepted international norms.[104] In other cases, preambles contain some general references to international relations. For instance, Tajikistan's preamble describes the Tajik people as an inseparable part of the global community. Kazakhstan's preamble expresses the aspiration for its people to assume a worthy place within it.

Meanwhile, Turkmenistan's preamble is unique in proclaiming the country's status of 'permanent neutrality' as a defining principle of its foreign policy and international relations. This status was formally recognised by the UN in 1995 through a General Assembly resolution, making Turkmenistan the only state to be internationally recognised as permanently neutral in this way.[105] Originally articulated by Niyazov, neutrality was envisioned as a means for Turkmenistan to become a venue for peace talks between warring parties. For example, the country hosted peace talks during the Tajik Civil War and in the early stages of the Afghan conflict.[106] However, by the 2000s and especially under Gurbanguly Berdimuhamedow, the neutrality policy evolved into a mechanism for internal regime consolidation. In practice, it has been used to justify non-participation in military alliances, non-interference in external conflicts and the exclusion of foreign military presence in the country, thus avoiding entanglement in regional power struggles.

Critics argue, however, that the policy serves as a shield for authoritarian rule, enabling the regime to justify isolationism, restrict foreign engagement and avoid international scrutiny. Luca Anceschi, for example, described it as allowing Turkmenistan to remain on the margins of the international community as an insulation strategy used to ensure that external pressures for liberalisation or human rights improvements remain irrelevant in the domestic arena.[107] Ruslan Myatiev similarly observed that the policy of neutrality has effectively enabled the regime to close the country off from the outside world. He noted that while many Turkmen citizens express pride in their country's neutral status, they are often unclear about its practical benefits.[108]

This public pride is largely the result of state propaganda. Since the UN's formal recognition of Turkmenistan's neutrality, the regime has made the policy a cornerstone of its domestic and foreign policy. The state uses it as proof of Turkmenistan's exceptionalism, portraying the country as uniquely peaceful, which deflects attention from internal governance failures. Neutrality

[102]Human Rights Watch, 'Kyrgyzstan' <https://www.hrw.org/world-report/2024/country-chapters/kyrgyzstan> accessed 14 Jun 2025.

[103]See Sergey Sayapin, Anja Mihr and Cindy Wittke, *Human Rights Dissemination in Central Asia. Human Rights Education and Capacity Building in the Post-Soviet Space* (Springer 2023) 15.

[104]This wording differs in part from the preamble to the 1992 Constitution of Uzbekistan, which explicitly recognises the primacy of generally accepted international legal norms.

[105]UN General Assembly, 'Maintenance of International Security: Permanent Neutrality of Turkmenistan', A/RES/50/80 (12 Dec 1995).

[106]Bruce Pannier, 'Turkmen Neutrality: "It Means Everything and Its Opposite at the Same Time"' (RFE/RL News, 11 Dec 2015) <https://gandhara.rferl.org/a/turkmenistan-neutrality-20-years-on/27423815.html> accessed 14 Jun 2025.

[107]Luca Anceschi, *Turkmenistan's Foreign Policy: Positive Neutrality and the Consolidation of the Turkmen Regime* (Routledge 2015) 12 et seqq.

[108]Pannier, 'Turkmen Neutrality' (n 106).

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is celebrated through public holidays, state monuments and presidential speeches. The most iconic symbol is the 95-metre-high Arch of Neutrality in Ashgabat, constructed during Niyazov's rule. He went so far as to rename the months of the year, designating December as *Bitaraplyk* (neutrality).[109] Anceschi observed that the regime has used neutrality as a unique achievement recognised by the UN, encouraging the Turkmen people to believe that international authorities have recognised the regime's actions.[110] Brill Olcott criticised Turkmenistan's neutrality for lacking credibility, arguing that the country's poor human rights record and lack of political and economic reforms undermine its claims of neutrality and hinder its ability to be a respected international actor.[111] Freedom House reports indicate that the neutrality policy has been used to justify severe restrictions on domestic freedoms, including the suppression of dissent, media censorship and limitations on civil society.[112] Turkmenistan's neutrality thus exemplifies how commitments articulated in constitutional preambles can be instrumentalised to reinforce authoritarianism and evade international scrutiny.

