

NATION-BUILDING

**MANAGING DISSENT,
LIMITING RISK AND
CONSOLIDATING POWER:
THE PROCESSES AND RESULTS OF
CONSTITUTIONAL REFORM
IN KAZAKHSTAN**

Rico ISAACS

*Ph.D. candidate,
associate lecturer at Oxford Brookes University
(Oxford, United Kingdom)*

The transition in much of the former Soviet Union has not led to democracy but instead to varying degrees of authoritarianism and dictatorship.¹ Yet some states driven by endogenous and exogenous factors are pursuing a process of constitutional reform for the purpose of democratizing political processes. In the cases of Ukraine and Kyrgyzstan, among other factors, the process has been driven by the emergence of a “counter elite” that has provided an effective challenge to the incumbent power. The constitutional

¹ See: M. McFaul, “The Fourth Wave of Democracy and Dictatorship: Non-cooperative Transitions in the Post-Communist World,” *World Politics*, No. 54, 2004, pp. 212-244; Th. Carothers, “The End of the Transition Paradigm,” *Journal of Democracy*, Vol. 13, No. 5, 2002, pp. 5-21.

reform process in both Ukraine and Kyrgyzstan has been characterized by elite conflict, civic protest and the paralysis of government in both the executive and legislative branches. In Kazakhstan President Nursultan Nazarbaev believes his country is pursuing a unique model of constitutional and political reform that is defined by a moderate step-by-step process. Unlike the crises that have enveloped the process in Ukraine and Kyrgyzstan, the Kazakh model places economic stability before political reform and posits gradual democratization over radical change.² Whereas in Ukraine

² See: “Prezident veren svoemu slovu,” *Kazakhstanskaya pravda*, 17 May, 2007, available at [<http://www.kazpravda.kz/?uin=1152520370&chapter=1179348899>].

and Kyrgyzstan a counter elite emerged, Nazarbaev has been able to define the political rules of the game on his own terms by disabling the ability of competing elite and opposition groups to compete for power. However, the Kazakh specific model of political modernization does not exist in a vacuum as internal and external factors are driving the process. Externally, approval from the international community has been a driving factor; in particular, the bid for chairmanship of the OSCE in 2009 has added a sense of urgency to complete the process. Internally, the emergence of an economic counter elite, the nontransparent electoral process and conflicts between competing elite groups, were all factors contributing toward the initiation and continuation of the reform process.

On 16 May, 2007, the president announced to a joint session of parliament changes to the constitution that were to signal, in particular to the West, that Kazakhstan is finally moving to reform its authoritarian political system. In the West some analysts and political representatives responded positively to the amendments.³ The administration is arguing the reforms constitute a shift to a presidential-parliamentary system. In this context, the aim of this paper is to survey the process and results of constitutional reform in Kazakhstan. It seeks explore and address two questions: what were the factors influencing the process of reform? And what do the results of the process tell us about the nature of Kazakhstan's

³ See: "US Ambassador Favors Constitutional Amendments, but not the Exception Made for Nazarbaev," *Interfax-Kazakhstan*, 23 May, 2007; A. Cohen, "Kazakh Political Challenge," 24 May, 2007, available at [<http://www.heritage.org/Press/Commentary/cd052407a.cfm>].

political transition. In answering these questions the article will examine the three bodies⁴ created by the president that have been used as a conduit for developing a dialog between the authorities, political parties and wider civil society, thus exploring the interconnection between the endogenous and exogenous variables affecting the process. The article will also analyze the results of the process in the form of the constitutional amendments. In analyzing the activities and role of the three bodies designated as enablers of political reform, the factors driving the process, and the output of the process, this article will argue that the changes were formulated by the presidential administration as an attempt to balance the competing demands of internal and external pressures. This is reflected in a need by the president to manage dissent within the country, while at the same time promoting Kazakhstan's specific model of political modernization to the international community. However, the results of the process, which has seen the marginalization of opposition voices, suggest the president is limiting the possibility of any form of risk that challenges his position, while at the same time trying to present to the West the democratization of Kazakhstan. Therefore, the reforms amount not to a shift toward a presidential-parliamentary system, but instead a further consolidation of presidential power.

