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**GAUGING THE IMPLEMENTATION  
OF DEMOCRATIC NORMS FOR NATION-BUILDING IN KAZAKHSTAN**

Being located in the center of Eurasia, Kazakhstan has long been at the intersection of ancient civilizations of world and at the crossroads of major transport arteries. Thus it has been a site for a negotiation of social and economic, cultural and ideological relations between East and West, North and South, between Europe and Asia. At different stages in history, Kazakhstan has been home to many nations with distinctive cultural histories which have, in turn, been absorbed into modern Kazakhstan. In the pre-1991 period, the first and foremost issue that the Central Asian countries confronted was the issue of nation-building. The experience was that the Central Asian elite belonged to the most conservative and hardline element of the Soviet political establishment, which strongly resisted Mikhail Gorbachev's policy of Glasnost (openness) and democratization. Even during the Perestroika period, the Central Asian leaders perceived the emergence of various opposition parties and groups in their Republics as a direct challenge to their position and power. They were preoccupied with the idea of preventing «unproductive and damaging reforms» and of consolidating their power without democratization and radical changes in political and state institutions. This, did not stop the discussion of possible «models of development» for the Central Asian Republics (CARs), which dominated the intellectual discourse in the region throughout the 1990s. It was especially intensive in Kazakhstan, Kyrgyzstan and Uzbekistan on the eve of the dissolution of the Soviet Union and during the very first stage of independence. A number of developmental models were floated around – the Turkish secular political model versus the Iranian theocratic model, the Chinese model of gradual economic reform versus Russia's shock therapy model etc- to mention a few. Let us consider how today is evaluated the implementation of the Democratic norms for Nation-Building in Kazakhstan

**Key words:** Central Asia, democracy, norms and values, national construction, models of the choice of development.

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**Қазақстанның ұлттық құрылысындағы  
демократиялық нормалардың іске асырылуын бағалау**

Еуразияның ортасындағы Қазақстан көп уақыт бойы әлемдегі ежелгі өркениет пен негізгі транспорттық жол қиылыстарында орналасып келді. Осылайша, мемлекеттің Батыс пен Шығыс, Оңтүстік пен Солтүстік, Еуропа мен Азия арасындағы әлеуметтік, экономикалық, мәдени және идеологиялық қарым-қатынастардың орталығы болуға бірден бір негізі бар. Тарихтың түрлі кезеңінде Қазақстан көптеген мәдени тарихы ұқсас халықтарға пана болды. 1991 жылға дейінгі кезеңдегі Орталық Азия елдері үшін алғашқы және басты сұрақ мемлекеттік құрылыс туралы болатын. Тәжірибенің көрсетуінше, Орта Азиялық элита жария (ашық) саясатқа және демократизацияға белсенді қарсылық көрсеткен кеңестік саяси мекеменің аса консервативті элементіне тиесілі болды. Тіпті қайта құру кезеңінде де Орталық Азия лидерлері өз елдерінде түрлі оппозициялық партиялар мен топтардың пайда болуын өз позициялары мен үкіметке тікелей қарсылық деп қабылдады. Олар «өндіріссіз және жойқын реформалар» мен саяси және мемлекеттік институттардағы өз билігін демократизациясыз және радикалды өзгерістерсіз нығайту идеяларымен бас қатырды. Бұл 90-шы жылдар бойы аймақта болған интеллектуалды

дискурстағы басымдылыққа ие болған Орта Азия Республикалары (ОАР) үшін «даму үлгісі» мүмкіндігі туралы талқылауды тоқтатпады. Әсіресе, бұл үрдістер Кеңес Үкіметі құлағаннан кейін, тәуелсіздіктің алғашқы кезеңінде Қазақстан, Қырғызстан және Өзбекстанда қарқынды жүріп жатты. Бірқатар даму үлгісі алынды – түрік зайырлы саяси үлгісімен иран теократиялық үлгісін салыстырғанда, қытайлық ақырын экономикалық реформа үлгісімен Ресейдің күйзеліс терапия үлгісін салыстырғанда, т.б. – және бұл тек кейбірі ғана. Қазақстанның ұлттық құрылысындағы демократиялық нормалардың іске асырылуының қазіргі таңдағы бағалауын қарастырайық.