Central Asian preambles in constitutional review

Central Asian constitutional preambles have occasionally appeared in constitutional adjudication, suggesting that constitutional review can, at least in principle, engage with foundational principles even within constrained political environments. In practice, however, judicial independence in the region remains limited and constitutional review often serves to legitimise rather than limit executive power. While in Uzbekistan and Tajikistan, Constitutional Courts quickly assumed a largely ceremonial role,[113] in Kazakhstan and Kyrgyzstan, early experiments in judicial activism were swiftly suppressed. In Kazakhstan, for instance, the Constitutional Court initially ruled in favour of President Nazarbayev, but when it annulled some presidential decrees and commented unfavourably on his 1995 constitutional draft, it was replaced with a weaker Constitutional Council, whose decisions could be vetoed by the president.[114] Only with the 2022 constitutional reform was the Constitutional Court reinstated.

Similar patterns emerged in Kyrgyzstan, where the Constitutional Court initially supported President Bakiyev. Following the 2010 political upheaval, the Constitutional Court was suspended and replaced by a constitutional review chamber within the Supreme Court, which remained incapacitated for years and was subject to attempts to curtail its powers.[115] The 2021 Constitution finally reintroduced a Constitutional Court. Turkmenistan, by contrast, remains the only Central Asian state without a Constitutional Court. Despite these limitations, Uzbekistan, Kazakhstan and Kyrgyzstan provide illustrative examples of how preambles have been mobilised in constitutional review within authoritarian contexts. In all these cases, courts have largely invoked preambles as interpretative anchors, using them to affirm the supremacy of domestic law, to legitimate state

[109]Bruce Pannier, '25 Years Later, Turkmenistan Reaps Zero Benefits From "Positive Neutrality"' (RFE/RL News, 11 Dec 2020) <https://www.rferl.org/a/turkmenistan-neutrality-25-years-no-benefits-qishloq-ovozi/30995903.html> accessed 14 Jun 2025.

[110]Pannier, 'Turkmen Neutrality' (n 106).

[111]Beatrice Hogan, 'Turkmenistan: Neutrality Policy Sensible but Not Credible' (RFE/*RF News*, 3 Mar 2000) <https://www.rferl.org/a/1093643.html> accessed 14 Jun 2025.

[112]See Freedom House, 'Nations in Transit 2023: Turkmenistan' <https://freedomhouse.org/country/turkmenistan/nations-transit/2023> accessed 14 Jun 2025.

[113]Newton (n 6) 192, calls, for example, the Uzbek Constitutional Court largely ornamental, noting that it rendered a total of 22 decisions in roughly as many years.

[114]See Armen Mazmanyan, 'Judicialization of Politics: The Post-Soviet Way' (2015) 13 International Journal of Constitutional Law 206.

[115]See Armen Mazmanyan, 'Facades, Puppets or Activist Watchdogs? Assessing Constitutional Courts in Central Asian Politics' (2020) 1-3 Percorsi Costituzionali 75.

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policies, to reinforce presidential powers or to frame constitutional reforms as continuations of foundational ideals.

Domestic law and international obligations

The decision of the Constitutional Court of Uzbekistan of 21 November 2006, concerning the interpretation of the Law on Guarantees and Measures for the Protection of the Rights of Foreign Investors, provides an illustrative reference to a constitutional preamble.[116] The contested legislation regulated mechanisms for resolving investment disputes, including consultations, domestic courts and, if necessary, international arbitration. The Court cited the preamble to affirm that Uzbekistan recognises the priority of universally accepted norms of international law. However, it clarified that this reference is only declaratory: it did not create self-executing obligations or override domestic legal hierarchies; therefore, the supremacy of the constitution and domestic laws remains binding. In other words, the preamble was invoked as background context rather than as a direct legal source, symbolically affirming openness to international legal standards without compromising the hierarchical structure of domestic law.

A more assertive approach towards international law was adopted by the Constitutional Council of Kazakhstan in its decision of 5 November 2009, concerning the official interpretation of article 4 of the Constitution on the domestic status of international law.[117] The Council invoked the part of the preamble expressing the Kazakh people's aspiration 'to take a worthy place in the world community' alongside article 8 of the Constitution (on respecting the principles and norms of international law and pursuing a policy of cooperation and neighbourly relations between states), to derive the interpretation that the Constitution allows the transfer or delegation of certain state powers to international organisations. This possibility was not expressly stated in the constitutional text itself, suggesting that the Council endowed the preamble with interpretive force. While this openness to international law can probably be explained in light of Kazakhstan's aspiration to hold the OSCE chairmanship in 2010,[118] the Council also emphasised that no international commitment may contradict the Constitution or undermine sovereignty, territorial integrity or citizens' rights.

