

## PARLIAMENTARISM IN KAZAKHSTAN: KEY TO THE COUNTRY'S DEMOCRATIZATION

Sergey DIACHENKO

*Deputy Chairman,  
Majilis of the Parliament of the Republic of Kazakhstan  
(Astana, Kazakhstan)*

The parliament, as any country's supreme legislature, is one of the key elements of democracy. It passes laws, represents and harmonizes diverse social interests, identifies political priorities, seeks compromises, distributes the resources that directly affect the nation's everyday activities, and, most important, controls the executive branch.

The parliament and its structures, which allow citizens to take part in political decision-making, thus determining their future, play a decisive role in establishing and consolidating democracy. The parliament is instrumental in establishing the rule of law, protecting human rights, and ensuring transparency of state administration and the fulfillment of international obligations.<sup>1</sup>

There is every reason to believe that during the years of sovereignty, parliamentarism has become an inalienable part of the country's politi-

cal system, something which was absent at the dawn of its independence. Its development was a gradual process that included the quest for a balance of public interests and the checks-and-balances system. It was then that the republic acquired the legal foundation that made the liberal reforms successful.<sup>2</sup>

I am convinced that the parliament as the legislature of our newly independent state should ensure the country's sustainable and dynamic development and progress in all spheres of public life. This can be done only if the parliament uses the entire range of political and legal tools offered by the current constitution.

In 2006, our parliament marked ten years of its functioning—a decade filled with creative and persistent efforts to cement the state's parliamentary principles. The deputies of all three

<sup>1</sup> See: V.E. Usanov, "Razdelenie vlastey kak osnova konstitutsionnogo stroia i ego rol v formirovanii parlamentarizma," *Gosudarstvo i pravo*, No. 12, 2005, p. 14.

<sup>2</sup> See: President of the Republic of Kazakhstan Nazarbaev's address at the opening of the second session of the parliament of the Republic of Kazakhstan, available at [[http://www.akorda.kz/page.php?page\\_id=33&lang=1&article\\_id=904](http://www.akorda.kz/page.php?page_id=33&lang=1&article_id=904)].

convocations have done much to give the country the legal basis of its statehood. Today, economic progress, which alone can guarantee social harmony and development together with welfare, social development and environmental protection, is the top priority in the country's

sustainable development. The parliament is moving in this direction by supplying social strategy and market reforms with a badly needed legal foundation: the Republic of Kazakhstan should develop as an independent and modern democratic state.

## Development of Parliamentarism in Kazakhstan and Its Role as the Guarantor of Political Stability

Based on national state and legal traditions, the parliament reflects the Eurasian type of the country's statehood by combining Western and Eastern values. The roots of the highest representative power in Kazakhstan go back to the 1930s: in 1938, the republic elected its first Supreme Soviet, which played the representative and legislative role under the close supervision of the Union and Republican Communist Party structures. Lack of competitiveness and alternative candidates, however, devalued the Supreme Soviet's legitimate value. The history of true parliamentarism in Kazakhstan began in 1991 when the Soviet Union fell apart allowing Kazakhstan to proclaim its independence.<sup>3</sup>

Any analyst should bear in mind an obvious fact: during the past ten years the country has covered a road that has taken many other countries several decades or even centuries to cover. During a very short period, our country moved away from the nominal Soviets of People's Deputies to a professional two-chamber parliament and laid the foundation of a market economy, civil society, and democracy.

This was accomplished thanks to consolidated efforts by all progressive political forces and the harmonized interests of all social groups. The country avoided social tension and political upheavals and achieved steady economic growth and the welfare of its citizens.

Parliamentarism in Kazakhstan is a new phenomenon, yet, contrary to well-wishers' advice of copying or importing an ideal model of parliamentarism, the state is developing it consistently and stage-by-stage, according to its own rules and laws. Success depends on a blend of the present-day state of parliamentarism in Kazakhstan and the history in which it is rooted. Life has shown that in our country parliamentarism should stem from the republic's economic development, social peculiarities, and to a no mean extent from the nation's mentality.