⁴ The Standing Council on Proposals for Further Democratization and Development of Civil Society (PDS), the National Commission for Democracy and Civil Society (NKVD) and the State Commission for Democratic Reform under the President are the three bodies which have slowly seen the systematic development of proposals for political modernization.

Standing Council on Proposals for Further Democratization and Development of Civil Society (PDS)

The process of political reform began in November 2002 when President Nazarbaev created the PDS. The founding of the PDS followed a crisis that occurred in the ruling elite one year earlier in November 2001 which emerged as a result of conflict between groups within the political hierarchy

over access to the sell off of state resources and the limited nature of political reform. The crisis led to the creation of the political movement Democratic Choice of Kazakhstan (DCK) and a few months later the political party Ak Zhol (Bright Path). DCK, consisting of high-level public figures from the government and business,⁵ was committed to economic liberalism and greater democratization. Arguably, the creation of an opposition party and movement that consisted of former members of the government placed pressure on the president to respond to their calls for economic and political reform.

The president appointed Deputy Prime Minister Baurzhan Mukhamedzhanov to oversee the arrangements of the body.⁶ The composition of the PDS mainly consisted of government, state and pro-presidential figures. While the door was “never closed” according to Mukhamedzhanov, the opposition, with the exception of Ak Zhol,⁷ never participated—however it is not clear whether the opposition was invited. Opposition forces such as DCK, the Communist Party, The Republican People’s Party of Kazakhstan and Pokolenie (Generation) remained outside the process.

The PDS was deficient in two areas. First, from the outset the body had no official constitutional status. It was an advisory body to the government and, therefore, constitutionally its recommendations for pursuing political reform had no legal status. The government, in general, could choose to disregard any proposals advocated by the body. Consequently, the remit and discussion of the PDS were limited and the recommendations weak and ineffectual. Second, its composition was highly skewed in favor of pro-presidential forces.⁸ This was a clear concern of Ak Zhol who noted in a statement published in *Vremia* that a recent meeting of PDS had demonstrated to them “a reluctance and lack of government participation in fair dialog. Instead of there being an objective criteria for determining who should participate in the meeting, the government gives itself the right to determine its composition alone.”⁹ Both problems highlight the tight control the executive maintained over the proceedings. As expected from an authoritarian regime it underscores how the president managed any form of dissent. Not surprisingly after eighteen months the PDS had delivered very little in terms of output.

National Commission for Democratization and Civil Society (NKVD)

In November 2004 a new commission, the NKVD, was set up by the president to continue to explore the process of political reform. The NKVD presented an opportunity for the president to repudiate claims criticizing the limited nature of democratic development in Kazakhstan. Additionally, revitalizing the reform process was a way of exhibiting to the West that Kazakhstan was a progressive force in the region important for stability and natural resources. Arguably, the president was facing

⁵ For further reading on the reasons for the emergence of DCK and the crisis that fractured the ruling elite, see: B. Junisbai, A. Junisbai, “The Democratic Choice of Kazakhstan: A Case Study in Economic Liberalization, Inter-elite Cleavage, and Political Opposition,” *Demokratizatsiya*, Vol. 13, Issue 3, Summer 2005, pp. 373-392.

⁶ See: A. Chebotarev, “PDS kak forma kvazialoga vlasti s obshchestvom,” 15 January, 2003, available at [<http://www.materik.ru/index.php?section=analitics&bulid=38&bulsectionid=2801>], 20 May, 2007.

⁷ During this period Ak Zhol was seen as more constructive with the government and the presidential administration.

⁸ See: A. Chebotarev, *op. cit.*

⁹ “Lidery ‘Ak zhola’ pozhinaiut gor’kie plody dvurushnichestva: tak s kem vy gospoda?,” *Vremia*, 26 December, 2002, available at [<http://freec.org/?nid=446>], 23 May, 2007.

internal and external pressures to re-ignite the process as inside¹⁰ and outside¹¹ the country there had been criticism regarding the conduct of the 2004 parliamentary elections.

