

Parliament and Political Parties in Kazakhstan

Anthony Clive Bowyer

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Table of Contents

Summary And Recommendations	4
Introduction	7
Development Of Political Parties	9
Current Political Party Landscape	12
Nur-Otan.....	12
Pro-Presidential Parties.....	20
“Soft” Opposition.....	21
“Hard” Opposition.....	26
Political Movements of Note 1995-present.....	30
Conclusion.....	34
Parliament: the Majilis And Senate	39
Parliament and Elections.....	42
Institutions of the Parliament.....	50
Changes Introduced Via Constitutional Amendment.....	61
Countdown to 2010	63
Conclusions and recommendations	65
Works Cited	69

Summary And Recommendations

The parliament of Kazakhstan, consisting of the bi-cameral Senate and Majilis, has often been overlooked when regarding centers of power in the country. A dominant executive branch led by the President prevails in Kazakhstan, and in fact in every country in Central Asia, where traditionally the legislature and opposition political parties have been weak and relegated to an afterthought. Recent developments in the region have seen a somewhat new model of party politics emerging, one in which a strong president is complemented by a dominant “super party” in the national legislature as the result of “competitive” though well-managed elections. This trend has been seen most famously in Russia, where the United Russia party has asserted total dominance over the political landscape. Such a model may be both new and retro all at once, and is spreading into neighboring countries. In Kazakhstan this party is Nur-Otan, or “Fatherland’s Ray of Light,” which captured every seat via the new all party-list system in the August 2007 legislative elections.

To dismiss the Senate and Majilis out of hand, however, as a rubber stamp body would be a mistake. The parliament is comprised of professionals who, while working under one platform, are well-educated individuals who lobby for the regions of the country they represent and the needs and concerns of their local constituents. Perhaps somewhat ironic is the fact that an all-party list Majilis¹, the lower house of the parliament, while dominated by Nur-Otan retains an almost regional flavor to it with individual deputies working for their citizens in their home constituencies.

As will be discussed, the present, fourth convocation of the parliament, born out of the sweeping constitutional changes of 2007, represents not the

¹ As per the constitutional changes of May 2007, nine members of the Majilis are chosen from among representatives of the multi-ethnic Assembly of Peoples.

evolutionary “ending point” of parliamentarism in Kazakhstan but rather the latest stage of it. Similarly, the election law remains a work in progress in spite of the move to reduce the impact of individual candidates by moving to a system emphasizing, as one official put it, “ideas over personalities.”²

The opposition is in recovery mode from the 2007 elections at present, and one must take a look at who the opposition is and how they have developed over time into the present landscape that we see today. Does the landscape appear somewhat monotone at present? Perhaps, though a “greening” is inevitable, and one should not ignore the developments taking place within what one would incorrectly judge a dormant political environment.

This paper will examine the current state of political parties and parliamentarism in Kazakhstan, as the country prepares to lead the OSCE in 2010, offering insight into their development as well as conclusions and recommendations. Among those are:

- While strong leadership has a history among the Kazakhs, so does participatory decision-making.
- The parliament of Kazakhstan (Majilis and Senate) functions much as a parliament in any country does.
- There is genuine debate and discussion in the Majilis, in spite of the fact that all members represent or are favorably inclined towards Nur-Otan.
- Debate and discussion in the parliament mainly takes place along regional and not ideological lines.
- Deputies in the parliament are more experienced and professional than their predecessors.
- Opposition parties have undergone dramatic transition; and though generally very weak remain a potentially viable force for the future.
- The rise of Nur-Otan appears to be part of a trend towards creation of “super parties” in the former Soviet Union.

² Interview with Majilis and Senate deputies, March 19, 2008.

- Kazakhstani parliamentarians are broadening contacts with counterparts in Russia and China, and playing a more influential role in parliamentary politics in neighboring Central Asian states.
- The United States Congress must increase contacts directly with the Kazakhstani Senate and Majilis to fortify its strategic interests in the country and region, with visits and exchanges much more frequent, as well as broadening contact on key issues of mutual interest.
- The U.S. Government should consider increasing direct professional assistance to the Central Election Commission, to assist with reforms on a legal and procedural level.
- The U.S. should also maintain assistance efforts for all political parties on operating under a party list system.
- Kazakhstan is a large country, and international democracy assistance providers should do more to work on a regional level.

Introduction

The independent Republic of Kazakhstan came into being following its declaration of independence on December 16, 1991, from the Soviet Union, leaving it and the other fourteen new countries that joined it the unenviable task of quickly developing the institutions of government. The legacy of Soviet governance meant that each of the 15 newly independent states technically had a version of the executive, legislative and judicial branches in place, albeit in the form of the First Secretary of the Kazakhstan SSR Communist Party (as well as its first president - Nursultan Nazarbayev), the Supreme Soviet (legislature) and the Supreme Court. Far from being a bastion of multi-party democratic debate and discussion, the Kazakhstan SSR Supreme Soviet entered independence having undergone an election in 1990 that saw over 2000 candidates (of whom 90 represented “republican public organizations”) vie for 360 seats.

The focus of the present research is to examine the evolution of parliamentarism and multi-party democracy in Kazakhstan, using history and comparative analysis as a guide. Kazakhstan is the first of the newly independent states of the former Soviet Union to be vested with the responsibility of Chairing the Organization for Security and Cooperation in Europe, in 2010. As it prepares to assume this great responsibility, one may consider whether there is such a thing as a unique “Kazakhstani model” of democratic development, and if so, does it influence other states in the region, and does it meet the strict requirements mandated by the OSCE itself?

In 2007 the Parliament of Kazakhstan underwent its most radical transformation over a decade when seats were added to both the Senate and Majilis, with the latter body elected exclusively through a system of proportional representation, with nine members elected from within the 400-member Assembly of Peoples. This was the first time in the brief history of post-Soviet Kazakhstani parliaments that deputies were not directly elected to at least one house of the legislature (a breach of its OSCE commitments).

What can explain this phenomenon, and how can we view this with respect to the trajectory of democratic development in Kazakhstan and within the Central Asian region as a whole? Forecasting political development is never a simple task, even in Central Asia. Given Kazakhstan's importance as a key exporter of energy resources, its strategic position among neighboring world powers Russia and China, and its own hegemonic status vis-à-vis the other Central Asian states, we best become more familiar with this important country's political trends and tendencies, to both continue to engage it as a key partner as well as understand the broader implications for democracy development in the regional and other transitional democracies around the world.

Development Of Political Parties

Kazakhstan's law on political parties prohibits parties based on ethnic origin, religion, or gender. A 2002 law raised from 3,000 to 50,000 the number of members that a party must have in its ranks in order to register with the Ministry of Justice, divided up proportionally by oblast with no fewer than 700 members in each of the fourteen oblasts and two major cities. In order to gain seats in the parliament, a party must attain no less than 7% of all votes cast, a high percentage retained from the previous mixed-system parliamentary election. In an all party-list election this percentage is inordinately high. Given the weakness of the opposition and the very short turnaround time from the adoption of a new constitution to the dismissal of parliament and holding of elections (a matter of three months), any but the most organized and well-financed political parties would face serious challenges in competing. Nur-Otan's sweep of all 98 party list seats can be understood in light of the party's presidential status, its expansive platform, virtually limitless resources, and the opposition's own reliance on personality-driven politics, all within the framework of limited preparation and campaign time. To better understand the present status of party politics, one must first review the origins of organized political movements in Kazakhstan.

The first political movement that could be constituted a party, with a broad organizational structure and popular support, was the Alash Orda movement, borne out of the chaos of the civil war in the Russian Empire in 1917 and officially constituted in November of that year. The Party was formed by the intellectual elite and essentially became a Kazakh nationalist movement, the precursor of similar movements that developed in the late 1980s and early 1990s as a result of the decline of the Soviet Union and reinvigoration of Kazakh nationalism. Prior to the Alash Orda movement governance in the ethnic Kazakh territories of the steppe was divided among the Middle, Small and Great Hordes of the Kazakh Khanates, each in turn being ruled by local clans and alliances.

The events in the Russian Empire of 1917 enabled the Kazakh elite to pursue the possibility of creating a territorially-defined state for the first time with an ethnic Kazakh “home rule” majority. The Alash Orda Central Executive Body consisted of eight ethnic Kazakh members representing each of the seven regions plus the chairman³ as well as fifteen deputies of non-Kazakh origin. It is interesting to note the participation of deputies of non-Kazakh origin, which included members of Tatar-Turkic tribes, as recognition of the multi-ethnic nature of the steppe and the desire to include representatives of such groups to help legitimize the government. This legitimacy was necessary particularly to support a tottering regime in the face of serious external and internal pressures, when not all of the Kazakh tribespeople could be comfortably labeled as enthusiasts of the Alash Orda regime. The main issue seemed to stem over tribal differences and an East-West cleavage in Kazakh society at that time, which was essentially related to ownership of land. Public opinion seemed to be divided between being pro-Alash Orda or indifferent⁴.

Gazing upon the political landscape in 2008, one may find similar indifference among the general population as to the system of political parties in Kazakhstan. With five elections to parliament in the last twelve years, including two Constitutional referenda and two parliaments dismissed prior to fulfillment of their mandates, the population of Kazakhstan may have moved beyond skepticism regarding politics towards a degree of indifference, judging by the limited public engagement in the political process seen in recent years. Public skepticism with elected leaders or political parties in independent Kazakhstan is not a new phenomenon. Following the dismissal of the parliament in March 1995 and elections to the newly-constituted Majilis in December 1995 (a condition repeated in 2007), skepticism set in as more citizens believed Kazakhstan was “not a “democracy” than “was a democracy” by a difference of 44% to 36%, according to survey results. This contrasted with data from the previous year, in which 42% believed Kazakhstan was a democracy and 33% did not.⁵ In addition, in 1996, 70% of

³ Martha Brill Olcott, *The Kazakhs*, Hoover Institution Press, 1995, p. 143.

⁴ Olcott, *The Kazakhs*, p. 140.

⁵ *Public Opinion in Kazakhstan*, International Foundation for Election System, April 1997, p. 28.

persons responding to a survey could not name their deputy in the Majilis, versus only 24% who could name their representative. Further, 41% believed the country was in need of election law reform in 1996 versus 27% who felt that way in 1995⁶. Three persons in five (61%) reported that they were not interested in matters of politics and government in the country. Political party identification was just as tepid, with nearly half of respondents (44%) being unable to name a party which “best represents the views and interests of people like them.”⁷ While support for a multi-party system was high (61%) only one of the twenty parties or movements in existence in 1996 garnered double-digit support, with the Communist Party receiving the highest support at 10%. Only three others received so much as 5% or more support: the Nevada-Semipalatinsk movement (9%), the Party of People’s Unity (5%) and the Slavic Movement LAD (5%).⁸ At that time it could be said that the Kazakhstani political party system was extremely dispersed and underdeveloped with none of them having established a level of organization or record that garnered substantial identification with the public.

The nature of political parties up to 1995 was somewhat confined, with parties clearly based upon personal appeal or narrow platform interests. The Communist Party was not allowed to field candidates in the 1994 elections, thus removing from the ballot the one party that enjoyed any kind of name recognition. Fourteen years later, parties are still largely known for their leaders or leadership conflicts than for ideas. Some would argue this condition applies to Nur-Otan as well, led by President Nazarbayev.

⁶ IFES Survey 1996, p. 33.

⁷ IFES Survey 1996, p. 52.

⁸ IFES Survey 1996, p. 52.

Current Political Party Landscape

Kazakhstan's political party landscape is currently dominated by the ruling Nur-Otan party, which dominates parliament and the public debate. However, numerous other political parties exist. Outside of Nur-Otan, the present-day political parties in Kazakhstan can be grouped into three categories: Pro-presidential, "Soft" Opposition, and "Hard" Opposition. Numbering among the current Pro-presidential political parties are Rukhaniyat and the Party of Patriots. Those falling into the category of Soft Opposition are the recently reconstituted party Adilet, Ak-Zhol, Auyl, the Communist Party, and the Communist People's Party. Those in the category of Hard Opposition, those most opposed to the current leadership, include the All-National Social Democratic Party, Azat (formerly *Naghyz Ak-Zhol*) and the unregistered political movement Alga. As will be discussed, at present the political opposition in Kazakhstan is exceptionally weak and on its heels following the August 2007 elections to the Majilis. The state of multi-partyism can be seen as going through a crisis phase at present, with no party strong enough in terms of its popularity, influence, outreach, financial wherewithal, or stature to be considered an effective counterweight to official power in the country. This is of course due to a combination of factors, some directly attributable to the parties' own conduct, and much due to the political environment in which they currently find themselves, and in which they have been mired for nearly the last fifteen years.

Nur-Otan

Nur-Otan's party headquarters in Astana sit a stone's throw away from the gleaming new buildings that are home to the Senate and Majilis of the parliament. One could argue that the Majilis building itself serves as a de facto second headquarters for the party, which occupies all of the 98 party list seats in the 107-member Majilis. The 47-member Senate, comprised of 32

deputies elected by Oblast Maslikhats as well as another 15 appointed by the President⁹ (half are elected every three years with each Senator serving six-year terms) can also be considered unanimous supporters of the President. Upon entering the Majilis building one is struck not only by the numerous display cases housing the many gifts and awards presented by foreign parliamentary delegations and dignitaries, but also by the larger-than-life Nur-Otan poster that greets visitors to the building. In fact, one can hardly consider Nur-Otan without regarding the parliament, and likewise cannot consider the parliament without a discussion of Nur-Otan. Such is the present state of political affairs in Kazakhstan, where the distinction between parliament and the presidential super-party are blurred. By far the largest political party in the country, Nur-Otan has 740,000 members nationwide, with 3400 deputies serving in oblast maslikhats and lower levels of government.

Nur-Otan formally came into being in 2006 as a result of the merging of two other pro-presidential parties which had competed separately during the 2004 parliamentary elections, the Civic Party (*grazhdanskaya partiya*) and Asar (led by President Nazarbayev's daughter, Dariga Nazarbayeva) with the Otan party, which had won 4 party list seats (and 24 overall) in the 1999 elections to the Majilis. While harboring few ideological differences, the parties were united in their support for the president and the chance to compete as a "super party" in subsequent elections, with the promise of a centralized structure and the allure of being on the "winning team."