To effectively regulate social relations in the country, the two-chamber parliament of Kazakhstan had to proceed stage-by-stage from the initial conceptions to the legislative, constitutional foundations of its effective development. Today it is a professional structure that has supplied the reforms underway in the country with a legal basis conducive to political stability, civil peace, and national harmony. The parliament has become the legal scene of political openness, while law-making is used to harmonize the political interests of diverse public forces and realize them legally.<sup>4</sup>

Today, Kazakhstan's dynamic development as a country dedicated to democratic values that are no less important than economic success and social welfare is the key political task. We should bear in mind that developed democratic institutions are not merely a necessity, they are economically expedient. A responsible dialog with society produces political dividends. On the other hand, democratic reforms should not be imposed on society in order to avoid destabilization.

<sup>3</sup> See: U.B. Mukhamedjanov, "Desiat let v istorii chelovechestva—mgnovenie," *Kazakhstanskaia pravda*, 20 January, 2006.

<sup>4</sup> See: S.A. Diachenko, "Zakonotvorcheskaia deiatel'nost parlamenta kak uslovie politicheskoy stabil'nosti obshchestva i ustoychivogo razvitiia gosudarstva," in: *Perspektivy kazakhstanskogo parlamentarizma kak vazhneyshego instituta demokratizatsii i ustoychivogo razvitiia strany*, Astana, 2005, p. 110.

We all know that everywhere in the world parliaments and their effective functioning guarantee political stability. In Kazakhstan, the normative legal basis allows the state to consistently regulate practically all spheres of social relations. Thanks to the parliament's never ending efforts to improve legislation and upgrade the system's efficiency, the system itself reduces social tension and eliminates factors of instability.

It seems that Kazakhstan's parliamentary system is following the right road: the country's political system promptly responds to even insignificant upheavals, which, if they escalate, might fan tension and cause destabilization. I am convinced that the parliament of Kazakhstan is coping successfully with its role of political and legal coordinator of the nationwide social, economic, and political processes. The country's sustainable development has been achieved thanks to the Constitution, which limits the parliament's powers to law-making and adopting laws designed to be effective and stable over the long term. The Constitution of the Republic of Kazakhstan, along with its principles, norms, and provisions, allows the parliamentarians to improve the laws and bring the process of law-making to perfection. It is designed to encourage the parliament to do precisely this and to continue improving the country's legal system.

In his Address to the People of Kazakhstan, President Nazarbaev emphasized the need for relying on the Constitution: "I am convinced," said the head of state, "that stability of the Constitution spells social stability. Ill-considered changes will cause chaos. ... Before changing the Constitution or some of its provisions we should scrutinize what we already have."<sup>5</sup> This means that we should fully tap the potential of our Constitution, which determines, besides other things, the legislative activities designed to achieve sustainable development. I would like to say in this connection that in order for Kazakhstan to become a state ruled by law, more stability in law-making and law enforcement is required. Indeed, can this be achieved if the Constitution, the pillar of social and legal stability, undergoes perpetual changes? This is a purely rhetorical question.

Law and order cannot be achieved without a stable fundamental law, while chaos in all fields, in law-making in particular, disrupts stability and upsets the balance. The world lives according to this principle: if a law contradicts the constitution it is annulled, therefore constitutional laws require a lot of caution and care: any changes affect society and the state. Any revision of the fundamental law imposed by political circumstances leads to a crisis of power and loosens the pillars of the state.

Today, the state can address the key problems of improving its legislative process (better law-making planning; scholarly and expert support; personnel resource provision; relations among the branches of power; closer ties with civil society, as well as introduction of the world's best legislative standards) without changing the fundamental law. There is no need, in the near future at least, to change the Constitution or its law-making sections.

We should concentrate instead on setting up legal frameworks and mechanisms for the gradual political reforms outlined by the head of state: consolidation of our achievements, sustainable economic development, and modernization of state administration. It seems that society is becoming more and more convinced that we should exercise a balanced approach to the entire set of planned political transformations. U. Mukhamedjanov, who heads the Majilis of the Republic of Kazakhstan, was quite right when he said that the parliament should proceed with caution along the road of political changes and that haste should be ruled out.<sup>6</sup> We should avoid, on the other hand, excessive caution and conservatism, which will inevitably end in stagnation.

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<sup>5</sup> "Kazakhstan na puti uskorennoy ekonomicheskoy, sotsial'noy i politicheskoy modernizatsii. Poslanie Prezidenta Respubliki Kazakhstan N. Nazarbaeva narodu Kazakhstana. Fevral 2005 goda," available at [[http://www.akorda.kz/page.php?page\\_id=32&lang=1&article\\_id=52](http://www.akorda.kz/page.php?page_id=32&lang=1&article_id=52)].