Fundamental rights

In its resolution of 19 January 1998, the Constitutional Court of Uzbekistan considered the constitutionality of article 784 of the Civil Code and article 24(4) of the Law on Enterprises,[119] which prioritised payments from enterprise accounts by giving employees precedence over obligations to the state budget and extra-budgetary funds when available funds were insufficient to cover all liabilities. The Court acknowledged that delays in tax and social fund payments undermined the state's ability to fulfil its constitutional duties to protect citizens' rights, but it did not strike down the contested provisions. Instead, it recommended amending the legislation to prioritise budget and extra-budgetary payments, emphasising that these funds are the primary means by which the state

[116]Constitutional Court of the Republic of Uzbekistan, Decision on the Interpretation of Part One of Article 10 of the Law of the Republic of Uzbekistan on Guarantees and Measures for the Protection of the Rights of Foreign Investors (20 Nov 2006) <https://www.lex.uz/docs/1267669> accessed 10 Oct 2025.

[117]Constitutional Council of the Republic of Kazakhstan, Normative Resolution No 6 on the Official Interpretation of Article 4 of the Constitution of the Republic of Kazakhstan concerning the Implementation of Decisions of International Organisations and Their Bodies (5 Nov 2009) <https://cis-legislation.com/document.fwx?rgn=29691> accessed 14 Jun 2025. See also, Saniia Toktogazieva, 'Human Rights Adjudication in Central Asia', in Anja Mihr & Chiara Pierobon (eds), *Polarization, Shifting Borders and Liquid Governance: Studies on Transformation and Development in the OSCE Region* (Springer 2024) 126.

[118]Carna Pistan, 'Smart Authoritarianism: Nazarbayev's resignation as a move to consolidate Kazakhstan's 2017 constitutional reform' (2019) 39 DPCE Online 1040.

[119]Constitutional Court of the Republic of Uzbekistan, *Resolution on improving legislation regulating the order of debiting funds from the accounts of economic entities* (16 Jan 1998) <https://lex.uz/ru/docs/1251649> accessed 10 Oct 2025.

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ensures citizens' rights and fulfils its constitutional obligations. To justify this, the Court invoked the preamble and articles 13, 14 and 45 of the Constitution, stating that together they articulate the social purpose of the state and the priority of citizens' economic and social rights. The Court stated that revenues paid into the budget and extra-budgetary funds are essential for financing healthcare, education, defence, social protection and other constitutional obligations. The preamble was thus used as a foundation for constitutional values, linking abstract constitutional principles to practical governance outcomes and specific legislative recommendations.

A similar use of the preamble appears in the decision of 11 July 2023, in which Kazakhstan's newly established Constitutional Court upheld the constitutionality of the Law on the Return to the State of Illegally Acquired Assets.[120] The Court cited the preamble's declaration that the people of Kazakhstan, 'wishing to take a worthy place in the world community, assume responsibility before present and future generations,' stating that it obliged the state to promote societal development, protect individual rights and freedoms and uphold justice. The preamble was invoked to justify asset recovery as part of the state's constitutional duty to safeguard justice, national wealth and the public interest, thereby providing a constitutional basis for limiting property rights in pursuit of social justice and intergenerational responsibility.

In the *Aytkulova* case of 11 April 2025, the newly established Constitutional Court of Kyrgyzstan invoked the preamble to decide on a constitutional complaint alleging violations of fundamental rights.[121] The Court emphasised that the preamble expresses the will of the Kyrgyz people and enshrines the guiding values of sovereignty, democracy, human dignity social justice and the rule of law, which form the philosophical and legal foundation of the entire constitutional system and must guide all laws and administrative actions. Here, the preamble was used as a tool of constitutional interpretation and as an affirmation of the state's professed commitment to democratic principles.

The same Court relied on the preamble in its decision of 8 May 2024, concerning the constitutional complaint challenging article 32 of the Constitutional Law on the State Language of the Kyrgyz Republic.[122] The applicant argued that requiring lawyers to know and use the Kyrgyz language limited their right to practise law and citizens' access to justice. The Court upheld the contested provision, emphasising that the requirement serves legitimate constitutional objectives, including the preservation of national identity. In justifying its decision, the Court specifically invoked the constitution's preamble, noting that it expresses the people's fundamental aspirations to preserve and strengthen statehood, protect cultural heritage and uphold justice and equality. By referencing the preamble, the Court framed the language requirement as aligned with these overarching constitutional goals rather than as an arbitrary limitation on lawyers' rights.