**Түйін сөздер:** Орталық Азия, демократия, нормалар мен құндылықтар, ұлттық құрылыс, даму таңдау модельдері.

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### Оценка реализации демократических норм для национального строительства в Казахстане

Будучи расположенным в центре Евразии, Казахстан долгое время находился на пересечении древних цивилизаций мира и на перекрестке основных транспортных артерий. Таким образом, страна имеет все основания быть в центре социально-экономических, культурных и идеологических отношений между Востоком и Западом, Севером и Югом, между Европой и Азией. На различных этапах истории Казахстан стал родным домом для многих народов с характерными культурными историями, которые, в свою очередь, были поглощены современным Казахстаном. В период до 1991 года первым и главным вопросом, с которым столкнулись страны Центральной Азии, был вопрос государственного строительства. Опыт показывает, что среднеазиатская элита принадлежала к наиболее консервативному элементу советского политического истеблишмента, который решительно сопротивлялся политике гласности (открытости) и демократизации. Даже в период перестройки лидеры Центральной Азии восприняли появление различных оппозиционных партий и групп в своих республиках как прямой вызов их позиции и власти. Они были озабочены идеей предотвращения «непродуктивных и разрушительных реформ» и укрепления своей власти без демократизации и радикальных изменений в политических и государственных институтах. Это не остановило обсуждение возможных «моделей развития» для центральноазиатских республик (ЦАР), которые доминировали в интеллектуальном дискурсе в регионе на протяжении 90-х годов. Особенно интенсивно эти процессы происходили в Казахстане, Кыргызстане и Узбекистане накануне распада Советского Союза и на самом первом этапе независимости. Был взят ряд моделей развития – турецкая светская политическая модель в сравнении с иранской теократической моделью, китайская модель постепенной экономической реформы в сравнении с моделью шоковой терапии в России и другие, – и это лишь некоторые из них. Рассмотрим, как сегодня оценивается реализация демократических норм в национальном строительстве в Казахстане.

**Ключевые слова:** Центральная Азия, демократия, норма и ценность, национальное строительство, модель выбора развития.

### Introduction

The experience was that the Central Asian elite belonged to the most conservative and hardline element of the Soviet political establishment, which strongly resisted Mikhail Gorbachev's policy of *Glasnost* (openness) and democratization. Even during the *Perestroika* period, the Central Asian leaders perceived the emergence of various opposition parties and groups in their Republics as a direct challenge to their position and power. They were preoccupied with the idea of preventing «unproductive and damaging reforms» and of consolidating their power without democratization and radical changes in political and state institutions. In each of the five countries of Central Asia – Kazakhstan, Kyrgyzstan,

Tajikistan, Turkmenistan and Uzbekistan, political institutions of democratic government and market-oriented economies were adopted soon after these nations attained independence in 1991. As these countries entered into the first stages of transition, the leaders of each of the Central Asian countries spoke in favour of the establishment of democratic institutions and secular government. Following independence, each of them adopted a constitutionally limited, representative form of government and a legal and regulatory framework in accordance with international standards [1].

Today Kazakhstan and Kyrgyzstan seem to be making steady progress towards the development of democratic or quasi-democratic polities. Evidently, the current Constitution of the Republic of Kazakh-

stan approved through a national referendum in August 1995 and ratified in September 1995 replaced the previous constitution of 1993. The Constitution provides for a democratic, secular state and a Presidential system of government. State governance is divided among the executive, legislative and judicial branches. The President is considered the supreme authority of the state. In October 1998, the Constitution was amended to provide for a 7-year Presidential term instead of 5 years. However, in 2007 the term of the President has reverted back to 5 years from the existing 7 years starting from 2012.

Kazakhstan has no historic memory of a state, nation, or a democratic society before 1991. It achieved success in building its national institutions and developing its economy. It is important for Kazakhstan to continue with its experience of a young democracy as it has also been playing a role on the global stage such as the Chairman of the OSCE. Such developments in the democratization process of Kazakhstan have given the country a new identity in the post-Soviet world. It is against this background that this paper seeks to examine the process of promoting democratization in Kazakhstan, in the post-1991 period, with particular focus on the reforms in the country's political structure as part of nation-building in the country.