At the same time, the move signaled the decreasing independent political authority of Dariga Nazarbayeva, which had been eroding since of the President failed to make his customary appearance at the Dariga-organized annual international media conference conducted in 2005. In addition, with President Nazarbayev indicating he would run again for the presidency, it eliminated the immediate need to elevate presidential daughter Dariga to prominent role in party politics, and as a result Asar's mandate and popularity began to wane.

⁹ Eight additional deputies to be appointed by the President was added to the Constitution as part of the May 2007 constitutional amendments.

With the power of the Otan organizational structure, unlimited financial resources, and of course the backing of the president, the union of these three parties created the first Central Asian “super party” which would go on to dominate the August 2007 parliamentary elections. The high 7% party threshold added another barrier and created a nearly insurmountable hurdle for an already weakened and fractured opposition, none of whom could muster enough votes to win a single seat. The relatively modest state of financial wherewithal of the opposition, and restrictions on its ability to campaign, were two additional confining conditions for the opposition parties to deal with during the hastily-scheduled elections.

One of the more noteworthy conditions hampering parties’ effectiveness is the fact that parties still tend to revolve around one or more magnanimous personalities, and less on ideas and issue-based platforms. Even the fractured Communist Party faces this, having split into two different parties, one led by the “godfather” of post-Soviet communism in Kazakhstan, Serikbolsyn Abdildin, and the other by his former associate, the head of the People’s Communist Party of Kazakhstan, Vladislav Kosarev. The Ak-Zhol party faced a similar circumstance, with Bulat Abilov, Altynbek Sarsenbaev, Oraz Zhandosov, and Tulegen Zhukeyev breaking away from co-leader Alikzhan Baimenov to form the “True Ak-Zhol” (*Naghыз Ak Zhol*) party in 2006. They announced a merger in June before the parliamentary elections, though efforts to form an electoral bloc were rebuffed by a new law that prohibited the forming of electoral coalitions. The party did not compete independently, with their former colleagues in Ak-Zhol, now nominally pro-presidential, receiving but 3.09% of the party list vote and falling short of the minimum required to win seats. Cynics in the parties affected suggest that the fracturing of their parties was in fact orchestrated by the government or Nur-Otan. The truth may lie as much in personality clashes and egos, however, as in the nefarious actions of the government or Nur-Otan.

Nur-Otan claims to have 740,000 members nationwide, with 3400 deputies elected to oblast or local Maslikhats. Nur-Otan claims to be the only party in Kazakhstan to have representation in every electoral district in the country. In fact it certainly is the only one to have the resources to operate in every electoral district. It reaches out to constituents through its party newspaper, via its website in Kazakh, Russian and English languages, and through the

quarterly meetings that the 98 Nur-Otan members of the Majilis conduct in their “home” districts. The party’s youth wing, Zhas-Otan, has over 200,000 persons younger than 30 as members. Three have become deputies of the Majilis, and 220 (age 36 or younger) have been elected as deputies to Maslikhats at different levels¹⁰. In keeping with its emphasis on youth, the party states that every third member is younger than 30 years of age. The party is already discussing strategy for the next elections in 2012, and continues to forge alliances and work cooperatively with NGOs, private businesses, and trade unions. Indeed, one is struck at the sensation that the party is omnipresent handling affairs of the state and intends, by all appearances, to be accountable to the voters. As one deputy put it, “we won the elections. Now we have to fulfill our promises.”¹¹

As further evidence of its benevolence, the party has undertaken a number of local community improvement projects as well as instituted a grievances department, through which people can appeal to Majilis or Maslikhat deputies and file complaints. For example, in 2007 the party reports that 1727 grievances were received by the Astana branch out of a total of 66,230 nationwide. It is not clear how many were resolved successfully, but it does seem, on the surface, to challenge the notion that citizens are entirely apathetic or unenthusiastic about addressing their problems to their local Nur-Otan or local government official.

Among Nur-Otan’s most heralded achievements of the last six months is the formation of local anti-corruption councils, charged with investigating reported instances of official abuse and taking corrective action. While the typical forms of official abuse are most often associated with shakedowns by traffic police, increasingly cases have been brought to light of corruption among local government officials. With Nur-Otan dominating government at all levels, this effort amounts to essentially an internal housecleaning. Nonetheless, acknowledgement of the problem and a mandate for addressing corruption now exists on the level of government and not only on the agendas of special interest groups.

¹⁰ From Nur-Otan website, www.ndp-nurotan.kz

¹¹ Interview with members of the Senate and Majilis, March 19, 2008.

Nur-Otan underscores its strong contacts with “everyday” people and the party’s philosophy of “maximizing the intellectual potential” of every person in the country, using the “best mix of European and Asian experiences.”¹² When asked about the merits of a party list system over elections of individual deputies via single mandate, this author suggested that the exclusive party list method removes the degree of personal responsibility and accountability of each deputy to his or her region of origin, along with personal contact with constituents, creating an ambiguous collection of deputies for whom no citizen directly voted. This is typically one of the arguments levied against proportional representation systems, that direct accountability of members elected via party list is absent and they are somehow less legitimate in their position than those elected through single mandate constituency voting. However, this is often balanced by mixed systems in which a proportion of deputies are elected by either method, such as the system Kazakhstan had up until the 2007 elections. In response, the Nur-Otan senior leadership countered that the party list system is actually more legitimate than previous elections to the Majilis in that for the first time the election centered around ideas and not around personalities. In other words, the element of individuals winning seats due to their charismatic personalities was a dangerous thing of the past, to be avoided. Indeed, those who re-engineered the constitution believed the Kazakhstani electorate’s maturation allowed it to focus exclusively judging parties’ ideas for addressing the most pressing needs of the country. In this sense, Nur-Otan claims, the electorate dismissed the opposition parties precisely for their deficit of clear ideas as well as personality-driven “politics as usual.”

It can be argued that political parties in Kazakhstan and elsewhere in Central Asia have always tended to revolve around one or more charismatic leaders. In fact a public opinion survey conducted in Kazakhstan by the International Republican Institute in 2004 suggested that more voters still believe that a party’s leader was the most important factor in deciding whether or not to vote for them (38%), with the party and its ideas second (26%) and another 22% who believe both factors are equally as important¹³. Looking back eight years, when asked whether people were more likely to vote for a candidate

¹² Interview with Nur-Otan members, March 19, 2008.

¹³ IRI Public Opinion Survey, 2004.

affiliated with a political party or one who was not, 54% of respondents would have chosen an independent candidate over a party-backed one, with 26% stating that they would more likely select a party-backed one¹⁴.

It is exactly the reliance of personalities and deficit of ideas that, in the minds of Nur-Otan leaders, doomed the opposition political parties. One could reasonably add to that argument that a deficit of funding and political space played as much a role in this, as did the fracturing of two of the more well-known opposition parties, Ak-Zhol and the Communist Party, prior to the 2007 elections as well as the prohibition of party coalitions. The irony in suggesting that personalities have been driven out of politics or discredited as a factor in parliamentary elections is, of course, the ever-present image of President Nazarbayev as leader of Nur-Otan. Nazarbayev's popularity and image as "Papa" to the masses certainly has had a positive impact on the party he governs, which is visible in the billboard and literature maintained and distributed by the party across the country.

When asked whether the party list system of voting and the 4th session of the Majilis represents the "evolutionary goal" of Kazakhstani political reformation, few were in agreement that the current system is perfect, though, it was stated, it does appear to best suit the realities in Kazakhstan, and moreover why shouldn't one party claim all the seats in the Majilis if it is the will of the people? In 2004, 57% of respondents to the IRI survey reported a "low interest" in politics, a figure which undoubtedly has risen since the 2007 elections, according to the data provided by the Association of Sociologist and Politologists of Kazakhstan in their quarterly public survey project. Results also suggest that the country is still recovering from a post-election "trauma", with a low level of political activity. Respondents were also diagnosed with a "very low level" of recognition for political parties, with an equally low level of interest in politics and the work of political parties¹⁵. Dr. Bakytzhamal Bekturganova, Head of the Association, suggests that Nur-Otan and the government is "seriously out of touch with the rest of the country," that they are operating in a vacuum and are unable to see the "real situation" beyond their own immediate interests, while the opposition,

¹⁴ IFES Public Opinion Survey in Kazakhstan, 1996.

¹⁵ Public Opinion Survey, Association of Sociologist and Politologists of Kazakhstan, December 2007, www.asip.kz

stinging from electoral defeat and the massive changes in the political landscape, is at present “weak and passive.”¹⁶

One metaphor used more than once to describe the current state of Nur-Otan (by members themselves) and the state of the parliament was that a “crystallization” of the system had taken place after the August 2007 elections. Whether this crystallization was natural or artificial remains to be seen, as does the verdict on whether the process has led to a desirable result.

Nur-Otan in The Parliament

Though dominant in the Majilis for at least the next five years, Nur-Otan does not appear to take for granted its role as custodian of a multi-party political system. Though vocal of other parties’ failure to successfully oppose them, they do make an attempt to reach out to citizens, businesses and other political parties through a forum known as the Citizens Alliance of Kazakhstan, with whom Nur-Otan shares a Memorandum of Understanding. This forum is set up as an all-inclusive “open microphone” type of discussion opportunity in which ideas can be freely shared and criticisms expressed. Opposition parties interviewed confirmed the Nur-Otan has led such outreach sessions, though dismissed them as ideologically biased. Actual levels of public participation were difficult to ascertain, though it is true that Nur-Otan members of parliament are required on a quarterly basis to visit their constituencies for no less than ten days, which evokes the irony of how a party-list elected parliament in essence functions as if its members were individually elected. The answer is, of course, that by winning all of the 98 seats in the Majilis Nur-Otan has the ability to meet with constituents in all Oblasts and major regions of the country without exception, having members in parliament from most major cities in each oblast of the country. In addition, television coverage on state-run channels is frequent, and showcases the party’s latest initiatives.

Nur-Otan keeps abreast of the mood of the electorate through quarterly surveys conducted through its Center for Social Research, via which it measures the problems and issues most pressing to voters. The surveys provide data based on which the party makes any necessary “course

¹⁶ Interview with Dr. Bakytzhamal Bekturganova, March 21, 2008.

corrections.” Bakytzhamal Bekturganova confirmed that Nur-Otan contacts her Association regularly to obtain comparative polling data, though often does not agree with the results.

If debate cannot be reasonably had within a one-party parliament on ideological grounds, then on what basis can we compare this parliament with those in other fully-fledged or emerging democracies? How do we assess the state of parliamentary democracy in Kazakhstan in 2008, less than two years removed from Kazakhstan’s ascension to the Chairmanship of the OSCE? The casual observer might invoke the dreaded “rubber stamp” moniker or suggest Nur-Otan’s status as a Super-Party. The latter of these statements invariably elicits a negative response from Nur-Otan members, who consider the Super-Party term more in line comparatively with the Communist Party of the Soviet Union, not a progressive party in post-Soviet independent Kazakhstan. As for the rubber stamp notion, it is dismissed as well though acknowledged that disagreements with the president on substantive issues are few and far between. “It cannot happen,” remarked one deputy, “we are all from the same party.”¹⁷

Still, members of parliament have the right to voice their opinions during parliamentary sessions and object to particular courses of action proposed. For example, deputies cannot approve of ministers appointed by the Prime Minister, but they do vote on his choice for Prime Minister. If members of parliament don’t vote to confirm the nominated candidate for prime minister candidate, the president must nominate a different one. They can discuss the merits of the individual cabinet ministers but they don’t have any power to vote against them, as outlined in the constitution. This was one of the constitutional amendments approved in 2007, as previously it was President who appointed the Cabinet of Ministers.

Party fractions in the parliament have “serious discussions” on major issues including: the state budget, development of Kazakhstan’s territory, social protection, cultural issues, tariffs and tax law. Taking exception to the notion of the fourth convocation of the parliament being entirely submissive to the

¹⁷ [Interview](#) with members of the Senate and Majilis, March 19, 2008.

president, deputies in both the Senate and Majilis insist that the government “has no cart blanche over this parliament!”¹⁸

If there are any internal disagreements among Nur-Otan members, it exists on a regional basis. Deputies do hold spirited discussions on issues such as resource allocation and infrastructure development, arguing in favor of their “home” regions, a condition unique to Kazakhstan’s party list system and resulting one-party parliament. This now allows deputies to function as individuals within the party structure. Competition along regional lines within Nur-Otan is likely to continue. The party dismisses any notion of disunity and points out that they have the only political party capable of addressing all regional needs systematically. It can be argued that not all parties are capable of mounting national programs to the degree that Nur-Otan is, although as will be seen many claim a high level of activism in all oblasts (among these the “soft” opposition People’s Communist and Auyt parties).

The lack of a serious political opposition from among the ranks of political parties or individual leaders does not necessarily signal that there is no opposition whatsoever to speak of; rather, it may lay in “islands of power”¹⁹ related to business leaders or oligarchs within Kazakhstan that affect the course of discussion to a greater degree than other forces outside of the president or parliament. Though not a topic of the present paper, the role of the business elite does bear serious consideration when contemplating the centers of power beyond the president and his Nur-Otan party.

Pro-Presidential Parties

Rukhaniyat

The Rukhaniyat (‘Rebirth’) Party is a small party that was registered in 2003. Led by Altynshash Zhaganova, it tends to support the ruling government’s position. Zhaganova is a well-known writer and worker in state television dating back to Kazakhstan’s days as a Soviet republic. The party pledges to expand the economy, address social issues and develop the spirituality of

¹⁸ Interview with members of Nur-Otan, March 19, 2008.

¹⁹ Public Opinion Survey, Association of Sociologist and Politologists of Kazakhstan, December 2007, www.asip.kz.

society. Rukhaniyat registered a proportional list consisting of nine candidates for the 2007 elections, receiving 1.51% of the party list vote in 2007, a slight improvement over the 0.44% received in 2004. It maintains a party website, www.rukhaniyat.kz, and claims a nationwide base of constituents.