Initially the opposition parties Ak Zhol, the Communist Party, and Alga, DVK (Forward, DCK) were invited to participate¹² and the intention “was to invite all political parties for a constructive dialog.”¹³ However, by the time the commission convened the opposition was noticeable by their absence and their reasons for not participating were threefold. Firstly, the president had signaled he might chair the commission and it was important for the opposition that the process would be a dialog between themselves and the president, however, it became evident that Nazarbaev was not going to chair the commission. Secondly, the ambiguity of the NKVD’s legal status frustrated opposition hopes that the product of the commission would result in significant constitutional amendments. Finally, the opposition believed participation did not make political sense. In their view, playing a part in a pro-presidential process would play into the hands of the presidential administration.¹⁴ The main players who made up the bulk of the commission were well-known figures from the government, prominent ministers and judiciary members.¹⁵ Perhaps wary of the criticism that was leveled at the PDS, the chair of the commission Bolat Utemuratov declared that despite their absence, “the members of the commission will take into account their [opposition parties] party programs in developing their proposals.”¹⁶

Three factors distinguished the NKVD from its predecessor. First, its status was considerably higher. As a national commission it was the forum which could provide the basis for “nothing less than a future draft of constitutional reform.”¹⁷ Second, the NKVD’s attempts to reach out to the regions and create a national dialog¹⁸ suggest, at the very least, an effort to engender a nationwide consensus on reform. Thirdly, there was a greater degree of responsibility invested in the commission. In his 2005 annual address, the president proclaimed that he believed the commission should “analyze and summarize the results of the nationwide discussion, prepare the initial legislative framework for a national program, prepare recommendations for the president and parliament on the implementation of the national program of political reforms, and coordinate the final adoption and enactment of the political reforms package.”¹⁹ Despite a higher degree of status, broader measures for dialog and significant investment of responsibility, the commission still suffered from considerable weaknesses.

The commission failed to act on its extended position because of the general nature of authority in Kazakh politics, which, as policy implemented into law, comes directly from the presidential office. Without clear guidance from the very top of the administration the NKVD seemed uncertain of

¹⁰ See: “Bolee nechestnykh vyborov my nikogda ne videli!,” *Respublika*, 1 October, 2004, available at [http://www.kub.kz/article.php?sid=6992], 18 November, 2006.

¹¹ See: *Election Observation Mission Report, Republic of Kazakhstan Parliamentary Elections, 19 September and 3 October*, OSCE/ODIHR, Warsaw, 15 December, 2004.

¹² See: “Utverzhdn sostav Natsional’noi komissi po voprosam demokratizatsii i grazhdanskogo obshchestva pri presidente,” available at [http://www.government.kz/ru/news.asp?IDspis=1676], 4 June, 2007.

¹³ “Demokratiia est’ pravlenie cherez obsuzhdenie,” *Kazakhstanskaia pravda*, 11 November, 2004.

¹⁴ Author’s interview with senior Nagiz Ak Zhol party worker, 8 June, 2007, Almaty.

¹⁵ Prominent figures included: Maksut Narikbaev, Chairman of the Kazakhstan Democratic Party Adilet (Justice), Gani Kaliev, Chairman of the Auy! Party (Village), Azat Peruashev, Chairman of the Civic Party, Dariga Nazarbaeva, Chairman of Asar Party (All Together) and deputy of the Majilis, and Berik Imashev, Assistant to the Secretary of the Security Council.

¹⁶ “V Astane otkrylos’ pervoe zasedanie Natsional’noi komissii po voprosam demokratizatsii i grazhdanskogo obshchestva pri prezidente RK,” 8 December, 2004, available at [http://www.zakon.kz/our/news/news.asp?id=31789], 20 May, 2007.

¹⁷ “Boevoe kreshchenie NKVD,” *Liter*, 9 December, 2004.

¹⁸ See: A. Dzhaganova, “V plane demokratii my daleko ne samya otstalaya strana,” *Kazakhstanskaia pravda*, 23 June, 2005.