### Background and Discussion

When we talk about the process of Kazakh democratization in terms of nation-building, there are two positive factors which can be highlighted. The first has been the introduction of Ombudsman under the President of Kazakhstan in the autumn of 2002 and the second is a Permanently Acting Deliberation (PAD) created in December 2002 in Almaty. PAD is a body, initiated by the Government of Kazakhstan, working on democratisation and development of civil society. All political parties, movements, public organisations and trade unions were invited to have dialogue with the government. Only the *Communist Party*, *Republican People's Party of Kazakhstan* and *Democratic Choice* ignored PAD and expressed their irreconcilability with the organs of power. In sharp contrast to the first two meetings of PAD, the third meeting of PAD which was held in Astana failed because of disagreement among the participants on issues related to the laws on elections, mass media and political parties. Legal reforms constitute another important aspect in post-independence Kazakhstan. The Western countries have helped Kazakhstan enormously in political and legal reforms, through assistance in the estab-

lishment and funding of Non Governmental Organisations. NGOs are oriented to the programme of educational improvement in Kazakhstan aiming at promoting consciousness for the need of political, legal, social and economic reforms in Kazakhstan. The object behind this is to make people aware of the process of transition from totalitarianism of the past to democracy [2] (Carother 1997: 18).

President Nazarbayev identifies seven fundamental elements of democratization and political liberalisation which are necessary for political reform in Kazakhstan (Nazarbayev 1998):

- The electoral process must be honest, representative and encourage the fullest participation of candidates and voters.

- The second major element underlined by the President in the political democratization package is the strengthening of the role of parties in the country's political system.

- For stability and succession of power in Kazakhstan, strengthening and providing autonomy for *Majilis* and Senate seemed appropriate to the President. The President believes in the greater responsibility of the Parliament to build up a responsive government.

- A key element of democratisation is recognised as strengthening the role of Non-Governmental Organisations in building a civil society.

- The President acknowledged an independent judiciary as the pillar of a democratic society.

- He emphasized the building of a free, uncensored and independent press.

- It is necessary to increase women's representation in all branches of authority, as it is a question of social equality.

President Nazarbayev expressed his belief that 'Only a free democratic society will be a guarantor of our stable and happy life in the near future. My nation deserves freedom in this terrible and bloody century' (Nazarbayev 1998).

### Reforms in the political structure in terms of methodology: a legal approach

The post-independence government was structured by the 1993 constitution with a strong executive parliament and judiciary. In practice the administration of Nursultan Nazarbayev dominated the governance in the country after its independence [3].

#### *The Executive*

The constitution formalised the enhanced powers that President Nazarbayev assumed upon the dissolution of parliament in early 1995. It continued

the previous constitutional definition of Kazakhstan as a unitary state with a Presidential form of government. The 1995 constitution expanded the President's powers to introduce and veto legislation. The President has the powers to appoint the council of Ministers, headed by a Prime Minister and several state committees. The President has the power to declare state of emergency during which the constitution can be suspended. The only grounds on which a President can be removed are infirmity and treason, either of which must be confirmed by a majority of the joint Upper and Lower House of the new parliament. In the event of such a removal from power, the Prime Minister would become the temporary President [4].

#### *The Legislative*

The 1993 constitution created a unicameral parliament, which was to replace the 350 seat Supreme Soviet when the mandates of its deputies expired in 1995. Under the 1995 constitution, the parliament consisted of two houses, the Senate and the *Majilis*, both operating in continuous sessions. The *Majilis* has 67 representatives, including one from each of 55 districts having roughly equal population, and the *Senate* has forty seats. Direct elections for half of the seats are held every two years. The initiative for most legislative actions originated with the President. If a law passed by the parliament faces the President's veto, a two-third vote of both houses is mandatory to override the veto. A similar margin is needed to express no confidence in a Prime Minister, an action that requires the President to name a new Prime Minister and Council of Ministers [4].