[120]Constitutional Court of the Republic of Kazakhstan, Resolution on the compliance of the law of the Republic of Kazakhstan on the return to the state of illegally acquired assets, the constitutional law of the Republic of Kazakhstan on amendments and additions to the constitutional law of the Republic of Kazakhstan on the prosecutor's office, the laws of the Republic of Kazakhstan on amendments and additions to certain legislative acts of the Republic of Kazakhstan on the return to the state of illegally acquired assets, on amendments and additions to the code of the Republic of Kazakhstan on administrative offenses, and on an addition to the code of the Republic of Kazakhstan on taxes and other mandatory payments to the budget (tax code) (11 Jul 2023 No 20-NP) <https://adilet.zan.kz/rus/docs/S2300000020> accessed 10 Oct 2025.

[121]Constitutional Court of the Republic of Kyrgyzstan, Decision on the constitutionality of Articles 243, 251, 253, paragraph one of part 1 of Article 256, part 6 of Article 296, part 2 of Article 403, part 3 of Article 412, and paragraph 3 of part 2 of Article 421 of the criminal procedure code of the Kyrgyz Republic (11 Apr 2025) <https://constsot.kg/wp-content/uploads/2025/04/reshenie-po-delu-ajtkulova-25.04.25g..pdf> accessed 10 Oct 2025.

[122]Constitutional Court of the Republic of Kyrgyzstan, Decision on the review of the constitutionality of paragraph 8 of part 1 of Article 32 of the constitutional law of the Kyrgyz Republic on the State Language of the Kyrgyz Republic (8 May 2024) <https://constsot.kg/wp-content/uploads/2024/05/reshenie-o-proverke-konstituczionnosti-punkta-8-chasti-1-stati-32-konstituczionnogo-ot-8-maya-24g.pdf> accessed 10 Oct 2025.

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Distribution of power

Another domain in which preambles have been invoked is the distribution of powers among state institutions. In a decision of 15 October 2008, the Constitutional Council of Kazakhstan interpreted articles 54 and 61 of the Constitution to affirm that competences of state bodies could be defined not only by laws but also by subordinate acts.[123] Since the Constitution does not define what constitutes the 'fundamental principles and norms' which may be the subject of legislative regulation under article 61(3), the Council derived these principles from 'the ideas expressed in the preamble' and article 1(2), listing political stability, economic development, patriotism and democratic method. This interpretation reinforced both the preamble's hermeneutic function and the presidentially dominated model of governance, presented as consistent with the constitution's founding principles.

In an earlier decision of 3 July 2000, the Council reviewed the constitutionality of the Constitutional Law on the First President of the Republic of Kazakhstan, which granted Nazarbayev lifelong privileges and status.[124] While upholding the law, the Council held that principles contained in the preamble, together with articles 1(2), 44(20), 46 and 71 of the Constitution, constituted the foundation for recognising the first president's unique role in establishing Kazakh statehood. The preamble thus became an interpretive tool for constitutionalising personal rule under the guise of national continuity and stability. The Council later extended this symbolic linkage between the preamble and national ideology. In its Message on the State of Constitutional Legality of 20 June 2015, it praised Nazarbayev's patriotic doctrine, Mangilik El (Eternal Nation), as enriching 'the values and ideas enshrined in the preamble and section I of the Constitution'. Through such formulations, the preamble was mobilised not only for legal interpretation but also as a constitutional foundation for state-led narratives of nation-building.[125]

Constitutional reforms

Preambles have further been used to justify constitutional reforms, often serving as a bridge between foundational texts and subsequent revisions. The Constitutional Court of Uzbekistan, in its decision of 13 March 2023, reviewed the legality of the referendum on the draft Constitutional Law on the Constitution of the Republic of Uzbekistan.[126] It found that the referendum complied with constitutional requirements and that the content of the new draft constitution did not contradict the fundamental principles of sovereignty, democracy and the rule of law. Referring explicitly to the revised preamble, the Court described the draft as further developing the humanistic and democratic values of the existing constitutional order by placing the individual, their life, freedom and dignity at the centre of the state's purpose. The preamble thus served a dual function: it demonstrated that the draft law concerned 'the most important issues of society and state life' within the meaning of article 9 of the Constitution, thereby justifying its submission to a referendum. It also symbolically underscored the reform's continuity with the foundational principles of the 1992 Constitution, framing the new text as an enhancement, rather than a rupture, of Uzbekistan's constitutional order.