<sup>6</sup> See: U.B. Mukhamedjanov, "Perspektivy kazakhstanskogo parlamentarizma kak vazhneyshego instituta demokratizatsii i ustoychivogo razvitiya strany," in: *Perspektivy kazakhstanskogo parlamentarizma kak vazhneyshego instituta demokratizatsii i ustoychivogo razvitiya strany*, p. 4.

The parliament of Kazakhstan consists of two chambers: the Senate, or upper chamber, and the Majilis, or lower chamber. The representative bodies of each of the regions, cities with republican status, and the republic's capital elect two senators each at a joint session of their deputies; the president appoints seven senators for the Senate's entire term.

There are 77 deputies in the Majilis; 67 of them are elected in single-member constituencies formed according to the republic's administrative-territorial division with a more or less equal electorate; 10 deputies are elected on the basis of party lists according to the proportional representation system across the country.

Elections to the Majilis are universal, equal, and direct; the deputies are elected by secret ballot. Elections are held no later than two months before the term of the acting parliament expires; the Senate is elected by indirect and secret ballot; half of the senators are elected every three years; and elections are held no later than two months before their term expires. Senators are elected for six, and Majilis deputies for five years.<sup>7</sup>

The parliament works in sessions, each of them consisting of the chambers' joint and separate sittings, chamber bureaus, standing committees, and joint commissions.

The parliament endorses the republican budget and the report by the government and the Auditing Committee that monitors execution of the republican budget and amends it. The parliament can either endorse or decline any government program, or pass a vote of no confidence.

In May 2005, the president signed a Decree on Measures to Further Use the Potential of the Constitution of the Republic of Kazakhstan, designed to promote the process of stage-by-stage modernization of society and the state and add weight to the republic's parliament. The document was designed to create conditions for more effective functioning of the parliament as a representative and legislative body.<sup>8</sup>

The Decree introduced the practice of appointing ministers of the social-economic bloc after preliminary consultations with the corresponding Majilis and Senate committees and of appointing the heads of the diplomatic missions of the Republic of Kazakhstan after preliminary consultations with Senate's relevant committee. The chairman and two members of the Auditing Committee will be appointed by the head of state after consultations with the corresponding Majilis committee.

The president recommended that the Majilis consult with the Senate before passing judgment on candidates for chairman, deputy chairman, and members of the republican Central Election Commission. It was recommended that the speakers of both chambers appoint appropriate members of the Constitutional Council of the Republic of Kazakhstan after discussions at the plenary meetings of the Majilis and the Senate.

This shows that the parliament is gradually acquiring greater power in the political process; time will show whether its efforts to appoint the right people to the top state posts prove effective. There can be no doubt that there is obvious progress in the right direction. It is equally obvious that the Decree has extended the functions of the legislature as far as staffing many of the state structures is concerned. This will increase the parliament's authority and the mutual responsibility of the deputies and senators, on the one hand, and the central executive bodies, on the other, with respect to the policies pursued by the state. The parliament will be able to exercise even stricter control over budget execution; the same applies to the selection of the members of the Central Executive Committee and the Constitutional Council, the functioning of which will become more public, as well as to the diplomatic corps. Together with administrative reform, this should add efficiency to the state machine.<sup>9</sup>

<sup>7</sup> Constitution of the Republic of Kazakhstan (Arts 49-51).

<sup>8</sup> See: Ukaz Prezidenta Respubliki Kazakhstan "O merakh po dal'neyshemu ispol'zovaniyu potentsiala Konstitutsii Respubliki Kazakhstan," 4 maia 2005 goda No. 1568, available at [<http://www.zakon.kz/our/news/news.asp?id=38928>].

<sup>9</sup> See: E. Turanov, "Novy ukaz," *Kontinent*, No. 10, 2005, p. 17.

## Law-Making as Part of the Political Process

In Kazakhstan, a dynamically developing parliamentary government demands that the relations among the power branches, the role and place of the structures involved in legislation, as well as the continued efficiency and consistency of the entire parliamentary process should receive close attention.