¹⁹ *Kazakhstan on the Road to Accelerated Economic, Social and Political Modernization*, Presidential Annual Address, 18 February, 2005, available at [http://www.akorda.kz/page.php?page_id=156&lang=2&article_id=80], 25 April, 2007.

which direction to take and thus produced no output. Besides, the make up of the commission continued to be influenced by non-critical voices, it was a controlled environment whereby the presidential administration could monopolize the parameters of debate by staffing it with sympathetic representatives. The dialog, therefore, was not meaningful but theatrical.²⁰ The opposition, despite being invited, understood that to participate was to associate, and to be seen as being sympathetic and constructive with the president and implicit in supporting the direction of the president's reforms.

State Commission under the President

The murder of Altynbek Sarsenbaev, cochairman of Nagiz Ak Zhol (True Bright Path),²¹ in February 2006, demonstrated that a line had been crossed in the conflicts between elite groups.²² Since independence Nazarbaev had constructed a political system that centered on vertical chains of political and economic dependence leading only to him. Furthermore, underneath him elite groups fought among themselves for power and favors while he acted as arbitrator of the competing claims of each group. The murder of Sarsenbaev represented a serious rupture within elite politics in Kazakhstan. It was soon after this in March Nazarbaev announced the establishment of the State Commission for Democratic Reforms, a body he himself would chair.

The fact that the president was to chair the state commission gave hope to some politicians that the process this time round would be more productive.²³ The purpose of the commission was similar to that of the previous two bodies. As with the previous bodies the composition was framed in favor of pro-presidential affiliates. The opposition's unwillingness to sit down and participate in a dialog was again multi-faceted: the dominance of pro-presidential forces leading to an unproportional representation and diminishment of opposition voices, the direction the trial of Sarsenbaev's alleged murderers was taking, and uncertainty surrounding the constitutional status of the commission were all factors contributing to the opposition's reasoning for noncooperation.²⁴ Ak Zhol, however, did participate in the commission. According to one senior member, Ak Zhol decided to participate because their three conditions had been met.²⁵

There were seven areas of discussion within the commission. In the first case there was the issue of the system of electoral representation. This focused on the debate concerning the percentage of deputies elected by party list as opposed to single mandate constituencies. Second, linked to suggestions of altering the electoral mechanisms was the debate concerning the increase in elected representatives in the parliament. The general consensus was that seats in the Majilis should be increased from 77 to 134.²⁶ Third, there was a focus on strengthening the legislature by the transfer of certain powers from the president to the parliament. This featured at two levels: the transference of powers from the

²⁰ *Kazakhstan on the Road to Accelerated Economic, Social and Political Modernization*, Presidential Annual Address, 18 February, 2005, available at [http://www.akorda.kz/page.php?page_id=156&lang=2&article_id=80], 25 April, 2007.

²¹ A split occurred in the leadership of Ak Zhol after the parliamentary elections which led to three of the cochairman, Bolat Abilov, Oraz Zhandosov, and Altynbek Sarsenbaev forming Nagiz Ak Zhol. Alikhan Baimenov was left with a rump Ak Zhol Party that was considered to be on more constructive terms with the authorities while Nagiz Ak Zhol was considered far more oppositionist to the president and government.

²² Author's interview with senior National Social-Democratic Party figure, 13 November, 2006, Almaty.

²³ See: Y. Dosmukhamedov, *Atameken: Building Democracy in Kazakhstan*, Almaty, 2006, p. 26.

²⁴ Interview with senior Nagyz Ak Zhol party worker, 8 June, 2007, Almaty.

²⁵ The conditions were "the national commission to be turned into a state commission, the head of state to chair the commission and for Kazakhstan to meet the requirements for OSCE chairmanship in 2009." Author's interview with senior member of Ak Zhol, 18 January, 2007, Almaty.