Party of Patriots

The Party of Patriots of Kazakhstan (PPK) was established in 2000 and had eleven candidates on its party list for the 2007 elections. A small party, like Rukhaniyat, the PPK is sometimes critical of certain government policies, but in general supports most presidential initiatives. Led by Gani Kasimov, who once ran opposite Nursultan Nazarbayev as a candidate for the presidency, the party aims to establish a governmental system based on the rule of law and democratic principles, and promote a civil society with a market economy where living standards are raised. In addition to its party newspaper, it maintains a website www.ppk.gl.kz. Having won 0.6% and 0.75% in the 2004 and 2007 elections, respectively, it appears to lack broad appeal. The party claims to have over 130,000 members and attracts the support of military officers and the official endorsement of the Union of Officers.

“Soft” Opposition

Adilet (“Justice”)

The recently re-constituted Adilet Party, which merged with Ak-Zhol for the 2007 elections, has assumed the status of a pro-presidential party. It maintains an extensive website of information, www.dp-adilet.kz, and fights for justice and against corruption. It developed out of the foundation of the Democratic Party and the “For a Just Kazakhstan” movement in 2004. It is led by Maksut Narikbayev, and is active in its critique of government, recently criticizing a state project on economic development of the regions of the country.

Ak-Zhol (“Bright Path”)

Ak-Zhol is led by Alikhan Baimenov, who ran as the party’s candidate for president in the 2005 election. Just before that election, Ak-Zhol split, with the more vocally critical wing of the party re-registering under the name *Naghyz (True) Ak Zhol*. The only opposition party to win a seat in the 2004

elections, Ak-Zhol characterizes itself as ‘constructive opposition,’ with Mr. Baimenov later becoming a key player in the President’s Commission for Further Democratization of Kazakhstan. In 2006 the party signed an agreement of cooperation with the *Adilet* party and the two parties ran a joint list consisting of 98 candidates for the 2007 elections. Ak-Zhol advocates an independent, democratic and free Kazakhstan, and supports the fundamental values of democracy, independence, freedom and fairness. Ak-Zhol claims over 150,000 members nationally, though acknowledges that their ranks have likely thinned somewhat since the August 2007 elections. They acknowledge that the reality of their situation, and for that matter of all parties, is that they need to maintain good relations with Nur-Otan in order to advance their own interests. But when looking back at the 2007 elections, Ak-Zhol leader Baimenov acknowledged that financing and public exposure were among the biggest downfalls the party faced in order to be able to compete on a level playing field²⁰. While the party does publish a newspaper (dormant since the elections, however) and maintains a website, www.akzhol.kz, a more important, and expensive, medium is television. Baimenov outlined an interesting problem: most citizens of Kazakhstan have access to Russian Federation television, which portrays political change in other republics, the so-called “color revolutions,” in a very negative light. This affects public opinion on opposition parties inside Kazakhstan, he claims, as citizens are fearful of what their true objectives are, and see them not as potential agents of change but agents of disorder.

Baimenov believes a 50-50 split between proportional representation and single-mandate elections would be optimal, arguing that single-mandate elections are better for voters on a regional level, but the party list votes are better to “diffuse tribalism” in Kazakhstan. He admits that one of the problems is that political parties are still largely personality-driven. As with other parties, Ak-Zhol found it pointless to press their electoral grievances far in the court system, though it did try, albeit unsuccessfully. Ak-Zhol claims to be best in tune with the public interest, a public that they claim has become more religiously devout. Religion in society is seen as a positive element that Ak-Zhol has developed plans to address. Its other plans focus on literacy and empowerment of young persons. Although they cooperate with trade unions,

²⁰ Interview with Alikhan Baimenov, March 20, 2008.

their access to finances have been significantly reduced since the elections, a problem which Baimenov suggests is endemic among all opposition parties. Ak-Zhol does not participate in the Nur-Otan led “discussion groups,” instead preferring to wait to dialogue with the dominant party in the forum of parliament (should it win seats in the future). It does hold its own inclusive discussion groups in Almaty and Astana, though it was unclear whether Nur-Otan or other parties participated in those sessions.

It appears that being an outspoken member of Ak-Zhol in the regions of the country elicits a negative response these days, as those many members of the party who function in local Maslikhats and Akims must conceal their party allegiance.²¹ Of the split with his former colleagues, who went on to form True Ak-Zhol and newly renamed Azat Party, Baimenov is reflective in suggesting that all the likes of his former colleagues wanted were “money and power,” and left while acknowledging that they could not win an internal struggle for the hearts and minds of the party faithful. Baimenov added proudly that 80% of Ak-Zhol party members stuck with the party during the split. Ak Zhol gained 12.04% of the vote in 2004 but fell to just over 3% in the 2007 elections.

The Kazakh Social Democratic Party Auyl (“Village”)

Auyl was established in 2002 and promotes itself as a party for the defense of rural districts and social justice. As such it focuses on the development of agriculture and the protection of the interests of agricultural workers. Auyl furthermore supports economic and political reforms aimed at the further democratization of society, and increasing the living standards of citizens. It works cooperatively with the president and Nur-Otan (though likening it to a “communist party”)²², generally supporting the president’s policies. Auyl is headed by Gani Kaliyev and succeeded in registering 33 candidates on its proportional list, though did not have any members elected to the Majilis in the 2007 (or preceding) elections, as it earned but 1.51% of the vote. In the 2004 elections it had received 1.73% of the vote. It maintains representation in all 14 oblasts, 160 regions and in the cities of Almaty and Astana, claiming it is the only party to have such widespread support in the country. It has earned

²¹ Interview with Alikhan Baimenov, March 20, 2008.

²² Interview with Auyl party representatives, March 20, 2008.

seven seats in oblast Maslikhats and another 30 in local Maslikhats around the country.

Auyl members found the election results from August 2007 to have been “problematic,” as they feel they should have won “at least 20% of the seats.” They found it pointless to appeal the results, however, citing their experience from past elections. It goes without saying that they are against the current party list system, and feel that the system will change before the next elections. They do acknowledge having financial issues, though cited some private financing and sponsors. When asked whether they have heard of the discussion groups led by Nur-Otan, they acknowledged they had (and mentioned their own discussion clubs), but said they refused to participate in them. The party tries to meet with representatives of other parties, and participated in the *For Fair Elections* coalition. Auyl publishes a monthly newspaper for supporters, conducts regular meetings at the oblast level, holds four party meetings per year, and maintains a party website, www.ksdp-auyl.kz.

Communist Party of Kazakhstan (CPK)

The Communist Party of Kazakhstan, the original successor to the Communist Party of the Kazakhstan SSR, was reformed in October 1991 and registered in February 1994. The party has been led by Serikbolsyn Abdildin since its re-inception, and functioned as the only registered communist political movement in the country until 2004. In that year, Abdildin and prominent party member Vladislav Kosyrev split when the latter accused Abdildin of questionable fundraising practices. The resulting schism led to the forming of the Communist People’s Party, which ran as a separate party in both the 2004 and 2007 elections (failing to win seats on either occasion). Abdildin’s Communist Party boycotted the 2007 elections and has arguably suffered a drop off in prominence vis-à-vis the Communist People’s Party led by Kosyrev, which tends to support the policies of the President.

The Communist Party in its post-1991 history has frequently cooperated with other movements, having participated in the opposition coalition entities Azamat and Pokolenie (“Generation”) as well as initiating the unregistered “National-Patriotic Movement-Republic” in 1996. In 1998 it joined the “People’s Front of Kazakhstan” movement, an opposition bloc, and during the

December 2005 presidential elections the Communist Party, Democratic Choice of Kazakhstan and Naghyz Ak Zhol Party formed a coalition movement, “For a Just Kazakhstan,” and supported Zhamarkan Tuyakbai as its presidential candidate, who was soundly defeated by President Nazarbayev.

The party’s electoral history in the 1990s was consistent (if unspectacular, considering its relative popularity among all political parties during the period) after its organizational reformation, winning two seats in both the 1995 and 1999 elections. The party was not permitted to field candidates in the 1994 elections. In the 2000s once again the Communist Party sought alliances and in 2004 it joined with the Democratic Choice of Kazakhstan and won 3.4%, short of the 5% threshold and resulting in no seats gained in the parliament.

In addition to its electoral boycott of 2007, the party remains in a low intensity conflict with the Communist People’s Party for the hearts and minds of its constituents, many of whom are older-generation voters.

Communist People’s Party

The Communist People’s Party of Kazakhstan (CPPK) was registered prior to the 2004 parliamentary elections, competing with the opposition Communist Party of Kazakhstan, though not winning any seats in parliament. The CPPK, headed by Vladislav Kosarev, registered a proportional list numbering 20 candidates for the 2007 elections. Largely pro-presidential, the party promotes Marxist-Leninist ideology, but adapted to the new realities of social development. They “expected” to have won at least seven seats during the 2007 elections, and claim that were unfairly denied these seats but did not take the matter to court. While recognizing that cooperation with Nur-Otan is a necessity, they do not embrace this alliance, referring to their Nur-Otan colleagues instead as “fanatics.” The party claims that 30% of its 70,000 members are younger than age 30, addressing the charge that the party only appeals to nostalgic, older-generation citizens. They maintain contacts with other communist parties throughout the world, including those from Kyrgyzstan, China, Cuba and the Czech Republic, though described relations with Gennady Zyuganov’s Communist Party in Russia as “testy.” When describing the split with Serikbolsyn Abdildin and

the other communists, Kosarev claimed that those who split away from the CPPK were interested only in power, not in serving the people based on true Marxist ideology.²³

The party does not appear to have representatives in local government, though it holds that the actual process of the election is more important than the outcome, an oblique reference to electoral struggles at the lower levels. While unabashedly anti-western, the party leadership does agree with the OSCE on at least one thing, that the threshold, or barrier, for parties to have members elected via party list should be lowered, in the CPPK's opinion to 3%, and that each registered party should have at least some members serving in parliament. The party acknowledges having participated once in the Nur-Otan led all-party discussion groups, but refused further invitations to participate due to the "heavy-handed" nature of Nur-Otan's leadership of those sessions²⁴. The party publishes newsletters regularly and maintains a party website, www.knpk.kz.

"Hard" Opposition

Azat (former Naghyz Ak-Zhol, "True Bright Path")

The newly-renamed Azat party claims to be the most structured and popular democratic opposition party in the country. Its founders, which split with Alikzhan Baimenov's Ak-Zhol party in 2005, include famous businessman Bulat Abilov, ex-governor of the National Bank Oraz Jandosov, and the late Altynbek Sarsenbayev, ex-minister of information, murdered in February 2006. They claim their former Ak-Zhol colleagues to be "puppets of the administration," while they alone are true standard-bearers of opposition to the ruling elite.

In February 2008 the party called a congress and formally changed its name to "Azat" [Freedom] party. The name selection was the result of a contest, in which party leaders selected two names to put to a vote out of some 300 suggestions received: Azat and Azamat (the name of a political movement from the late 1990s), meaning "citizen." Azat won overwhelmingly with 88

²³ Interview with Vladislav Kosarev, March 21, 2008.

²⁴ Ibid.

votes to Azamat's 58. Other popular suggestions included Akikat (truth), Adal (honesty), and even the names of some political movements, which already exist, such as Adilet (justice) and Atameken (fatherland).²⁵ The re-branding of the party included not only a new name, but a leadership shake-up as well (Abilov was elected party chairman). Party leaders hope that the makeover will infuse new energy and momentum into attempts to open up Kazakhstan's political system.

The party, which still needs to register with the Ministry of Justice (rarely an easy or straightforward process), abandoned its policy of having three co-chairs. Another former co-leader, Tolegen Zhukeyev, was elected secretary-general, with overall responsibility for party strategy. The third former co-chairman, Oraz Zhandosov, is likely to become a deputy leader and will remain the party's chief economic strategist.

The existence of two similarly named parties had been a source of confusion to voters, and Azat's leaders are hoping they can finally put the split behind them and create a new brand that will have public recognition by the next parliamentary election, due in 2012. The new name has positive connotations for many Kazakhstani: a movement called Azat was formed in 1990 and lobbied for independence from the Soviet Union.²⁶

Leaders of that movement, which still exists but is not active, condemned the decision to adopt the name. "We are surprised and perturbed that they have taken the name Azat, as if there weren't any other words in Kazakh," the movement's former chairman, Toleubek Seytkaly-uly, said during a March 4 news conference, as reported by the Interfax-Kazakhstan news agency. The party claimed that the parliamentary vote was marred by widespread fraud, as have been previous elections, according to Zhukeyev. Votes are regularly stolen from the opposition, Zhukeyev said, who added that if conducted fairly, the party would have gained 30 to 40 percent of the vote.²⁷

As Kazakhstan continues to be hurt by the effects of the global credit crunch, and as public dissatisfaction rises along with the country's inflation rate,

²⁵ Joanna Lillis, "Kazakhstan: Opposition Party Tries to Make a Fresh Start," *Eurasia Insight*, 4 March 2008.

²⁶ Ibid

²⁷ Ibid

Abilov's demand that the party of power must take responsibility is not lost on many Kazakhstanis. Therein lies political opportunity, Abilov believes. Azat's leaders insist they don't need seats in parliament to influence the legislative and policy process, and are able to put pressure on the regime from the outside.

Azat, which will now have to seek re-registration under its new name, plans to draw up a three-year political strategy and a longer-term program, "Azat-2012," to prepare for the next parliamentary elections. It will be pushing for laws to improve the lives of ordinary people, Abilov said, singling out several priorities: making public information about foreign companies' role in energy exploration, resource export issues, labor migration restrictions, setting up a public-service TV channel; bringing laws on elections, the media, and freedom of assembly into line with OSCE commitments; introducing elections for all mayors and governors; and lobbying for Kazakhstan to join the Council of Europe.²⁸

All-National Social Democratic Party (NSDP)

Following his unsuccessful presidential bid in 2005, Zharmakhan Tuyakbai established the NSDP in January 2007. In June 2007, before the elections were called, it announced its intention to unite with True Ak Zhol jointly run candidates. In the end it won 4.62% of the vote, which was good enough for second place but not enough to gain any representation in parliament. NSDP positions itself as a radical opposition. The party platform emphasizes the establishment of democracy, rule of law, and a socially-oriented state, an innovative economy and a new 'humanist' system of politics, as well as the principles of the social-democratic movement.