The division of powers practiced all over the world for more efficient political regulation is designed to establish constructive relations between the political forces, public institutions, and state structures. It is also responsible for legislation consistency, starting with the planning stage, choice of political and branch priorities, and identifying the urgency of the laws and ending with the endorsement of a new law and monitoring its efficiency.

We should work harder to tap all the potential of contemporary law-making in order to add more stability to the entire process of improving the social organism with the help of combining state and public regulation, which would create an adequate development vector.

It is common knowledge that the legislative process in its non-formal form starts long before a new law is drafted and sent to the Majilis. The law is born by the realization of the need to legally regulate certain relationships as well as liquidate the lacunae, discrepancies, and contradictions in the current legislation. In other words, from the very beginning, law-making demonstrates an obvious social bias.

The laws initiated by deputies are drafted by executive bodies and experts. The deputies, who represent the interests of their voters and work as members of standing branch committees as well as political factions, are involved in discussing bills. In its turn, the parliament, as a complicated structure with innumerable elements, is tied to all sorts of state and social institutions and public organizations by a multitude of threads. The broad representation that takes shape during law-making creates an efficient mechanism for harmonizing the interests of all the subjects of the political process, and also allows prompt resolving of social contradictions. In 2006, the Chamber of Public Experts began functioning in the Majilis to ensure cooperation between the legislature and civil institutions. It is staffed with members of civil society. The Chamber intends to improve legislation, upgrade legal culture, and deepen democratization.

The deputies of both chambers have realized over time that the more the public is involved in discussions of bills, the more effective these discussions are. This can only add stability and longevity to the new legislation.

The following figures illustrate the parliament's efficiency: during the ten years it has been in action, the parliament has discussed in detail 1,722 bills submitted to it (1,450 of which were initiated by the government; 272, by the deputies, and 1,284 were signed by the president and added to the country's legal basis).<sup>10</sup> The Constitutional Council received 55 applications from the deputies. The Majilis of the first convocation sent about 600 inquiries on problems voiced by their voters to state officials; the Majilis of the second convocation sent 2,400 such inquiries; and the Majilis of the third convocation has already sent over 1,000 inquiries during the first two years of its work.

The parliament amended the constitution to improve the system of checks-and-balances, make the functioning of all branches of power more democratic, and extend citizens' political rights and freedoms. Several extremely important codes were also adopted: the Code of Administrative Offences, the Criminal, Civil, Budget, Land, Tax, Customs Codes, and many other legislative acts.

These, and many other important components of parliamentary activities, allow the state to carry out economic reforms in the most comprehensive and effective manner.

It can be said that excluding the public from the discussion and adoption of key laws would endanger the modernization of state power, economic revival, and social development already underway. The time has come to readjust the laws directly related to continued sustainable development

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<sup>10</sup> According to the Information and Analytical Center of the Parliament of the Republic of Kazakhstan, available at [www.parlm.kz].

and efficiency of the law-making process. This can be achieved by setting up an institution of parliamentary development under the parliament. This project has been discussed for several years now. This institution can help the deputies to draft laws, organize professional assessment of the bills' social, financial, economic, and legal aspects, and identify the immediate and delayed legal, economic, and social repercussions of the new laws.

*First*, the Kazakhstan's parliamentary deputies should regard the changes in the constitutional laws that regulate the state structure, the mechanisms, and the relations between the branches of power as their priority. This should be done to add efficiency to their efforts.

Today, the parliament has several priorities that are extremely important for the country's future: to assume a worthy place in the world community, Kazakhstan must keep ahead of the course of events. The parliament should take responsibility for this—it is expected to analyze the entire body of laws to identify the gaps, as well as outdated and ineffective norms. The logic of Kazakhstan's entry into the new stage of its development calls for a careful analysis and corresponding reforms of state administration, the political system and, possibly, the Constitution. It is obviously important to identify the priority trends in law-making, strategic trends, and tactical means of effective legal regulation of the social processes.