#### *Judiciary*

The constitution retains the provision of Presidential appointment of all judges in the republic. Whereas the 1993 constitution specified the terms of service for judges, the 1995 document made no mention of length of service, suggesting that judges would serve at the discretion of the President (Glenn 1996). The 1995 constitution makes no provision for the State Arbitrate Court Provisions, for the new judiciary clearly subordinates all other courts to the Supreme Court, which has a consultative role in appointing senior judges (Glenn 1996).

In 2007, the Parliament of Kazakhstan underwent its most radical transformation over a decade when seats were added to both 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 [6] (Bowyer 2008: 7). But it is noteworthy that the concentration of power in the

hands of an experienced statesman and administrator like Nazarbayev during the critical years of transition has proved fruitful for Kazakhstan which has withstood the difficulties in its economic and socio-political transition. Following are some features of the domestic reforms:

- Kazakhstan passed to a new form of governance with many powers of the President being transferred to the Parliament, thus effectively constituting a presidential-parliamentary Republic.

- The Government is to be formed on the basis of the Parliament majority.

- The size of the Parliament is expanded with the Lower House being formed on a proportional basis.

- The term of the President has been reduced from 7 years to 5 years, starting from 2012.

- Kazakhstan de-facto abolished the death penalty, which is allowed only in case of terrorism with heavy human casualties and mass killing at the time of war.

As an outcome of the 2007 amendments, the key powers are transferred from the President to the Parliament. The new changes are thus aimed at increasing Parliament's authority in forming the Government, thus reducing the powers of the President.

The task of economic reconstruction undertaken immediately after independence was extremely complex. The Soviet styled planned management of economy was dismantled; the government's finance and the banking system were reformed and the new currency, the *Tenge* (KZT) was introduced. Small and middle size businesses and housing were privatised. Foreign investment flowed into the country to develop the rich natural resources. Though immediately after independence there was hardship and a decline in the economy, by the end of the 1990s, economic restructuring bore fruit. In the year 2000, the government introduced its 'Strategy 2030' outlining the economic priorities and objectives over a period of thirty years. In an important speech made in September 2001, the President outlined the aims for the years up to 2010 in political and economic matters. This included the doubling of GDP by that date and increase in investment.

#### *Aftermath the Presidential Election of 2005*

Kazakhstan's Presidential election of 2005 became an important milestone in Kazakhstan's history with implications for the future and the wider region. In September 2005, Kazakhstan's President Nursultan Nazarbayev had declared his commitment to ensure the forthcoming election to be 'free, fair and transparent [7] (OSCE/ODIHR

2006). US Secretary of State Condoleezza Rice, on a visit to Astana earlier in October 2005, said ‘with the Presidential election in December 2005, Kazakhstan has an unprecedented opportunity to lead Central Asia toward a future of democracy and to elevate US-Kazakhstani relations to a new level’. Nursultan Nazarbayev was re-elected for a new term in the Presidential election held on 4 December 2005 receiving the support of more than 90 per cent of those who voted. It is believed that Nazarbayev drew lessons from the Presidential elections in other transitional countries in Central Asia.

Like 2005, Kazakhstan’s Presidential election of 2011 too proved to be a major boost to the political stability in the country. Nazarbayev was re-elected for a third term with 95% of the votes and 90% turnout, against three nominal candidates. It is to be noted that Nazarbayev called the early poll after rejecting parliament’s vote for a referendum to extend his term until 2020, bypassing presidential elections scheduled for 2012 and 2017. It may also be recalled that at the time of his re-election in 2011, Nazarbayev gave indications that conditions were ripe for moving from a single-party to a multi-party parliament. In order to achieve that goal, on January 15, 2012, pre-term elections were held for the 107-seat Majlis, the parliament’s lower chamber. The country-wide voter turnout was recorded as 75.5 percent of all the registered voters [8]. As per the report of the Central Electoral Commission, the final tally of the vote was as follows: The presidential party Nur Otan [Fatherland’s Light] garnered 81 percent of the votes cast; the party Ak Zhol [Bright Path], 7.5 percent; and the Communist People’s Party (CPPK), 7.2 percent (Kazinform, 17 January 2012). While these parties cleared the required 7 percent representation in the parliament, four other parties could not meet that benchmark. As such Nur Otan got hold of 83 seats, Ak Zhol eight seats, and the CPKK seven seats, out of the 98 contested seats in the parliament. On January 16, 2012, the remaining nine seats were allocated by the Assembly of the People of Kazakhstan (a consultative body of ethnic groups) to representatives of ethnic minorities.