The weakness of the All-National Social-Democratic Party is that, like many parties, it does not enjoy broad, genuine popular support. Tuyakbai appears to have lost a measure of his political prestige after his defeat in the last elections; he has done relatively little to maintain his hard-won image of a political leader.²⁹

²⁸ Ibid.

²⁹ Tuyakbai finished second in the 2005 presidential election with 6.61% of the vote.

The party appears somewhat distant from alienated from the ethnic values of Kazakhs. Such popular demands as the promotion of the Kazakh language in public offices, or social and financial aid to repatriated Kazakhs, have never been on the priority list of the Social Democratic Party. Ironically, party Tuyakbai comes from South Kazakhstan, the most densely Kazakh-populated region, with a host of lingering social problems. When Tuyakbai toured South Kazakhstan during the presidential election as part of his election campaign, residents of the cities of Shymkent and Turkistan posed many questions on how he was going to address the long overdue problems of improving of education and medical service standards, the rising costs of public utilities, and unemployment. Zharmakhan Tuyakbai walked away with “another heap of promises.”³⁰ Nevertheless Tuyakbai remains a well-known figure through his ability to mount a serious opposition. Although more successful in this regard than other individuals, his popularity and drawing power over the long term are, at best, questionable.

Alga (“Forward”) People’s Party (unregistered)

The Alga Party, still unregistered and not a participant in the 2007 elections, faced a leadership void in 2007. In spite of the apparent disarray, the party’s headquarters office in Almaty is relatively opulent by the standards of most opposition parties in Kazakhstan, maintains two newspapers, conducts its own public opinion surveys, and monitors the work of parliamentary deputies. They appear not to share the same challenges of funding as their opposition cohorts, yet appear part of a reactive political opposition instead of a proactive one.

Alga emerged from the banned, former Democratic Choice of Kazakhstan (DCK) after that movement weakened in early 2005. The DCK had been among the country’s strongest opposition groupings before its demise. Alga has had continual issues with registration, being denied registration four times since its inception. The decision to apply for registration was adopted at the founding conference of the newly born movement, which took place on September 10, 2006. Since then, the Ministry of Justice has repeatedly declined to register the party under various pretexts. Opposition leaders

³⁰ Marat Yermukanov, “Election Authorities in Kazakhstan Warn of Black PR Syndrome,” *Central Asia-Caucasus Analyst*, 25 July 2007.

capitalized on the delayed registration of Alga to win back public sympathy, albeit with little success. Similar protest actions in support of Alga were simultaneously organized by opposition activists in some regions, but failed to gain popular support.³¹

Political Movements of Note 1995-present

Republican People's Party (RNPK)

In October 1998, after a reported falling out with President Nazarbayev, former Prime Minister Akezhan Kazhegeldin announced the formation of the Republican People's Party (RNPK) and his decision to run in the 1999 presidential elections. Soon thereafter, the government declared his candidacy void due to an administrative conviction for participating in an unsanctioned public gathering. In October 1999, members of the opposition founded the Forum of the Democratic Forces of Kazakhstan to strengthen their efforts against the increasing power of President Nazarbayev. Kazhegeldin was named chairman of the Forum, though obstacles erected by the government as well as internal organizational stunted its development. For two years it remained nearly dormant and in the end Kazhegeldin himself had to flee the country and seek exile abroad.

Azamat

In 1996 the *Azamat* political movement was founded by former prominent government officials Peter Svoik, Murat Auezov, and Galym Abilseitov. *Azamat* attempted to play the role of "constructive opposition," and formally registered in 1999 to participate in parliamentary elections of that year. It did not reregister in 2003, a prerequisite for participation in the 2004 parliamentary elections. In 2003, Auezov accepted a government-funded position as the head of the National Library. In late 2001, Svoik joined forces with the Republican People's Party and the People's Congress to form the United Democratic Party, whose slogan was "Kazakhstan without Nazarbayev." Neither party, however, participated in the 2004 elections. Because both *Azamat* and the United Democratic Party were plagued by a

³¹ Marat Yermukanov, "Kazakh Opposition Forces Press Government for Genuine Democracy," *Central Asia-Caucasus Analyst*, 2 May 2007.

lack of funding, neither became a viable force capable of opposing Nazarbayev. In fact, neither the first nor second generation of political opposition could effectively overcome the general problem of disorganization and lack of resources.

A key commonality that these opposition movements shared is that, during their emergence, Kazakhstan's elite base had not yet undergone the process of division and conflict that later arose as a result of diversifying economic interests. In addition to their lack of independent economic resources, opposition leaders including Suleimenov and Auezov were unable to overcome social and political cleavages that they shared with others from their generation of intellectuals. Until economic interests caused a split, elites of this generation were more or less homogenous. Their political movements thus did not represent intra-elite competition, which is important to party leadership development.³² Azamat is no longer an influential movement, having suffered from financial woes and intimidation that weakened the movement's leadership and support base.

Democratic Choice of Kazakhstan (DCK)

The Democratic Choice of Kazakhstan movement represented a new stage in the evolution of opposition movements in Kazakhstan, if not all of post-Soviet Central Asia, brought on by the emergence of a new economic cleavage within the country's previously homogenous elite. In November 2001, ten years removed from Kazakhstan's declaration of independence, the growing authoritarian rule of President Nazarbayev experienced perhaps its most significant political challenge to date. The DCK movement was created by elements of Kazakhstan's business and political elite to challenge the leadership of the country, and called for decentralization of political authority (via the direct election of regional governors), a strong legislature and independent judiciary to balance presidential power.

The DCK's driving force to create a competitive political system represented its desire to ensure that fair, transparent, and impartial laws would apply to

³² Barbara Junisbai, "Democratic Choice of Kazakhstan: A Case Study in Economic Liberalization, Intra-elite Cleavage, and the Political Opposition," *Demokratizatsiya*, Heldref Publications, Summer 2005, pp. 6.

everyone, including the president's family and associates-irrespective of position in the patrimonial hierarchy.

The government's response to the new political movement was quick and decisive. In an early speech, then-Prime Minister Kasymzhomart Tokaev condemned the DCK and demanded the resignation of "all those who disagree with the government's policy and wish to be involved in political movements," calling the movement's founders "nonprofessionals" and "schemers." Within weeks, DCK members holding government posts were replaced through presidential decree, and criminal charges alleging tax evasion and misuse of office were filed against the movement's two most outspoken leaders, Galymzhan Zhakiyanov and Mukhtar Ablyazov. Unknown "hooligans" shot up a television station sympathetic to the new movement, and firebombs were detonated in the offices of a newspaper run by one of DCK's founders.

As a result of this pressure, some of the DCK's original members renounced their support for the movement, while others outright withdrew their participation. Some joined to create the new, moderate Ak-Zhol political party. Zhakiyanov and Ablyazov were jailed on criminal charges. Foreign observers, including the OSCE, characterized their trials as suspicious and politically-motivated.

In the case of the DCK, the opposition's key interests and political agenda is more fully understood in the context of, and in opposition to, "the existing clientelistic or patrimonial system rather than the expression of competition between clans or other traditional forms of social cleavage."³³ Although many of their founders had managed to amass large personal fortunes, they were "not permitted to compete with those in the inner circle made up of Nazarbayev's family and close associates."³⁴

³³ Barbara Junisbai, "Democratic Choice of Kazakhstan: A Case Study in Economic Liberalization, Intra-elite Cleavage, and the Political Opposition," *Demokratizatsiya*, Heldref Publications, Summer 2005, pp. 12.

³⁴ *Ibid*, pp.12.

As Barbara Junisbai writes in *Demokratizatsiya*:

As many Central Asian political observers have noted, Kazakhstan's political opposition is the most developed in the region in terms of its organizational abilities and resources. Armed with their own financial assets, direct experience with and knowledge of the government's decision-making processes, as well as public relations savvy, they have yet to translate these organizational advantages into the creation of a wide base of popular support. Sergei Duvanov, a well-known Kazakhstani journalist, has criticized the opposition's inability to rouse public sentiment in its favor, noting that not only is Kazakhstan far from Ukraine in terms of its chances for mass support for widespread political change, but also that Kyrgyzstan's opposition has been more successful at garnering public support than have their counterparts in Kazakhstan. At the same time, Duvanov argues ...that as the initial elite split that the DCK signaled continues, and as more of the elite flock to the opposition and take their government experience with them, the opposition will grow more credible and stronger, and there will be greater chances for real political reform.³⁵

In the years since DCK's primacy among alternative political movements, the opposition has stagnated and largely failed to generate public excitement or work under a unified banner, and was later officially banned.

For a Just Kazakhstan

Perhaps the most significant event that occurred in 2004 was the resignation of Otan party leader and parliamentary speaker Zharmakhan Tuyakbai in the aftermath of the parliamentary elections. Publicly condemning local election officials for deliberately rigging the election results and stating that he could no longer represent a party that had won due to fraud, Tuyakbai joined the opposition and was elected the chair of the opposition coalition For A Just Kazakhstan. The For a Just Kazakhstan (also known as For a Fair Kazakhstan) political movement was founded by a coalition including the Communist Party of Kazakhstan, the Ak Zhol Party and Democratic Choice of Kazakhstan as an opposition coalition to nominate a single candidate in the 2005 presidential elections. Gearing up for the 2006 presidential elections, this "radical opposition" united with the express purpose of presenting a unified political platform and nominating a viable single candidate for president. For a Just Kazakhstan advocated democratization of the political system, election of the regional governors, investigation of corruption cases involving the

³⁵ Ibid, pp. 17.

family of the president Nazarbayev and the fair redistribution of national wealth.³⁶

Tuyakbai was officially declared the united opposition's presidential candidate in March 2005. Many political analysts in Kazakhstan have concluded that Tuyakbai's defection to the opposition signaled the continuation of internal conflict and division within the country's political elite. Taken together, these developments suggest that Kazakhstan's current political evolution is a "direct result of an ongoing intra-elite competition, which was brought on by the twin processes of economic liberalization and interest diversification among the country's elite."³⁷

The For a Just Kazakhstan opposition alliance suffered numerous attacks and incidents of harassment against its members throughout the year preceding the presidential elections in 2005. In May, a group of men stormed a For a Just Kazakhstan meeting and threatened to kill Tuyakbai, who escaped unharmed. Several people suffered minor injuries while police on the scene reportedly did not intervene to stop the violence. In November 1995, For a Just Kazakhstan member Zamanbek Nurkadilov was found shot dead in his home, and two nephews of Naghyz Ak Zhol leader Altynbek Sarsenbayev were beaten by off-duty police officers.³⁸ As with other inspired political movements this decade, For a Just Kazakhstan's leadership suffered under pressure and intimidation. It eventually would form the All-National Social Democratic Party and run for seats in the 2007 elections.

Conclusion

The present state of multi-partyism in Kazakhstan would seem to suggest a period of pause and reflection for the opposition, which has been fragmented due to internal dissention and external pressures. While some parties such as Adilet and Azat have plans to play the role of overseers of the parliament and

³⁶Pannier, Bruce. "Kazakhstan: Can Opposition Compete In Presidential Elections?" RFE/RL Daily Report, August 22, 2005.

³⁷ Barbara Junisbai, "Democratic Choice of Kazakhstan: A Case Study in Economic Liberalization, Intra-elite Cleavage, and the Political Opposition," *Demokratizatsiya*, Heldref Publications, Summer 2005, pp. 15.

³⁸ Freedom House, *Freedom in the World* report, 2006.

government, their overall popularity remains a question among a very skeptical, depressed electorate. Nur-Otan has successfully fended off all challengers though a mix of bullying and immense, almost bottomless, financial and political resources. The current period will undoubtedly give way at some point to a more pluralistic system, though the prospects of outside voices being heard and listened to remains questionable in the short term, even with the seemingly well-intentioned efforts of Nur-Otan to reach out to other political parties and movements.

At the same time, opposition in Kazakhstan tends to be resilient, and although on the surface its apparent dormancy can be described in terms of self-assessment and reconstitution, the present state of multi-partyism in which a single party dominates should not be taken as a given over the longer term. Political opposition will revitalize, though it will require several conditions to be fulfilled. First, political parties must develop along the lines of platforms and ideas, and move away from personality-based politics. It is perhaps inevitable that some level of politics based on personal charisma or notoriety should continue in Kazakhstan; it is in fact a common feature of politics in many parts of the world and especially in post-communist transitional states. It is a sign of the overall immaturity of the political system that personalities should still by-and-large define the political system. Even Nur-Otan faces this dilemma; the ever-pervasive image of Nursultan Nazarbayev still defines the party. Nur-Otan, though, has worked hard to be a party of ideas, enjoying of course the tremendous resources, notoriety and other benefits that go along with being a presidential party-in-power.

Opposition parties, which have fought hard (in some cases) to define themselves based on a platform of issues, have continued to find themselves on the margins of the political spectrum or overshadowed by parties with far better resources. Lack of funding was a recurring theme in discussions this author had with several opposition political party representatives; while they were loathe to admit this was a factor, quite truly it was among the most serious impediments they face. So, too, are the legal restrictions that parties generally must confront in funding and contributions, though some parties

such as Alga appear to be a bit more buoyant in this regard³⁹. Nevertheless, most parties operate with very limited resources and must learn how to perfect their grassroots campaigning efforts in order to become influential at the national level.

Opposition parties must also recognize that the party list system of voting, while an inherent disadvantage, is nevertheless the system that currently exists, which requires them to adjust their tactics in order to compete. Granted, parties had precious little time to prepare for the August 2007 legislative elections, and were ill-prepared to compete on an all party-list basis. Moreover, the ban against electoral coalitions, which was allowed in previous elections, meant that each party was truly on its own. With a 7% electoral threshold and the requirement that parties achieve a certain percentage per each oblast or major city, it was a tall order for any but the strongest parties with the most resources at their disposal to hope to compete. Ironically it was Nur-Otan itself which represented perhaps the grandest of party coalitions, when it merged with the Asar and People's parties, well before the 2007 elections.