We should concentrate on more constructive cooperation between the legislative and executive powers: today their cooperation, which is obviously misbalanced, is one of the shortcomings of law-making in the country. It is an open secret that the opponents of the parliament in the executive structures, with whom the parliament has to cooperate for the sake of better law-making, are taking advantage of red tape to delay the bills initiated by the deputies; they took time to issue expert opinions—either negative or positive. I am convinced that many of the fundamentally important bills designed to increase the level of public confidence in the authorities fell victim to these practices. I have in mind the bills On the Protection of Consumer Rights, On Veterans, On the Protection of Motherhood and Childhood, and others that the government rejected. Meanwhile, the parliamentary bills were much more needed, socially important, and more detailed than the bills submitted by the executive branch.

Everyone knows that ministries and departments sometimes try to adjust their bills to their own narrow interests to the detriment of the interests of those who voted for the parliament in the first place. We have to overcome “corporate egoism,” which results in legal disaccords and stagnation of the law-making process; this interferes with the deputies' attempts to contribute to perspective planning, and, in the final analysis, reduces the effectiveness of the country's legislation.

*Second*, and no less important, we should amend the laws of the socioeconomic bloc on time in order to be able to go on with the market reforms while preserving social guarantees. This is not an easy task; the experience of transitional economies has confirmed that the contradictions between capital and the people are the main catalysts of social instability, coups, revolutions, and regress.

In any case, social needs and requirements should be treated as priorities in full conformity with the Constitution, which describes Kazakhstan as a socially oriented state. It seems that we should concentrate on improving the laws designed to protect the most vulnerable population groups, insist on social justice, and encourage each and everyone to realize their potential.

*Third*, for the sake of stability, it is equally important to amend the laws related to national security issues and the state's activities in this sphere. External threats have become more frequent, more dangerous, and less predictable. They call for more effective legal tools to oppose international terrorism, religious extremism, drug trafficking, illegal migration, and other phenomena that not only disrupt peace in the border regions, but are fraught with domestic destabilization.

These are some of the practical tasks the legislative branch is facing today. It seems that an effective approach to them may lead to sustainable and uninterrupted social progress in Kazakhstan. An unbiased analysis of the possible developments inside and outside the country (if the threats and challenges to the country's sustainable development continue) says that a strong government will remain the main condition and guarantor of the country's economic and social progress in the near future. It

seems that the entire range of political reforms and modernization of the political system outlined by the head of state may be realized if a strong government guarantees an advance toward a “full-blooded” democratic system.

## The Parliament’s Involvement in Kazakhstan’s Foreign Policy

By encouraging the dialog between parliamentarians of various countries, parliamentary diplomacy is contributing to the cause of peace and human rights, closer cooperation among nations, and stronger and more dynamic representative institutions of power. A constructive dialog between deputies makes it possible to resolve many of the problems and remove the still surviving cultural, economic, and political barriers—in our highly diverse world, this dialog is one of the bridge-building mechanisms for creating mutual understanding and cooperation between countries and civilizations.

The parliamentarians of Kazakhstan have made an important contribution to developing an independent, democratic, and dynamic state and to its international prestige. Today, the supreme legislature of Kazakhstan is working hard to promote parliamentary cooperation with many countries (the Russian Federation, CIS members, the U.S., China, the EU members) and international organizations.

On 16 November, 2005, the Majilis and the State Duma of Russia synchronously ratified the Treaty on the Kazakhstan-Russia Border—this event being one of the most graphic examples of effective bilateral parliamentary diplomacy.<sup>11</sup>

Earlier, the Kazakhstan’s parliament demonstrated its efficiency by ratifying the border agreements with China, Uzbekistan, and Kyrgyzstan, which increased mutual trust and developed friendly relations and equal cooperation among the sovereign Central Asian states.

The new laws based on the developed countries’ experience, international conferences, and seminars on the key issues of modern life stem from the parliament’s international activities.

The deputies are maintaining contacts with the U.N., OSCE, NATO, and other structures.

The parliament is focusing its attention on multisided cooperation with important parliamentary associations—the Inter-Parliamentary Union, CIS Inter-Parliamentary Assembly, EurAsEC Inter-Parliamentary Assembly, PACE, OSCE Parliamentary Assembly, the Parliamentary Union of the OIC Member States, the Asian Forum of Parliamentarians on Population and Development, as well as other similar regional structures.<sup>12</sup>

Harmonization and improvement of national legislations through multisided consultations are important aspects of inter-parliamentary cooperation. The Kazakhstan’s deputies and senators are contributing to the activities of numerous working groups and commissions to harmonize laws in the sphere of trade and economic relations, as well as security within regional organizations.