However, it is to be noted that Nazarbaev was to serve the country for 7 years until the new election is held in 2012. But last month in January 2011, the lower house of Kazakhstan’s parliament adopted an appeal to President Nazarbayev on holding a referendum to extend his presidential term until December 2020 [9]. As such a Daft Law «On amendments to the Constitution of Kazakhstan» was approved at a joint session of the Kazakh

Parliament. The amendment to paragraph 4, Article 146 provides an opportunity to prolong the powers of the President – Leader of the Nation by holding a referendum. The bid to cancel the next election, due in 2012, provoked an outcry, prompting Washington to describe it as a «setback for democracy» on January 4, 2011. But on January 6, 2011, President Nazarbayev rejected the measure to keep him in power until 2020. «Nazarbayev’s decision to reject the proposed referendum probably stems mainly from his wish to be seen to be observing democratic norms, while at the same time reaffirming his widespread public support,» Anna Walker, a Central Asia analyst at London-based Control Risks consultancy, told EurasiaNet.org. «It also gives him an opportunity to burnish his credentials as an international statesman, worthy of a place on the world stage.»

The OSCE Chairperson-in-Office, Lithuanian Foreign Minister Audronius Ažubalis, also welcomed decision by the President of Kazakhstan not to hold a referendum on extending his term of office. The decision was made after the Constitutional Council on January 31, 2011 had found the law on extending the presidential term by referendum unconstitutional. Without objecting to Nazarbayev’s continuing presidential tenure, the council determined that resorting to a referendum in the form proposed, instead of presidential elections, would not correspond with the constitution. The council also found that replacing presidential elections with a referendum could cause an imbalance between the powers of the presidency and those of other state institutions [10] (Kazinform, Khabar news agency, January 31). Under the constitution, presidential elections are to be held at five-yearly intervals. While the constitution also provides for the expression of popular will by referendum, the extension of presidential powers to 2020 by referendum would have skipped the presidential elections due in 2012 and 2017.

### Conclusion

The technocratic model and the programme of reforms make Nazarbayev’s regime quite different from the regimes of Turkmenistan and Uzbekistan, and from that of Russia. Nazarbayev did not ignore democratic procedure. However, he limited this ‘procedure’ within certain frame work and his ‘rules of the game’. Nazarbayev and some other Central Asian Presidents have also been emphasizing on ‘Asian values’ and the peculiarities of Central Asian democracy

[11]. Besides, the policy of maneuvers and compromises with different social, ethnic, tribal and political groups, and the moderate technocratic programme of reforms, allows Nazarbayev to broaden the social and political base of the President of Kazakhstan. His flexibility has attracted wide social support in Kazakhstan and even the Russian ethnic community voted for Nazarbayev which is evident from his re-election as the President in both 2005 and 2011 elections. Further the last parliamentary elections saw a successful accomplishment of Kazakhstan's goal of moving from a single-party to a multi-party parliament. Kazakhstan's OSCE Chairmanship in 2010 can be treated as a best ever proof of its gaining an international recognition in terms of commitment to

democratic reforms in its internal as well as external policies. It can, thus, be concluded that implementation of democratic norms in Kazakhstan appears to be in a positive direction given the fact that not only socio-economic reforms but also political reforms have contributed much to nation-building in Kazakhstan that experienced one party-rule for a long time. President Nazarbayev says: «Some people will consider our mission and strategy as an idle talk. Others will say that Central-Asians, in particular Kazakhstanis, are not able to become «real» Snow Leopards. As a Kazakh saying has it: «Dust doesn't stick to a quickly walking person». Thus, time will put everything on its proper place, and he who walks will cover any distance» [12].

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