While it is inevitable that some form of single-mandate voting will return to the Kazakhstani electoral system, as the requirements of an OSCE-member state (let alone one to lead the organization in 2010!) demand that at least one house of parliament have its deputies elected directly, such is not the case now and parties need to plan accordingly. This will mean old-fashioned, grassroots political activity in the regions of the country which over time will allow the expansion of a party's base. Again, however, funding limitations and a fairly narrow operating environment will prove extremely challenging, though not impossible, to the opposition in this regard.

Another dilemma surfaces for political parties with limited resources: the ability to project platform positions across all issues. While those which base themselves on one major issue, such as the revitalization of Kazakh language or on environmental issues, may gain a measure of popularity, they hardly

³⁹ It is well-known that many opposition party leaders are also businessmen, with the implication that those parties benefitting from their leadership's personal fortunes do so with the approval of the government, which has the ability to intervene decisively should the use of those personal fortunes for political activities become "offensive" to the regime.

will generate enough support to be considered a major national movement capable of having large numbers of deputies elected to parliament. As long as restrictions against electoral blocs remain in place, such parties will continue to poll low single digit numbers, at best. Likewise, parties who attempt to generate national platforms on issues affecting all voters tend to suffer from “overstretch” and dilution of their message by taking on more than they can easily demonstrate their ability to affect. In other words, voters remain skeptical that any party can or will improve the general situation in the country (one of the reasons why political parties and individual parliamentarians still remain fairly low in name recognition and popularity), especially those lingering in the opposition. Parties may have platforms, but the lack of demonstrated achievement together with the ever-present personality issue makes their real popularity suspect.

Looking generally at Central Asia, successful opposition parties are few and far-between. One that may have evolved into more of an ideas party rather than one relying on personalities is the Islamic Renaissance Party of Tajikistan (IRPT). It should immediately be noted, however, that this party is the only one of its kind in Central Asia; nowhere else are religion-based political parties allowed to register. In the case of Tajikistan, this came about as a result of the June 27, 1997, National Accords on Peace and Reconciliation signed between the Government of Tajikistan and the United Tajik Opposition, of which the IRPT was a leading member. Said Abdullo Nuri’s death in 2006 brought about significant changes. While not a classic, soap-box politician, Nuri did have great personal appeal as the leader of the Islamic opposition movement during the 1992-1997 Civil War. His passing brought the rise of the moderate Mohiaddin Kabiri, who assumed the party’s leadership mantle.

With its obvious ideological orientation towards Islam, the party has nevertheless functioned as a progressive “loyal” opposition that has attracted many more new followers than the government would like to acknowledge, based on genuine ideas and plans to address poverty, unemployment, education, labor migration, and human rights, among other issues. This is even more remarkable considering the exceptionally tight operating environment in which they exist. Kabiri, a Ph.D holder who unlike Nuri wears western dress and is fluent in several languages, including English, is

far more moderate in his approach and willing to work with the government without compromising the party's ideals, in spite of continued repressions and defections of conservative party members. Yet the party's focus remains on its policies, not on its leaders. While such a party by law could not even register in Kazakhstan (in fact any hint of Islamic political activity brings about harsh counter-measures by the government), it is at a minimum proof that ideas can triumph over personality-driven politics in the region.

Opposition political parties in Kazakhstan have truly moved from needing basic organizational assistance or help in campaigning or strategizing to becoming a more sophisticated "loyal opposition" that doesn't blindly accept its fate as outsiders to the political process but which does not continue to keep itself perpetually at odds with the authorities. This is not to say that opposition parties need to "fall into line" or begin attending the Nur-Otan sponsored discussion clubs, but rather focus on positive elements and connecting with voters on a grassroots level that they have previously not seen or been energized to see.

Parliament: the Majilis And Senate

When regarding Kazakh parliamentary tradition, one needs to begin by looking at the traditional “council of biis” that prevailed from the 15th to the 18th centuries. Though not a nation-state in the traditional sense, the Kazakh nomadic civilization under the Khans did live under a legislative system in which regulated the Khan’s authority by a strict customary law called “tore.” The Khan was elected by a council of biis, which had important consultative, administrative functions that shared the power of khan.⁴⁰ The Courts of bii used in their practice the traditional customary laws (adat) and the laws of Islam. Later, the Russian imperial administration would use this system in its governance over the region of what is now Kazakhstan. One other way of understanding the biis are as all-Kazakh congresses making collective decisions based on the guidance of the three Kazakh tribal unions or great hordes (*zhuzes*) Tole-bi, Kazbek-bi and Aiteke-bi. Decisions in communities in many parts of Kazakhstan today follow a form of this tradition, with Councils of Elders serving as unofficial decision-makers among clans or extended families in villages. This phenomenon is common throughout Central Asia, with the sage wisdom of Ak-Sakals governing community relations in Kyrgyzstan, in Uzbekistan through *Mahallas*, and in Tajikistan through *Av'lods*.

The erosion of Russian imperial power coincided with the rise of a young intellectual elite in the Kazakh territory promoting Kazakh national consciousness and identity and promoting land rights and autonomy. This eventually led to the short-lived *Alash Orda* government⁴¹, which nominally governed parts of northern Kazakhstan and presided over the three main tribes during the early period (1916-1919) of the Russian Revolution. Upon

⁴⁰ Anuar Galiev, “Traditional Institutions in Modern Kazakhstan,” The Slavic Research Center, 1998.

⁴¹ As discussed in the section of this paper dealing with political party formation in Kazakhstan.

consolidation of power by the Bolsheviks over the regions of ethnic Kazakh predominance, a Supreme Soviet was set up as the exclusive domain of the Communist Party of Kazakhstan (as part of the Communist Party of the Soviet Union) to serve as legislature of the eventual Kazakh Soviet Socialist Republic.⁴²

Following its formation Alash Orda was described as a “progressive and revolutionary force” and was “supported by the masses in large measure.”⁴³ In terms of other political movements, there was a growing pro-Bolshevik contingent who believed that the Bolsheviks would make good on their promises of equitable land reform and preservation of an autonomous Kazakh homeland. While some of the intellectual elite saw the writing on the wall and joined ranks with the pro-Bolshevik faction, others including Kolbai Togusov formed a socialist political caucus called *Ush Zhuz* from among the supporters of the young intellectuals’ *Berlik* (“Unity”) organization⁴⁴. *Ush Zhuz* did not enjoy a particularly long shelf life in Kazakh politics and soon disbanded, with its members later joining the Communist Party. Other groups of young intellectuals also formed in the waning days of Russian imperial rule to raise ethnic Kazakh consciousness, including *Erkin Dala* (“Free Steppe”), *Igylykti Is* (“Good Deeds”), *Jas Qazaq* (“Young Kazakh”) and *Umyt* (“Hope”), each of which were forerunners to the Alash Orda movement publishing extensively in local newspapers such as *Qazaq*.

The Supreme Soviet of the Kazakh SSR first formed in 1937 on the establishment of the union republic’s constitution, and behaved much the same way as its fellow republican legislatures in the other fourteen Soviet Socialist Republics up until the dissolution of Soviet power in 1991, that is, as an obedient republican legislature under the strict purview of the Communist Party. Technically the deputies in the Supreme Soviet of the Kazakh SSR gained their seats via elections, thirteen of them to be precise, in the life of the republic, with the first taking place on June 24, 1938. Forty years later, the

⁴² The Kazakh territories were initially included as part of a “Kirghiz Autonomous Soviet Socialist Republic from 1924 and later as the Kazakh Autonomous Soviet Socialist Republic until 1936, when it achieved full Union Republic Status. Source: Abazov, Rafis. *The Palgrave Concise Historical Atlas of Central Asia*, Palgrave Macmillan, 2008, maps 34-39.

⁴³ Martha Brill Olcott, *The Kazakhs*, p. 140.

⁴⁴ *Ibid* p. 141.

Kazakh SSR's constitution was modified, which somewhat changed the way deputies were elected and formally confirmed the Supreme Soviet as the "highest organ of state power."⁴⁵ The legislature dealt with the issues and concerns of the republic and, as with all other union republics, ultimately deferred to Moscow on issues such as budget and development. The damage done to the republic during the years of Soviet Communism, including the disastrous impact of the Virgin Lands project on the Aral Sea as well as the long-term health effects of the horrific nuclear testing program at Semipalatinsk, were certainly issues considered in the Supreme Soviet of the Kazakh SSR, though deference to Communist Party prerogatives and priorities set in Moscow took precedent. Only in the waning days of Soviet power did issues such as these evoke a political response, with the Semipalatinsk (Nevada-Semipalatinsk) movement becoming an influential interest group with international recognition and renown. It was on the basis of giving up the inherited nuclear stockpile that President Nursultan Nazarbayev made his name as leader of independent Kazakhstan; he was certainly a well-known quantity prior to this time as one of the staunchest backers of Michael Gorbachev and, ultimately, Boris Yeltsin during the coup attempt in August 1991.

One challenge that pre-dated the environmentally-based and nationalist political movements of the late 1980s involved an ethnic dispute concerning the party leadership in Alma-Ata. In 1986 the Soviet authorities in Moscow installed a Russian official, Gennady Kolbin, as first secretary of the Communist Party of Kazakhstan. Thousands of Kazakhs rioted in Almaty to protest the ouster of Dinmukhamed Kunayev, a Kazakh official who had held the post since the 1960s. The Soviet leadership had replaced Kunayev in an attempt to eliminate the corruption associated with his government. Exactly how many people died in the riot is unclear, though over twenty years later memories of the incident remain fresh in the minds of those who recall this almost unprecedented challenge to a decision made by the central party leadership.

In the mid-to-late 1980s cracks began to appear in the Soviet political system that were reflected at the republic level. The Kazakh uprising against the

⁴⁵ <http://www.parlam.kz/Information.aspx?doc=5&lan=ru-RU>

appointment of Kolbin generated several days of protests and streets riots in Alma-Ata, which many claim was a portend of other local issues that would hasten the fall of Soviet power (the next being the Nagorny Karabakh conflict between the Armenian and Azerbaijani SSRs which erupted in 1988). While Soviet rule was never threatened in Kazakhstan, the events did revive a sense of Kazakh nationalism that would lead to new political associations and movements by the end of the decade, and ultimately lead to the rise of Nursultan Nazarbayev. These movements included the Nevada-Semipalatinsk movement, the ethnic Kazakh parties *Alash*, *Azat*, and *Zheltoksan*, and the ethnic Russian movements *Edinstvo* and *Vozrozhdyenie*.

Kolbin was a supporter of the extensive political and economic reforms that Soviet leader Mikhail Gorbachev had begun to implement in the mid-1980s. In 1989 Kolbin was transferred to Moscow, and Soviet authorities appointed Nazarbayev, at the time a prominent Kazakh official, in his place. In March 1990 the USSR Supreme Soviet selected Nazarbayev for the newly-established post of president of the Kazakh SSR. Nazarbayev ran unopposed in the republic's first democratic presidential elections, held in December 1991, and won 95 percent of the vote. Kazakhstan declared its independence later that month, shortly before the USSR broke apart.

Parliament and Elections

There have been four convocations of the Majilis of the parliament of the independent state of Kazakhstan, with the most recent beginning in August 2007, after the early elections to the Majilis. Following the elections to the Supreme Soviet of the Kazakh SSR on April 24, 1990, that body found itself standing as the first parliament of independent Kazakhstan in December 1991. From the beginning questions arose over the qualifications of deputies to serve in the new country's highest legislative body. Party loyalty was perhaps an insufficient quality in one's resume to legislate, though in the early days of the parliament it stood for experience. Interestingly in 2007 similar questions arose about the deputies on Nur-Otan's party list, though as will be seen the professional resumes of newly-elected were arguably more accomplished than those of previous parliaments, with professional, on-the-job training a feature of the orientation process for new deputies.

Elections in 1994

The “holdover” parliament from 1990 began to serve as a voice of discontent as inflation had grown exponentially in the first two years of independence, and was ultimately “persuaded” to self-dissolve two years prior to the end of its mandate in 1995. The new parliament was designed to be a permanent, professional body consisting of 177 seats, with forty of them filled by individuals chosen by the President.⁴⁶ The first elections to the new parliament on March 7, 1994, included 135 seats competed for by 692 candidates, or roughly five for each seat. Just under 74% of voters participated in the election. Representatives of four political parties were elected, including the party of President Nursultan Nazarbayev the Party of People’s Unity (32 seats won), the People’s Congress Party of Kazakhstan (22 seats), the Socialist Party (12 seats), the Federation of Trade Unions (12 seats) and deputies from fourteen different groups. The election was carefully managed by the authorities to exclude Communist Party members and ensure Kazakh majorities. Nearly seven in ten had never held public office before, and nine out of ten came from the ranks of state or private organizations, possibly serving as a challenge to the president.

Nationalist or ethnic-based parties did not enjoy much success in the results of the election, with the Kazakh nationalist party Azat and the Slavic Union LAD-affiliated movements gaining one and four seats, respectively. An increasingly vigorous media combined with a somewhat lethargic (at least in terms of its prowess in considering and passing legislation) yet increasingly vocal parliament was hampered by a lack of legislative experience of its members, as well as the notion of the privilege of public service. This parliament, technically the thirteenth parliamentary convocation, was dismissed in March 1995 based on a constitutional court decision (resulting from a dispute filed by one complainant) which ruled that the parliamentary elections of one year prior were invalid due to administrative irregularities involving the vote counting process. Following nine months of a handpicked “People’s Assembly” to succeed the parliament in an interim period, new elections were held in December 1995.

⁴⁶ Martha Brill Olcott, *Kazakhstan: Unfulfilled Promise*, Washington: Carnegie Endowment for International Peace, 2002, p. 102.