²⁶ Author's interview with Senior Ak Zhol figure, 18 January, 2007, Almaty.

president to the parliament with regard to the formation of the Constitutional Council and the Central Election Commission, and to strengthen parliament by giving it greater responsibility in forming the government. Fourth, much emphasis was placed on increasing the role of political parties. By increasing the role of parliament in the formation of government the responsibility of political parties also increases, thus giving them, for the first time, a stake in the political process. Fifth, there was the question of party funding, all parties involved in the process of the commission were not surprisingly in considerable agreement over this issue.²⁷ Sixth, the direct democratic election of akims (regional governors) was given consideration. Finally, greater local government representative empowerment was another issue that received significant attention with discussion surrounding increasing the role and power of the Maslikhats (regional councils) proving a focus for the debate.²⁸

Arguably, the State Commission was a forum for debate concerning amendments to the political system that theoretically could have provided for an enhancement of democratization in Kazakhstan. The overall impression given by those involved in the process was that the possible changes would “add up to great changes in the political system,”²⁹ and would be “a great step forward for the country.”³⁰ Only Alikhan Baimenov, Chairman of Ak Zhol, sounded any note of caution, believing that “in the long-term if they [the recommendations] are all implemented it will bring positive changes because of the change in the role of parliament and parties. However, in the short-term it might cause the domination of one party at the present time.”³¹

While the state press presented the work of the commission as “a synergy of efforts of hundreds of Kazakhstan residents; experts, scientists and public communities,”³² criticisms from the opposition centered on several attributes of the process. It was felt that the proposals did not indicate a real restructuring of the political system instead they only “implied small changes.”³³ On a constitutional note, Serikbolsyn Abdil’din, leader of the Communist Party, believed the commission was unconstitutional because any political reform should be “debated and decided on by the parliament and not just the president.”³⁴ There was also criticism regarding the limited representation of the opposition. The largest criticism, however, concentrated on Nazarbaev’s role as chairman of the commission. His position illustrated that the state commission’s modus operandi was dependent on the will of one man.³⁵ From this perspective, the whole enterprise was considered a pretence because according to one analyst “all the recommendations were heard at the very first meeting from Nazarbaev himself. He had already said how and what should be done.”³⁶

The 2007 Constitutional Changes

The president announced the proposed changes on the 16 May, 2007 at a joint session of the parliament. While there were many aspects to the political changes announced, three areas in particular illustrate how the president is limiting any form of political risk and consolidating his own power.

²⁷ In all the interviews with party elites where the issue of state funding of political parties was discussed all were in favor.

²⁸ See: A. Birtanov, “Maslikhaty: novaya rol’ v obshchestve. K predstoiashchei reforme politicheskoi sistemy strany,” *Liter*, 9 June, 2006, available at [<http://www.liter.kz/site.php?lan=russian&id=151&pub=3862>], 7 May, 2007.

²⁹ Author’s interview with Altynshash Dzhaganova, Leader of the Rukhaniyat, 7 March, 2007, Astana.

³⁰ *Ibidem*.

³¹ Author’s interview with Alikhan Baimenov, 6 March, 2007, Astana.

³² *Kazakhstanskaia pravda*, 20 February, 2007, p. 1.

³³ Author’s interview with Zharmakhan Tuyakbai, 30 January, 2007, Almaty.

³⁴ Author’s interview with Serikbolsyn Abdil’din, 30 January, 2007, Almaty.

³⁵ *Ibidem*.

³⁶ Author’s Interview with Sergei Duvanov, 28 November, 2006, Almaty.

These three areas are: the development of greater pluralism, increasing the role of the legislature, and increasing the role of political parties.

Development of greater pluralism: The assertion that the reforms amounted to an increase in pluralism in Kazakhstan is based on amendments allowing for an electoral system consisting of 100% proportional representation. Therefore, all deputies would be elected by party list as opposed to the current 10%. The claim of greater pluralism needs to be understood in the context of several factors. In the first instance, one of the other amendments concerns the increase in the numbers of deputies in the Majilis, and the Senate. The number of deputies in the Majilis is to rise from 77 to 107. However, the electorate will directly elect only 98 with the remaining 9 being appointed by the inter-ethnic body the Assembly of Peoples of Kazakhstan (APK), a pro-presidential body. An additional eight senators were to be added to the current 39 making the total 47. The extra eight are to be appointed by the president which if added to the seven senators who are already presidential appointees means the president is appointing thirty percent of senators.³⁷ Moreover, the remaining senators are only indirectly elected by the deputies of the Maslikhats and not by the electorate overall. The increase in deputies in both the Majilis and the Senate point not to an expansion in the representation of the plebiscite, but instead a further increase in the president's representation in both bodies through direct presidential appointments (in the case of the Senate) and indirect presidential appointments (in the case of the nine representatives from the APK). The issue that arises with indirect presidential appointments in the lower chamber is that by adopting this system Kazakhstan no longer fulfils the OSCE requirement as stipulated in the 1990 Copenhagen document that at least one chamber of the national legislature should be freely contested by a popular vote.³⁸