[123]Constitutional Council of the Republic of Kazakhstan, Resolution on the official interpretation of Article 54, Subparagraphs 1) and 3) of Paragraph 3 of Article 61, and a number of other provisions of the Constitution of the Republic of Kazakhstan on issues of state administration (15 Oct 2008 No 8) <https://adilet.zan.kz/rus/docs/S080000008_> accessed 10 Oct 2025.

[124]Constitutional Court of the Republic of Kazakhstan, Resolution on the Compliance of the Constitutional Law of the Republic of Kazakhstan on the First President of the Republic of Kazakhstan with the Constitution of the Republic of Kazakhstan (3 Jul 2000 No 16/2) <https://adilet.zan.kz/rus/docs/S000000016> accessed 10 Oct 2025.

[125]Constitutional Council of the Republic of Kazakhstan, Message on the state of constitutional legality in the Republic of Kazakhstan (20 Jun 2015 No 3) <https://adilet.zan.kz/rus/docs/S1500001121> accessed 10 Oct 2025.

[126]Constitutional Court of the Republic of Uzbekistan, Decision on determining the compliance of the resolution of the legislative chamber of the Oliy Majlis of the Republic of Uzbekistan on holding a referendum on the draft constitutional law of the Republic of Uzbekistan on the constitution of the Republic of Uzbekistan (with annex) with the constitution of the Republic of Uzbekistan (13 Mar 2023) <https://lex.uz/uz/docs/-6405731> accessed 10 Oct 2025.

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Similarly, in its 4 May 2022 conclusion, the Constitutional Council of Kazakhstan assessed the constitutionality of the draft 2022 amendments proposed under President Tokayev's New Kazakhstan agenda.[127] The Council found them consistent with article 91(2) of the Constitution, which prohibits amendments that undermine state independence or fundamental constitutional principles. It explicitly referred to the preamble, noting that the reform 'fills with new content' the Constitution's affirmation of Kazakhstan as a democratic, secular, rule-of-law and social state founded on human dignity and rights. The preamble was thus used as a framework legitimising wide-ranging political transformation while preserving constitutional continuity.

Preambles as interpretative anchors

Across the examined cases, the invocation of constitutional preambles served multiple interrelated functions. First, it provided a legitimising foundation for judicial reasoning within authoritarian settings, allowing courts to present their decisions in the language of democratic and social ideals without directly confronting executive power. Second, preambles allowed courts to link abstract constitutional principles to concrete legislative or administrative recommendations, such as the prioritisation of budgetary payments. Third, they operated as hermeneutic tools, guiding the interpretation of draft laws and constitutional amendments to ensure formal coherence with proclaimed constitutional values.

Through these functions, preambles become instruments for sustaining the appearance of constitutionalism, justifying selective reforms and articulating state responsibilities, even as the substantive enforcement of democratic principles remains severely constrained. Courts often cite preambles to support decisions that appear to affirm democratic principles but leave intact the authoritarian structure of power. No constitutional review body in the region appears to have relied on a preamble to reach a decision directly adverse to the executive power. By appealing to preambles, courts projected an image of engagement with fundamental constitutional values while avoiding confrontation with political power. The invocation of preambles thus enabled a delicate balancing act: upholding the rhetoric of democracy and the rule of law without threatening authoritarian stability.

This practice reveals the broader function of constitutional adjudication in authoritarian regimes. Courts are not genuine guardians of constitutional limits but participants in the production of legitimacy. The preamble, with its elevated and aspirational language, provides an ideal vehicle for this function. By citing it, courts can speak the idiom of constitutional values without engaging the more concrete and politically sensitive provisions of the constitution. In so doing, they reinforce the perception that the constitutional order rests on democratic ideals, even when governance remains authoritarian in substance. However, courts' reliance on preambles is not entirely devoid of constraining potential. Precisely because preambles articulate values such as democracy, justice and the rule of law, they open spaces where these ideals can be invoked. Applicants before constitutional courts have appealed to preambles to support claims grounded in constitutional rights. Even when such claims were selectively interpreted, their invocation reinforced the notion that the state is formally committed to democratic ideals. Preambles thus operate as rhetorical commitments to democracy, which are unlikely to be fulfilled yet can generate expectations that can be mobilised in legal discourse.