Although the 1994 parliament, which existed for only one year, passed only seven pieces of legislation, individual members did begin to develop a sense of personal responsibility and civic duty rather than primarily using the office to accumulate political capital. As Martha Olcott points out, when discussing the “growth toward parliamentary responsibility,” parliamentary speaker Abish Kekelbayev encouraged deputies to develop committees and subcommittees to better address the business of the country, and reminded colleagues of the responsibility of the legislature to serve as a check on executive power, evoking the traditions of the historical Kazakh legislative system of “biis” which dated back to the fifteenth century.⁴⁷

The years 1994-1995 could be considered a watershed period of sorts in the short history of parliamentarism in Kazakhstan. The 1994 parliament, though it served but a year, could technically be considered the first “professional” national legislature of Kazakhstan in which deputies worked on a permanent basis. However, major lessons were learned both by the deputies and the president in terms of the role of a parliament in an emerging democracy; the president learned that the actions of a parliament elected even within severe restrictions could still not be predicted with certainty, and the deputies themselves learned the limits of parliamentarism in newly-independent Kazakhstan.

1995 Elections – The First Convocation of Parliament

The December 1995 elections were the outcome of a constitutional reform process that led to the passing of a referendum by nationwide vote on August 30, 1995, with 81.9% of voters voting in favor of the changes, which created a two-chamber parliament consisting of the upper house, the Senate (with members serving six year terms, half elected every three years) and the lower house, or Majilis (with members elected for five-year terms). The forty-seven member Senate consisted of forty deputies elected from oblast and city Maslikhats, with seven members appointed directly by the president. The Majilis featured 67 members elected in single-mandate constituencies.

The December 1995 elections saw 24 deputies elected from Nazarbayev’s Party of People’s Unity, 12 from the upstart and nominally opposition

⁴⁷ Martha Brill Olcott, *Kazakhstan: Unfulfilled Promise*, pp. 109.

Democratic Party, 21 from various trade unions and youth organizations loyal to the President, and the remaining seats divided up between the new Communist Party (2 seats) and independent candidates.⁴⁸ 58 deputies were male and 9 female. Deputies came with a variety of academic and professional qualifications, with all deputies having a higher education with seven having achieved doctoral degrees and another 10 *Kandidat Nauk* degrees.⁴⁹ Thus began the “first convocation” of the new two-chamber Kazakhstani parliament.

1999 Elections – The Second Convocation of Parliament

In 1999 Kazakhstan featured the first parliament in Central Asia to have a portion of its parliament elected via party list. It is interesting to consider the state of political parties during this time; as mentioned in the section on political party formation the condition of political parties was relatively weak and tenuous at best, with none but the old Communist Party (banned from running as such in the 1994 elections) garnering even 10% of the support of the population in survey polls. The mixture of single mandate constituencies and party list seats was still tilted towards individual candidates, who undoubtedly had greater appeal and recognition locally than did political party platforms. This has been and continues to be an inherent weakness of political parties in the post-Soviet sphere, which tended to be associated more with charismatic leadership and less with ideas. Political opposition began to organize more concretely after the 1995 elections, with the Azamat movement forming in 1996.⁵⁰

The Azamat Party considered itself a “constructive” (read: “soft”) opposition and was comprised of a three-person team of intellectuals and former civil servants, who advocated reform of the current system of government. They were joined by the Republican People’s Party of Kazakhstan (RNPK), a “hard” opposition which sought to replace the presidential system of power. This party was led by the former Prime Minister-turned-opposition Akezhan Kazhegeldin. Kazhegeldin was disqualified from the party list for the Majilis elections. This was due to a deficient appeal for a contempt of court conviction based on an earlier “administrative penalty”, which was later

⁴⁸ Olcott, Martha *Kazakhstan: Unfulfilled Promise*, p. 113.

⁴⁹ <http://www.parlam.kz/Information.aspx?doc=5&lan=ru-RU>

⁵⁰ Political party formation during this period is discussed separately in this report.

dropped from the list of penalties barring the registration of candidates. One day after the disqualification, Mr. Kazhegeldin was detained in Moscow, based on an unrelated arrest warrant issued by Kazakhstani authorities.

Following the developments, the RNPK withdrew from the party list election, citing a prior decision taken by the party congress not to run if Mr. Kazhegeldin was not registered. These were the most serious opposition parties, though the small People's Congress of Kazakhstan (formed in 1991) and the Republican Party of Labor and the Kazakh nationalist party Alash also claimed positions mildly critical of the president. The remaining parties to compete were all pro-presidential, and included the newly-minted OTAN ("fatherland") party, the new Civic Party, the Communists, Agrarian Party, and the Kazakhstan Renaissance Party. A similar system which governed the 1995 elections was in place, with 67 of 77 Majilis seats elected via single mandate constituencies and 10 via party list, with a high 7% threshold in place.

The small number of seats and application of a 7% threshold for participation in the allocation formula, considered relatively high in comparison with standard thresholds used in more established democracies, limited the number of parties that would benefit. As an initial gesture it represented a significant opportunity to strengthen political party structures as opposed to reliance on individual political personalities in local constituencies. However, the introduction of proportional representation for this small number of seats with the high threshold attached offered little risk of upsetting the existing power base in the Parliament. The republic-wide constituency for the seats elected through the party list ballot reflects the national support for competing political parties. Opposition groups claimed that this made it particularly important as a means of illustrating the breadth of opposition to or support for the President's programs in general.⁵¹

Results showed that 60% of the 77 deputies elected to the Majilis were incumbents or employed directly by the state, with another 26% emerging from the ranks of commercial enterprises. While only 39% of incumbent Majilis deputies were re-elected, more than half of the candidates from

⁵¹ OSCE/ODIHR Final Report, *Republic of Kazakhstan – Parliamentary Elections*, 10 and 24 October 1999, p. 5.

Akimats were elected.⁵² Only four parties were able to surmount the 7% barrier, including OTAN (30.89%, 4 seats), the Communist Party (17.75%, 2 seats), the Agrarian Party (12.63%, 2 seats) and the Civic Party (11.23%, 2 seats). In the single mandate elections, 20 of the 67 seats were won by OTAN, with 9 more from the Civic Party and one each by the Communists, the Agrarian Party, and the opposition RNPK, with the remainder going to government-associated or business persons. Considering itself the only “real” opposition party, the Communists maintained at least a nominal representation, though the “hard” opposition parties, the RNPK and Azamat, were nearly shut out.

2004 Elections – The Third Convocation of Parliament

In the 2004 elections to the Majilis, which again featured 77 seats, ten elected via party list, four parties of 12 who competed successfully passed the 7% threshold, including Otan (60.61%), the opposition party Ak Zhol (formed from out of the split of the Democratic Choice of Kazakhstan (DCK) movement after its two other leaders were sentenced to prison on charges widely viewed as politically motivated⁵³) (12.04%), Dariga Nazarbayeva’s party Asar (11.38%), and the AIST Bloc (a coalition of the Agrarian and Civic parties) (7.07%).

The new Democratic Choice of Kazakhstan party ran candidates in a bloc with the Communist Party of Kazakhstan (CPK), which could no longer trace its roots to the Soviet-era Kazakh SSR Communist Party. The Agrarian and Civic Parties together formed the AIST bloc for the 2004 elections.

Most of the 12 political parties registered for these elections, either individually or in blocs, described themselves as pro-presidential. The largest party was Otan (Fatherland), of which President Nazarbayev was honorary chairman. The two other main pro-presidential forces were Asar, led by Ms. Dariga Nazarbayeva, daughter of the President, and the AIST bloc, a coalition of the Agrarian and Civic parties. Sixteen self-nominated candidates also played a significant part in the campaign, although a number of these

⁵² OSCE/ODIHR Final Report, *Republic of Kazakhstan – Parliamentary Elections*, 10 and 24 October 1999, pp. 28-29.

⁵³ Cutler, Robert M. “Kazakhstan Holds Elections for a New Parliament,” *Central Asia-Caucasus Analyst*, 6 October 2004.

were members of or supported by political parties. The campaign was generally calm, with relatively few large demonstrations or rallies. After the elections, the opposition made unsuccessful attempts to request invalidation of the elections and joined in a statement that called the elections illegitimate.

The only Ak Zhol candidate elected to the parliament (Baimenov) declined to take up his seat, stating that this was in protest at the conduct of the elections. This left the Majilis without any formal opposition, as only Otan (42 total seats), the AIST Bloc (11 total seats), Asar (4 total seats) the Democratic Party (1 total seat) and Ak-Zhol (1 total seat) won seats, with 18 self-nominated candidates winning seats as well (with several of these individuals associated with Otan, formally or otherwise). The Majilis again featured deputies of high professional and academic qualification, with several *Kandidati* and Doctors of Science, lawyers, economists, engineers, journalists, and other professionals. Yet the results were once again far from satisfactory to the opposition.

2007 Elections – The Fourth Convocation of Parliament

In May 2007 a series of constitutional amendments were proposed that would fundamentally change the way deputies to the Majilis were elected, relying exclusively on the party list vote. The quantity of deputies serving in the Majilis and Senate was also changed, with 98 deputies to the Majilis elected via party list (again with a 7% threshold) with the territory of Kazakhstan representing a single national electoral district, and 9 selected by the Assembly of Peoples. The Senate increased in size to 47 members, with 8 additional members appointed by the President totaling 15 of the 47, with the remainder continuing to be elected by representatives of Oblast Maslikhats.

The Election Law was amended as well on June 19, 2007, primarily to reflect the relevant changes to the Constitution and to define a new election system. On June 20, the President dissolved the lower house of Parliament and called early Majilis elections for August 18. Maslikhat (local council) elections were already planned for 2007, but the calling of the election to the Majilis came as a surprise to some parties. While there was a keen interest by most parties to contest the early Majilis election, they had little time to prepare. As the deadline for submitting candidate lists fell less than one month after the election was called, parties had a short time to make decisions on merging

party structures and to adjust campaign strategies to the new electoral system, including the fact that parties were not allowed to form pre-election coalitions as they had been able to do in previous elections.

In late 2006, well in advance of the changes to the election legislation, the *Asar*, *Agrarian* and *Civic* parties merged with the governing *Otan* party to become *Nur-Otan*. Nazarbayev became the leader of the party on July 4, 2007. The Communist Party of Kazakhstan did not nominate candidates for the Majilis election, stating that this was in protest to changes in the election system.⁵⁴ On election night, the CEC announced an unofficial voter turnout of 5,726,544 from an electorate of 8,870,146 (64.56 per cent). There were significant differences in turnout among the regions. In Almaty City, only 22.5 per cent of registered voters participated compared to 90 per cent in Almaty region. The CEC revised voter turnout the next day.

Leaders of the All-National Social Democratic Party, Ak Zhol, and the People's Communist Party of Kazakhstan made a joint appeal to Nazarbayev, demanding that the parliamentary elections be canceled as illegitimate. The losing parties called for repeat elections and warned the president that the domination of a single party in parliament amounts to political stagnation and the resurrection of the one-party Soviet system.⁵⁵

It is not out of the question that a "one-party-dominant" system in Kazakhstan around a pro-presidential (rather than "ruling") party may lead to a genuine multiparty system that culminates in the legitimate alternation of another party in power. If that occurs, Kazakhstan's level of social and economic development suggests that it should not be necessary to wait many decades for this to come to pass. Also, the cultural requisites for a multiparty system are better established in Kazakhstan. Nevertheless, the present political system remains highly "presidential" with little substantive role for parliament. The question for Kazakhstan, under its present constitution, is

⁵⁴ OSCE/ODIHR Final Report, *Republic of Kazakhstan – Parliamentary Elections*, 18 August 2007, pp 4-5.

⁵⁵ Farkhad Sharip, "Kazakh Parliamentary Elections Resurrect Communist-Style One-Party Rule," *Eurasia Daily Monitor*, Volume 4, Issue 162, 4 September 2007.

whether the political executive will allow a multiparty system genuinely to emerge.⁵⁶

Institutions of the Parliament

Committees

The Majilis and Senate are divided into seven committees devoted to agrarian questions; legal and judicial reforms; international affairs, defense and security; social and cultural development; ecology and the environment; finance and the budgetary issues; and economic reforms and regional development. Each deputy serves on multiple committees. The committees meet regularly during the course of a well-defined parliamentary schedule, with membership determined internally by the party. In a one-party Majilis, with several current members having served in previous parliaments, Nur-Otan is able to populate the committees based on deputies' relative expertise in the subject areas and based on their knowledge of parliamentary mechanisms.

Each committee meets separately and as part of the entire Majilis or joint session of parliament along with the Senate during the course of the legislative calendar, which for the Fourth Convocation of parliament is scheduled from September 2007 through June 2008. Committees also take part in key regional questions, such as standardization of laws and approaches to CIS collective treaties or other agreements with neighboring countries, by meeting with counterparts from foreign legislatures at home or abroad. As with any national legislature, the schedule is demanding and deputies to multi-task and have the support staff to keep their schedules in order. The relatively small staff support enjoyed by deputies would seem to call into question their capacity to organize and meet deadlines, though no doubt the party provides overall organizational support and direction that helps guide their activities. Young volunteers from the Boloshak program are also playing an important role in assisting the work of individual deputies, which in turn gives them direct experience in the inner workings of parliament and sets them further along a course towards public service.

⁵⁶ Robert M. Cutler, "Kazakhstan Holds Elections for a New Parliament," Johns Hopkins University, *Central Asia-Caucasus Analyst*, 6 October 2004.

Parliamentary Fractions and Deputies' Groups

Political parties represented in the parliament as well as individual deputies on behalf of their parties have the right to form political party “fractions” as well as “deputies (interest) groups” within the Majilis. Fractions are comprised of no fewer than seven deputies representing a political party, with a deputy only able to serve in one fraction at a time. The fractions serve as would-be special interest entities, advancing discussion on important issues from their constituents to the entire Majilis. They may represent the interests of farmers, for example, or other sectors within society affected by pending or proposed legislation, which of course corresponds to their party platforms. They can also lobby other deputies on certain issues such as regional problems and weigh in on the choice of Prime Minister or members of the cabinet. The organization of fractions is highly regulated according to legislative rules and procedures. There is one party fraction in the Majilis, appropriate given its one-party status, which consists of all 98 members.