A second factor is the widely discussed and anticipated direct election of regional and city Akims at all levels. Surprisingly this was not featured in the package of reforms. Instead, Akims will continue to be appointed by the president but now with approval of the Maslikhats. The requirement of the Maslikhats approval of Akims is a minimal constraint on presidential power and does not denote the expansion of pluralism. The Maslikhats are predominantly full of pro-presidential forces with Nur Otan (Light of Fatherland) holding roughly between 70-80% of all seats across the country. Consequently, the dominance of pro-presidential forces ensures local bodies will not reject the president's choice of an akim. Clearly, to allow the direct election of akims by the electorate is a far too greater risk for the president. There would be no guarantee that his preferred candidate would be elected.

Finally, the shift to a fully proportional voting system has to be viewed in connection with the conduct of the electoral process itself. A greater pluralism through proportional voting will not be possible if elections in Kazakhstan continue to be non-transparent and if they continue to fall short of international norms. This is not just through the issue of vote rigging but also the preference given to pro-presidential parties like Nur Otan in the state media during the election campaign. Not all parties and candidates have equal access to the media, as was highlighted by the OSCE report on the last parliamentary elections in 2004 and 2007.³⁹ The move to a fully proportional system while superficially indicating a deepening of pluralism in Kazakhstan, in fact highlights the president is only willing to open up the political system if institutional guarantees are in place which limits any risk to the erosion of his control of the political system.

³⁷ This is the claim of lawyers, working on behalf of Nagyz Ak Zhol, who published a comparison of the new amendments against the old constitution (see: "Politiko-pravovoi analiz izmenenii i dopolnenii v konstitutsiiu RK ot maya 2007 goda, podgotovlennyyi partiei 'Nagyiz Ak Zhol'," available at [http://www.akzhol-party.info/activity/legislation/2007/05/21/legislation_1406.html], 23 June, 2007).

³⁸ See: *Final Report of the 18 August, 2007 Parliamentary Election in Kazakhstan*, OSCE/ODIHR, 30 October, 2007, p. 1.

³⁹ The OSCE report suggests that during the 2004 election access to the media, and the tone of the coverage of political parties was highly skewed in favor of pro-presidential parties such as Nur Otan, Asar, and the Civic Party. Further info can be found in the report itself.

Increasing the role of the legislature: Increasing the role of the legislature in the political process is defined by the transfer of some powers from the president to the parliament. For some in the West this shift of powers was considered to be significant.⁴⁰ According to the constitutional amendments, the Majilis will have a much larger role in the appointment of many governmental positions, including that of the prime minister. According to Nazarbaev, “the prime minister should be nominated by the president after consultations with factions from political parties and with the consent of the majority of the deputies of the Majilis.”⁴¹ The consent of the majority of deputies is an already existing constitutional practice and does not represent any shift of power. The consultation with factions from the majority political party had already begun as an informal process during the appointment of the most recent Prime Minister, Karim Massimov. Even with this informal process constitutionalized, as long as the parliament continues to remain dominated by Nur Otan, the power invested in parliament in having a greater responsibility in the appointment of the prime minister and other governmental positions will be nothing more than ceremonial.

Further expansion of parliament’s role includes: parliament being allowed to appoint two members for both the Central Election Commission and the Constitutional Council and only a simple majority of votes within the legislature are now needed to express a vote of no confidence in the government. Stylistically, these amendments do point to a further expansion of parliamentary power. They do give parliament a greater stake in the political and electoral process by making the CEC and the Constitutional Council responsible to parliament. Yet they do not detract from the overarching power of the presidency, and this will remain the case for as long as pro-presidential parties who, with their unfair access to state and media resources, continue to win elections in conditions contrived in their favor. A pro-presidential legislature will appoint Nazarbaev-sympathetic representatives onto these two bodies. Similarly a simple majority for a vote of no confidence in the government will be meaningless as a compliant and acquiescent political force, Nur Otan, dominates parliament.