In the last few years, the parliament of Kazakhstan has discussed the most important international issues within the framework of inter-parliamentary associations and formulated several initiatives that attracted the attention of the international community.

Today, the CIS countries are using over 200 model laws and recommendations, to which the Kazakhstan’s deputies also contributed, 30 of them being drafted by its deputies. The well-oiled mechanism of international contacts allows the parliament of Kazakhstan to tap international parliamentary potential and share their own experience with colleagues from other countries.

<sup>11</sup> According to the Kazakhstan Today News Agency, 17 November, 2005.

<sup>12</sup> See: A.Iu. Volkov, “Mezhparlamentskoe sotrudnichestvo s zarubezhnymi gosudarstvami kak kliuchevoy mekhanizm v oblasti prodvizhenia natsional’nykh interesov v obespechenii ustoychivogo razvitiia Respubliki Kazakhstan,” *Perspektivy kazakhstanskogo parlamentarizma kak vazhneyshego instituta demokratizatsii i ustoychivogo razvitiia strany*, p. 224.

There are 12 groups in the Majilis engaged in cooperation with the parliaments of 40 states—all the interested sides received relevant and complete information about them. Deputies from different countries are discussing economic, political, scientific-technical, and cultural issues; they have already accumulated enough experience in information and expertise exchange in the sphere of law-enforcement and law-making. Nine Kazakhstan's deputies received CIS Medals from the CIS Inter-Parliamentary Assembly; and 35 deputies were awarded diplomas.<sup>13</sup>

In order to widen economic integration with their neighbors, the Kazakhstan's deputies are actively working in the EurAsEC Inter-Parliamentary Assembly: the best results were illustrated by synchronous ratification by the parliaments of Russia, Ukraine, Belarus, and Kazakhstan of the Agreement on a Single Economic Space.

The fact that the CIS Inter-Parliamentary Assembly passed a decision to support the Republic of Kazakhstan as the OSCE chairman in 2009 shows that the country's international prestige is high, the move being backed up by deputies from other countries and representatives of the OSCE Parliamentary Assembly and PACE.

If realized, this initiative will demonstrate that the international community has recognized Kazakhstan's progress in the democratization sphere. At the same time, OSCE chairmanship will increase the republic's responsibility for further political liberalization, protection of human rights, and preservation of ethnic and religious harmony.

The parliament plays an active role in drafting laws to ensure the republic's WTO membership (national legislation regarding the protection of intellectual property, foreign trade, technical regulation, etc. was brought into harmony with WTO standards).

In this way, the parliament is helping Kazakhstan to integrate into the global political and economic context.

It seems, however, that the potential of inter-parliamentary cooperation has not been fully tapped: this cooperation can be deepened, and involvement in inter-parliamentary structures could be made more active in order to contribute to the international efforts to deal with many of the world problems.

The parliament is doing a lot to contribute to the republic's foreign policy efforts in inter-parliamentary cooperation and has found its place and identified its role in the system of interstate relations. The Kazakhstan's parliamentarians are contributing to the republic's image of a serious and reliable partner.

## The Problems and Prospects of Parliamentarism in Kazakhstan

It should be said that parliamentarism in Kazakhstan has been developing in the context of strengthening the legislative power's political prestige. It seems that in view of the obvious need to fortify statehood, parliamentarism in the republic will develop in the following directions:

- Emphasis on professional law-making carried out in the interests of society;
- Greater role of parliamentary factions that express the interests of the politically aware voters;
- Wider and more efficient control functions within the framework of the Constitution.<sup>14</sup>

<sup>13</sup> See: S.A. Diachenko, "O roli mezhparyamentskikh svyazey v usloviyakh globalizatsii," *Diplomatiicheskiy kur'er*, No. 2, 2006, pp. 253-254.

<sup>14</sup> See: S.K. Shakirbaev, "K voprosu ob ukreplenii roli parlamenta v gosudarstvennom upravlenii Respubliki Kazakhstan," *Analytic*, No. 6, 2005, p. 46.



This will allow the parliament to influence the executive branch from a qualitatively higher level. By the same token, the government and the parliament will achieve better mutual understanding, while the deputy corps' responsibility for the state of affairs in the country will increase.

These developments will take place within the current model of the presidential republic that has proved its efficiency.