Deputies groups can form which consist of members of different political parties joining ranks on an issue-specific basis or through other common interest areas. Such groups must have the participation of fifteen members at a minimum. They work on legislation on a “bi-partisan” basis and, in theory, maintain their party lines while jointly pursuing interests of their constituents, compromising and working together to get legislation passed. In a one-party parliament the existence of deputies’ groups is essentially irrelevant, though clearly this structure can have benefits for a multi-party parliament. At present there is one deputies’ group in the Majilis, “Zhana Kazakhstanana,” which is comprised of 16 members who serve on various committees. All are members of Nur-Otan or the Assembly of Peoples.

Legislative Plans

Both the Majilis and Senate have well-defined legislative plans which guide their work from September through June. The parliamentary schedule conveniently follows a fall-to-spring approach thanks to the early August 2007 elections (parliamentary elections in Kazakhstan were previously held in the month of December). The legislative plans involve committee work in both houses, full-Majilis and Senate meetings, and joint sessions of parliament with both houses. They also meet with representatives of foreign

parliaments to discuss international laws and treaties and Kazakhstan's obligations to various international membership groups. Meetings are held quarterly, others even more frequently, and deal with all issues regarding legislative input and intervention, with committees meeting most frequently, followed by full sessions of the Majilis and Senate separately, and least frequently joint sessions of those two chambers. Topics range from agrarian reform, labor migration, climate change, financial planning and a host of other issues that most legislative bodies in the world address. The legislative plans for both houses are well-publicized and available online as well as in state newspapers.

Education of Deputies

Newly-elected, first-time deputies are "trained" to become working members of parliament through an on-the-job education process. They are presented with a package of key documentation to read and review, which is augmented by a special series of seminars through which to familiarize the new deputy with the relevant working document of parliament as well as with his or her duties and responsibilities. Entering parliament with a legal background is clearly a plus.

The key documents to be reviewed are numerous, and include the Constitution; the Law on Parliament and the Status of its Deputies; the Law on Elections; the Law on Commissions and Committees within Parliament; the Law on Normative Rights Acts; the Codes of Conduct for the Senate, Majilis, and joint Parliament; and the Informational Directory of the Apparatus of the Majilis of the Parliament, which includes fourteen sections dealing with issues such as How to Work with the Mass Media; Fostering Inter-parliamentary Contacts; Work of Parliamentary Committees; Information and Analytical Resources; How to Draft Laws; Organizational Structuring; How to Document and Record; Structural Functioning of the Apparatus of the Majilis; and Technology Training. Additional material includes a section on "Methods of Preparation of Legal Acts to be Reviewed in Parliament." The deputies also receive a crash course in the functions of the Parliament vis-à-vis the executive and judicial branches. But new deputies encounter a steep learning curve, with the pressing business of the country at hand; there is often precious little time to bury oneself in study.

As conveyed by one deputy in the Majilis “My first month was immersed in review of documentation, but that was all the time available.”⁵⁷ In describing one’s five-year term in office (for those who have been able to serve a full term without the interruption of parliamentary dismissals or calls of early elections), the same deputy stated that “the first year you are wide-eyed, the second year you begin to gain your voice, the third year you are a confident and active member of the parliament, the fourth year you begin to worry about the next election, and in the fifth year you are a lame duck.”⁵⁸

Today’s deputies are a much better-prepared lot than the group who first entered parliament in 1994, with a combination of higher education, professional accomplishments outside of government, and often international experience. A new, young cadre of parliamentarians is beginning to make itself known, with four deputies in the newly-elected Majilis younger than age 40, and another 36 deputies between 40 and 50 years of age. Still, the median age for a deputy in the Majilis is 52, with 44 deputies falling between the ages of 50 and 59 and another 23 over the age of 60.⁵⁹ Leadership in the Majilis is still dominated by experienced hands - case in point Sergei Dyachenko’s unprecedented third term out of four Majilises as Deputy Chair - as well as in the Senate, where the youth movement has yet to be felt and the media age is slightly higher (57 years of age). Women comprise two seats of the 47 in the Senate and 17 deputies of 107 in the Majilis. Ethnic minorities are present through the Assembly of Peoples (nine members) as well as through Nur-Otan’s party list, dominated by ethnic Kazakhs and, to a lesser degree, Russians.

Contact with Other Parliaments

The parliament maintains close contacts with a number of other parliaments in the former Soviet Union and other countries and international organizations. During its current session which began in the autumn of 2007 after the Majilis elections, deputies met with representatives of parliamentary

⁵⁷ Interview with Nurbak Rustemov, Chairman of the Committee on International Relations, Defense, and Security, March 20, 2008.

⁵⁸ Interview with Nurbak Rustemov, Chairman of the Committee on International Relations, Defense, and Security, March 20, 2008.

⁵⁹ www.parliament.kz

delegations from the Russian Federation, Kyrgyzstan, Greece, Mongolia, Afghanistan, Latvia, Uzbekistan, the Council of Europe, OSCE Parliamentary Assembly, CIS countries' summit, NATO, Parliamentary Union of the Organization of Islamic Confederation, and others. Contact was perhaps most frequent with members of the Russian Duma, though the breadth of contacts by the current parliament is truly international and very much in keeping with what a parliament should be doing.

As mentioned previously, one of the issues under discussion internally and with foreign governments is labor migration, certainly an issue of major discussion in many "recipient" countries in the world, including the United States. The Kazakhstani parliament has had contact with counterparts in the Jogorku Kenesh in Kyrgyzstan and the Oliy Majlis in Uzbekistan on the impact of labor migration in Kazakhstan and the rights of citizens immigrating from those countries as seasonal laborers or as permanent immigrants. The Russian Duma has also considered the question, which passed laws in 2007 tightening the laws on the number of legal migrants permitted to obtain working papers on an annual basis. Kazakhstan has thus far not established a quota, though may be heading in that direction. Both countries need skilled labor in their rapidly expanding economies, though there has been growing popular resentment in Kazakhstan (and certainly well-known cases in Russia for years) against labor migrants. This reflects a growing sense among Kazakhstanis of difference with their Central Asian neighbors, who have traditionally sent "shuttle traders" to both Kazakhstan and Russia. The situation has become more of a hot button topic with uneven economic development and unemployment in Kazakhstan, yet which is still below the surface as a major issue. This is no doubt due to Kazakhstan's multi-ethnic makeup and long history as a place of diverse nationalities. But 17 years of independent Kazakhstan and the forging of a national Kazakhstani identity has had an effect on the public's image of its place in the region, and in the world. Thus relations with Central Asian neighbors are critically important, though Kazakhstan clearly sees itself as a larger brother to these countries, which in an economic sense it most certainly is, if not in a military one as well (a notion no doubt disputable to the Uzbeks).

Relations with Russia are open and strong; both countries share an energy nexus and realize their important role as a hub of energy export. While

Russia's relations with the west have cooled of late, Kazakhstan has worked to balance both Russian and Chinese interests with its many suitors in the west. Kazakhstan's founding membership in the Shanghai Cooperative Organization (SCO) as well as pending chairmanship of the OSCE in 2010 places it in an exceptionally unique position to be a bridge between East and West, all the more reason to engage it on a full and equal level.

The parliament and its recent election have clearly had an effect on other countries in the region. Kyrgyzstan's Jogorku Kenesh held an election in December 2007 that also featured an exclusive party list vote of its ninety members, though a complicated formula for determining the winners (based on 5% of the national vote and .5% of votes in each oblast) and its subsequent interpretation by the Constitutional Court left it also with an entirely pro-government legislature. Many in Kyrgyzstan have cited a "Kazakh model" of parliamentary development as possible and appropriate for Kyrgyzstan. The controversial degree to which the Kyrgyz elections were managed, though, amidst the known vibrancy of the political parties in the country (as opposed to Kazakhstan) cast doubt on the direction of Kyrgyz democracy less than three years after its "Tulip Revolution." In fact, a "super-party" phenomenon may be asserting itself disguised by party list elections, as has happened with "United Russia," "Nur-Otan" and now "Ak Jol" in Kyrgyzstan. A "super party" which assimilates other, pro-presidential parties appears necessary only in countries where there is a credible, active opposition. Such in the case in Russia, Kazakhstan and Kyrgyzstan. It has not yet happened in Uzbekistan, as there are a number of pro-presidential "parties" officially registered (and none from the opposition) and is certainly not the case in Turkmenistan, which does not go to the pretext of needed more than one pro-presidential party. Tajikistan is a curious case in this sense, as the government has absorbed individual leaders of opposition movements (Lal'i Badakhshan, the Social Democratic Party, the Communist Party, the Democratic Party, among others) into its realm, yet the all-powerful People's Democratic Party, while behaving as a super party, has not absorbed other parties into its realm. In fact, it has spawned two new, recently-registered parties, the Agrarian Party and the Party of Economic Reforms since the last parliamentary elections in 2005, ostensibly to "compete" with the main opposition Islamic Renaissance Party, Communist Party, and the Social Democratic Party.

Staffing

Deputies in the parliament have a surprisingly small staff, with senior leaders having a main deputy, secretary, and perhaps 2-3 assistants. All offices are outfitted with computers and internet access, and have a distinctly modern feel to them. This is no surprise given the newness of the parliament buildings, and most other things in Astana's "new city." Parliamentary staff is charged with maintaining the deputies' schedules and appointments, and organizing all elements of their day, much as any parliamentary staff would function. Each deputy may bring in "volunteers" to work on their staffs consisting of university students including those in the vaunted *Boloshak* program. Several young persons were seen during a recent tour of the Majilis building serving in various capacities.

Research and Information

The Majilis and Senate both feature small libraries where deputies, or their staff, can come to conduct research and obtain information. In the Majilis, the library is staffed permanently by a team of three researchers, including a head librarian and two assistants. A random visit during a recent work day to the library found two staffers on duty. While modest by the standards of some parliaments, the library nonetheless features a number of paper titles sorted by topic area in two main rooms, with a bank of computer terminals available for internet access. Several of the publications were in English language, including many U.S. weekly journals and quarterly political science publications. According to the Deputy Head of the Information and Research Department, Mr. Arkady Babkin, the parliament will be expanding its resources to include wireless access for researchers, including students, in the near future.⁶⁰ When a deputy needs research to be conducted, he or she may do so directly, send a staff person, or more commonly make a request of the head librarian. No doubt understaffed, the library is looking to upgrade its research personnel as well as expand its holdings. There is also a parliamentary archive that is located off-site in the main library in Astana, with holdings from previous parliaments of Kazakhstan and the Kazakh SSR

⁶⁰ Interview with Arkady Babkin, Deputy Head of the Information and Research Department of the Parliament, March 20, 2008.

situated in Almaty. Access to these records, as the parliamentary library itself, is restricted and requires special permission.

Contact with Constituents

The deputies in the Majilis are required by Nur-Otan to meet their respective constituents for no fewer than ten days every quarter, through town hall-type forums and meetings. These meetings and information on deputies' visits are chronicled on the Nur-Otan website as well as through party newspapers, as well as the parliament website. Deputies are to use this opportunity to connect with constituents, who it must be said did not directly elect them, though who nonetheless represent their interests in parliament. The phenomenon of a one-party parliament affords Nur-Otan the opportunity to behave as if its members were elected on single mandate votes, by ensuring that each electoral region has either a "home grown" deputy as its representative or a designated one representing their region who will meet with voters no fewer than twenty times during the course of their term in parliament. Regular constituent surveys are also conducted. A more mixed, balanced Majilis would have forced Nur-Otan to re-think its national strategy; in essence they have achieved the best of both worlds: used the party apparatus to gain all seats in the parliament and eliminate the so-called evils of personal demagoguery, and by virtue of this "clean sweep" make personal connections with voters and establish, at least in theory, a popular base of support on an individual and party level. Apathy of the voters of Kazakhstan and the relative weakness of alternative political parties notwithstanding, the election and its results represented a "perfect storm" of sorts for the ascension and total dominance of Nur-Otan in the political life of the country.

Ethnic Dimension

Would any cleavages perhaps exist or play themselves out on an ethnic basis in the parliament? In recognition of the ethnic tapestry that is Kazakhstan, the constitutional amendments adopted in 2007 added nine members of the Assembly of Peoples as deputies to the Majilis. The nine deputies are elected by members of the 400-person strong Assembly of Peoples, who are in turn elected by lower-level assemblies. In the fourth parliamentary convocation, i.e. the present version of the Majilis, the nine deputies represent the ethnic Russian, Ukrainian, Tatar, Uzbek, Belorussian, German, Korean, Uighur, and

Balkar communities. These deputies behave as any other in their parliamentary duties and responsibilities, and are elected to office as any other, that is, indirectly. The Assembly of Peoples has been around for a decade, though it had not previously enjoyed a nine-seat quota in parliament, which officials hasten to point out “corresponds with world experience.”

Kazakhstan is one of the least ethnically homogeneous countries in the world, and the notion of designated seats being made available for some of the country’s ethnic minorities is a noble one, as the constitution prohibits political parties to be created based on a nationalist or religious basis. The Assembly’s role appears to be one of diffusing potential ethnic conflict and maintaining harmony among peoples. The members of the Assembly that this author met with hailed the institution as a harbinger of good will, though under the surface it was clear, for example, that Kazakhstani Azerbaijanis and Armenians opted not to share the same yurt as one another, so to speak. Nur-Otan members added that technically it is not a one-party parliament after all, as some of the deputies from the Assembly of Peoples were not registered with Nur-Otan.