Simultaneously, while an expansion of the legislature’s powers are being offered, the constitutional amendments also subtly increase the power and influence of the president. The president will continue to appoint and dismiss the chairman of the National Bank. Previously, to carry out such an action the president required the consent of both chambers of parliament. Under the new constitutional amendments he is obliged only to seek the consent of the Senate.⁴² The most evident feature of this consolidation of power is the additional amendment, included in the package of reforms by the parliament, allowing the first president of Kazakhstan to stand for unlimited terms of office. Many critics argued that this move represented the “Turkmenbashization” of Kazakh politics.⁴³ While the specific situation may not be as dramatic as the “Turkmenbashization” of Kazakh politics given that Nazarbaev will still need to seek re-election, the amendment does in effect allow him to stand as president for life.

Increasing the role of political parties: Political parties as well as being marginalized from the political process are also weakly developed in organizational, ideological and legislative terms. Increasing the role of parties is primarily being achieved by the amendment which now allows the head of the majority party *fraktsiia* (faction) in the Majilis to discuss the nomination of the prime minister with the president. The idea behind this move was that “the party of parliamentary majority will bear the responsibility for formation and the subsequent actions of the government.”⁴⁴ Realistically, this amendment gives parties minimal influence over the executive. Discussing the nomination of the prime

⁴⁰ See: A. Cohen, op. cit.

⁴¹ “Prezident veren svoemu slovu.”

⁴² See: “Politiko-pravovoi analiz izmenenii i dopolnenii v konstitutsii RK ot maya 2007 goda, podgotovlennii partiei ‘Nagyz Ak Zhol’.”

⁴³ See: S. Duvanov, “‘Est’ situatsii kogda grazhdanskii dolg stanovitsia grazhdanskoi obiazannost’u,” available at [<http://www.kub.kz/article.php?sid=17591>], 24 May, 2007.

⁴⁴ “Prezident veren svoemu slovu.”

minister with the president is not the same as political parties nominating the prime minister themselves. Such a move, as stressed before, is of considerably less value as long as Nur Otan dominates the parliament.

The second major change is the introduction of state financing of parties. Such a move would certainly be welcomed by political parties and does infer legalization that attempts to bring transparency to party financing. However, parties will only receive state funding if they surmount the seven percent barrier required for entry into parliament. Effectively, therefore, the amendment is aimed less at developing a multi-party system, as many of the smaller parties will not reach the seven percent threshold, and more at shielding Nur Otan from constant criticism that it uses state and administrative resources.⁴⁵ This is because Nur Otan controls all the seats in the legislature and, as such, it is entitled to all state finances earmarked for political parties. Thus, in effect this amendment legitimizes Nur Otan's already all-encompassing dominance of state and administrative resources.

The final two amendments concerning political parties are: the rescinding of the restriction of state representatives being members of political parties, and the loss of imperative mandates⁴⁶ of Majilis members if they remove themselves or are expelled from their party. Both these amendments can contribute to the strengthening of political parties in the state, but not necessarily their role in the political process. Allowing state officials to become members of political parties was obviously included so as to allow President Nazarbaev to take up leadership of Nur Otan in an official capacity.⁴⁷ However, as a by-product, other state officials and members of the government have joined political parties⁴⁸ and thus, in a sense, it increases the profile of political parties. The removal of imperative mandates for Majilis deputies who are purged by their parties or who leave their parties again is a way of strengthening political parties in parliament by encouraging party discipline and loyalty. However, it is clear that it puts in place a mechanism for the presidential administration to rid themselves of any disobedient or non-acquiescent deputies. Both changes are aimed at Nur Otan and the improvement and strengthening of party cadre and party discipline.