The deputy corps will have to work hard to boost the legislature's authority and teach the entire nation (not only the politically aware groups), financial structures, and economically active people to trust the parliament. To cope with these tasks, the parliament should not only work harder on improving the quality of its law-making, but also widen and improve its representative functions, tighten control over law abidance, and work more effectively in the sphere of administration, founding political forecasting, and coordination.<sup>15</sup>

The new format of cooperation between the executive and legislative branches in law-making has become obvious. When their consolidation becomes stronger, we can expect progress in the political and legal reforms now underway in Kazakhstan.

The institution of parliamentarism should be developed within the democratic modernization scheme; the parliament's role in state administration should be strengthened to increase its representative, legislative, and controlling role.

In view of the above, it is equally important to permit every deputy to use his right to initiate legislation: deputies who have numerous connections with the regions and local people, follow definite political principles, and know the situation in the regions better than anyone else should be free to pour this knowledge into bills. Deputies elected by party lists should work on bills that reflect their political principles. This undoubtedly boosts the parliament's political role and allows it to represent the interests of all social strata, as well as guarantee that the badly needed laws will be adopted.

Recently there was a lot of talk in the political, parliamentary, and juridical communities about wider powers for deputy factions representing the political parties in the parliament. It seems that this institution is gaining political weight. Today, the republican political party Otan and the Agrarian-Industrial Union of Workers public association have parliamentary factions; there are also the following deputy groups: Enbek, Auyl, Aymak, Damu, and Otbasy. At one of the Majilis plenary sittings, a group of deputies initiated bills On Amendments to the Constitutional Law on the Parliament and the Status of its Deputies and On Committees and Commissions of the Parliament of the Republic of Kazakhstan related to this issue. I think that the bills should be discussed and adopted.<sup>16</sup>

The State Commission on the Elaboration and Concretization of the Program of Democratic Reforms, set up in 2006 and chaired by President Nazarbaev, pays particular attention to the prospect of practical changes in the parliament. The commission issues recommendations on how to proceed with democratization and which specific problems should be addressed first. The parliament's greater role is one of the priorities.

The commission's working groups suggested that the parliament's powers in the sphere of budget planning and control over budget execution should be extended. Today, the commission is actively discussing certain radical changes in the country's legislature (an increase in its numerical strength to 134 deputies, half of whom would be elected in the one-member constituencies and half by party lists). It is recommended that the number of senators be increased to 68 (three senators from each region, cities with republican status, and the capital) and the president given the right to appoint 20 senators.<sup>17</sup> Time will show how this will work.

<sup>15</sup> See: E. Kononovich, "Politicheskie reformy: k demokratii cherez stabil'nost," *Kazakhstanskaia pravda*, 7 December, 2004.

<sup>16</sup> See: A. Zholshibekov, "Partiynaiia fraktsiia—status i rol v Parlamente," *Kazakhstanskaia pravda*, 7 April, 2006.

<sup>17</sup> Based on information supplied by the Kazinform Information Agency on 23 August, 2006, available at [<http://www.inform.kz/index.php?lang=rus&select=archive&section=komiss#158925>]

I am convinced that the changes should not be carried out for their own sake or according to the politicians' subjective opinions: they are needed to improve law-making in our country in order to meet the nation's demands and satisfy its requirements. A larger number of deputies should not become an aim in itself—we should aim at achieving the parliament's better performance, as well as the well-being of the country and its citizens. A larger number of deputies or even wider powers have nothing to do with efficiency. The quality of the legislature's performance and the degree of its responsibility are the most important.<sup>18</sup>

During the six months of its functioning, the State Commission made great headway in the sphere of democratic reforms; the road toward wider democracy in Kazakhstan became obvious.

The three convocations worked hard to improve the institution of parliamentary hearings on the most urgent issues of nationwide importance. Together with the cabinet hour, they are an informal method of bringing pressure to bear on the executive branch, even though the decisions are not obligatory—they are merely recommendations.

It seems that this can be changed if the parliament adopts different preparatory procedures and employs better tools: the laws related to legislative procedures should be amended to impart a higher legal status to parliamentary hearings; we should go on with parliamentary hearings devoted to the most painful issues and with circuit sittings of the standing committees, which should listen to what NGOs, public associations, academics, deputies of the local structures, and regional representatives have to say. It is highly advisable to invite experts to discuss bills at working groups; we should think about an institution of parliamentary investigation, which has already proven its efficiency in many countries.