Construction cranes continue to dominate the rapidly expanding Astana skyline, and housing is being built at breakneck speed in Almaty and other cities. Nevertheless, the global credit crunch seems to have affected the pace of construction, at least in the capital, where several projects have been delayed or faced slower timelines for completion, including the new 35,000 retractable roof sports stadium on the outskirts of Astana. The gleaming new buildings of Astana, an oasis on the steppe, are clearly part of the president’s priority and grand vision to project a new image of Kazakhstan, fueled by the earnings of the natural resource industry. Infrastructure development has been somewhat less even in other parts of the country, and unemployment remains a major concern of the population; the “problem of unemployment” was the most often-mentioned response in a question asking respondents to name the “most important issue Kazakhstan is facing.”⁶¹ Trailing closely behind were responses also addressing financial issues, “increase of living minimum” and “economy development.” The problem of unemployment was the most frequently cited problem at the local level, and “financial

⁶¹ IRI Public Opinion Survey , 2004.

difficulties” and “(lack of) jobs” were cited most commonly at the household level.⁶² “Housing problems” (47.7%) and “migration and migrants” (36%) were cited in a survey sponsored by IRI and BRIF in 2006 as areas in which there are real tensions in society along with “interethnic relations” (35.5%).⁶³

Kazakhstan’s expanding middle class is in need of affordable housing, and natural tensions are arising with groups of migrants who, ironically, have sought employment in the construction sector mainly from Uzbekistan, Kyrgyzstan and Tajikistan. While tensions with those groups do not appear to have reached a tipping point, incidents among ethnic groups already residing in Kazakhstan have raised the temperature among the public to a small though noteworthy degree, including last year’s clashes between ethnic Kazakhs and Chechens in the villages of Malovdnoye and Kazatkom, an incident which caused some soul-searching among citizens of a country that had heretofore no reason to question the level of interethnic harmony in their multi-national, multi-cultural country.⁶⁴ Members of the Senate, Majilis and Assembly of Peoples were quick to point out, however, that these were isolated events and not symptomatic of brewing ethnic discord, in spite of the Chechen diaspora leadership’s claims that facts in the case were covered up by local authorities.

One other potential cleavage with a much higher potential to cause debate among members of parliament involves regionalism. In matters of budgetary discussion, clearly among the most heated in the Majilis, deputies tend to lobby for their home regions over others’, which is a totally natural and expected condition (compare it with the congressional budget debates in the United States and the instances of “pork barrel politics”). While “bridges to nowhere” and lobster museums may not find their way into the annual budgets of Kazakhstan, economic investment and infrastructure development are hot button issues and a source of serious discussion in the parliament.

⁶² IRI Public Opinion Survey , 2004.

⁶³ IRI-BRIF Public Opinion Survey, 2006.

⁶⁴ Bruce Pannier, “Kazakhstan: Deadly Melee Leaves Unanswered Questions”, RFE/RL, 2 April, 2007.

Parliamentary Watchdogs

Among the non-governmental organizations keeping watch over the work of parliament are the Association of Sociologists and Politologists of Kazakhstan (ASIP) and the Kazakhstan Bureau for Human Rights and Rule of Law, which both have projects to monitor the work of the Parliament (Majilis). The Bureau is not supported by any donor specifically, and started this project under their own institutional support. They have established contacts with some members of parliament who have sent draft laws related to human rights to the Bureau for review, based on their expertise. The Bureau also gathers information on public activities of members of parliament, including their written articles and interviews to the press, etc. They also are monitoring the implementation of campaign promises made by the party during the election campaign and plan to make a comparison of these promises with actual results achieved at the end of the calendar year.⁶⁵ The Bureau, led by long-time human rights activist Evgyeni Zhovtis, maintains a somewhat tenuous though respected place among the few parliamentary monitoring organizations active in the country. Zhovtis is skeptical of the positive impact of the May 2007 constitutional amendments on the advancement of democracy in Kazakhstan, which he suggests led to the inevitable condition of (the return of) one-party rule in the country.

ASIP is another of the prominent monitoring groups. Which conducts public opinion polling on a quarterly basis on a variety of topics including the work of the parliament, the president, and issues related to economic and political development. ASIP, which publishes survey information on a weekly basis through the newspaper *Moskovskiy Komsomolets* and makes results available through the mass media as a whole. Members of parliament have also requested specific ASIP data to take the pulse of public opinion and compare results with those derived from their own survey research. Although the authorities do not interfere in the work of ASIP, they don't actively support this work either.⁶⁶ Survey results indicate that the country is still recovering from a post-election "trauma" and things are quiet with a low level of

⁶⁵ Interview with Evgyeni Zhovtis, Chairman of the Kazakhstan Bureau for Human Rights and Rule of Law, April 4, 2008.

⁶⁶ Interview with Dr. Bakytzhamal Bekturganova, Head of the Kazakhstan National Association of Social and Political Scientists, March 20, 2008.

political activity at present. Results from a recent survey indicate that respondents have a very low level of recognition for political parties, and moreover, a very low level of interest in politics and the work of political parties. Further, the survey suggests that Nur-Otan and the government is “seriously out of touch” with the rest of the country, that they are operating in a vacuum and cannot see the real situation beyond their own immediate interests.⁶⁷ ASIP gets funding support from a variety of sources, including both international and domestic.

Changes Introduced Via Constitutional Amendment

In May 2007 the Senate and Majilis were granted greater authority to serve as a check-and-balance over the executive branch as a result of a number of amendments to the constitution. The Senate received greater decision-making powers, including assuming the legislative powers of the Majilis if that house was dissolved by presidential decree prior to the end of its term, a prophetic development as it turned out. The parliament has now been vested with the ability to call a vote of no confidence on the government with a simple majority vote, as opposed to a 2/3 vote as required before. The government is also to be formed according to parliamentary majority, which considering the current dominance of Nur-Otan offers little drama, though in theory it could spark debate among several different parties should there be such diversity in the future. The Senate seems to be the beneficiary of the changes, as they now can appoint two members of the Constitutional Council as well as two members of the CEC.

In terms of the elections, those who designed and approved the system insist the all-party list vote to the Majilis and the 7% barrier were “consistent with European standards” and in keeping with the mentality of the Kazakhstani public.⁶⁸ Senator Kuanysh Sultanov, Chairman of the Committee for Foreign Policy, Defense and Security, acknowledged that he had expected more parties to gain seats in the new Majilis as a result of the changes, which were

⁶⁷ Interview with Dr. Bakytzhamal Bekturganova, Head of the Kazakhstan National Association of Social and Political Scientists, March 20, 2008.

⁶⁸ Presentation by Senator Kuanysh Sultanov, Chairman of the Committee for Foreign Policy, Defense and Security, Parliament of Kazakhstan, delivered at the Carnegie Endowment for International Peace, Washington, DC, April 9, 2008.

introduced to strengthen multi-party democracy and move elections away from personality-driven beauty contests. In Sultanov's words, this was done to "stimulate ideas and the electorate." It appears to have stimulated Nur-Otan, at least in the short term, and served to demoralize the opposition, which had scarce little time to prepare for the campaign. Sultanov was scarcely able to contain his disappointment at the low number of parties with representatives in the Majilis, and added quickly that the process of election law reform remains "evolutionary" and subject to further revision; to wit, a new CEC-led taskforce has been set up to include the participation of political parties, NGOs and other electoral stakeholders to study the election law and examine western experience in elections as well as the "mentality" of the Kazakh voter.⁶⁹

Whether or not subsequent discussions lead to changes in the system of electing deputies to the Majilis, it is clear that the opposition itself certainly bears some responsibility for its poor showing in the August 2007 elections. Infighting and weak leadership played a deleterious role on the standing of several parties, including the ever-present funding challenges and access to media. But the infamous split of Ak-Zhol and, some would argue, the Communist Party as well as the near obscurity of several other, smaller parties and the somewhat limited effectiveness of independent watchdog groups left the voters to ponder their real alternatives.

⁶⁹ *ibid*

Countdown to 2010

Less than two years remain until Kazakhstan assumes the rotating mantle of OSCE leadership, and while the western democracies including the United States are openly supportive, they are privately worried at the prospect of a Kazakhstan-led, Russian-inspired effort to remake the organization, long viewed as being at odds with Moscow in key areas of policy. In his speech to the Madrid organizing conference in December 2007, Foreign Minister Marat Tazhin reacted to the conditions put upon Kazakhstan by the OSCE that needed to be met in calendar year 2008 in order for Kazakhstan to formally comply with the terms of its pending chairmanship. These include amending the law on the media, reforming the election law, including liberalizing registration regulations for political parties, making media coverage of the elections more equitable, increasing the authority of local government vis-à-vis the central government, and creating a more effective system of dialogue between the government and civil society.⁷⁰ When questioned as to the progress made in these areas to date, Tazhin acknowledged that Kazakhstan was still studying the requirements, but pledged that the changes would be undertaken in the second half of 2008.

With one quarter of the year nearly passed, Kazakhstan would appear to have much work remaining to address the issues mentioned by the OSCE as essential items to be solved prior to the end of the year as a condition on their chairmanship. The CEC Taskforce thus assumes an even greater, more urgent role, as it must consider political party and media laws in addition to the election code. While it is unlikely that any special elections to the parliament will be called as a result of this process, something significant will need to take place in the area of legislative change in order for Kazakhstan to be judged compliant with its obligations as incoming Chair in 2010. One can expect, at least to start, that the 7% party list barrier and the 50,000 signature

⁷⁰ Socor, Vladimir. "Kazakhstan to Chair the OSCE: Splitting the Russia-Led Bloc?" *Eurasia Daily Monitor*, Vol. 4, No. 226, December 6, 2007.

requirement for political parties to register will be high on the list of possible changes to the code. This alone will not satisfy the OSCE, however, which will be closely watching and carefully monitoring the work of the CEC Taskforce.

Conclusions and recommendations

Deputies in the parliament recognize that Nur-Otan continues to develop itself as a professional party, and that changes to the electoral system may again take place in the future. As to the charge that a one-party parliament was the inevitable results of the May 2007 changes to the constitution, deputies indicated that each Majilis needs to be judged within its own context, and that the opposition parties focused too much on their own “protests” and not enough on real platform positions. Some in the parliament predict that perhaps in five-to-ten years “normal” opposition parties will develop that will be a legitimate political force in the country.⁷¹ Others vented their wrath at the existence of multiple Communist and “Ak-Zhol” parties as evidence that these are not serious alternatives for the Kazakhstani voter, further seen in the continuous personality clashes among opposition leaders. The current system is viewed as being more representative of the public will, where voters “finally had a chance to vote based on their real choice.”⁷² The 2007 election is viewed as having exposed the opposition, and its many personalities, as political frauds and phonies. In the past, it is claimed, deputies elected via single mandate rarely came to their home regions to re-connect with the people who elected them. In this way the party is behaving “more responsibly” by ensuring that all deputies meet their constituents quarterly, and establishing personal connections in the name of the party.

Still, the future of the parliament and its status as a “democratic legislature” would appear to hinge on the political diversity of its members. The OSCE has been critical (in spite of awarding the chairmanship in 2010) of the one-party parliament, and during a recent speech in Madrid Foreign Minister Tazhin neglected to make a “statement of commitment” on further

⁷¹ Interview with members of the Senate and Majilis, March 19, 2008.

⁷² Interview with members of the Senate and Majilis, March 19, 2008.

democratic changes in Kazakhstan. To this point the country has not met its pre-Chairmanship obligations, which it pledges to do in the second half of 2008. But one of the ongoing questions will no doubt be the composition of parliament, and it will be curious to see what pressures are brought to bear on Kazakhstan to address this issue. So far the response has been that the parliament “is what it is” and reflects the will of the people. Kazakhstan’s opposition takes exception to that claim, but clearly the voters of the country as a whole largely lay in a state of apathy, with opposition parties (both “soft” and “hard”) demoralized and weak. While there has been no indication that a special by-election of some sort will be called to address this issue (the constitutional limits of which have not proved to be an impediment in the past) it is clear that the OSCE is taking a hard look at the election, media and political party laws of the country as Kazakhstan makes ready on its chairmanship preparations for 2010. In addition, the ongoing registration saga of Alga and the impending re-registration of the newly-constituted Azat Party will test government tolerance of the opposition, which slowly is likely to overcome the shock of the events of 2007 and re-emerge in one form or another. Time will tell whether these parties will have both the idea, leadership, and organizational depth and prowess to become sustainable alternatives to Nur-Otan, or will they suffer from internal rot and continue to languish on the fringes of political life? At this point all but Nur-Otan languish at those fringes, with no clear roadmap on how to drive to the center, perhaps, but nevertheless with a vehicle at their future disposal.

With the objective of achieving a multi-party democracy in which voters choose their representatives, which embraces the highest standard of open and fair international elections, and which is recognized and lauded by other democratic countries around the world, this author recommends:

For Kazakhstan:

- The Government of Kazakhstan modify the electoral code to include direct elections to at least one house of parliament, which is a mandate under its OSCE obligations, perhaps through a more mixed system of electing deputies;
- The authorities should also consider re-instating the right of political parties to form electoral blocs;

- The 7% party list threshold should be lowered, perhaps to 5% or less;
- The CEC and lower-level election commissions include greater political diversity among its members;
- Genuine and open dialogue be conducted that respects the views of all political actors and interest groups, through either a reconstituted *Democracy Commission* or a series of *Taskforces*, such as the one organized to consider the election code, on key issues facing the country and its democratic development;
- Greater access allowed by opposition parties and movements to the media, and to sources of state financing;
- Opposition political parties and movements emphasize ideas and platforms over individual personalities, and, recognizing the financing challenges that many face, increase their reach to a more national level;
- Increased transparency about the inner workings of parliament and executive decision-making, and wider access to public opinion research data on their work and the opinions of citizens through publication of results;

For the United States and other international partners:

- Increased contact and cooperation on a congress-to-parliament level, with increased exchange of delegations and visitor programs;
- Careful monitoring of real changes in legislation and practice in Kazakhstan as part of the conditions set forth in the awarding of the 2010 OSCE Chairmanship;
- Intense study of the parliament of Kazakhstan as a developing, emerging institution and power center;
- Direct assistance to the parliament through academic and research exchanges, provision of administrative and structural analysis and recommendations, and joint committee creation to address global issues such as climate change, labor migration, and long-range agricultural production in addition to the existing security and energy cooperation;
- Professional assistance to the Central Election Commission in reforming election laws and procedural implementation;

- Continued support for political party development, a free and open media, and a diverse civil society.

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