In other words, courts used preambles to construct the appearance of constitutionalism. The preamble became a flexible rhetorical instrument, providing legitimacy to judicial reasoning while leaving the power structure untouched. In this way, the judicial invocation of preambles exemplifies

[127] Constitutional Council of the Republic of Kazakhstan, Conclusion on the draft law of the Republic of Kazakhstan on amendments and additions to the constitution of the Republic of Kazakhstan for compliance with paragraph 2 of article 91 of the constitution of the Republic of Kazakhstan (4 May 2022 No 1) <https://adilet.zan.kz/rus/docs/S220000001Z> accessed 10 Oct 2025.

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the paradox of constitutionalism in authoritarian settings. On the one hand, courts affirm democratic ideals by citing the preamble, reinforcing the constitutional text as a repository of universal values. On the other hand, this very practice legitimises authoritarian governance by presenting it as consistent with those ideals. This duality reflects the broader pattern of authoritarian governance in Central Asia, where democratic ideals are not rejected but appropriated and reframed to reinforce authoritarian settings.

Conclusions

The constitutional preambles of Central Asian states present a paradox. While they ostensibly embrace the language of democracy, popular sovereignty and human rights, they simultaneously include principles that have been strategically manipulated to sustain and legitimise authoritarian rule. In other words, these texts do not explicitly enshrine authoritarian or undemocratic principles; rather, they appropriate democratic ideals and transform them into instruments of exclusion or authoritarian control. Consequently, they function less as neutral legal introductions to constitutional texts and more as tools of narrative legitimation, projecting a vision of unified nationhood, unbroken historical continuity and civic belonging while obscuring the realities of centralised power and political exclusion. Meanwhile, independence is celebrated as an unquestioned national awakening despite having originally been accepted with ambivalence. The phrase 'We the People' evokes the civic traditions of liberal democracies, but in practice serves as a rhetorical device that masks the symbolic dominance of the titular nation. Historical references, often mythologised, promote a form of primordial nationalism that privileges dominant ethnic identities and marginalises others. Democracy is embraced in form but substantially reinterpreted in ways that accommodate human rights abuses.

Moreover, universal values like unity and harmony have become synonymous with regime stability and durability, providing fertile ground for leaders to build cults of personality. These concepts, repeatedly invoked in preambles, are used to justify the suppression of dissent and the marginalisation of political pluralism under the guise of preserving national cohesion. International relations and a strong emphasis on isolationism, as in Turkmenistan, further insulate these regimes from external democratic pressures. Meanwhile, human rights commitments remain largely declarative, lacking effective enforcement mechanisms or substantive protections.

Central Asian constitutional preambles are therefore far from being merely symbolic or ornamental; they are strategic instruments within the architecture of authoritarianism. On the one hand, they construct a legitimising discourse that blends post-Soviet state-building with the selective appropriation of democratic norms, creating a veneer of constitutional democracy. This veneer is neither accidental nor superficial; it is carefully crafted to provide internal and external legitimacy, discourage dissent and position these regimes as sovereign, culturally distinct alternatives to Western models of governance. On the other hand, the preambles perform an obscuring function: they obscure the authoritarian nature of these regimes behind a façade of democratic language. While apparently affirming values like peace, equality and human rights, these texts mask the realities of centralised power, political exclusion and ethnic dominance.

Constitutional courts have further reinforced this dual role of constitutional preambles. By invoking preambles in their reasoning, courts in the region participated in constructing a constitutional discourse that affirms democratic ideals without threatening or confronting authoritarian rule. This practice highlights the paradox of authoritarian commitments to democracy: democratic values are constantly affirmed in rhetoric, yet systematically undermined in practice. The preamble, situated at the beginning of the constitutional text, becomes the key site where this paradox is articulated. It is at once a promise of democracy and an instrument of autocracy – a textual space through which authoritarian regimes reconfigure democratic ideals to serve their own narratives of legitimacy. Courts, in turn, play a central role in sustaining this paradox by invoking preambles as the

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constitutional foundation for decisions that reconcile the appearance of democratic legality with the reality of governance.

Understanding the dual role of constitutional preambles as both legitimating and obfuscating tools offers deeper insight into the mechanics of Central Asian governance. It reveals how texts formally incorporating the language of liberal constitutionalism can be repurposed to consolidate illiberal rule. In doing so, it challenges scholarship on constitutional preambles to look beyond surface-level commitments and examine the symbolic, historical and strategic dimensions of constitutional design in authoritarian contexts.

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