C o n c l u s i o n

It is clear from an analysis of the course of political reform in Kazakhstan that several exogenous and endogenous factors have been driving the process. Internally, the emergence of an economic and political counter elite in the form of DCK and Ak Zhol compelled the presidential administration to embark on a mechanism for political reform. The elite crisis of 2001 drew out the closed nature of elite conflict into the public arena. In so doing, it highlighted the limitations of Kazakhstan's political modernization and the concentration of power in Nazarbaev's hands. The members of DCK and Ak Zhol were Western oriented minded figures who were considered to have contributed to Kazakhstan's post-Soviet economic success. Moreover, Nazarbaev was commended for bringing the "young Turks" into government. Therefore, after the events of November 2001 they had become independent players who constituted a threat to the president and his hold on power. In response to their emergence Nazarbaev's commitment to a process through which political reform could be negotiated was a mechanism in which he could also retrieve, shape and define the political initiative on his own terms. The reform process continued to be affected by internal factors. The NKVD was initiated in anticipation

⁴⁵ This was certainly the opinion of many opposition figures that I interviewed.

⁴⁶ Imperative mandate is based on the idea of direct democracy in that elected representatives have the freedom to carry out the will of those who elected them rather than follow any party line.

⁴⁷ Until now the President had been the unofficial leader of Nur Otan, with Bakytzhan Zhumagulov in place as Acting Chairman.

⁴⁸ See: "Akim Almaty sdelał svoi politicheskii vybor," 26 June, 2007, available at [<http://zonakz.net/articles/18273>].

of the 2004 parliamentary elections and then pursued further after criticisms from the opposition. It enabled Otan (Fatherland), the president's party, to argue that it was in support of step-by step political modernization, as opposed to instant democratization which, in their view, could jeopardize economic stability. A causal link can also be found between the re-ignition of the reform process in the state commission and contingent internal factors. The murder of Sarsenbaev made evident the opaqueness and lawlessness of political process. The president needed to respond to regain control of political events and public opinion by instituting the state commission.

At the same time as having to balance the internal phenomena that threatened the carefully integrated power structures he constructed, Nazarbaev also had to contemplate external pressures. Kazakhstan's large deposits of oil and other natural resources make it a propitious country for foreign businesses and governments, all of whom have contributed to some extent to Kazakhstan's economic growth. Therefore, being seen to be trying to meet the expectations of the international community was an important factor in the instigation and continuation of the reform process. Criticisms from the OSCE concerning the conduct of the 2004 parliamentary elections and Kazakhstan's bid for OSCE chairmanship in 2009 have been significant factors in the issue of political reform being so high up the president's agenda in recent years. In particular, the rush to push through the constitutional amendments and hold early elections were, in part, down to seeing a conclusion to the process before a decision was made on the chairmanship in November 2007.

The nature of the process itself has been defined by the president having to balance these exogenous and endogenous pressures while managing to maintain control of the process and his central locus in the power structures. This has been achieved primarily by keeping opposition forces from the table. In the case of all three bodies, the opposition were either denied participation or the terms of their participation were set in such a fashion that they were unacceptable to them, thus allowing the president to keep in check any form of dissent within the system. In preventing competing elites from participating in the process, Nazarbaev has been able to present to both the public in Kazakhstan and the international community that a mechanism of reform was in motion, while at the same time controlling the boundaries of the process so that the output would suit his political needs.

The reforms that constitute the output of the process illustrate that Nazarbaev's tactic of balancing competing internal and external pressures while keeping competing elites from the table, has proven successful. The amendments to the constitution have been presented as a significant step in the development of Kazakhstan's democracy. Moreover, it is a development that fits neatly with the president's concept of Kazakhstan having a unique model of political and economic development in the post-Soviet space. Additionally, as discussed above, some in the international community viewed the amendments as a positive step. However, the reforms do not constitute a move to greater democratization. Instead they represent a consolidation of presidential power, as power relations will continue to center on the President. The constitutional amendments are all conditioned by mechanisms which minimize the risk and uncertainty that exist at the heart of democratic processes. As a result, Nazarbaev's power is consolidated vis-à-vis the changes to the political system. The fact the process was seen as theatrical and that the reforms only strengthen Nazarbaev's power comes as no surprise in the context of post-Soviet politics. The tactics and processes used by the president have been widely applied by other heads of state to consolidate their power and control over their respective political systems. In this sense the Kazakh model of political and constitutional reform is not unique but a widely seen phenomenon across the former Soviet space.