The laws related to the parliament's involvement in cabinet making should be improved; we need a government of the parliamentary majority to tighten the parliament's control over execution of the republican budget; state administration should be decentralized; institutions of local self-government should be formed; and a gradual shift should be made toward electing people to the posts of village and district akims.

The above does not exhaust the entire range of problems related to improving law-making activities in the republic: some of them are old issues; others appear as the social process unfolds. All of them, however, should be carefully analyzed to select the best practical measures for implementing the suggestions or remedying the shortcomings.

We all know that drafting "good" laws borders on an art that requires perfection: the process is underway in all corners of the world. We should pay special attention to the drafting procedure: the language should be absolutely clear, precise, and understandable, while the laws should be absolutely clear to those to whom they relate. Today, we have world experience to rely on, and we should adapt it to the Kazakhstan's realia. The political reforms underway in the republic offer a firm foundation for the country's accelerated democratization.

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At the dawn of its independence, Kazakhstan was confronted with the urgent need to build up the social, economic, and political power and tighten administrative discipline, on the one hand, and with the need to carry out liberal democratic reforms, on the other. Today, we can assess some of the most obvious results.

1. All citizens irrespective of their ethnic origins and religious affiliation enjoy equal rights and freedoms within the republic's legal system. President Nazarbaev has repeatedly stressed that

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<sup>18</sup> See: S. Kari, "Palatochny perepolokh," *Megapolis*, No. 49, 12 December, 2005.

ethnic and spiritual harmony and cultural pluralism and tolerance are a sine qua non of progress of the nation and the state. This has been achieved.

2. There is a unique and efficient mechanism represented by the People's Assembly that keeps the dialog on national policies and ethnic issues going.
3. A dialog of cultures is underway in the republic; the state can be described as a poly-cultural structure with society bound together by common values and aims. Cultural integration is obviously rooted in the Kazakhs' centuries-old culture, who at all times have demonstrated tolerance and openness.
4. The language policy is highly balanced.
5. The state has achieved spiritual renovation, confessional harmony, and tolerance.

On the whole, the country has moved ahead in many fields because its leaders placed the stakes on gradual democratization and encouraging personal initiative irrespective of ethnic or religious affiliation; the strategy of stronger statehood and modernization ensured economic growth and welfare exclusively through competition.

This has radically changed mass consciousness; on the whole, a revolution has been accomplished in the people's minds, replacing the old stereotypes with new democratic values and a new political and legal culture.

The parliament has played an important role in these processes. Today it is the highest professional power structure with developed traditions of law-making. It aims at setting up a balanced legal basis to continue the reforms in all spheres of life outlined in the Kazakhstan-2030 program and in the president's addresses to the nation.

Broader democracy and a more developed political culture are strengthening the parliament's role in the republic's political life; its composition and control functions are being extended together with the possibilities of the initiation of bills; the cabinet is accountable to the parliament to a much greater degree than before. This is a direct outcome of the development of political parties and other institutions of civil society.<sup>19</sup>

An efficient parliament is the cornerstone of political stability everywhere in the world—Kazakhstan is no exception. I am absolutely convinced that it should concentrate on law-making to provide the country with a lasting legislative system for many years to come. In fact, it is not the number of laws but their impact on society and its sustainable development that speaks of the legislature's efficiency.

When summing up the first decade of Kazakhstan's parliamentarism, it can be said that the parliament with all its merits and demerits has become an inalienable part of the country's political system.<sup>20</sup> The accumulated experience of parliamentary activities is allowing the state to move ahead.

The parliament will remain a consolidating political force able to cope with historic tasks; it is very important to preserve the nation's confidence and move on in the same direction. To accomplish this, we should never lose sight of the country's needs, adjust our parliamentary activities accordingly, and make them more effective and conducive to a better social climate.

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<sup>19</sup> See: M. Kopeev, "Perspektivy razvitiia parlamentarizma: Kazakhstan i zarubezhny opyt," *Liter*, 8 September, 2006.

<sup>20</sup> See: U.B. Mukhamedjanov, "Desiat let v istorii chelovechestva—mgnovenie."